

DEVELOPMENT CONTROL BOARD

6 June 2019

Reference: 19/00376/COU **Officer:** Steven Bell

Location: Unit A
Lucknow House
Havelock Drive
Greenhithe
Kent

Proposal: Change of use from Class A1 (retail) to Class D1 (dental surgery)

Applicant: Mr & Mrs Moynes

Agent: Barron Edwards Ltd/Ms Sania Jadhav

Parish / Ward: Stone / Stone Castle

RECOMMENDATION:

Approval

SITE DESCRIPTION

- (1) The application site comprises a ground floor commercial unit within the recently completed St Clements development. The unit faces onto the roundabout at the centre of the development and the ground floor unit is currently vacant. Three floors of residential accommodation are provided on the upper floors of Lucknow House.
- (2) The unit has a floorspace of 152m² and was provided as part of the overall St Clements development. The original intention of this development was that the unit would be occupied as a retail unit providing facilities for surrounding residents but the unit has remained vacant since construction.
- (3) The surrounding area comprises the remainder of the St Clements development which is a residential scheme comprising houses and flats up to 4 stories high.
- (4) The St Clements development is located to the east of the Waterstone Park development with St Clements Road to the east of the site and residential properties within Greenhithe beyond this.

THE PROPOSAL

- (5) Planning consent is sought for change of use of the property from Class A1 (retail) to Class D1 (dental surgery). The scheme relates to the whole of the ground floor of the premises and the floor layout shows 2 surgery rooms, an x-ray room, waiting/reception area and ancillary facilities such as a staff room and WC's. The intended opening hours are 9am to 6pm Monday to Friday, 9am to 4pm on Saturday and no opening on Sunday's or Public Holidays. No physical alterations are proposed to the appearance of the unit. The premises does not have any dedicated parking spaces.

RELEVANT PLANNING HISTORY

- (6) Planning consent for this unit was granted under reference 14/01344/FUL which is the main consent for phase 2 of the St Clements development. The unit was built in 2016 and was ready for occupation by August 2016. The planning consent for this development included a

requirement for marketing of the unit for retail purposes before any other uses can be considered.

COMMENTS FROM ORGANISATIONS

(7) KCC Highways - Initially commented that the scale of the scheme is too small to warrant their involvement. However, following objections to the scheme from neighbouring occupiers they were asked to assess the application. They have subsequently advised that following an assessment of the application (including a visit to the site) that there is adequate parking available and no concerns are raised. It is also noted that KCC intend to adopt the main roads within this development but this process has not yet been completed.

(8) Environmental Health - No objection.

NEIGHBOUR NOTIFICATION

(9) Six letters of objection have been received. These raise the following issues: -

- The application is invalid as it does not include a proposed elevation, an economic statement, a Town Centre uses and Retail Impact assessment and details of Refuse/Recycling Storage.
- This is an inappropriate location for a dental surgery as it is contrary to the Council's policies which support the co-location of community facilities.
- Insufficient parking is provided and the scheme will therefore result in severe impacts as parking in the area is already causing issues. The Council's standards advise that the scheme should provide 1 car space per 2 staff, 3 car spaces per consulting room, 1 cycle space per 100^m² and 1 cycle space per 2 consulting/treatment rooms.
- It is wrong to accept that many customers will be neighbouring residents.
- Patients are unlikely to park at Bluewater and walk as suggested in the applicant's statement.
- The proposal will have an adverse impact on residential amenity contrary to policy DP5.
- Residents were promised a shop and this is what should be provided.
- Parking provision within this development is not signed properly which causes problems and complaints.
- There are already sufficient dentists in this area.

RELEVANT POLICIES

(10) The Dartford Core Strategy 2011, the Dartford Development Policies Plan 2017 and the Kent Minerals and Waste Local Plan 2016 form the Dartford's Development Plan and the application should be determined against this unless material considerations indicate otherwise.

(11) Adopted Dartford Core Strategy adopted 2011
CS1: Spatial Pattern of Development
CS15: Managing Transport Demand
CS21: Community Services

- (12) Adopted Dartford Development Policies Plan 2017
DP1: Presumption in favour of sustainable development
DP3: Transport Impacts of Development
DP5: Environmental and Amenity Protection
- (13) Dartford Parking Standards Supplementary Planning Document 2012
- (14) The NPPF is also a material consideration.
- (15) Stone Neighbourhood Plan

COMMENTS

Key Issues

- (15) The key issues for this case relate to the principle of the proposed change of use, traffic impacts and impact of the use on neighbouring occupiers.

Principle of the proposed use

(16) As noted in the planning history section above, this unit was provided as part of the wider second phase of the St Clements development. This consent included a condition that required the unit to be marketed for retail use for a minimum of 12 months from the date of consent (7th August 2015) or for 3 months after occupation (whichever is the longer period).

(17) The unit was ready for occupation from August 2016 and subsequently marketed in accordance with the above requirement. This resulted in an intended occupier signing a lease for the premises. Subsequently the developer (Bellway Homes Ltd) submitted an application at the end of 2017 for the provision of external air conditioning condenser units. These were required to meet the specific refrigeration requirements of the intended occupier. However, subsequently the intended occupier went into administration and the unit was not occupied. The unit has remained vacant.

(18) Given the fact that the unit was clearly marketed for retail purposes which resulted in an intended occupier entering a lease and preparations were made for the facilities required by the intended occupier, I have no concerns that the requirements of the condition imposed on the original consent was not complied with. It was made clear in the report to the Development Control Board on 6th August 2015, when the phase 2 St Clements scheme was granted planning permission, that the provision of a retail unit was an aspiration of the scheme but that it may not be possible to find a suitable operator and in those circumstances an alternative use would need to be considered.

(19) Objectors to the scheme have referred to policy CS21 (Community Services) and said that the application is contrary to this policy as the unit is isolated from other similar uses. However, whilst the policy says that the Council will consider favourably the co-location of services, the policy does not say that the council will resist applications for facilities such as this where they are not co-located with other facilities.

(20) Objectors to the scheme have also referred to the fact that they want the retail unit provided that they were promised. However, the provision of a retail unit was never guaranteed by the planning consent and as Members are aware the Council cannot require such provision in perpetuity. As a commercial unit, the use of the unit has to have regard to market demand, which is why the original planning permission required marketing of the unit for a retail use for a reasonable period. Whilst it is unfortunate that the identification of a suitable retail operator has not been possible, this is not a reason to resist other uses within this unit particularly as this was envisaged by the original planning consent. It should also be noted that the acceptance of this application does not prevent future use of the premises for retail purposes.

(21) From the above, I conclude that whilst it was envisaged that a retail use would be provided, the premises were marketed as required. Whilst an occupier was found, the unit never

opened as a retail premises. The original planning permission whilst requiring marketing of the unit, always envisaged the scenario that the unit may not be attractive to retail occupiers. The application now seeks consent for an alternative use and there are no planning grounds to withhold consent in relation to the principle of the proposed change of use.

Parking

(22) Parking has been raised as a concern by residents. The unit which is the subject of this application has no dedicated parking for either staff, customers or deliveries, instead the scheme was designed with visitor parking along the road that could be used during the daytime by the shop unit when most demand from residential users is usually lower. Parking within the St Clements development is provided in a mixture of different ways with on-plot parking (including garages), designated parking bays and visitor parking bays. Whilst the majority of spaces within the development are marked, there are some spaces that are unmarked. I have queried this point with the management company and they have advised that these are available for use by either visitors or residents.

(23) Given that the unit already benefits from consent as a retail unit and the parking provision for this was considered as part of the overall phase 2 scheme, the issue relates to the difference between the parking requirements of the consented retail use compared to the proposed use.

(24) For a retail unit the Council's parking SPD suggests the provision of 1 space per 18^m² of GFA. For a unit of 152^m² this equates to 8.4 parking spaces. For the proposed use, the Council's standards suggest 1 space per 2 staff (FTE) and 3 spaces per consulting room. The application form indicates a total of 7 staff, which would require 3.5 spaces. Two consulting rooms are proposed which would require a further 6 spaces. The total recommended provision for the proposed use is 9.5 space. The proposed use therefore has an anticipated parking requirement of just one space more than the consented use.

(25) The applicant's supporting statement suggests that the primary users of the premises will be from the surrounding residential accommodation which will allow the customers to walk to the premises. Also that customers may combine the visit to the dentist with a trip to Bluewater, leaving their car at Bluewater and walking to and from the premises. Whilst some customers may walk to the premises if they live in the local area as they would have done with the retail store, in my view this is less likely with a dentist as it will have a wider catchment area. I also do not consider it at all likely that customers that are visiting a dentist would walk to/from Bluewater as claimed by the applicant.

(26) Given the above, it has to be considered whether any additional traffic generation can be accommodated in the local area which is likely to be within the St Clements development, particularly given the fact that all objectors have raised parking as an issue.

(27) As noted above, the parking provision in the area includes on-plot, designated bays and visitor parking. I have visited the site both mid-morning (11am) and early morning (7.30 - 8am) and whilst parking near the premises itself has been busy, on each occasion there have been at least 15 visitors parking spaces available within phase 2 of the development.

(28) I accept that the pattern of vehicle movements between the consented and the proposed use will be different with customers likely to spend less time in a small retail unit than a dentist leading to slightly longer usage of any surrounding visitor spaces but also a dentist is not likely to require daily deliveries from HGV's as is common of a small scale 'tesco metro' style stores. Deliveries to the premises are likely to be by van. I also note that the proposed opening hours of the premises means that peak demand from the dentist is likely to be after residents with St Clements have left for work with the premises closing by 6pm.

(29) I also note that the site is well located in terms of access for Fastrack services with a stop at the front of the development. Greenhithe train station is also within walking distance. Whilst customers for a dentist may be likely to drive, there are reasonable public transport links near the site and these may be used by some staff or visitors.

(30) Given the above, I do not consider there are any grounds to refuse this application based on traffic/parking concerns.

Other issues

(31) Concerns have been raised with regard to potential noise and disturbance from the premises. However, the Council's Environmental Health Department have assessed the application and have not raised any concerns. Also, dentists are commonly found in residential areas (often in converted properties) and are not significant noise/disturbance generators. Also, as with the parking assessment, it is the difference between the approved commercial use and the proposed use that is important and this has shown to be very little with minimal resulting impact.

HUMAN RIGHTS IMPLICATIONS

(32) I have considered the application in the light of the Human Rights Act 1998. I am satisfied that my analysis of the issues in this case and my consequent recommendation are compatible with the Act.

PUBLIC SECTOR EQUALITY DUTY

(33) Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

CONCLUSIONS AND REASONS FOR RECOMMENDATION

(34) The application proposes the change of use of a vacant commercial unit. The unit had been marketed as required by the original planning consent and although an occupier was found, they did not take occupation. The proposed alternative use is considered appropriate and such alternative uses was envisaged by the original planning consent.

(35) Whilst objections have been received and parking issues are raised, there are adequate parking facilities in the area to accommodate the additional traffic demand from the proposed use, particularly when compared to the consented use of the premises.

(36) The scheme will not result in adverse impacts on surrounding residents in relation to noise and disturbance given the nature of the use and the proposed operating hours.

RECOMMENDATION:

Planning permission is granted,

Conditions:

- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 01 In pursuance of Section 91(1) of the Town and Country Planning Act.
- 02 The development shall be carried out in accordance with the following plans and documents: Drg LH01-A-001.
- 02 For the avoidance of doubt and to ensure a satisfactory form of development.
- 03 The dentist surgery hereby approved shall not at any time contain more than 2 surgery rooms.

- 03 To allow the Local Planning Authority to retain control over the development in the interests of the amenities of surrounding residents in accordance with Policies DP3 and DP5 of the adopted Local Plan.
- 04 The use shall not be carried on outside the hours 9am to 6pm Monday to Friday, 9am to 4pm on Saturday and no opening on Sunday's or Public Holidays
- 04 To avoid unreasonable disturbance outside normal working hours to nearby residential properties contrary to Policy DP5 of the adopted Local Plan.



Application No.:	19/00376/COU
Address :	Unit A Lucknow House Havelock Drive Greenhithe Kent
Date: 20 May 2019	Scale: Not to Scale