
Appeal Decision

Site visit made on 6 September 2016

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th October 2016

Appeal Ref: APP/J3015/W/16/3150011

9 Ground Floor, Regan Way, Chilwell, Nottinghamshire NG9 6RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Diana Bayliss against the decision of Broxtowe Borough Council.
 - The application Ref 16/00080/FUL, dated 1 February 2016, was refused by notice dated 6 April 2016.
 - The development proposed is change of use of ground floor unit from B1 to D1 (dental practice)
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on :
 - the local economy and employment opportunities in the area;
 - highway safety and the convenient use of the footway.

Reasons

Local economy and employment opportunities

3. The appeal premises form part of a two storey building located on a modern purpose built business park. Although at the time of my site visit the appeal premises were vacant they were most recently used as a business use falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO). The proposal would change the use of the appeal premises to a dental practice falling within Class D1 of the UCO.
 4. Policy 4 of the Greater Nottingham Aligned Core Strategies (2014) (CS) seeks to ensure the local economy is strengthened and diversified. It states that this will be achieved by among other things, providing a range of suitable sites that are attractive to the market especially in terms of accessibility, environmental quality and size and placing a particular emphasis on office development. Furthermore, it states it will also be achieved by appropriately managing existing employment sites to cater for the full range of uses by among other things, retaining good quality existing sites that are an important source of jobs and sites that support less skilled jobs in and near deprived areas, or have the potential to provide grow on space.
-

5. I have considered the evidence provided which states the appeal property has been marketed as available for use falling within Class B1 of the UCO since 2010. However, this evidence is limited in detail, for example whilst marketing sources are listed together with screen shots from websites, there is nothing to indicate the length of time the premises have been marketed through any given source. Furthermore, I note that the Council's records indicate that the premises were occupied between 2 March 2016 and 12 April 2016, thus overall I find this evidence to be inconclusive.
6. Nevertheless, the proposal would result in the loss of modern purpose built office space. I note the comments of the Councils Policy officer, in that the business park benefits from good access to the main and motorway road network and note a substantial amount of employment land and development is needed to meet the long term demand over the plan period up to 2028. Furthermore, on my site visit, I observed the wider business park to be easily accessible, vibrant and a pleasant working environment with only limited vacancies.
7. Therefore irrespective of whether the premises have been vacant since 2010, I am satisfied that should an immediate demand arise from a business falling within Class B1 of UCO the appeal premises would be attractive to any business enterprise wishing to start up or move to the area. Furthermore, the appeal premises would also be able to meet any need for grow on space for any business already operating on the business park. Therefore, the proposed development by virtue of the loss of premises capable of being used for a business use falling with Class B1 of the UCO would be harmful to the local economy and employment opportunities in the area.
8. In reaching these conclusions, I acknowledge the appellant has undertaken a search for appropriate sites. However, whilst a list of sites is provided which appears to be sourced from a single property agent, the detail provided for each site and the number of sites is relatively limited. Thus on the basis of the information before me I am not satisfied that the proposed use could not be accommodated elsewhere. I have also considered the evidence which shows that there are numerous other sites falling within use Class B1 of the UCO nearby. However, the availability of alternative sites in B1 Use does not justify their redevelopment to alternative uses given the identified need for such sites over the plan period up to 2028.
9. Therefore, whilst I acknowledge that the proposed use would generate some employment including training for local people, I am not satisfied that the proposed development needs to be on a site which is capable of providing equivalent or even greater employment opportunities should it be occupied by a business use falling within Class B1 of the UCO.
10. Thus for the reasons given, I find the proposed development would be contrary to the economic development and employment protection aims of the development plan and the National Planning Policy Framework (the Framework). The proposal would specifically conflict with the aims of Policy 4 of the CS which seeks to achieve economic growth and avoid the loss of employment sites which are attractive to the market.

Highway Safety

11. Saved Policy T11 and appendix 4 of the Broxtowe Local Plan (2004) (LP) require that developments falling within Class D1 of the UCO have one parking space for one member of staff and two parking spaces per consulting room. The proposed layout shows two rooms would be used for surgery, and two skin treatment rooms. Furthermore, based upon the information in the appellants appeals statement five members of staff would work full time and three would work part time. Thus, even if parking was not available for part time staff, to meet the requirements of saved Policy T11 of the LP, a minimum of seven parking spaces would need to be provided.
12. However, I have no details of the hours to be worked by part time staff, which would inevitably result in additional demand for parking in the area. Whilst I acknowledge the comments that some staff would occupy dual roles, would be away from the premises on some days for training purposes and that staff would be encouraged to use public transport, overall it is unclear how many employees would need to be at the appeal premises on a daily basis.
13. I acknowledge that the lease for the appeal premises stipulates that seven parking spaces would be made available. However, the details of that lease are not before me and there is no indication on the submitted plans as to where the proposed parking spaces would be or whether suitable provision would be put in place for disabled drivers.
14. On my site visit I observed parking to be in high demand and noted many vehicles double parked or parked obstructing visibility at junctions or on the footway. Therefore, on the basis of the information before me, I am not satisfied that the proposed development would be able to provide sufficient parking to meet the demand arising from the development.
15. I acknowledge that there are public transport services in the area. However the nearest tram stop is a considerable distance away and the nearest bus stop serves a bus route with limited frequency. Even though there are other bus stops within a short walking distance, in my view, for convenience reasons employees and customers would be highly likely to travel to the appeal premises using a private car and would therefore seek to park nearby. Therefore, if a space is not available, it would be likely that vehicles would park in locations which could restrict safe pedestrian and vehicle movements exacerbating the existing parking problems on the business park.
16. For these reasons, I conclude that the proposed development would be harmful to highway safety and the convenient use of the footway. It is therefore contrary to the aims of saved Policy T11 of the LP and Policy 10 of the CS and the Framework, which taken together seek to ensure new development does not harm highway safety and that safe and suitable access can be achieved.

Other Matters

17. I have considered the appellants comment's with regard the proposals compliance with the Nottinghamshire County Council's Structure Plan. However, as this no longer forms part of the development plan I have afforded these comments limited weight.
18. I acknowledge that there may not be other dental practices nearby and there is a shortage of general dental facilities in the area. I also note that the appeal

site is within walking distance to a number of retail stores including a Tesco Express. I also acknowledge that over time development nearby could provide further demand for dental services in the area and the proposed use could serve those currently working on the business park. I also note that the appeal premises are physically well suited to a dental practice without the need for extensive alterations. However, these matters or any others raised do not outweigh the harm I have identified.

Conclusion

19. For the reasons set out above and with regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR