

Application Number:	WP/21/00029/FUL
Proposal:	Change of use to convert existing dwelling (use class C3) into dental practice (use class E(e)) and creation of vehicular access.
Location:	12 Spa Avenue Weymouth Dorset DT3 5EJ
Recommendation:	Grant subject to conditions
Case Officer:	Charlotte Haines
Ward Member(s):	Councillor Barrow, Councillor Gray

1.0 In accordance with the scheme of delegation, this application is being considered by the planning committee as requested by the Service Manager for development management and enforcement.

2.0 Summary of Recommendation: That the committee be minded to GRANT planning permission subject to conditions and that the Head of Planning determines the application accordingly.

3.0 Reason for the Recommendation:

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- The location is considered to be sustainable and appropriate to the character of the area.
- The proposed new access and parking would not harm highway safety.
- The proposed change of use is not considered to impact significantly on neighbouring amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key Planning Issues:

Issue	Conclusion
Principle of development	The site is within the DDB and development is therefore considered acceptable in principle.
Scale, design, impact on character and appearance	Following the receipt of amended plans showing the retention of the front wall, the scheme is considered to be acceptable in terms of character. The proposed carparking would be in keeping with the

	urban character of the surrounding area where parking in frontages is prevalent.
Impact on amenity	The proposed use of the building as a dental practice is not considered to generate a significant level of noise unsuitable for a residential area and therefore is considered in accordance with Local Plan Policy ENV16.
Access and Parking	Following the receipt of amended plans showing the retention of the front wall and the reduction in the width of the new access, it is considered that the proposal would not lead to significant harm to highway and pedestrian safety.

5.0 Description of Site:

- 5.1 The application site is located on the western side of Dorchester Road, one of the main thoroughfares into Weymouth.
- 5.2 The application site is a semi-detached single storey bungalow built on a corner plot adjacent to the junction of Spa Avenue with Dorchester Road. Spa Avenue is a small cul-de-sac consisting of 14 semi-detached bungalows including the application property. The property is a three-bedroom bungalow, with a garden to the front. A single drive is situated on the south eastern side of the bungalow which leads from the existing access off Dorchester Road. A narrow garden is situated on the north western side of the bungalow.

6.0 Description of Proposal:

- 6.1 The proposal is to convert the existing bungalow into a dental surgery. It is also proposed to convert the front garden into a visitor parking area for the surgery. The existing driveway is to provide 2 tandem parking spaces for staff. A new access is proposed onto Spa Avenue in addition to the existing access off Dorchester Road.
- 6.2 The original plans submitted with the application proposed the removal of the front wall and a wider access onto Spa Avenue. Following the receipt of amended plans during the application period, the front wall is now proposed to be retained and the proposed access narrowed.

7.0 Relevant Planning History:

- 7.1 No relevant planning history.

8.0 Relevant Constraints:

- Within the defined development boundary

9.0 Consultations:

9.1 All consultee responses can be viewed in full on the website.

Consultees

1. **Highways** – Subject to adherence to amended plans and recommended conditions.
2. **Environmental Health** – No objection.
3. **Weymouth Town Council** - No objection.
4. **Cllr D Gray - Radipole Ward** - The original layout plan did not show the lamppost or telephone pole close to the new access. The plans do not clearly show that the vehicular access proposed is in addition to the existing. Concerns over how the parking arrangement will work. The impact on pedestrian safety of the proposed access which is close to a dropped kerb for pedestrians. It is unclear where the bin storage would be located and whether it would contain medical waste. Concerns over noise impact from drills etc associated with the proposed dental use given its close proximity to neighbours' property.

Representations

Total - Objections	Total - No Objections	Total - Comments
4	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

9.2 4 letters of objection have been received raising the following concerns: -

- Insufficient on-site parking.
- Increased parking demand in Spa Avenue from road.
- Noise and disturbance from proposed dental use of this semi-detached building which adjoins a residential property.
- Noise and visual impact from compression cupboard.
- Contamination/radiation from proposed use.
- Proposed use would require a total of 7 and not 3 members of staff as stated.

- Proposed access adjacent to crossing over junction of Spa Avenue with Dorchester Road which is used by pedestrians including school children.
- Loss of garden and associated biodiversity losses.
- Original plans showed removal of entire low front wall which would allow access to parking area from all directions which would have a highway safety impact.
- Loss of a small dwelling within defined development boundary.
- Site inappropriate for a dental practice.
- Increased vehicular movements/traffic from proposed use.
- Proposed new access would be opposite no.1 Spa Avenue with potential loss of privacy and disturbance to front rooms.

The following concerns were also raised but are not material planning considerations:

- Impact on foundations to adjoining property from internal works required for proposed use.

10.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan

The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings
- ENV16 – Amenity
- SUS2 - Distribution of development
- COM2 - New or Improved Local Community Buildings and Structures
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

Other Material Considerations

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes'
- Section 8 'Promoting healthy and safe communities'
- Section 9 'Promoting sustainable transport'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
 - Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance

11. Human Rights:

Article 6 – Right to a fair trial.

Article 8 – Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application

of which does not prejudice the Human Rights of the applicant or any third party.

12. Public Sector Equalities Duty:

As set out in the Equalities Act 2010, all public bodies, in discharging their functions

must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is

to have “regard to” and remove OR minimise disadvantage and in considering the

merits of this planning application the planning authority has taken into consideration

the requirements of the PSED.

The existing building is single storey and as such the proposed dental practice is all on one level allowing for easier access by persons who suffer from limited mobility as a result of age and/or disability. **In addition, the site is served by public transport and well located to serve the needs of the local community**

13. Financial Benefits:

Material Considerations:

- Additional jobs & employment

Non-Material Considerations:

- Business rates

14. Climate Implications:

The site is located on a main road where there is a regular bus route and is accessible on foot from a wide catchment area minimising the need for private

car trips. The proposal will provide a dental surgery in a sustainable location through the re-use of an existing building with the associated minimising of construction materials.

15. Planning Assessment:

Principle of development

15.1 Local Plan Policy ECON1 states that “Employment development will generally be supported” and this includes through the re-use or replacement of an existing building. This application seeks the re-use of an existing building into a dental practice which would have 3 employees (as stated in the submitted application form) and as such is considered a useful contribution to employment.

15.2 COM2 of the West Dorset, Weymouth and Portland Local Plan refers to new or improved local community buildings and structures. The policy ensures that proposals are only permitted provided they are within or adjoining an existing settlement, that they are well located and accessible to the main catchment population, that they would not generate single purpose trips by car and that they would not undermine the commercial viability of nearby community facilities.

15.3 The proposed development is located within an existing settlement on the edge of the town centre, as such the site is easily accessible for members of the public especially by public transport. Furthermore, as there are a number of other facilities within the area members of the public can visit several of the facilities in one trip thereby enhancing the viability of the doctors surgery and pharmacy as well as other shops and facilities in the area. The proposal therefore complies with Policy COM2.

15.4 It is noted that the scheme would result in the loss of a dwelling from the housing stock however as limited to just one dwelling this is considered acceptable. Nevertheless, the Local Plan is silent on the loss of small residential units within defined development boundaries.

15.5 Whilst the loss of residential accommodation is regrettable, the benefits of having enhanced community facilities in this area is considered to outweigh the loss of a residential unit.

Impact on Character and Appearance of the Surrounding Area

15.6 The proposed change of use does not involve any external changes to the building. It is proposed to remove the existing small front garden and replace with hard surfacing to provide customer parking spaces for the dental practice. The

surrounding area is characterised by a mix of residential and commercial properties and has an urban character.

- 15.7 The commercial buildings in the surrounding area include large areas of hardstanding at the front of the plots to provide parking. A number of residential properties have also introduced hardstanding to their entire front gardens to provide off road parking. Furthermore, the proposed hard surfacing is to be grasscrete which is a cellular reinforced concrete system with voids which allows grass to grow up in the voids and is a permeable surface, a form of sustainable urban drainage system.
- 15.8 The proposed hard surfacing would result in the removal of two small garden trees which do provide a contribution to the street scene, albeit limited. The original plans submitted with the application did not propose any replacement planting and it was considered that some landscaping/planting to mitigate the loss of the trees was necessary. Amended plans were submitted which shows some planting to the side of the dental practice where it flanks Spa Avenue. This planting can be conditioned (see proposed condition 7 below).
- 15.9 The original plans also proposed the removal of the low front wall which does provide a boundary definition to the street scene and is mirrored by that on the opposite side of the junction at 1 Spa Avenue. Amended plans were submitted showing the retention of the front wall.
- 15.10 It is considered due to the urban character and prevalence of hardstanding in the surrounding area and the proposed materials of grasscrete, that the parking area to the front of the proposed dental practice would not cause significant harm to the street scene and character and appearance of the surrounding area.

Impact on Residential Amenity

- 15.11 This type of use is not un-common in residential areas. It tends to be low key and does not have any significant degree of commercial traffic. The key issue is about potential noise and disturbance to residential neighbours arising from the surgery itself and the comings and goings of staff and customers.
- 15.12 A number of representations have been received by neighbours raising concerns over the increased noise and disturbance from the proposed use of the property as a dental practice. Environmental Health have been consulted and responded to say they had no comment.
- 15.13 The main access and carpark for staff and customers will be from the principal elevation which faces onto Dorchester Road and away from neighbouring

dwellings located in Spa Avenue. As such any impact on amenity from footfall into the building is considered to be low and is considered to be acceptable.

15.14 In this particular case, Dorchester road is a busy road with associated traffic noise and the limited additional coming and going of cars throughout the working day should not cause undue additional disturbance.

15.15 Concerns were also raised in respect of the proposed external siting of the compressor cupboard close to the common boundary with No.11A. Amended plans have been submitted which incorporates the compressor into the building. This will eliminate any noise that could be produced by an external compressor cupboard and it will also reduce the external alterations to the existing building.

15.16 The building the subject of the proposed change of use is attached to no.11A and as such concerns were raised regarding the potential contamination/radiation from the proposed use. The agent has advised that the X ray room will be designed to comply with the relevant guidance published by Public Health England. The x-ray room door will be lined with lead sheet of 2mm thickness, and the walls will be either lined with 2mm lead sheet or built with 115mm brick and finished with a layer of 6mm barium plaster. Given these safeguards, it is considered that the proposed use would not result in any contamination risks to neighbours.

15.17 The use itself is considered to be compatible with residential uses in close proximity. The granting of planning permission would give the site a Class E use. While a dental surgery is considered to be a compatible use with neighbouring residential properties, other Class E uses, which could include uses such as nurseries and training centres which could have a different impact on the living conditions of the occupants of the neighbouring properties. For this reason, officers consider that it is appropriate to restrict the E(e) uses that can occur in this property to prevent potentially harmful uses taking place in future. This will be achieved by means of a condition (see proposed condition 3 below).

15.18 Officers have considered whether it would be appropriate to restrict the hours on which the dental surgery could operate. However, the use is not considered to be detrimental to the occupants of the neighbouring properties and officers therefore do not consider that such a condition could be justified.

15.19 The proposed use of the building as a dental practice is not considered to generate a significant level of noise unsuitable for a residential area and therefore is considered in accordance with Local Plan Policy ENV16.

Highway Safety

- 15.20 The site plan originally submitted with the application proposed the removal of the low wall which fronts onto Dorchester Road. The removal of the wall would effectively allow vehicles to drive over the pavement to enter and exit any of the 3 customer parking spaces proposed as opposed to utilising the existing access over the pavement.
- 15.21 A number of concerns were raised by residents regarding the removal of the front wall. The highways engineer advised that this would cause an unsafe access and parking arrangement with the adjacent highway and pavement and as such raised objections to the proposed plans. They advised that there would be sufficient space to manoeuvre within the site with the front wall remaining. It was also suggested that an 'in and out' system would be the best approach with vehicles entering from Dorchester Road and exiting onto Spa Avenue ahead of the junction with Dorchester Road.
- 15.22 The original site plan also proposed the formation of a new access in addition to the existing which would measure 4m in width, this is well in excess of what is required given the width of a car and it was advised that this should be reduced to 3m which would still provide sufficient width for the exit. This would reduce the extent of walling that is required to be removed for the new additional access and also should ensure that the telegraph pole and street name plate can be retained.
- 15.23 Amended plans were submitted which addressed the above concerns. The front wall is now proposed to be retained along with the telegraph pole and street name plate to also remain in their current location. The proposed site plan also indicates an 'in and out' system with the new vehicular access reduced to 3 metres wide as advised. The highways engineer was re-consulted on the amended plans and raised no objections subject to conditions.
- 15.24 The proposed layout indicates a total of 3 customer parking spaces at the front and 2 staff parking spaces to the southern side of the bungalow. A number of concerns have been raised by residents both on the original and amended plans in terms of the impacts of the proposed change of use on highway and pedestrian safety. Concerns have also been raised by residents regarding the number of parking spaces within the site and the potential for an increase in onstreet parking within Spa Avenue. However, the proposed change of use is to a small single storey bungalow. The proposed dental practice would be a relatively small size practice with 3 surgery rooms. Furthermore, given the location, a number of customers and staff are likely to access the dentist via public transport or on foot. Immediately to the north of the property is a bus stop. Therefore, it is not envisaged there would be significant parking demand, nor would there be a significant number of vehicular movements.

15.25 There is sufficient space within site for vehicles to park and manoeuvre to allow for forward entry and exit into and out of the site. Any vehicles accessing and leaving the site would be at low speeds and should be driving in accordance with the road conditions/speed limit.

15.26 Given the above, it is considered that the proposal would not lead to significant harm to pedestrian safety on this road.

16. Conclusion:

16.1 In conclusion, it is considered that this site is a suitable one for the low-key dental practice proposed. The site is in a sustainable location, served by public transport and well located to serve the needs of the local community. This part of Dorchester Road is considered appropriate where there are already a number of commercial uses. The direct impacts of the proposal are unlikely to disturb neighbours to an unreasonable degree and the access, parking and manoeuvring area should ensure the free flow of traffic along the highway.

16.2 Taken as a whole, the proposals are in keeping with the character of the area, are not considered to impact significantly on neighbouring amenity or highway safety and would provide an important service to the local community. Therefore, it is considered that the proposal is in accordance with the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the NPPF and should be granted subject to conditions.

17. Recommendation:

That the committee be minded to GRANT planning permission subject to conditions and that the Head of Planning determines the application accordingly.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Drawing Number AJC/120/20/E received on 14/01/2021

Block Plan - Drawing Number AJC/120/20/A/Rev1 received on 03/08/2021

Existing and Proposed Site Plan - Drawing Number AJC/120/20/B/Rev2

received on 03/08/2021

Proposed Plans and Elevations - Drawing Number AJC/120/20/D/Rev1

received on 03/08/2021

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The building shall be used for purposes only within Class E E(e) (medical or health services) of the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: Other uses with the Class E use class as outlined in the Town and Country Planning (Use Classes) Order 1987 may have a detrimental impact on the amenity of neighbouring residents.

4. Before the development is utilised for any purpose falling within Class E(e) of the Town and Country Planning (Use Classes) Order 1987 (as amended), the first 5.00 metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

5. Before the development hereby approved is first utilised for purposes falling within Class E(e) of the Town and Country Planning (Use Classes) Order 1987 as amended, the turning and parking shown on Drawing Number AJC/120/20/B/Rev2 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

6. The existing block wall in front of the patients parking spaces as shown on the approved site plan drawing number AJC/120/20/B/Rev2 shall be retained in perpetuity.

Reason: To ensure that highway safety is not adversely impacted upon.

7. Before the parking area hereby permitted is laid out, a scheme for the additional planting as shown on approved site plan drawing number AJC/120/20/B/Rev2 shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the additional planting for a period of not less than 5 years.

Reason: To ensure the satisfactory landscaping of the site and enhance the visual amenity and character of the area.

Informative

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.