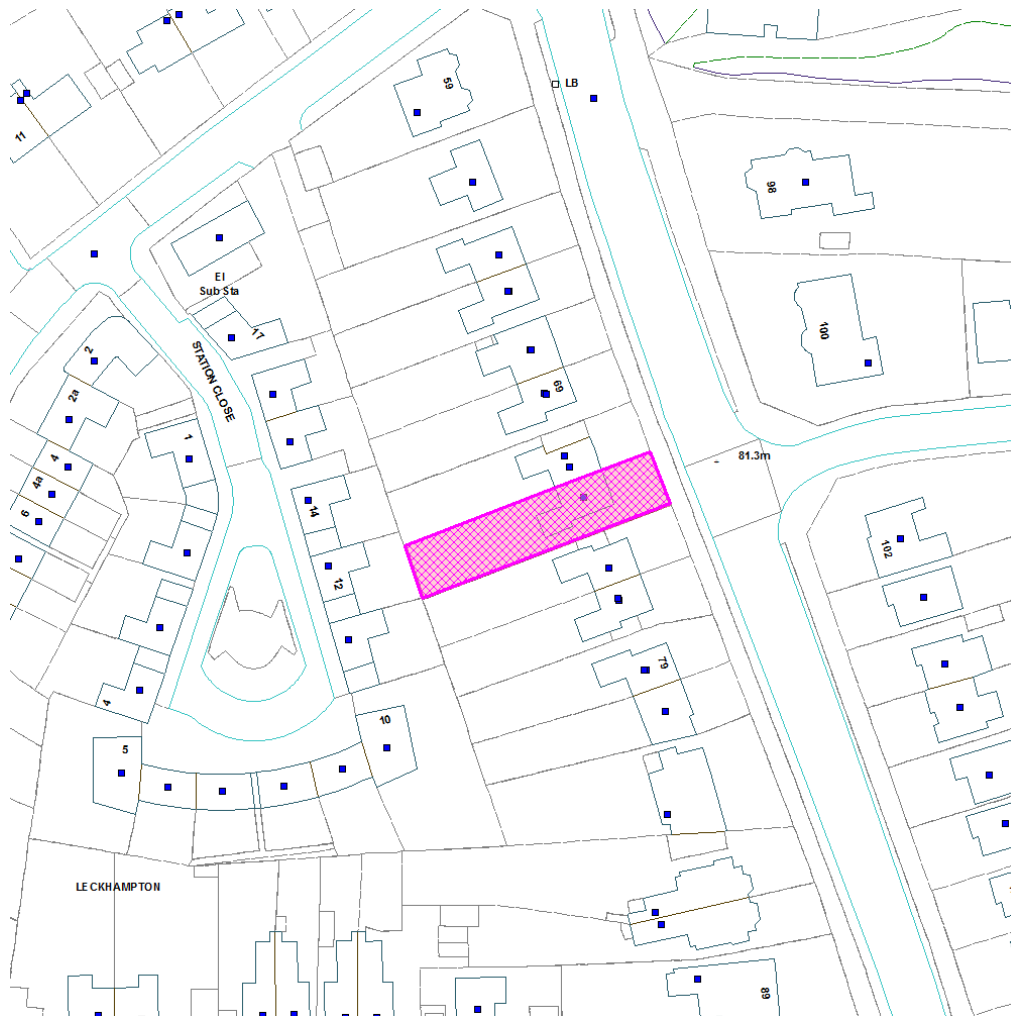


<b>APPLICATION NO:</b> 15/02043/COU		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 21st November 2015		<b>DATE OF EXPIRY:</b> 16th January 2016
<b>WARD:</b> Leckhampton		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Arnica Dental Care	
<b>AGENT:</b>	Hunter Page Planning Ltd	
<b>LOCATION:</b>	73 Leckhampton Road, Cheltenham	
<b>PROPOSAL:</b>	Change of use of the ground and first floor from C3 (residential) use to D1 (dental clinic) use in association with existing D1 use at basement	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a semi-detached house on the western side of Leckhampton Road within the Leckhampton Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The building is locally indexed for being a "good example of a well-designed 19th century detached house and includes details and building materials typical of Cheltenham's urban architecture. It makes a positive contribution to the varied townscape of the Borough".
- 1.2 The property is two storeys on basement. A small dental surgery was first established in the building in 2000. Subsequently, planning permission was granted in 2004 for the use of the whole basement as a dental surgery, with the ground and first floor retained as a dwelling.
- 1.3 This application is now seeking planning permission for a change of use of the ground and first floors from residential (C3) to dental surgery (D1) in association with existing dental surgery at basement, this would bring the whole property in to use as a dental surgery.
- 1.4 The dental surgery, Arnica Dental Care, is a well-established, family-run, general practice and is also Cheltenham's Dental Sedation Centre which specialises in the treatment of nervous, anxious patients and those with acute dental phobia.
- 1.5 The application is before the planning committee at the request of Cllr Chard due to the level of concern raised by local residents, principally in relation to parking and highway safety issues.
- 1.6 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Local Listing  
Smoke Control Order

### Relevant Planning History:

<b>CB20866/00</b>	<b>REFUSE</b>	<b>17th February 1994</b>
Construction of new vehicular access to the highway		
<b>CB20866/01</b>	<b>REFUSE</b>	<b>28th April 1994</b>
Construction of new vehicular access		
<b>04/00840/COU</b>	<b>PERMIT</b>	<b>5th July 2004</b>
Change of use of basement to dental surgery and extension to rear		
<b>06/01743/FUL</b>	<b>PERMIT</b>	<b>2nd January 2007</b>
Veranda to the rear overlooking garden		

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living

CP 5 Sustainable transport  
CP 7 Design  
BE 2 Residential character in conservation areas  
BE 11 Buildings of local importance  
HS 7 Loss of residential accommodation  
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Leckhampton Character Area Appraisal and Management Plan (2008)  
Index of buildings of Local Interest (2007)

National Guidance

National Planning Policy Framework

## 4. CONSULTATION RESPONSES

**Environmental Health**

**13th January 2016**

I have no objection to this application, or recommendations for conditions. My experience of dental surgeries is that they do not create noise or other nuisance to neighbouring properties. The equipment in use is relatively quiet and the premises are unlikely to be used outside normal surgery hours.

**Building Control**

**26th November 2015**

No comment.

**GCC Highways Planning Liaison Officer**

**7th December 2015**

The change of use of the ground and first floors from C3 residential to a D1 dental clinic associated with the existing D1 use at basement level will create an increase in staff and visitor trips to and from the site during the day. However, this is not considered significant in this location.

There are two existing driveway parking spaces in the frontage, which remains unchanged, use by the existing dwelling which will provide for the clinic and further on-street parking although this may be limited in availability at certain times of day. There are existing parking restrictions protecting nearby junctions and therefore it is not anticipated any parking generated will be detrimental to highway safety. There have been no recorded collisions in the past 3 years associated with the existing site access.

Leckhampton Road is also on a regular bus route and is within the catchment area for walking/cycling by many local residents therefore providing sustainable travel options.

In conclusion I have no objection to the proposed change of use.

**GCC Highways Planning Liaison Officer**

**11th December 2015**

Following further consideration on this application could you please request from the applicant/agent a parking survey of the availability of parking on the surrounding streets throughout the day, and the parking demand expected from the expanded clinic.

This supersedes previous correspondence.

Response following receipt of the parking survey information received on Thursday 28th January 2016.

Context

The application proposes to change the use of the existing dwelling on Leckhampton Road to provide an expanded dental clinic in association with the existing basement currently used as a dental clinic increasing the overall floorspace from 63.7sqm to 171.3sqm and associated staff from 5.5 to 11 or 12 and expected patients treated from 20 to 40.

The site is located on Leckhampton Road subject to a 30mph speed limit with two existing driveway spaces; there are regular service bus stops nearby on-street.

On-street parking occurs on Leckhampton Road and nearby side roads which are generally unrestricted except around junctions, crossings and bus stops.

There have been a number of objections regarding the increased traffic and parking impact that will be generated by the proposed dental clinic on the highway.

Trip / Traffic Generation

The transport statement provides a TRICS analysis of the estimated trips generated by the proposed extension to the dental clinic will be an additional two two-way trips during the am (8.00-9.00), pm (17:00-18:00) and development (10:00-11:00) peaks. It is noted the development peak is after the likely peak hours on the network. Over operating hours from 7:00 to 19:00 the analysis indicates an estimated 24 additional two-way trips or 39 including the existing clinic floorspace. Based on these figures the conclusion of the transport statement is accepted the increase in traffic is not significant in terms of the typical traffic on Leckhampton Road and the local highway network.

Highway Safety

An analysis of collision records has been provided in the transport statement for the last five years which illustrates no collisions directly adjacent or related to the site access. A further six collisions have been recorded from crashmap records in the past five years in the vicinity slightly further from the site access although these appear to be as a result of collisions between other vehicles, cyclists and pedestrians using the roads and unrelated to individual property accesses or as a result of parked cars.

A check has been made of the police collision database again showing no recorded collisions associated with the site access or neighbouring property accesses or due to parked cars in the vicinity.

Therefore it is not considered there is an existing highway safety issue with either the site access or parked cars on-street.

Parking

As stated above, objections have been made of the impact on on-street parking and highway safety with photographs illustrating existing on-street parking demand observed. In addition existing illegal parking on-street parking on existing double yellow lines protecting junctions from unsuitable parking and fronting driveways has been raised, however this is an existing enforcement issue and from a planning perspective measures have been taken to prevent parking that would affect highway movements.

The site provides two existing driveway parking spaces used by the current house to be converted into the extended dental practice, but given that the site proposes an additional 5-6 staff and 20 patients per day there may be an increase in on-street parking demand. Analysing the trip generation within the transport statement associated with the extension of the dental clinic it stated that based on the TRICS analysis the site would generate a potential 2 additional vehicle arrivals per hour.

The agent has submitted a parking beat survey carried out on Tuesday 19th January on adjacent and nearby streets within 400m or a 5 minute walk to the site illustrating between 16 and 47 spaces available observed during the day including 8:20 - 8:40 during the am peak and 17:00 and 17:30 during the pm peak. It is noted that the parking survey includes Halland Road which is signed as a private road and therefore could be restricted for parking but would still not affect the minimum amount of on-street parking spaces observed as available (reducing available spaces observed by 4-5 spaces to 22-42 spaces). It is also noted that surveys have not been carried out continuously but given the change in available parking spaces observed during survey periods it is not considered that there would be any significant decrease in available spaces. Therefore it is concluded that sufficient on-street parking has been demonstrated to accommodate estimated demand within a reasonable walking distance, which is not considered to be to result in severe impact on highway safety or the existing operation of the highway to warrant refusal under paragraph 32 of the NPPF.

I therefore recommend no highway objection be raised to the application.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to eight neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo.
- 5.2 In response to the publicity, a total of 38 representations have been received; 21 in objection and 17 in support. All of the comments have been circulated to Members in full.
- 5.3 Principally, the objections relate to parking and highway safety concerns.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

6.1.1 The main considerations when determining this application relate to the loss of the existing residential accommodation, impact on neighbouring amenity, and parking and highway safety.

### **6.2 Loss of residential accommodation**

6.2.1 Local plan policy BE2 (residential character in conservation areas) restricts the change of use of a dwelling to commercial uses within residential parts of the conservation area, except in accordance with policy HS7.

6.2.2 Local plan policy HS7 (loss of residential accommodation) seeks to resist the loss of residential accommodation through the change of use of existing housing. However, exception (d) to the policy advises that a change of use may be permitted "where the proposed use would be beneficial to the wider economy and the local community and cannot be suitably accommodated on alternative sites"; the note to the policy identifies dentists' surgeries as one of those services.

6.2.3 Therefore the loss of the residential accommodation for a use of this nature would not be contrary to policies BE2 or HS7 and the principle of the change of use is supported subject to the additional material considerations set out below.

6.2.4 Furthermore, the application proposes only minor internal alterations to the building and, as such, the building could easily be returned to a residential use in the future, should the proposed use cease. Externally, a new bin store would be provided.

### 6.3 Impact on neighbouring property

6.3.1 Local plan policy CP4 (safe and sustainable living) requires all new development to protect the existing amenity of adjoining land users and the locality. The note to the policy states that in assessing impact on amenity, the Council will have regard to a number of matters including potential disturbance from noise, hours of operation, and travel patterns.

6.3.2 The change of use of the upper floors would allow for two additional surgeries to be provided together with additional rooms, such as recovery rooms. It is anticipated that the number of full time equivalent employees will increase from 5.5 to 11 or 12, with the number of patients expected to increase from approximately 20 to 40. As such, the proposed change of use would undoubtedly result in an increase in activity in a residential location.

6.3.3 Given the proximity of a number of residential properties, the Environmental Health Team has been consulted on this application. Having considered the proposal, the Environmental Health Officer has raised no objection to the change of use nor suggested any conditions, stating that their “experience of dental surgeries is that they do not create noise or other nuisance to neighbouring properties. The equipment in use is relatively quiet and the premises are unlikely to be used outside normal surgery hours”.

6.3.4 Additionally, the application has been accompanied by a Commercial Sound Assessment carried out by Peak Acoustics which has assessed the impact of noise emitted by an air compressor which is used to power dental equipment and also the noise breakout of dental equipment from two new proposed surgeries in relation to the adjoining residential premises. The Assessment concludes that “there will be no loss of amenity due to noise emissions from the development.”

6.3.5 Officers therefore consider that the level of general noise and disturbance created by the proposal would not be unacceptable given the limited hours of operation proposed (0830hrs – 1730hrs Monday to Friday with no weekend or bank holiday working) which can be adequately controlled by way of a condition.

6.3.6 A condition is also suggested which would require a planning application to be submitted for any future alternative D1 use, other than a dental surgery, to allow the specific merits of any potential alternative use to be fully assessed.

6.3.7 Officers consider that the proposed change of use would not cause significant or unacceptable harm to the existing amenity of adjoining land users or the locality, and the proposal is therefore compliant with the aims and objectives of local plan policy CP4.

### 6.4 Parking and highway safety

6.4.1 Local plan policy TP1 (development and highway safety) advises that development will not be permitted where it would endanger highway safety, directly or indirectly, by increasing the use of an existing access on to the main highway network or generating high turnover on-street parking.

6.4.2 In response to the original submission, which was accompanied by a Transport Statement, no Highway objection was raised. However, due to the level of concern raised by local residents in relation to parking and highway safety, the applicant was asked to carry out a parking beat survey of the availability of parking on the surrounding streets throughout the day, and the parking demand expected from the expanded clinic.

6.4.3 Having reviewed the submitted parking survey, a more thorough and detailed Highways response has been received. The response again confirms that no Highway objection is raised.

6.4.4 Therefore whilst the concerns of local residents are noted and understood, there is no Highway reason to refuse planning permission. The proposal would not result in a severe impact on highway safety or the existing operation of the highway and is therefore compliant with local plan policy TP1 and advice set out within the NPPF.

## 6.5 Conclusion and recommendation

6.5.1 With all of the above in mind, the officer recommendation is to grant planning permission, subject to the following conditions:

## 7. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The use hereby permitted shall not be operated outside the hours of 0830hrs to 1730hrs Monday to Friday, and shall not operate at any time on weekends and bank holidays.  
Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 4 The land/building(s) shall only be used as a dental practice and for no other purpose (including any other purpose in Class D of the schedule to the Town and Country Planning (Use Classes) Order 2010, (or in any provision equivalent to that Class in any statutory instrument revoking and/or re-enacting that order with or without modification), unless otherwise agreed in writing by the Local Planning Authority.  
Reason: The Local Planning Authority wishes to have the opportunity of exercising control over any subsequent D1 use in the event of the proposed use as a dental practice ceasing to operate from the premises in accordance with Local Plan Policies CP4 and TP1 relating to safe and sustainable living, and development and highway safety.

## INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications

and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.