Statement of Case

Appeal Against Eastleigh Borough Councils decision to refuse planning application no: F/14/75326 - 5 Satchell Lane, Hamble Le Rice, Southampton, SO31 4HF

Appellant: Dr. B. White

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Description of Proposal: Single storey rear extension, change of use from part residential (C3) and part Dental Practice (D1) to Dental Practice (D1) and reconfiguration of rear parking area.

The Planning Application was registered by Eastleigh Borough Council on 27th October 2014 following detailed pre-consultation. The application was refused under delegated powers on 1st December 2014.

Eastleigh Borough Councils reasons for refusal relate to:-

(1) the proposed development would result in an intensification of use that would harm the neighbouring residential amenity by reason of noise and disturbance associated with customer movements, noise within the premises and car movements.

(2) The proposal fails to make contributions towards the provision of sustainable transport, the need for which will increase as a direct result of the development proposed.

Site Planning History:

Approval was granted in 2000 for the partial use of 5 Satchell Lane as a dental practice. Subsequent planning applications to Eastleigh Borough Council have allowed permanent use of part of the dwelling as a dental practice. The most recent application (F/14/75326) was submitted to allow the whole building to be utilised as a practice with the addition of a small extension.

We believe the proposed development would not only enhance the services to the community but also help support its economic state as patients will make use of the local town services and retail opportunities.

Detailed below is our appeal against Eastleigh Borough Councils decision to refuse.

Response to Officers report

Representations Received

Referring to the summary of responses from statutory consultees there was only one objection noted; this being from Hamble-Le-Rice Parish Council where the objection stated was overdevelopment. Having a obtained a copy of the email sent from the assistant clerk to Hamble-Le-Rice Parish Council to Eleanor Evans, Planning Officer, Eastleigh Borough Council on 11th November 2014 - this email clearly states that the Parish Council felt that the development **may** constitute an overdevelopment. This, in our view, was not a formal objection.

There were no objections received from Environmental Health.

The response from the Head of Transportation and Engineering states, no objection as a public car park is within a very reasonable walking distance and the provision of cycle parking is welcomed. The response also outlines the Transport Development Contributions required and these were agreed with the appellant, to be paid subject to a resolution to permit but prior to permission being issued, hence contradicting the second reason for refusal stated.

Both neighbouring residential properties wrote letters raising concerns over the development.

The occupier of number 3, Satchell Lane. The resident states that they have no objection to having a dental practice next door, they also state that the terms of any future use be restricted to a dental practice. The appellant would agree to a planning condition restricting the use to a dental practice should the Inspector be of a mind to approve the proposal.

The resident goes on to say that they have no objection to the practice becoming full time within reasonable hours. The practice has existing planning consent to operate currently to the hours of 7pm daily; the appellant is proposing that the practice works from 08.30 to 17.30 Monday/ Wednesday, Thursday, Friday and 11.00 to 20.00 on Tuesday only, however the practice may wish to open late on an additional evening until 20.00 in the future.. These proposed hours were conveyed to the planning officer on submission of the application. The standard planning application form does not allow for variation of daily times, however, the original Design Access Statement included the hours stated above. On request of the planning officer the Design Access Statement was revised to cover the hours in the application form, i.e. 08.30 - 20.00 Monday - Friday.

Please see Appendix 1, which outlines the practices operational hours from December 2013 to November 2014. Taking into account the dentist and the hygienist, the total operational hours for this period equates to 2958, which calculates at 1.5 full time members of staff.

The resident also points out lack of consistency in the appellants staffing levels. The resident goes on to say that the proposal states that the practice will have the equivalent of 5.5 full time staff, however, White Dentals web site shows that the practice currently has a team of 9 staff.

To clarify White Dental employs 6 staff and 3 self employed. These are shown on the practice web site, however, please see supporting spreadsheet Appendix 2, using November 2014 as an example it clearly states that there was a total of 562 hours worked at the practice, given there are 156 available operational hours in any given month, dividing this figure into the 562 hours equates to 3.6 persons full time; the application form states current staff levels are 4.

In addition it should be noted that 2 of the nine members of staff are currently on maternity leave and a further member of the team is not practice based (Em White was only present in the practice for 9 hours for the whole of November). The spreadsheet also shows that the consultant anaesthetist did not work any hours in the practice during the month of November 2014. You will also see from the spreadsheet, subject to approval of the proposal, it is proposed that the consultant anaesthetist will only be in the practice for 4 hours a month.

Referring to the proposed staffing levels on Appendix 1, the monthly hours of business will increase to 800 hours and full time staff will increase to 5.1 persons.

The occupier of 3 Satchell Lane has also highlighted that the parking area should be resurfaced to a material that creates less noise from vehicle movements; this could have been subject to a condition by the LPA. The appellant is prepared to accommodate this request by way of condition if the appeal is approved.

The occupier of 7 Satchell Lanes grounds for objection, is that the development would constitute over development and create loss of sun light. Referring to the assessment of the proposal by the planning officer, this states that the extension would not have a significant or harmful impact upon the neighbouring properties in terms of over shadowing or loss of light.

Assessment of the proposal - Development Plan and/or Legislative Background,

This section of the report states that the principal of the development could be acceptable and that the extension will not harm the character of the area, noting that the views are both distant and limited. The site is considered, by the planning officer, sufficiently sustainable in terms of its location to accommodate a business use. The report also states that the proposed extension will be appropriate in the locality. The report concludes by saying the proposed extension is not considered to effect its setting. Within the assessment of the proposal it clearly states the extension would not have a significant or harmful impact upon neighbouring residential amenity in terms of outlook, over shadowing, loss of light or in any other respect.

Residential Amenity

The Planning Officer states during her site visit there were 5 cars parked in the rear parking area, the application form stated that only 4 staff should be parking on site. The officer raised the presence of the 5th car with the agent who confirmed, that, this car belonged to a visiting nurse who the practice are planning to use as cover for Heidi who had gone onto maternity leave. Heidi was due to go onto maternity leave at the start of December but had her babies three months premature.

The planning officer highlighted that the submission states that the practice will operate from 08.30 to 20.00 Monday to Friday. The response to this question has been covered under the representations received from the neighbour.

The planning officer has assumed treatment times without any formal consultation with the agent or appellant. The agent did forward details of anticipated treatment times this was disregarded by the planning officer who reverted to assumptions. Appendix 3 lists all the treatments and possible length of appointments carried out by White Dental. White Dental is a private specialist treatment centre, with general dentistry being a very small part of the treatments on offer by the practice.

The planning officer states in her report that in the scenario she presented, 28 patients could be seen by the dentist per day plus further 20 - 30 minute appointments with the hygienist. With reference to Appendix 1, which takes in to account factual appointments from the past 12 months the amount of patients seen by the practice, including the hygienist, averages no more than 18 per day.

We believe the factual evidence discredits the degree of noise disturbance highlighted in the planning officers assumption.

The parking at the rear of the practice is designated as staff only parking, with a disabled space for use by less able bodied patients, this space will be booked in advance by a patient on an as required basis. Hence the movement of vehicles in one day will be limited to staff only travelling to and from their place of work with 2 vehicle movements per vehicle per day. In addition, the practice also have two business permits (in addition to the residential permits) which allows additional parking on the road or in the car park. These are not currently in use.

The planning officer also states that the movement of vehicles due to the practice being open daily to 8pm would harm neighbouring residential property and amenity. The practice currently has opening hours to 7pm and the appellant has only requested an additional hour.

The planning officer has identified a concern of noise of apparatus within the practice. After discussions with Environmental Health officer he returned no comments to the statutory consultation.

To conclude the proposed hours of operation will only increase by 1 hour per week to 8pm from 7pm and not daily to 8pm as outlined by the planning officer when she requested that the forms were changed to read 08.00 to 20.00 hours daily.

Extension

The planning officer states concerns that the extension represents overdevelopment of the site and would result in loss of light. Her report then contradicts by saying that the extension would not have a significant or harmful impact upon neighbouring residential amenity in terms of outlook, over shadowing, loss of light or in any other respect.

Highway Issues

The planning officer agrees that the proposed parking layout is an improvement on the existing situation. The Highways officer has raised no comment on the highway impact and has applauded the provision of cycle parking on the site. The appellant will agree a condition to resurface the parking area in an effort to further reduce noise impact of the already limited traffic movement.

Conclusion to Appeal Statement

The planning officers report is contradictory in a number of areas, as outlined in the main body of this statement. The reasons for refusal are stated that the application is contrary to Policies 59.BE, 186.IN of the Eastleigh Borough Local Plan Review (2001-2011) and Policy DM1 of the Submitted Eastleigh Borough Local Plan (2011-2029).

Policy 59.BE - Development proposals which are in accordance with the other policies in this plan will be permitted provided the proposal meets with the criteria. As agents, our understanding is that the application adhered to the majority of points raised within the policy. The proposed extension has taken into account the context of the site in terms of materials, layout, density in relation to the adjoining buildings.

The proposal will include satisfactory layouts for vehicles and cycles.

The planning officer states in her report, the locality is suitable for the proposed use of the site as a dental practice. The practice has been established on this site for a number of years with no adverse comments from neighbouring properties in terms of noise etc. The neighbours at number 3 even stated in their objection that "The practice is currently part time (C3) and has little impact upon us."

Policy 186.IN - Proposals for the provision, replacement, extension or improvement of facilities for use by the community will be permitted within the urban edge provided they will not adversely affect the residential amenity of the occupiers of neighbouring properties by reason of noise, disturbance, smell, floodlighting or other factors.

The statement details that the impact on the neighbouring properties will be minimal; with the appellant offering to reduce the noise from vehicle movements by proposing a consolidated finish to the car park area. The working hours requested are to be limited to one late night opening per week to 20.00 (only 1 hour later than the approved hours) to minimise disturbance and disruption to the neighbouring properties.

Policy DM1 - General criteria for new development

The application meets a number of the criteria outlined in this policy, namely:-

Not having an unacceptable impact on residential amenities, the character and appearance of urban area.

Making efficient use of the site - White Dental is already in existence and needs to expand or move to an alternative location.

Take full and proper account of the context of the site - the extension has been sympathetically designed to take into consideration the character of the locality.

Incorporate provision for disabled people - there will be a dedicated disabled parking space at the rear of the practice and enhanced disabled facilities within the practice.

Incorporate provision for on-site waste management - the existing facilities will be enhanced to provide better recycling and refuse facilities.

White Dental has been looking at improving the practice facilities for a number of years; the appellant has investigated numerous sites within a large area with little success due to the complexity of the building required to meet not only Planning Policy but also Care Quality Commission required, as shown in both the Design Access Statement and the Sequential Test submitted to Eastleigh Borough Council. The only viable option is to remain in the existing practice and expand the facilities. If the practice is unable to extend this will have an detrimental impact on the services able to be provided to both existing and potential patients.

The views raised by the planning officer in terms of objection to the proposal could have been overcome by way of condition and effective dialogue , i.e. the surface finish of the car park to minimise the noise disruption to the neighbouring properties and the working hours proposed. As previously stated the actual hours the appellant requires are less than those applied for, but due to the planning officers insistence that the maximum hours were included in the application form, this has been cited as a reason for refusal.

We welcome the opportunity of the Inspector viewing the site and making an independent decision with regard to the proposal.