

SECTION '2' – Applications meriting special consideration

Application No : 13/03376/FULL2

Ward:
Cray Valley West

Address : Enso House 3 New Mill Road Orpington
BR5 3TW

OS Grid Ref: E: 547322 N: 169662

Applicant : Lyca Health (Kent) Limited

Objections : NO

Description of Development:

Change of use of 927sqm of ground floor from offices (use Class B1) to health diagnostic centre (use Class D1) and new entrance to building

Key designations:

Areas of Archeological Significance

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

Flood Zone 2

Flood Zone 3

Gas HP Pipelines

Gas HP Zones Gas HP Zones:

Gas Pipelines

London City Airport Safeguarding

London City Airport Safeguarding Birds

Proposal

It is proposed to use part of the ground floor of this vacant two storey office building as a health diagnostic imaging centre which would fall within Use Class D1. The use would include x-ray, ultrasound, MRI and CT scanners, consulting rooms and a physiotherapy gym for treatment. It would operate between 7am-10pm Mondays to Fridays, and between 8am-6pm at weekends which would include ancillary activities such as cleaning and maintenance which would take place outside the core operating hours.

Patients would attend for prior appointments only (no "walk-in" services are provided), and a maximum of 60 patients would be seen on weekdays, with up to 8 present at any one time. There would be a maximum of 9 staff on duty, with up to 3 visiting consultants on site at any one time. A total of 27 full-time (or equivalent) jobs would be created as a result of the proposals.

The building as a whole has a total of 120 car parking spaces located to the front of the site, and 36 of these spaces would be allocated to the proposed diagnostic imaging centre. A new entrance to the building would be created as part of the current proposals along with an area of cycle parking, which would necessitate the loss of 2 of the allocated car parking spaces. The existing entrance would be retained in order to access the remainder of the building.

The application is accompanied by the following documents:

- Marketing Report
- Transport Statement
- Flood Risk Assessment
- Design and Access Statement.

Location

This site forms part of the Crayfields Business Park and falls within St Mary Cray Business Area as designated by the Unitary Development Plan. This is the largest of the Borough's Business Areas with 40 hectares used for light industry or warehousing, and has the best connections to the M25. It is, therefore, the Borough's prime location for such businesses.

The site is also located in a Strategic Industrial Location (SIL) within the London Plan, and is defined as an Industrial Business Park (IBP) within this context.

The building has been vacant since October 2010, but was previously used for Class B1 offices.

Consultations

No third party representations have been received to the proposals.

Comments from Consultees

With regard to highways issues, the site is located within a very low PTAL area (1b), but the number of car parking spaces allocated for the proposed use is considered acceptable, whilst the likely trip generation associated with the proposed use is not considered to have a significant impact on the highway network. It is considered necessary, however, to restrict the uses to those proposed as any additional facilities (such as a dialysis centre) may have an additional impact on the road network.

No objections are raised by the Environment Agency with regard to flood risk, and Thames Water have not raised any concerns with the proposals.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

EMP4 Business Areas
C1 Community Facilities
C4 Health Facilities
T3 Parking

In addition, the following documents are also relevant to this case:

The London Plan (2011)
NPPF

Planning History

Enso House was constructed during the late 1980s/early 1990s under permission ref. 87/03765, and was occupied as offices from January 1991 until October 2010.

Conclusions

The main issues in this case are the impact of the change of use on the Business Area, and the traffic implications of the proposed use on the surrounding road network.

Enso House forms part of a purpose built industrial estate, within which, uses that do not fall within Use Classes B1 to B8 are generally resisted (UDP Policy EMP4). The proposed change of use of approximately one third of the building to a Class D1 use would detract from the intended business purpose and active business location, as businesses have a strong preference to be located in close proximity to other businesses given the agglomeration benefits and shared infrastructure such as purpose built delivery bays, parking and access for large vehicles.

The change of use could also detract from the business offer of the surrounding business units, and would result in the undesirable loss of designated business land which could provide Class B1 employment.

London Plan Policy 2.17 (Strategic Industrial Locations) also provides protection for broad industrial type uses as the Mayor recognises the strengths of this area as a business location that needs to be protected from inappropriate changes of use.

The applicant claims that London Plan Policy 2.17 B(c) provides support for this change of use as it allows for proposals for new emerging industrial sectors, however, the proposed use is not considered to be of a new or emerging sector.

The NPPF states in Paragraph 22 that "Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose". There is therefore a need for evidence to demonstrate that there is no reasonable prospect of the site being used for Class B business use in order to justify the introduction of this non-business use (Class D1).

The whole of the office building has been vacant since October 2010, and the evidence supplied by the applicant suggests that the site has been appropriately

marketed over the long-term by two agents at a competitive rent and on flexible terms with the option of renting the whole building or whole/part of the floors. This marketing resulted in a number of enquiries which translated into 8 viewings, 2 of which were from the medical industry. The report states that 6 Class B enquiries were made during this time, but only related to parts of a single floor, and no offers were subsequently made.

The limited level of interest indicates that a small number of parties were interested in the unit (although none made an offer) which would suggest that although the premises have not been inundated with prospective tenants, they are far from redundant.

However, the likelihood of the unit remaining vacant is also an important consideration. The supporting evidence states that there is a significant amount of vacant high-specification office accommodation available in the area, and no single letting of a building of comparable size has been secured since 2009. Therefore, there appears little prospect of rapid take-up of currently available space at this or other schemes which might lead to a shortage in the future.

In conclusion, the proposals would be contrary to local and regional policy which aims to protect business uses in designated Business Areas, but this needs to be weighed against the evidence submitted by the applicant regarding the long-term vacancy of the building, the amount of available office space in the area, and the unlikelihood of it being occupied by a Class B user in the near future. Also in its favour is the potential for 27 jobs on the site.

If Members are minded to grant permission, it may be appropriate to restrict the use to a health diagnostic centre and for no other use within Class D1 (non-residential institutions) or to grant a personal permission in order for any alternative use to be assessed on its particular planning merits, and conditioned where appropriate. In this regard, the agent has confirmed the applicant's agreement to a condition limiting the use in order to prevent alternative Class D uses.

With regard to highways issues, the proposals are not considered to have a significant impact on the highway network, subject to restricting the uses to those specified as any additional facilities (such as a dialysis centre) may have an additional impact on the road network.

UDP Policies C1 and C4 generally support changes of use that meet identified needs for community facilities (including health needs) where they are accessible by modes other than the car, and accessible to the members of the community they are intended to serve. The proposals are not, therefore, directly supported by this policy, but the proposals are not considered to result in any undue traffic or parking problems in the vicinity.

This is a case that requires careful consideration but, on balance, Members may be minded to grant permission subject to safeguarding conditions.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/03376, excluding exempt information.

RECOMMENDATION: PERMISSION

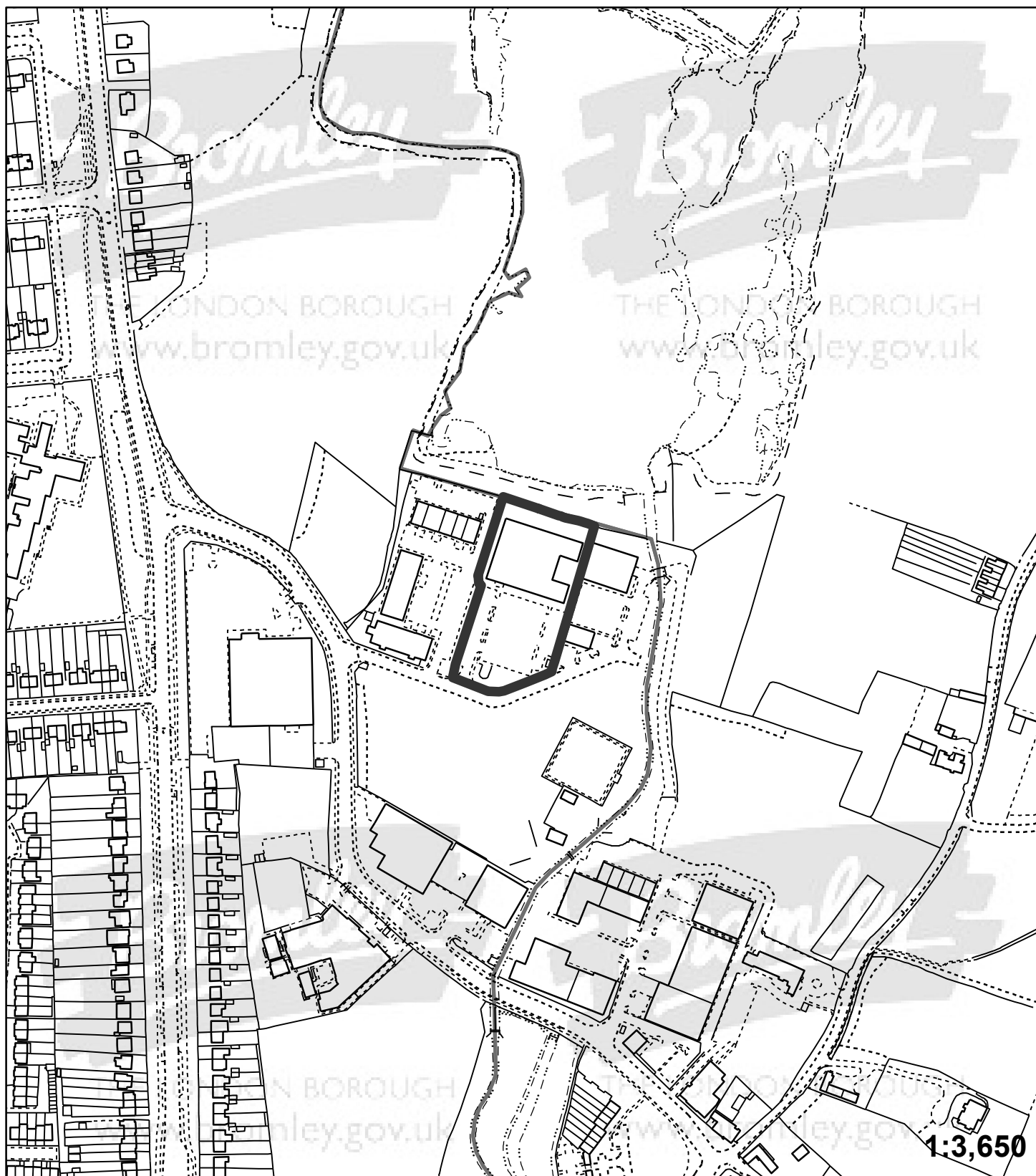
Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 3 ACJ01 Restriction on use (2 inserts) a health diagnostic centre
 D1
 ACJ06R J06 reason (1 insert) EMP4
- 4 The use shall not operate before 07.00 hours and after 22.00 hours on
 Mondays to Fridays, nor before 08.00 hours and after 18.00 hours on
 Saturdays and Sundays.
 ACJ06R J06 reason (1 insert) BE1
- 5 ACK01 Compliance with submitted plan
 ACK03R K03 reason

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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