

08/01392/FUL: CHANGE OF USE FROM D1 TO A1, A2 OR A3 AT FITZWILLIAM HOUSE  
BUSHFIELD ORTON GOLDHAY PETERBOROUGH  
VALID: 19 FEBRUARY 2009  
APPLICANT: ORTON SHOPPING CENTRE LLP  
REFERRED BY: PARISH COUNCIL  
REASON: DETRIMENTAL TO THE NEIGHBOURHOOD  
DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS  
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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Need for the proposed development
- The provision of local health care services
- Highway safety

The Head of Planning Services recommends that the application is Approved.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Relevant policies are listed below with the key policies highlighted.

#### **The Adopted Local Plan 2005 (Saved Policies)**

**R1 – allows new retail development in centres where it would not put at risk the retail strategy or the city centre strategy and would be of a suitable scale and nature for the centre and would not be better located in the city centre, because of it's scale and nature.**

R7 – allows restaurants in centres where they would not generate unacceptable levels of traffic or congestion, would not have a detrimental impact on the amenities of neighbours and would not conflict with policy R9.

R9 – allows other non-retail uses (i.e. A2) in centres where it would not be inappropriate, would not contribute to a deficiency in local shopping facilities, would not generate dangerous levels of traffic and would not have an unacceptable detrimental impact on neighbours.

CF7 – allows the establishment of new primary care facilities provided certain criteria are met.

T1 – requires that suitable access is available to a site for all user groups, and that development does not have an unacceptable impact on the transportation network.

### **Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS6 – Planning for Town Centres

### **3 DESCRIPTION OF PROPOSAL**

The building is currently in use as a Dental Surgery, within use class D1 (non residential institutions). Permission is sought for change of use to A1, A2 or A3 (retail, financial and professional services open to visiting members of the public, and restaurants).

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The building is detached from the main Centre complex and faces out to the car park. The existing shopping area is centred on the pedestrian precinct; also accessible from within the precinct are the library and Bushfield College.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
99/00983/FUL	Change of use of offices (class B1) to dental surgery/medical centre (use class D1)	14/10/99	Consent

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering** – Initially recommended refusal as the plan does not show a specific area within the site curtilage for the loading and unloading of vehicles (i.e. a delivery yard) which could impact upon the public highway. The applicant has submitted a further plan showing an area that could be used for deliveries, and is within the same ownership. Highways have no further objection.

#### **EXTERNAL**

**Cambridgeshire Local Dental Committee** – is an organisation that represents all General Dental Practitioners within Cambridgeshire. Comments that the Bushfield practice treats about 6000 NHS patients. The Practice has the facility to take on extra patients from the new developed surrounding area (egg Showground).

The Bushfield practice is the only practice in the Greater Peterborough area to offer intravenous sedation to very nervous patients, and is well situated to do so as it is important that patients do not have to walk far to their vehicles when collected by their escort. It is for this reason that Bushfield Practice was chosen to offer this service.

Understand that the Orton Centre retail section has recently been expanded and most of the floor space remains unoccupied. A further expansion of the retail area at the expense of a well established Dental Practice makes no sense.

The Cambridgeshire Local Dental Committee therefore opposes this application.

#### **NEIGHBOURS**

A letter of objection has been received from the **Parish Council** expressing concern about the provision of services (especially health care) within the Parish. The PC opposes any change from the existing class of use on this building unless and until permission for a dental service of comparable size has been granted on another building in the Orton Centre, on the grounds that this service is an essential service to the local community.

Neighbours and patients of the practice have also objected on the following grounds:

- loss of the practice
- the only other practice in the ward is in Matley which is only half the size and could not take on all the Bushfield patients
- the health centre and this practice were in the plans when the Ortons were built
- it would be disastrous for the community if the service was lost

#### **COUNCILLORS**

Cllr Trueman has made the following comments:

I oppose the application on the following grounds: it will effectively mean the end of the local dentists and force local people (families/elderly residents) to transfer elsewhere thereby increasing a higher work load on fewer local dental practices notwithstanding the added hassle of changing dental practices for residents. It may even mean (in extreme cases) that some patients may decide to give up on dental care altogether and this could create a burden on the NHS if they cannot afford private dental charges. This has been a successful dental practice for the Orton Centre and has been for many years, most of them when the Orton Centre was in decline. Last year the four full time dentists treated over 8000 patients so, in my view, this planning application does not make any sense at all.

## **7 REASONING**

### **a) Introduction**

The Orton Centre was planned as a Centre to provide services for the township when it was laid out and functions as a second tier service centre for the area..

### **b) Policy issues**

The relevant Policies are R1, which controls retail development within District and Local centres; R7, which controls food and drink outlets; R9, which controls non-retail development in Centres; CF7, which controls Primary Health Care facilities, and T1, which requires that development is not detrimental to highway safety.

Policy R1 allows for new retail development where it would not put at risk the retail strategy or the city centre strategy and would be of a suitable scale and nature for the centre and would not be better located in the city centre, because of its scale and nature. This proposal is for an additional 243 square metres of retail floor space, which in the context of the post-redevelopment provision at the Orton Centre (over 17,000 square metres of retail floor space) will not have a material impact on the retail strategy.

Policy R7 allows for restaurants in centres where they would not generate unacceptable levels of traffic or congestion, would not have a detrimental impact on the amenities of neighbours and would not conflict with policy R9.

Policy R9 allows for other non-retail uses (i.e. A2) in centres where it would not be inappropriate, would not contribute to a deficiency in local shopping facilities, would not generate dangerous levels of traffic and would not have an unacceptable detrimental impact on neighbours.

Policy CF7 allows for the establishment of new primary care facilities provided certain criteria are met. All of the criteria are met in this case. However, and importantly, Policy does not require the retention of existing facilities.

Policy T1 requires that suitable access is available to a site for all user groups, and that development does not have an unacceptable impact on the transportation network.

### **c) Principle of A class use**

The District centres were designated to provide services for local residents, and as such the Centre is the correct location for new retail development to serve Orton. Use of the site for A1, A2 or A3 is in principle acceptable.

### **d) Loss of dental practice**

There is no specific Policy which seeks to retain primary care facilities.

Representations have been made on behalf of the practice which refer to central government guidance, specifically PPS6 – Planning for town centres. The letter refers to PPS6 and a requirement to demonstrate need for new retail development and the absence of unacceptable impact, the aim to secure a diversity of uses within centres, and the need for local authorities to seek to protect existing facilities.

Need: PPS6 states that “It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre”.

The Statement does not say that need must necessarily be demonstrated in other cases.

Need must be demonstrated where a main town centre use is proposed in an edge of centre or out of centre location. There is nothing in this application to suggest that such a use is proposed, and the size of the unit would not allow for a large use with a city-wide catchment.

The Orton Centre is a District Centre, which in the hierarchy of Centres within PPS6 is below Town centre.

Impact: PPS6 requires an impact assessment to be carried out “for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy”. This application does not fall within that category.

Diversity of uses: the quote referred to applies to local centres, and is discussing site allocations at local plan level, not development control. This site is in a District Centre.

Protection of existing facilities: the quote referred to applies to the local plan stage, not development control.

It would appear that the provision of a dental surgery in the Centre is entirely suitable and desirable. Notwithstanding this, there is no policy that allows for refusal of the current application on the grounds that the dental surgery should be protected.

This representation also makes the point that the employment figures have been understated on the application form and that the practice employs twelve full time members of staff and two part time and that the premises support six full time district and school nurses

The representation has also referred to PPS12, Local Spatial Planning, however this Statement gives guidance on the formulation of local development plans.

e) **Impact of an A class use**

Without further information on what exactly is the use proposed, this cannot be fully assessed. However the site is within the centre, adjacent to the car park, and A1 or A2 use should not have any detrimental impact on neighbours. A3 use, which is likely to be open later and to involve cooking with the attendant requirement for extraction equipment, may have more of an impact. However it is considered that this could be controlled by Condition if necessary. A condition requiring details of extraction and filtration equipment to be submitted to the LPA for written approval prior to any A3 use being commenced is therefore proposed. Should these (or any other) works have a material impact on the external appearance of the building, a planning application would be required.

In terms of noise, it is considered that given the nature of the area and the distance to the nearest residences no Conditions need to be appended.

f) **Highway safety**

The Local Highway Authority initially recommended refusal of the application on the grounds that no delivery area had been shown. A further plan has now been submitted showing a delivery area and the Highway Authority has no further objection.

## **8 CONCLUSIONS/REASONS FOR RECOMMENDATION**

The proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- the site is located within an allocated District Centre, where A-class uses are in principle acceptable
- the building is of a size and scale appropriate to the Centre
- the proposed change of use would have no material impact on the retail strategy
- any A2 or A3 use would not contribute to a deficiency in convenience shopping
- impact on nearby residents arising from any A3 use could be adequately controlled
- parking and delivery space is provided
- the proposal is therefore in accordance with Saved Policies R1, R7, R9 and T1 of the Peterborough Local Plan 2005 (First replacement)

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following Conditions:

**C1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

**C2. Prior to any A3 use being established details of any filtration and/or extraction equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control), Planning Policy Guidance (PPG24 Planning and Noise), and Policy DA2 of the Peterborough Local Plan (First Replacement).

The following informative is also suggested:

The applicant is advised that any works materially affecting the external appearance of the building, including installation of an external flue or filtration equipment, will require planning permission under separate application.

Copy to Councillors Allen, Trueman, Elsey

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