

Eastbourne Borough Council

Planning Committee

26 March 2013

Report of the Head of Planning

List of Planning Applications for Consideration

1) 31 LUSHINGTON ROAD, EASTBOURNE

Change use of ground floor flat to dental practice, together with single storey extension at rear and alterations to front elevation..

EB/2013/0022(FP), MEADS

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RECOMMEND: APPROVE CONDITIONALLY

Leigh Palmer
Development Manager

18 March 2013

Planning Committee

26 March 2013

Report of the Planning Manager

Background Papers

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM Circulars
11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the offices of the Economy, Tourism and Environment Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

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Committee Report 26 March 2013

Item 1

App.No.: EB/2013/0022	Decision Due Date: 2 April 2013	Ward: Meads
Officer: Jane Sabin	Site visit date: 4 March 2013	Type: Minor
Site Notice(s) Expiry date: 6 March 2013 Neigh. Con Expiry: 6 March 2013 Weekly list Expiry: 6 March 2013 Press Notice(s)-: 13 March 2013		
Over 8/13 week reason: N/A		
Location: 31 Lushington Road		
Proposal: Change use of ground floor flat to dental practice, together with single storey extension at rear and alterations to front elevation.		
Applicant: Mr. & Mrs. Hanna		
Recommendation: Approve		

Planning Status:

- Town Centre & Seafront Conservation Area
- Building of Local Interest
- Residential allocation on Borough Plan Proposals Map

Relevant Planning Policies:

Borough Plan

UHT1	-	Design of development
UHT15	-	Protection of conservation areas
UHT18	-	Protection of buildings of local interest
HO3	-	Retaining residential use

HO9	-	Conversions and changes of use
HO20	-	Residential amenity
TC10	-	Areas for business use
TC12	-	Retaining residential use
LCF20	-	Community facilities
TR11	-	Car Parking
<u>Core Strategy</u>		
C1	-	Town centre neighbourhood policy

Site Description:

This end of terrace, three storey building is located on the north side of Lushington Road, close to the junction with Gildredge Road. The property has been extended to the side with an integral garage on the ground floor (accessed from Lushington Road), and converted into three flats, arranged as one on each floor. A block of three garages is sited to the rear with access to the unnamed access road located between Hyde Gardens and Lushington Road.

Relevant Planning History:

App Ref:EB/1987/0446 Description: Erection of a part-three and part-two storey addition at side in connection with the conversion of the first and second floors from a maisonette to two self-contained flats.
Decision: Approved Date: 30 September 1987

Proposed development:

The current application relates to the ground floor flat and integral garage, which it is proposed to convert to a dental surgery, together with a single storey extension to enclose most of the rear courtyard and the removal of the garage door and its replacement with a window to the reception area behind. Air conditioning units are also proposed, although no details have been provided as it is understood that these are as yet undecided. The storage of waste bins is proposed along the side of the building behind the boundary wall, but again no details are provided.

Applicant's Points:

- The unsightly garage door will be replaced with a window in keeping with the building
- The rear extension will be entirely masked by the existing garage block
- The proposed air conditioning units will not be visible on the exterior
- The proposal is for a specialist sedation dental surgery, which would be a unique facility in Eastbourne providing dentistry under sedation for those with dental phobia, as well as oral surgery; the nearest facility is in Brighton, as even the local hospital does not offer this service
- Being a specialist service, it will not compete with other dentists in the street

Consultations:

At its meeting on 19 February 2013, the Conservation Area Advisory Group raised no objections to the proposal.

The Conservation Officer notes that the impact of the proposal to the Lushington Road elevation would be neutral, or positive in terms of contribution to the conservation area, and is acceptable, subject to detail.

Quality painted timber doors and windows should be used in keeping with the mainly residential nature of Lushington Road. The scale and nature of the proposals to the side and rear pose no threat to the heritage asset. Window and door treatments should be sympathetic to the setting, and any flues, extracts or pipes must be sited sensitively and in a concealed location. It is hoped that the tree and shrubbery to the rear can be retained for the purpose of softening and concealing this aspect to the public realm.

(Memo dated 27 February 2013)

Planning Policy states that the proposal would be contrary to Borough Plan Policy HO3 as it would result in a net loss of one unit, however it is supported by Core Strategy Policy C1 as it maintains a diverse range of services and facilities and it provides additional community and health facilities. It is also within an area where there are a number of other similar businesses, and would provide a facility that currently does not exist in the town. On balance it is considered that the need for a community facility outweighs the loss of one residential unit and therefore the application is supported.

(Memo dated 1 March 2013)

The Highway Authority has indicated that there is no objection in principle to the proposal, however the run-in to the existing garage is too shallow to provide an off-street parking space, as it would result in the potential for vehicles to overhang the footpath to a significant degree, to the detriment of pedestrian safety.

Neighbour Representations:

Four objections have been received from residents and businesses in Lushington Road, citing the increased pressure for parking as being detrimental to residents and businesses alike. One resident comments that too many parking permits have been issued to businesses in an essentially residential street, so that there is little chance for residents with permits to even find a space; another considers that there are too many businesses in the street already which results in too high a demand for parking.

Representations of support have been received from seven patients of the applicant, who all cite the benefits of having the particular sedation facility in Eastbourne without having to travel to other towns. Another representation from a business connected to the applicant considers that the proposal would be a benefit by bringing another business to the street and the upgrading of the building.

Two further representations have been received from adjacent residents, requesting that there are no advertising boards located on the public footpath, and that building works are limited to 9am-5pm on weekdays, and 10am-5pm on Saturdays, due to shift work combined with the common boundary.

(Letter and emails dated 20 February to 9 March 2013)

Appraisal:

The main issues to take into account in determining this application are the impact of the proposal on the character and appearance of the building and wider conservation area, the impact on the towns housing stock and the proposed use, the impact on residential amenity and highway parking.

Character and appearance of the area

The removal of the incongruous garage door is welcomed. The window and the surrounding moulding need to be carefully conditioned to ensure that they blend into the front façade. The rear extension is set well back from the access road to the rear, and although it will be clearly seen from this viewpoint, its position and height will have little impact on the conservation area. The position of the air conditioning units and the screening of the refuse store will also require conditions to safeguard the conservation area. It would not be possible to retain any of the vegetation on the site, however it is of low quality and not worthy of long term protection.

The use and the loss of a residential unit

There are three other dental surgeries in the street, as well as a chiropodist, chiropractor and class B1 offices, however, the feel and principal use of the street is residential. Nevertheless, a dental surgery is a fairly quiet use with a low turnover of callers, and this particular use has an unusually low footfall associated with it, due to the time taken to sedate and treat patients safely. The applicant advises that each patient takes four hours to treat, and that ground floor premises without steps and with parking in close proximity is essential, as patients have to be accompanied and driven home following a procedure, owing to the after effects of anaesthesia. The provision of this unique facility in the town must be balanced against the adopted policies that seek to retain residential properties, particularly those in the town centre. The Borough Plan recognises that whilst the general intention is to prevent the loss of residential uses, it is accepted that there may be compelling reasons for the provision of community services that will over-ride the need to retain residential accommodation. It is considered that, in this particular instance, the current proposal meets this criterion.

Residential amenity

It is considered that the proposed use would have no adverse impact on residential amenity in its daily use, and dental surgeries are often found in residential streets without complaint, due to its quiet nature and the limited hours of operation. The extension would have an impact on the outlook from the attached property (29 Lushington Road), however this is considered to be within acceptable limits as a result of its low roof and the removal of vegetation overhanging the common boundary. Noise from air conditioning units would have to be carefully controlled.

Parking

Whilst the frustration of some residents is understandable, parking in a town centre is always likely to be difficult at some points in the day, and it would not be reasonable to expect the on-street parking to be reserved solely for residents. The impact on parking from the use of the property as a dental surgery is unlikely to have such a severe impact as to warrant a refusal.

Human Rights Implications:

It is considered that the impact of the proposal would be within acceptable limits.

Conclusion:

The proposed development would have no adverse impact on the character and appearance of the building or conservation area, residential amenity or highway safety. The loss of one residential unit is outweighed by the provision of a community facility in an easily accessible town centre location which already contains services of a similar nature.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Commencement within three years
- (2) Development in accordance with approved plans
- (3) Submission of details of window and mouldings on front elevation
- (4) Submission of details of air conditioning units (type, position and noise levels)
- (5) Submission of details of refuse store with screening
- (6) Reinstatement of front boundary wall and removal of dropped kerb
- (7) Hours of construction works

Informatives:

SUMMARY OF REASONS

The proposed development is considered to be acceptable for the following reasons:

It would have no adverse impact on the character and appearance of the building or conservation area, residential amenity or highway safety. The loss of one residential unit is outweighed by the provision of a community facility in an easily accessible town centre location which already contains services of a similar nature. As such the proposal complies with the relevant policies in the Eastbourne Borough Plan 2001-2011, the Core Strategy and the National Planning Policy Framework.

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations.**