

**3 SE2003/1565/F - REMOVAL OF CONDITION 4 ('THERE SHALL BE ONE SURGERY AT THE PREMISES') OF PLANNING PERMISSION SE2001/0079/F STONE LODGE DENTAL SURGERY, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DD**

**For: Ms S R Williams, Stone Lodge, Whitchurch, Ross-on-Wye, HR9 6DD**

**Date Received: 27th May 2003      Ward: Kerne Bridge      Grid Ref: 5534 1804**

**Expiry Date: 22nd July 2003**

Local Member:    Councillor Mrs R Lincoln

## **1. Site Description and Proposal**

- 1.1 The site lies within the larger settlement of Whitchurch, as defined in the South Herefordshire District Local Plan, within the Wye Valley Area of Outstanding Natural Beauty and adjacent to the Area of Great Landscape Value. Stone Lodge is a detached, two storey building that lies on the northwestern side of the unclassified Old Ross Road, which runs parallel with the A40 trunk road. Access into the site is gained off the unclassified road. The building is currently used as a dental surgery with a residential flat above. There is an area to the front of the building for the parking of approximately 4 vehicles.
- 1.2 Planning permission was granted in 1994 to use part of the building as a dental surgery. In 2001 a further planning permission was granted to extend the building to provide a reception office and disabled toilet in connection with the dental surgery use. Condition 4 of the 2001 planning permission states that 'There shall be one surgery at the premises'. The internal layout of the building has not been carried out in accordance with the approved plans and a second surgery has been provided. Planning permission is now sought to remove condition 4 of the earlier permission to allow the continued use of two surgeries from the building. The two surgeries currently share the associated rooms, i.e. waiting room, reception, toilets, staff area, x-ray room. It is not proposed to change this arrangement.

## **2. Policies**

### **2.1 Department of the Environment**

PPG1	General Policy and Principles
PPG7	The Countryside: Environmental Quality and Economic & Social Development

### **2.2 Hereford and Worcester County Structure Plan**

Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC9	Development Criteria
Policy T12	On-street Parking

### 2.3 South Herefordshire District Local Plan

Policy GD1	General development criteria
Policy C5	Development within AONB
Policy ED3	Employment Proposals within/adjacent to Settlements
Policy ED5	Expansion of Existing Businesses
Policy T4	Highway and Car Parking Standards

### 2.4 Herefordshire Unitary Development Plan – First Deposit Draft

The Plan contains a number of policies which are relevant to the proposal. However it is considered that they do not raise any new issues that are not addressed in the Development Plan.

## 3. Planning History

- |     |               |  |                      |
|-----|---------------|--|----------------------|
| 3.1 | SH94/0194/PF  | One door and three windows enclosing under existing building.                                  | - Withdrawn 29.3.94. |
|     | SH94/0826/F   | Two storey extension to form dental surgery on ground floor and lounge to flat on first floor. | - Granted 2.11.94.   |
|     | SE2001/0079/F | Extension to form reception office and disabled toilet   | - Granted 21.2.01.   |

## 4. Consultation Summary

- 4.1 Highways Agency - no objection.

## 5. Representations

- 5.1 Whitchurch Parish Council - No objection.

- 5.2 One letter of objection has been received, from Mr Eccleshall, of Meadway, Old Ross Road, Whitchurch. In summary the main issues raised are:

- Wish to object in the strongest possible terms.
- Condition that there should be only one surgery was inserted to 'safeguard residential amenity'. Would draw attention to policy ED3. The business is operating on a scale that is totally out of keeping with the residential environment in which it is located and it causes considerable traffic nuisance. I enclose extracts of correspondence with your colleagues over the last 18 months.
- The original 1994 planning permission to convert these premises to business use involved retrospective approval and I strongly objected at the time.
- There is a history of planning regulations being deliberately and flagrantly flouted and the system being cynically manipulated to secure retrospective approval - I urge you not to allow this again.

- 5.3 A letter of support has been received from Herefordshire NHS Primary Care Trust. The salient points are:

- The surgery has been a major provider of NHS dental care within the Ross-on-Wye area for many years. 95% of the patients are treated under NHS regulations.

- Workload has been enormous and expansion was required to adequately care for the local population and also to protect the health and wellbeing of Mrs Williams (the dentist).
- It seems that the development of the essential second treatment room was carried out in ignorance of the restriction.
- The Primary Care Trust supports the retrospective request for the second treatment room, the practice provides excellent and essential NHS service to those living in the Ross-on-Wye area. Hope you can treat the application with sympathy and understanding.

5.4 A letter from the applicant has been received clarifying the nature of the business. In summary:

- There are two surgeries.
- The employees comprise 2 part time receptionists (1 works 20 hours per week, the other 9.5 hours per week), 1 full time (38 hours per week) and 1 part time (20 hours per week) dental nurse and two dentists (who work a 38 hour week and a 20 hour week).
- The number of registered clients is approximately 2000, but this varies from month to month.
- The usual working hours are: Monday 9.00am - 5.30pm, Tuesday 8.00am - 5.00pm, Wednesday 9.00am - 2.30pm, Thursday 8.00am - 5.00pm, Friday 8.00am - 1.00pm.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The main considerations in the determination of this application are the principle of the development, the effect on the residential amenity of neighbouring properties and highway safety.
- 6.2 Circular 11/95 – ‘The use of conditions in planning permissions’ states, at paragraph 4, that Section 73 of the Town and Country Planning Act 1990 provides for applications to be made for planning permission without compliance with conditions imposed on an earlier planning permission. It is advised at paragraph 15 that conditions should not be retained unless there are ‘sound and clear-cut’ reasons for doing so. In determining such applications conditions can be modified, deleted or new conditions imposed. The reason given for condition 4 of planning permission SE2001/0079/F was ‘to accord with the terms of the application and to safeguard residential amenity’. It is considered that the condition was imposed to clarify the permission and bring the provision of further ‘surgeries’ under planning control in order that such proposals could be assessed.
- 6.3 On the basis of the planning history of the site it would appear that the original business element of the site did not constitute a material change of use for which planning permission would be required. However the business has expanded over the years and consequently planning permission was sought and granted for the use and extensions in 1994. Subsequently in 2001 planning permission was sought and granted for an extension to provide additional accommodation in connection with the business use of the site. The mixed use of the site for a dental surgery and residential flat has therefore been accepted. No building operations are proposed to enlarge the

building to accommodate the second treatment room, but rather the internal layout of the building has been revised.

- 6.4 Policy ED5 of the Local Plan states that proposals for the expansion of existing businesses in settlements will be permitted providing that they fulfil the criteria set out in policy ED3. In turn policy ED3 states that small scale proposals for employment use within settlements will be favourably considered subject to compliance with certain, specified criteria. In summary these criteria are that it is sensitive and appropriate in scale, nature and design to the size of the settlement, it is compatible with and has no adverse impact upon the environment and amenity of the area, has adequate vehicle access, servicing and parking and the road network can accommodate the traffic generated. In addition PPG7 advises that *'Local Plans should set out the authority's policy towards the future expansion of business premises in the countryside, allowing where possible for reasonable future expansion on site'*.
- 6.5 The additional treatment room is located at the rear section of the ground floor of the building, with a door to the rear elevation. No additional off road car parking is proposed and by reason of the proximity of the side elevations of the building to the boundaries it would not be possible for vehicles to park to the sides of the building or gain access to the rear of the premises. In itself it is considered that due to the nature of the business, the authorised use of the site and the distance between the site and the neighbouring property 'Meadway' the operation of a second treatment room would not have a harmful impact upon the residential amenities of the area, and in particular 'Meadway'.
- 6.6 Policy T12 of the Structure Plan seeks to ensure that on street parking is controlled so that it is consistent with road safety, including the needs of pedestrians, residents, moving traffic and the environment. Policy T4 of the Local Plan sets out car parking standards for proposals. In respect of dental practices four off road car parking spaces per treatment room are required. At present there are four off road parking spaces to the front of 'Stone Lodge'. The proposal is for two treatment rooms and as such in accordance with the policy's requirements eight off road car parking spaces should be provided. Due to the size of the site and the position of the building it is not possible to provide any additional off road car parking spaces. It is therefore necessary to consider the effects of the under provision of spaces and the resulting effect on the unclassified highway.
- 6.7 It is likely that as there are insufficient off road car parking spaces that the result would be cars parking on the highway. As the use for which permission is sought is currently taking place the effect can be viewed and site visits by officers have confirmed this to be the case. Between five and seven cars have been observed by officers parked on the road, whilst all four off road spaces were used. The road on which the cars are parked is unclassified and lightly trafficked. The course of the road is straight from the core of Whitchurch village to the south west of the 'Little Chef' car park. If cars are parked on the highway it is not wide enough for two moving vehicles to pass one another. Due to the low traffic levels and the length of the road it is considered that the provision of cars parked on the highway is not harmful to highway safety. The inconvenience, either by way of blocked driveways and/or reduced visibility, caused by indiscriminate parking is noted. However it is considered that this could be satisfactorily addressed by the introduction of 'H' markings across driveways, which is proposed, to encourage sensible parking. The Head of Engineering and Transportation, Transportation Manager raises no objection to the proposal, taking into account the light traffic flows and accident records. As a result of the business use, and the provision of a second treatment room, there is an increase in cars

manoeuvring to park both on site and on the highway. Taking into account the existing ambient noise levels, particularly the noise from traffic on the A40, and in comparison with the authorised single surgery use of the site, it is considered that the proposal would not demonstrably harm the amenities of the area by way of noise nuisance.

6.8 The objectors concerns regarding the retrospective nature of the development and indeed earlier applications are duly noted. However in considering such applications the development must be considered on its merits. It is considered that the provision of two dental treatment rooms at the premises is a sensitive use and appropriate in scale and nature to the size of the settlement. Having carefully considered the highway implications of the expanded use it is opined that it would not be detrimental to highway safety or the residential amenities of the area.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1 There shall only be two dental treatment rooms as indicated on the approved plan.**

**Reason: To prevent further intensification of the building and the associated on road parking in the interests of residential amenity and highway safety.**

**2 The existing car park area to the front of Stone Lodge shall be retained for car parking and not used for any other use.**

**Reason: To retain a level of off-road parking in the interests of highway safety.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.