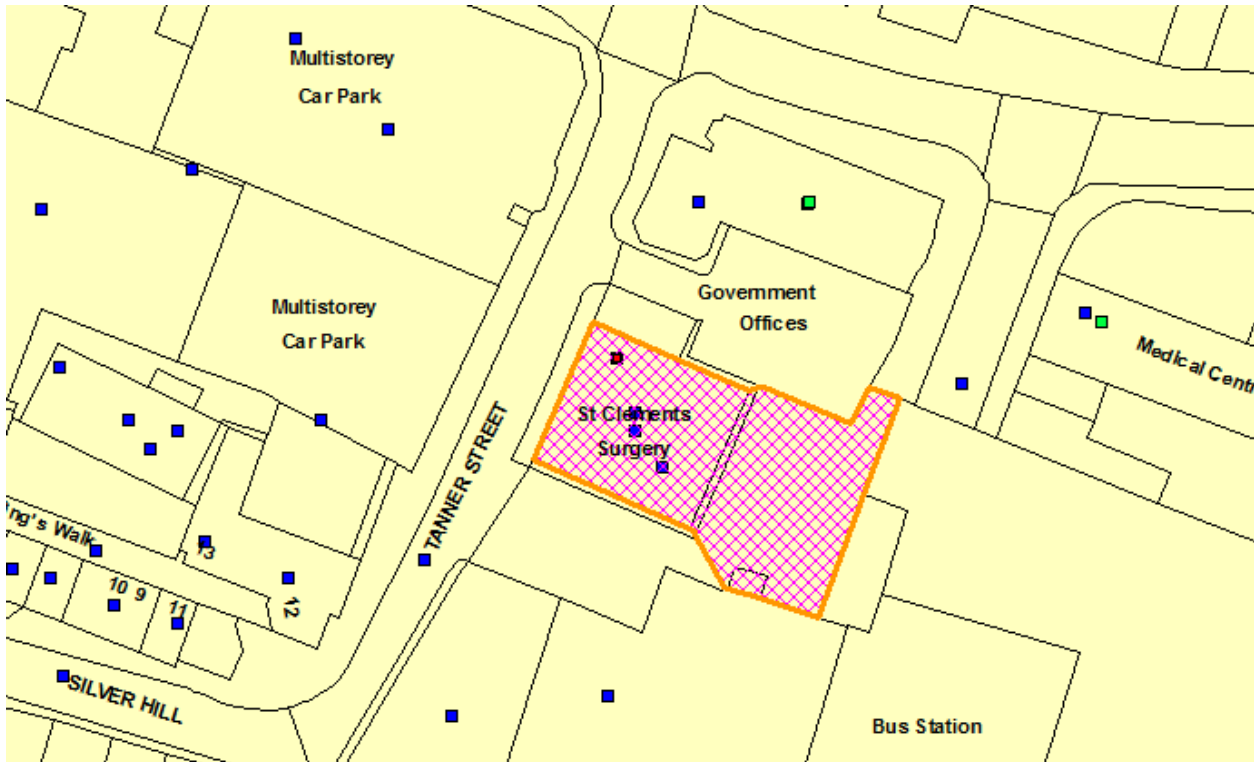


Case No: 17/03193/FUL
Proposal Description: Change of Use from Class D1 to Class B1(a)
Address: St Clements Partnership Tanner Street Winchester SO23 8AD
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Lochstill LTD.
Case Officer: Liz Marsden
Date Valid: 29 December 2017
Site Factors: Winchester Conservation Area

Recommendation: Refusal



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General Comments

Application reported to Committee as a City Councillor (Cllr Gottlieb) has an interest in the site.

Amended application forms received 29.05.18, identifying Member interest and details of notices served.

Draft Unilateral Undertaking received 05.06.18

The application is one of two identical applications that were submitted at the same time (17/03193/FUL & 17/03194/FUL).

Site Description

St Clements medical centre is a three storey, flat-roofed, building which, together with its car park (14 spaces), covers a site of around 0.7ha in area. The building itself provides 869sq.m of accommodation.

The site is located in the city centre and the surrounding area is characterised by commercial uses and public and private car parking area. The building has a road frontage onto Tanner Street to the west, with an access from the street to the car park to the rear, which serves the centre, located to the south. Beyond the access, there is a further private carpark located in a compound the boundaries of which are defined by a chain link fence, approximately 2m high. The land to the west of the site was formerly occupied by the Friarsgate multi-storey car park, which has been demolished, though car parking has been retained at ground level. To the north there is a further parking area which serves an office building located on the corner of Tanner Street and Friarsgate. The rear (eastern) boundary of the medical centre car park abuts the Bus station.

Proposal

The proposal is to change the use of the property from its current use as a medical centre (Class D1) to business uses within Class B1, which includes offices, research and development or light industrial processes that can be carried out in residential areas without adverse impact on amenity. The change of use can be achieved without alteration to the exterior of the building and only a minor change to the interior, to provide a cycle store accessed from the car park.

The existing car parking and access provisions are to be retained.

Relevant Planning History

The site is in the area covered by the Silver Hill development proposed under application:

- 06/01901/FUL - Major comprehensive redevelopment for approximately 2 hectares mixed-use site to include the erection of nine new buildings and the retention and conversion of the Woolstaplers Hall; providing 287 no. dwellings (including affordable housing); 20 no. live/work units, retail units with associated service areas, offices, the provision of medical or health services alternatively to offices in Building B, bus station, youth centre, shopmobility office, public toilets, RAOB club, with associated car/cycle storage, landscaping and associated works. Permitted 09.02.2009. Not commenced.

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The following application on a nearby site is also relevant:

15/02897/FUL - Construction of a new primary care facility, consisting of 18 consulting rooms, 3 treatments rooms, waiting spaces, ancillary spaces, offices and pharmacy; external works include ancillary spaces, car parking and hard and soft landscaping, including alterations to the footway and highway. – Permitted 29.03.2016. Not commenced

Consultations

WCC Engineers: Highways:

No significant highways issues and unlikely to impact on highway safety.

WCC Head of Strategic Planning:

Whilst it may not be reasonable to expect a change of use application to meet the comprehensive mixed use development sought by policy WIN4 and the Central Winchester Regeneration SPD, granting consent may have the effect of delaying the redevelopment of the site. In any event the proposal would result in the loss of a facility/ service and this should not be permitted until a replacement premises is available in order to satisfy policy CP6 and maintain continuity of medical provision.

WCC Head of Estates Department:

Earlier advice that it would be a minimum of 19 months before the Practice would be able to vacate the premises has altered. Despite discussions between Winchester City Council and the Doctors over a number of years, it is now looking unlikely that an agreement will be reached.

Representations:

City of Winchester Trust: No comments other than a query as to why there were two identical applications.

No other comments were received either objecting to or supporting the application.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, WT1, CP6, CP8, CP10

Winchester Local Plan Part 2 – Development Management and Site Allocations

WIN1, WIN2, WIN4, DM7, DM18

Supplementary Planning Guidance

High Quality Places SPD

Winchester Conservation Area Project

Central Winchester Regeneration SPD

Other Planning guidance

The Future of Winchester Study

The Hampshire Landscape: A Strategy for the future

Winchester City and its Setting

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Planning Considerations

Principle of development

The building is currently in use as a medical centre, which falls within the type of use covered by Policy CP6 – Local Services and Facilities, the retention of which is considered to be important in contributing to the overall sustainability of a neighbourhood. The loss of this use would therefore normally be resisted. In this case, a replacement facility has been granted permission nearby (15/02897/FUL) and the initial program for its development should have led to its completion and occupation in 2019. Under those circumstances it was considered that, providing that the change of use was not implemented until the premises were vacated by the medical centre, which could have been made the subject of a condition, the proposal would not result in the loss of a local facility contrary to the provisions of this policy.

However, following the initial comment from the Councils' Estates section, to the effect that it would be around 19 months (from March 2018), before the Practice would be likely to vacate their current premises, it has become apparent that, despite on-going negotiations, no agreement has been reached with the Practice. The advice now given is that, whilst discussions have not been terminated, at this stage no solution has been agreed. There is therefore no guarantee that the practice will be able to move to suitable alternative premises in the vicinity and permitting a change of use of the application site would result in the loss of a local facility which is contrary to policy CP6.

A draft unilateral undertaking has been submitted by the applicant, in which the owner undertakes to the Council that it will not occupy the surgery areas within Use Class B, pursuant to the planning permission prior to either:

- a) the St Clements Practice having vacated the surgery areas or part(s) thereof, or
- b) the twentieth anniversary of the date of the planning permission.

The plans submitted with the unilateral undertaking show a small room on the second floor of the premises that is not currently occupied by the Practice, the use of which could be changed to implement the permission, if granted.

It is not considered that the above covenants would be sufficient to safeguard the permanent retention of a surgery in this location. It is not possible to predict the future commercial pressures on the area or whether, over the course of time, financial implications could effectively push the practice out of this central area to make way for more profitable uses. In these circumstances it is considered that the change of use would result in the loss of an important local facility and, in the absence of any evidence to demonstrate that it is no longer needed to serve the facility, there can be no justification for granting permission.

Policy WIN 4 states that Development proposals for a comprehensive mixed-use development within the area known as Silver Hill as shown on the Policies Map, will be granted planning permission provided that detailed proposals accord with the Development Plan. The proposed change of use does not achieve the mixed use sought by this policy, or the various improvements or contributions required by the Local Plan and recently adopted Central Winchester Regeneration SPD. Whilst it may not be reasonable to expect a change of use to meet all of these requirements, granting consent may have the effect of delaying the redevelopment of this site that the policy seeks. Furthermore,

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given the loss of the local facility, contrary to policy CP6, it is apparent that the proposal is not in accordance with the development plan and would therefore conflict with this policy.

Policy DM7 states that town centre uses that attract large numbers of people should be located within the boundaries of the town, district and local centres identified on the Policies Map. These uses include those within Class B1 as proposed under the current application. Changes of use to and within these uses will be permitted within town centre the boundaries of defined centres, where they accord with the Development Plan, including policies DM8 and DM9 (primary or secondary shopping frontages). Particular considerations will be those in relation to amenity, design, access and parking. The site is not located on a primary or secondary shopping frontage and the proposal will have no impact on the visual amenities of the area or result in a requirement for increased parking. However, given the conflict with the development plan as set above, the proposal would again be contrary to this policy.

Design/layout

The proposal does not result in any material alterations to the design or layout of the building or site, other than the provision of 6 cycle storage spaces within the building. This is in accordance with policies CP10 LPP1 and DM18 LPP2.

Impact on character of area

The proposal is for a change of use which will not affect the external appearance of the building or result in activities on the site that would be inappropriate in this city centre location. If the approved new surgery is built on the Upper Brook Street site, there will be no requirement for an additional medical practice in the vicinity and, without a viable alternative use for the period pending the proposed more comprehensive redevelopment of the area, the building could remain vacant and fall into disrepair. The continued occupation of the building will therefore be of overall benefit to the visual amenities and character of the surrounding area.

Impact on neighbour amenity

There are no residential properties in the immediate vicinity of the site. As no external alterations are proposed and the proposed use would not result in a significant intensification of activity on the site above that generated by the existing medical centre, it is not considered that the proposed change of use will cause adverse harm to any of the adjoining buildings or properties.

Conclusion

The importance of securing the future economic prosperity of the city centre is recognised and proposals for the employment use of a building in an area identified as appropriate for such uses, particularly if they do not prejudice the future redevelopment of the area, would generally be welcomed. However, the benefits from such proposals have to be assessed against the harm to the overall sustainability of the area that would be caused by the loss of this significant local facility and in this case, it is considered that the potential benefits do not outweigh this harm.

Recommendation

Refusal for the following reason:

1. The proposed development would result in the loss of a local facility, for which there is no confirmed alternative facility within the vicinity. It would therefore be contrary to policy CP6 of the Winchester Local Plan Part 1 – Joint Core Strategy.

Informatives

1. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-
Winchester District Local Plan Part 1: DS1, WT1, CP6, CP8, CP10
Winchester District Local Plan Part 2: WIN1, WIN2, WIN4, DM7, DM18
Winchester District High Quality Places Supplementary Planning Document
Central Winchester Regeneration Supplementary Planning Document