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| DECISION DATE 12 March 2007 | APPLICATION NO. 07/00055/CU A13 | PLANNING COMMITTEE: 19 March 2007 |
| DEVELOPMENT PROPOSED CHANGE OF USE OF B1 OFFICE TO MIXED USE OF B1 (BUSINESS) AND D1 (NON-RESIDENTIAL INSTITUTIONS) - PROVISION OF DENTAL HEATH AND THERAPY SERVICES AND THE MANUFACTURE OF DENTAL APPLIANCES | | SITE ADDRESS SUITE 5 1 MANNIN WAY LANCASTER LANCASHIRE |
| APPLICANT: Grange Dental Practice C/o Agent | | AGENT: Steven Abbott Associates |

REASON FOR DELAY

Committee Cycle

PARISH NOTIFICATION

No objections.

LAND USE ALLOCATION/DEPARTURE

The site is allocated as a Business Park in the Lancaster District Local Plan 1996 - 2006. Policy EC2 allocates Lancaster Business Park for B1 business and B2 general industrial uses.

STATUTORY CONSULTATIONS

County Environment Directorate (Highways) - No objections.

Environmental Health Service - No objections.

Forward Planning - The proposed D1 use is contrary to the established policy for the site (B1-B2) and does raise concern in terms of its unsustainable location. The question is whether the particular circumstances of this case justify the making of an exception to policy. The exceptional circumstances which carry most weight are job creation and the provision of services not currently available within the District (this refers only to those services not available from the 32 Dental Practices across the District, namely imaging technology and design and dental product manufacturing). Irrespective of these circumstances the sustainability argument remains paramount.

OTHER OBSERVATIONS RECEIVED

None

REPORT

This application proposes to utilise one of the units on the Lancaster Business Park for a mixed use incorporating a use outside of the B1 business use, permitted for the overall site under planning permission 00/00939/OUT, which granted permission for 8002 sq. metres of B1 office use on the site as a whole. To date 3,451 sq. metres of this B1 use have been implemented, in the form of 2 individual office blocks and the Persimmon Homes head quarters. There is also the Total Fitness Centre and the Hotel/restaurant complex on the site.

This proposal is to rent 206sqm of floor area on the 2nd floor of an existing building on the site, along with the 7 dedicated car parking spaces, for 5 years. The building is an L-shaped office building to the front of the Total Fitness Leisure and Health Club. The building is currently partly occupied, with the 1st and 2nd floors currently vacant. Apparently since completion in 2002 the building has never been fully let or occupied.

The applicant aims to provide a number of services available to users with regard to the dental use. These primarily include:

- routine dental maintenance care
- dental treatments
- dental hygiene and therapy consultations
- imaging technology
- design and dental product manufacturing
- office and reception support

The use therefore consists of a mixture of professional advice and consultation along with direct dental treatment. The applicants have suggested that it is best described as a mixed use although it is more closely aligned to a D1 use and should be considered accordingly.

The D1 use is not in accordance with Policy EC2 for the business park which indicated that B1 business use should be the primary use of this site. However the applicants have put forward strong arguments in favour of the proposal. They point out that they will provide facilities of the wider Lancaster area known to be in short supply, contribute considerable financial investment for the for the site and provide employment opportunities (12-16 jobs would be created along with the benefits for the site which is struggling to attract tenants). They have also indicated that a 'wide-ranging' search for alternative sites for this proposal has been undertaken, although details of this research have not been submitted. The proposed site arguably appears to have been primarily chosen because of its location and accessibility to the M6, along with good quality accommodation. The practice would be open from 7.00 am to 9.00 pm offering a service outside the normal working day to provide greater flexibility for patients/customers.

Policy Considerations

The Lancaster District Plan allocates the site for B1 and B2. It also states that non-employment uses will not be permitted but indicates that some supporting development up to a maximum of 25% of the total floorspace may be permitted. In this regard the applicant has clearly demonstrated that the proposed use is efficient in terms of employment creation, however this does not eliminate that fact that non-B1-B2 uses are clearly contrary to policy provisions. The only national policy relating to D1 uses appears to direct them to local centre locations while emerging regional policy identifies accessibility and community needs a key consideration.

The site was allocated for B1-B2 uses in the Lancaster Local Plan adopted in 1988, with permission granted for the business park in the early 1990s. The key decisions relating to the principle of the office development on the site were subsequently taken prior to the publication of PPS 6, an era of planning policy before sustainability became a key consideration. The provision of a dental practice in this

proposed location, outside the City centre, remote from residential areas fails to meet the objectives of sustainable development.

In favour of the development it can be argued that the proposal is similar to office use in terms of job creation, the development utilises a relatively small area and provides some services not currently available in the District. Against this must be set the fact that the location is not well located in terms of access by public transport. Despite mention of a minibus/drop off facility for clients it seems most unlikely that all but the most determined staff or patients will choose to visit the premises by any form of sustainable transport. The applicants have not put forward a detailed Travel Plan to suggest how these drawbacks might be overcome, nor has any evidence been produced regarding a search for more appropriate local centre locations.

Whilst Policy EC2 does recognise that some non-industrial uses may be necessary component of any package to bring forward the development of the site it is considered that this element has already been exceeded by non B1-B2 uses already present on the site.

Conclusion

Given the factors detailed above, it is considered the applicants have failed to make a convincing case for an exception to be made to the established policy. In recent times the Council has determined to oppose non conforming uses on the site and has been successful on appeal. It is therefore recommended that permission be refused.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal that appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION IS REFUSED** for the following reasons:

1. The proposal is contrary to Policy EC2 of the Lancaster District Local Plan which seeks to reserve the site for B1-B2 uses.
2. The proposal is contrary to the principles of sustainable development identified in PPS 1 and PPS 6, particularly with regard to community services and accessibility.