

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0005/23/VC

Proposal: Application for removal or variation of conditions following grant of planning permission ST/0977/20/VC [change of use of a dwelling house to a dental practice] as follows:-
Condition 2 to be deleted as has been discharged through commencement and implementation of the planning permission granted at appeal (and then also the same with a subsequent planning permission for operational development). The condition states: Condition 2 - "The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Ground & First Floor Plan". But it now serves no purpose, as the development has been carried out, so it can be deleted, or altered to: Condition 2 - "The development shall be carried out in accordance with the approved plan(s) as attached to submission PP-11818136". Please thus also delete Condition 3 or amend it to: "No more than 4 treatment rooms will be provided in the dental practice" as per the last variation approval (ST/0977/20/VC) however without the two year temporary element that was on that.

Location: Cleadon Dental (was 1 Windermere)
30 Front Street
Cleadon
SR6 7PG

Formerly 1 Windermere
Cleadon
SR6 7QQ

Site Visit Made: 24/01/2023

Relevant policies/SPDs

- 1 DM1 - Management of Development (A, B and G)
- 2 DM6 - Heritage Assets and Archaeology
- 3 LDF CS SC1 - Creating Sustainable Urban Areas
- 4 LDF CS A1 - Improving Accessibility
- 5 SPD6 - Parking Standards
- 6 SPD14 - Cleadon Conservation Area Management Plan - Adopted April 2009
- 7 SA6 - Social, Community and Leisure Facilities Opportunities

Description of the site and of the proposals

This application seeks permission under Section 73 of the Town and Country Planning Act 1990 to vary or delete Condition 2 and to vary or delete Condition 3 of planning permission Ref: ST/0977/20/VC. This section 73 application granted planning permission to allow the use of four treatment rooms associated with the dental practice for a time limited period of two years, to assist with social distancing requirements associated with the Covid-19 pandemic, and to allow a monitoring of the situation for a two

year period to establish if traffic congestion and highway safety / parking issues became a problem post pandemic. This application now seeks to retain the use of four treatment rooms on a permanent basis.

Condition 2 attached to planning permission Ref: ST/0977/20/VC states:

"The development shall be carried out in accordance with the approved plan(s) as detailed below

- Drawing titled 'Proposed Plans received 10/02/2021

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved."

Condition 3 attached to planning permission Ref: ST/0977/20/VC states:

"No more than four treatment rooms shall be provided in the dental practice hereby approved.

To ensure a satisfactory form of development, in the interests of highway safety, in accordance with adopted South Tyneside LDF Core Strategy Policy A1 and adopted South Tyneside LDF Development Management Policy DM1."

Application details state that conditions 2 and 3 should be varied or deleted as condition 2 has been implemented or discharged through implementation and condition 3 should be amended to remove the temporary restriction (i.e. a grant of planning permission without a time limited temporary condition – condition 1 of the previous approval).

As stated above the dental practice is now operational. Ground floor and first floor plans approved under planning appeal decision Ref: APP/A4520/W/18/3216198 illustrate that the dental practice has a reception area, a treatment room, a sterilisation room, a hallway, a WC, an X-ray room and a conservatory at ground floor, and a treatment room, an office staffroom, office / storage room, and bathroom / WC / locker room at first floor. The plan approved in previous planning permission Ref. ST/0977/20/VC illustrated that the ground floor sterilisation room and a first floor office would be converted into additional treatment rooms.

The case officer delegated report for original planning application Ref: ST/0726/18/FUL stated that the dental practice would open 08:00 hours until 18:00 hours Monday to Friday and 09:00 hours until 13:00 hours on Saturdays. However, the dental practice website as of 30 March 2023 states that it is open 08:00 hours until 18:00 hours Mondays, Wednesdays and Fridays, 08:00 hours until 19:00 hours on Tuesdays, 08:00 hours until 20:00 hours on Thursdays, and that Saturdays are by appointment only (whilst the submitted Transport Statement states the Tuesday opening times are also 08:00 hours until 20:00 hours).

This application site occupies a prominent corner plot between Front Street and Windermere. Front Street comprises the centre of the village and is a designated Local Neighbourhood Centre on the adopted South Tyneside Site Specific Allocations proposals map. It has a number of small shops and commercial premises along its length. The application site is located within the Cleadon Conservation Area. The building is a modern addition within the Conservation Area and makes no special contribution to the character, appearance or historic interest of the area. The Cleadon Conservation Area Character Appraisal describes this part of Cleadon as the 'shopping centre and A1018 corridor' where retail developments dominate, whilst it retains the historic character of the village.

Over recent years the Council has introduced parking restrictions along Front Street and within the junction of Windermere and Front Street, including white lining the driveway entrances to some of the nearby dwellings along Windermere, and providing double line markings directly adjacent to the application site (including across the entrance to the applicant's garage). These traffic regulation orders have been carried out to keep this busy junction clear and to prevent indiscriminate parking within the vicinity of the current application site in the interests of pedestrian and road traffic safety.

Planning History

Planning history of relevance is as follows:

2018 – Planning application Ref: ST/0726/18/FUL – Planning permission to change the use of the residential property (Use Class C3) to a dental practice (Use Class D1) was originally refused by the Local Planning Authority, however the subsequent appeal decision Ref: APP/A4520/W/18/3216198 to the Planning Inspectorate was allowed. The Local Planning Authority refused the planning application on the basis that the proposal would exacerbate existing car parking problems in the vicinity to the detriment of highway safety. However the Planning Inspector allowed the appeal stating that there was no substantive evidence to show that the proposal would result in indiscriminate parking to the detriment of highway safety, or that there was no capacity to absorb the very limited potential increase in demand for car parking. At this time the Planning Inspector granted planning permission subject to four conditions including the standard plans condition (Condition 2), a condition restricting the dental practice to two treatment rooms (Condition 3), and to control that the premises is used as a dental practice and for no other purpose within Use Class D1 of the Town and Country Planning (Use Classes Order) 1987 (as amended) (Condition 4).

2019 – Planning application Ref: ST/0007/19/FUL – Planning permission refused to the change the use of a dwelling to an unfettered use as a dental practice. The proposal would have included no restrictions on staffing numbers employed from the site, and with the provision of only two on-site car parking spaces and no provision for on-site vehicle deliveries / unloading, it would have intensified demand for on-street for vehicles creating a congestion in the area to the detriment of highway safety. This planning application was determined before appeal decision Ref: APP/A4520/W/18/3216198 (see above) was allowed.

2019 – Planning application Ref: ST/0400/19/FUL – Planning permission granted to make external alterations to the building including replacing a door with a window, removing cladding and applying render, and replacing windows, and for a front extension to provide a glazed entrance lobby with canopy.

2019 – Planning application Ref: ST/0486/19/ADV – Application for advertisement consent granted for new signage to the dental practice.

2021 – Planning application Ref. ST/0977/20/VC – Planning permission granted to allow four treatment rooms to operate at the site for a two year temporary period.

Publicity / Consultations (Expiry date 14/02/2023)

1) Neighbour responses

Representations Objecting

Owner / occupier of 2 The Nurseries, Windermere, Cleadon has objected to the proposal (two representations) for the following reasons:

- Four treatment rooms should not be allowed. This will increase the number of clients. They all use cars and park illegally at worst or inconsiderably at best. Parking on double yellow lines in Windermere and blocking driveways. The client base should be reduced.

- Your officers are well aware of the problems of parking and are considering restrictions in that area currently. Don't be fooled when the applicant or their reps say most people walk there. They do not.
- The list of people this variation was sent to includes many who live a distance from the premises and who are not affected by the parking issues. No doubt they are contributors to the vehicular congestion I am objecting to.
- I had to remonstrate with a customer of this practice to remove their car from my driveway. It's a disgrace. If they want more business they should provide parking. This is further support for refusing their application.

Representations in Support / Stating No Objections in Writing

Representations in support of the proposal have been received from the owner / occupiers of the following properties:

- 91 Addison Road, West Boldon
- 59 Alston Crescent, Cleadon
- 61 Bamburgh Avenue, South Shields (two representations)
- 72 Basil Way, South Shields
- 23 Beacon Glade, South Shields
- 38 Bede Burn Road, Jarrow
- 1 Biddick Villas, Washington
- Cleadon Church of England Academy, Boldon Lane, Cleadon
- Greenlands, 2 Boldon Lane, Cleadon
- 3 Boldon Lane, Cleadon
- 12 Bowness Close, West Boldon (two representations)
- 1 Braemar Drive, South Shields
- 106 Brassthil Way, South Shields
- 16 Broadlands, Cleadon
- 4 Bruce Cose, South Shields
- 3 Burdon Crescent, Cleadon
- 10 Burdon Crescent, Cleadon
- 12 Burdon Road, Cleadon
- 22 Burdon Road, Cleadon
- 33 Burdon Road, Cleadon
- 30 Burnhope Road, Washington (four representations)
- 55 Bywell Avenue, South Shields
- 46 Bywell Road, Cleadon
- 40 Callum Drive, South Shields
- 39 Cedar Drive, Brookfield Park, Jarrow
- 11 Celtic Crescent, Cleadon
- 124 Cheviot Road, South Shields
- 70 Cleadon Lea, Cleadon
- 9 Cleadon Meadows, Cleadon (two representations)
- 12 The Close, Cleadon
- 1 Clover Way, South Shields
- 6 Coniston Grange, East Boldon
- 2A The Crescent, Cleadon
- 34 Crondall Street, South Shields
- 49 Dean Terrace, Southwick, Sunderland
- 21 Deneside, South Shields
- 167 Flat 28 Douglas Court, Sunderland

- 9 Dykeland Way, South Shields
- 22 East Avenue, South Shields (three representations)
- 26 East Boldon Road, Cleadon
- 28 East Boldon Road, Cleadon (two representations)
- 51 East Boldon Road, Cleadon
- 80 East Boldon Road, Cleadon
- 2 Edgeworth Crescent, Sunderland
- 16 Elmsleigh Gardens, Cleadon (two representations)
- 48 Elmsleigh Gardens, Cleadon (two representations)
- 24 Fennel Grove, South Shields
- 9 Flamborough Walk, Seaham
- Jan Watters Florist, 9 Front Street, Cleadon
- The Old Post Office, 14 Front Street, Cleadon
- Village Barber Shop, 28A Front Street, Cleadon (two representations)
- S.E. Gill Chemist Ltd., 35 Front Street, Cleadon
- Village Travel 36a Front Street, Cleadon
- The Stables, 38 Front Street, Cleadon
- Lady and the Tramp Groomers, 38A Front Street, Cleadon
- Door Twenty One Aesthetics, 38B Front Street, Cleadon
- De Giorgio Butchers, 39 Front Street, Cleadon (two representations)
- Hunters Estate Agent, 39 Front Street, Cleadon
- Ayres Veterinary Hospital, 41 Front Street, Cleadon
- Purely Pilates Studio, 41A Front Street, Cleadon
- 42 Front Street, Cleadon
- No.47 Hair Salon, 47 Front Street, Cleadon
- Busy Bees, 53 Front Street, Cleadon
- 191 Galsworthy Road, South Shields (three representations)
- 10 Glencourse, East Boldon
- 7 Grasmere, Cleadon (two representations)
- 17 Greenfield Way, Rainton Meadows, Houghton-le-Spring (two representations)
- 134 Harton Lane, South Shields
- 59 Hawthorne Avenue, South Shields
- 5 High Moor Place, South Shields
- 4 Holmlands, Houghton-le-Spring
- 67 Hyde Street, South Shields
- 603 Hylton Road, Sunderland
- 127 King George Road, South Shields
- 8 Kingsley Avenue, Melton Park, Gosforth, Newcastle
- 6 Laburnum Grove, Cleadon
- 6 Laburnum Road, Fulwell, Sunderland
- 16 Langham Court, East Boldon
- 15 Leander Drive, Boldon Colliery
- 20 Lilburn Close, East Boldon
- 3 Lovelady Court, Tynemouth, North Shields
- Temple Park School House, Manet Gardens, South Shields
- 95 Masefield Drive, South Shields
- 9 Moor Lane, Whitburn
- 12 North Guards, Whitburn
- 7 North Road, East Boldon (two representations)
- 1 The Nurseries, Windermere, Cleadon
- 44 Oban Avenue, Wallsend

- 1 Paddock Close, Cleadon
- 55 Ravensbourne Avenue, East Boldon (two representations)
- 85 Ravensworth, Tunstall Bank, Ryhope, Sunderland
- 17 Rowan Drive, Cleadon (four representations)
- 11 St Nicholas View, West Boldon
- 2 St Peter's Avenue, South Shields (two representations)
- 155 St Vincent Street, South Shields (three representations)
- 24 Seaham Close, South Shields
- 1 Slaley, Fatfield, Washington (two representations)
- 29 Southfield Road, South Shields
- 10 Southgarth West, Westoe Village, South Shields
- 9 Station Road, East Boldon
- 12 Sunderland Road, Cleadon
- 29 Sunderland Road, Cleadon
- 11 Sunningdale, Durham
- 26 Sunnyside Lane, Cleadon
- 11 Sunnyside Leigh, Cleadon
- 16 Sunnyside Leigh, Cleadon
- 8 Sunnyside Terrace, Cleadon
- 11 Underhill Road, Cleadon
- 11 West Drive, Cleadon
- 16 West Drive, Cleadon
- 1 West Meadows Drive, Cleadon
- 9 West Park Road, Cleadon
- 200 Westoe Road, South Shields
- 131 Wharton Street, South Shields
- 125 Whitburn Road, Cleadon
- 2 Windermere, Cleadon
- 3 Windermere, Cleadon
- 4 Windermere, Cleadon
- 9 Windermere, Cleadon (two representations)
- 16 Witton Avenue, South Shields
- 91 Woodlands Road, Cleadon
- 5 Wylam Close, South Shields (two representations)

These representations in support of the proposal are summarised as follows:

- No objections to the changes required. I fully support this application.
- I would like to support the application for Cleadon Village Dental Practice to maintain four surgeries to continue operations as they currently are.
- I am a patient at this practice and am greatly satisfied with wonderful services provided. This practice is highly efficient and a great asset to the community.
- This dental practice is first class in every aspect from receptionist to dental surgeons. The premises are modern with up to date equipment and I have found always to be immaculate. As a patient I have been treat with excellent care and attention with post pandemic reassuring safety measures in place. A welcoming attitude and an asset to local area. I have personally recommended this practice to others.
- The practice has provided its own parking spaces and staff are always polite and respectful of all neighbours. It would be a great shame to not approve this planning application.
- It's very accessible and a must for the village.
- Great dental practice within cycling distance.
- Like many other residents I have been a client of this business and would like to continue to do so. The service they offer is very valuable to the residents as there are lots of people who have

struggled to find a suitable dental practice. The demand for their services will also increase when the proposed housing developments in the area are completed. I also cannot see any valid reason for this application not to be successful as they have been using these rooms for the two years without any problems.

- I 100% support this application as this dental practice has provided excellent service to me, family and friends especially as NHS practice seems to be failing somewhat.
- It's nice to see a thriving business in the village. It's also nice to know they go out of their way to accommodate whatever emergency they are faced with.
- I believe the dental surgery is an asset to the village, useful for local residents and also encouraging visitors who may use local shops and help the area to thrive. Cleadon village has recently lost a post office, a florist and an antique shop. The expansion of the dental practice will breathe life back into the village and be a benefit not only to the people of Cleadon village but also to the surrounding areas.
- As a retired resident this facility in the village has proved invaluable.

Cllr David Herbert (ward Councillor for Cleadon and East Boldon) - I met with the owner who would like the temporary planning permission for 4 surgeries to be made permanent. As the footprint and appearance of the building remain unaltered I can only see one issue of parking. As the practice has rented nearby parking spaces for staff and will reimburse parking charges for those using the Toby Inn car park I have no objection to the permission being made permanent. Plus people using the practice will likely increase footfall for local business.

Cllr Ian Forster (ward Councillor for Cleadon and East Boldon) – No objections to this planning application.

2) Other Consultee responses

Transport Development Officer (the Local Highway Authority)

The Highway Authority had initially objected to the proposal. However, following the submission of additional supporting information by the applicant, a further response was received (and as set out below):

Following receipt of additional information from the applicant, planning case officer, and seeking the advice of the legal team, the Highway Authority has reviewed its stance on the proposal. It has been decided to withdraw the Highway objection to the variation of condition for retention of the two additional consulting rooms (allowing four in total) on a permanent basis.

There appears to be no attributable evidence of severe harm, as designated in the NPPF and the South Tyneside Council Parking Team are currently reviewing parking restrictions in the adjacent residential street(s) to assist in addressing current parking problems in the area. It is understood that two ward councillors support the dental practice application and there is general support by residents in the area, although it is accepted that some residents do not support the application.

Any parking problems in the area cannot be directly attributed to the dental practice and the agreements for third party land to be used for parking staff vehicles will assist in avoiding further parking problems on the highway attributed to staff. Whilst there is no legal obligation for the third-party land to be used in perpetuity, the previous appeal decision for the site accepted that arrangement, although of course a s106 Agreement or extended red line application boundary would have given more security for staff parking use in future. In light of the above, the Highway Authority has no objection to the variation of condition application.

Assessment

The main issues to consider in the assessment of the proposal to vary Condition 2 and Condition 3 attached to planning permission Ref: ST/0977/20/VC are:

- Acceptability of the proposal in principle
- Design and visual impact (including impact on the Cleadon Conservation Area)
- Impact on residential amenity;
- Impact on highway safety; and
- Impact on other planning conditions (relative to those of Ref: APP/A4520/W/18/3216198 and then transposed to ST/0977/20/VC)

Additionally, it should also be noted that in relation to s73 applications, the LPAs assessment must only consider the question of the conditions subject to which planning permission should be granted, and

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Acceptability of the proposal in principle

The acceptability in principle to change the use of the premises to a dental practice has already been established under appeal decision Ref: APP/A4520/W/18/3216198 and planning permission Ref: ST/0977/20/VC. The dental practice is located within a Local Neighbourhood Shopping Centre within the built-up development boundary of Cleadon, in a sustainable location close to public transport links. It also contributes to broadening the range of community facilities to serve local needs. On this basis it accords with adopted South Tyneside Local Development Framework (LDF) Core Strategy Policy SC1, and adopted South Tyneside LDF Site Specific Allocations Policy SA6.

Design and visual impact

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal to vary Conditions 2 and Condition 3 attached to planning permission Ref: ST/0977/20/VC would not result in any external changes to the existing building. The proposal would therefore have no impacts upon the character and appearance of the Cleadon Conservation Area or the wider visual amenities of the area. It would therefore accord with adopted South Tyneside LDF Development Management Policy DM1 (A); and adopted South Tyneside LDF Development Management Policy DM6 and the associated SPD14 'Cleadon Conservation Area Management Plan.

Impact on residential amenity

The proposal to vary Conditions 2 and Condition 3 attached to planning permission Ref: ST/0977/20/VC would have no direct impacts on residential amenity.

Under the planning application that was subject of appeal decision ref: APP/A4520/A/18/3216198, hours of operation were stated as being 08:00 hours until 18:00 hours weekdays and 09:00 hours until 13:00 hours on Saturdays. However, the dental practice website as of 30 March 2023 states that it is open 08:00 hours until 18:00 hours Mondays, Wednesdays and Fridays, 08:00 hours until 19:00 hours on

Tuesdays, 08:00 hours until 20:00 hours on Thursdays, and that Saturdays are by appointment only (whilst the submitted Transport Statement states the Tuesday opening times are also 08:00 hours until 20:00 hours). However, under appeal decision Ref: APP/4520/W/18/321/6198 nor planning permission Ref: ST/0977/20/VC opening hours were not controlled.

Whilst the dental practice appears to open into the later evening on some days of the week, it is within an area where there is other late-night activity in the vicinity, and so this is in keeping with other surrounding commercial premises. Increasing the number of treatment rooms within the dental practice would intensify the use at the site with additional comings and goings. However, given the nature of the use, it is considered that these additional comings and goings would have no materially harmful impacts on the amenities of the occupiers of neighbouring properties in relation to noise and general disturbance. On this basis it is considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (B).

Impact on highway safety

The Local Planning Authority considered that the original planning application Ref: ST/0726/18/FUL to change the use of the premises from a dwelling to a dental practice was an unacceptable form of development. This was due to the size of the building and the scale of the dental practice that could potentially operate from the premises, which could generate a significant amount of car parking within an area that is already heavily congested. The planning application was therefore refused planning permission. However, the subsequent appeal Ref: APP/A4520/W/18/3216198 was allowed.

Under appeal decision ref: APP/A4520/W/18/3216198, the Planning Inspector acknowledged that there was very limited car parking within the application site. They also noted that there was some limited on-street car parking available on Front Street (subject to parking restrictions), a pay and display car park with approximately eighty car parking spaces situated nearby, and unrestricted parking along Windermere. The Planning Inspector stated that it was reasonable to conclude that the proposed change of use to a dental practice would potentially increase demand for car parking in the area, and that there was no guarantee that future patients of the proposed dental practice would reside locally and therefore be within walking distance whereby they would not need to use travel by car. They also stated that future patients may park cars within the residential estate nearby instead of using parking bays on Front Street and the pay and display car park.

However the Planning Inspector stated that the pay and display car park was conveniently located for the dental practice, and that even if there was an increase in on-street car parking there was no substantive evidence to show that the proposal would result in indiscriminate car parking to the detriment of highway safety. The concerns of the Council and residents were noted, however the Planning Inspector concluded that there was no substantive evidence to show that there was no capacity to absorb the very limited potential increase in demand for car parking resulting from the proposed development. On this basis, the Planning Inspector concluded that the development was acceptable but that in the interests of highway safety a condition should be attached to any planning permission to limit the number of treatment rooms to two.

Since appeal decision Ref: APP/4520/W/18/3216198, the driveway at the application site has been widened, including a wider dropped kerb. The Planning Inspector was made aware that this driveway widening was proposed prior to the appeal decision, however in the interests of fairness they stated that the appeal would be determined based on the drawings submitted with the planning application. Within the planning application site there is currently a car parking space available for staff within an enclosed garage and two available for staff / patients (on the driveway). This differs to the scheme approved at appeal, when there was only one driveway space available.

The dental practice opened on 2 November 2019. However, following the start of the Covid-19 pandemic in the UK in March 2020, the dental practice was not able to follow 'normal' operation practices due to strict Covid-19 operating guidelines / restrictions. There were fewer patients and staff on the premises

due to social distancing requirements, and after a patient has received their treatment (such as a filling), a treatment room had to be given a fallow time of up to one hour to allow any aerosol to settle; only after this time period could it be given a full deep clean. Application details provided as part of previous application ref. ST/0977/20/VC stated that this was not an efficient or sustainable way of operating.

This section 73 application granted planning permission to allow the use of four treatment rooms associated with the dental practice for a time limited period of two years, to assist with social distancing requirements associated with the Covid-19 pandemic, and to allow a monitoring of the situation for a two year period to establish if congestion became a problem post pandemic. This application now seeks to retain the use of four treatment rooms on a permanent basis.

The submitted Transport Statement as part of this planning application sets out the existing situation at the site in terms of waiting restrictions and parking availability, both on and off-street, within the vicinity of the site. The Statement also includes a completed travel survey of staff and patients undertaken on Thursday 20 October 2022. This survey set out none of the staff utilised on-street parking, whilst the 16 patients who drove and completed the survey utilised parking on Front Street, at the Britannia Inn car park, and on the practice's driveway.

A survey of parking availability at the Britannia Inn car park, the practice driveway and on-street parking within 200 metres of the application site was also undertaken every 30 minutes on various weekdays in September and October 2022, including a day when four treatment rooms were in operations. It was noted there was a minimum availability of 37 car parking spaces at all times within a 2.5 minute walk of the pedestrian access to the dental practice, and it is noted in the Statement the number of parked cars did not necessarily correlate with the number of treatment rooms in operation, and one of the peaks occurred when the practice was closed to patients between 13:00 and 14:00 hours for the lunchtime period.

Objections have been received from the owner / occupier of 2 The Nurseries, Windermere regarding the dental practice contributing to parking problems in this area, including alleged parking on residents' driveways. Significant representations have been submitted in support of the proposal stating the benefits of the proposal, including from several residents of Windermere.

The applicant's agent subsequently submitted a supplement to the Transport Statement accounting for the initial comments made by the Transport Development Officer, noting there is signage on the driveway referring to this being for parking, and correspondence from Euro Car Parks (operator of the Britannia Inn car park) noting their agreement for the use of this car park by patients of the dental practice (with the dental practice stating the parking fees are refunded directly to patients). The supplementary Statement also sets out staff car parking for The Little Theatre is agreed via a lease until 5 May 2027, whilst correspondence has also been received from West Hall Farm and Cleadon Farm North indicating the availability of these sites for car parking if required.

A summary of complaints received between March 2021 and December 2022 has been provided by the Council's Parking Team regarding parking issues in the vicinity of the site and requests for obstructive measures and / or parking restrictions. No details regarding which residents made complaints have been provided and therefore it is not possible to identify the origin of these complaints, and / or whether these complaints relate directly to the dental practice or elsewhere. It is also noted within the complaints it was agreed to start a consultation on restrictions in September 2022, however this consultation ultimately fell short of anything proceeding as residents felt they shouldn't have to pay to park in their own street.

It is noted there are parking restrictions along Front Street and within the junction of Windermere and Front Street, including across the entrance to the applicant's garage which are enforceable. These traffic regulation orders have been carried out to keep this busy junction clear and to prevent indiscriminate parking within the vicinity of the current application site in the interests of pedestrian and road traffic safety, and these are a matter for the Council's Parking Team to enforce. Advisory white lining has also been undertaken in front of some of the driveway entrances to some of the nearby dwellings along

Windermere, whilst a recent consultation in relation to restrictions as explained above did not proceed. On this basis, it is not considered sufficient evidence has been provided which directly attributes the incidents to the staff or patients of the dental practice, and given the absence of formal parking restrictions on Windermere and what appears to be limited desire for these to be introduced by residents (and accounting for the representations received including from residents at Windermere).

Paragraph 111 of the NPPF states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Given the availability of parking within the vicinity of the site as demonstrated through the parking surveys, including on the driveway of the application property, on-street parking at Front Street, and within the Britannia Inn car park, it is not considered there would be constraints on publicly available parking in Cleadon village.

The parking standard for this proposal within the Council’s Supplementary Planning Document (SPD) 6 ‘Parking Standards’ requires three parking spaces per health specialist and one space per two other full time staff. SPD6 also states that the parking spaces must be accessible and this usually dictates a parallel or herringbone parking layout. In relation to cycle provision for this proposal, SPD6 requires a minimum of one cycle space per five staff.

The documentation under planning application ref: ST/0726/18/FUL indicated that the dental practice would have two part-time dentists and a full-time receptionist and nurse. Based on the details provided under planning application Ref: ST/0726/18/FUL, the maximum car parking required for the existing use with two treatment rooms is seven spaces (based on one health specialist per treatment room), and the minimum cycle parking required is one space.

The current staff numbers are unknown, however on the basis of the previous maximum car parking standards and with two additional treatment rooms (based on one health specialist per treatment room) the maximum car parking required would appear to be nine spaces. Given the appeal decision Ref: APP/4520/W/18/3216198 set out two treatment rooms as being acceptable, this difference of two car parking spaces (as a maximum standard) is not considered sufficiently harmful to warrant refusal of this planning application on the basis of SPD6 parking standards given the demonstrated availability of car parking within the vicinity of the site. The appeal decision also considered the off-site car parking arrangement as being acceptable.

A permanent intensification of the site could result in increases in the comings and goings of commercial vehicles (deliveries). However, there is no substantive evidence to suggest that deliveries have caused any congestion problems to the detriment of highway safety since the dental practice opened on 2 November 2019, nor substantial evidence to suggest that the additional two treatment rooms have caused such problems since March 2021. In this regard this is considered acceptable. It is also considered that there would be sufficient space within the application site to accommodate additional cycle storage.

Additionally, following the submission of additional information, the Transport Development Officer (as Highway Authority) has raised no objections to the proposal noting there appears to be no attributable evidence of severe harm, as designated in the NPPF, and the Parking Team are currently reviewing parking restrictions in the adjacent residential street(s) to assist in addressing current parking problems in the area.

The Transport Development Officer also noted any parking problems in the area cannot be directly attributed to the dental practice and the agreements for third party land to be used for parking staff vehicles will assist in avoiding further parking problems on the highway attributed to staff. Whilst there is no legal obligation for the third-party land to be used in perpetuity, the previous appeal decision for the site accepted that arrangement.

Given that there is no substantive evidence to suggest that the dental practice has resulted in indiscriminate car parking causing congestion on the highway to the detriment of highway safety since the four treatment rooms began operating in March 2021, with no objections raised by the Council's Transport Development Officer, and subject to a condition permitting no more than four treatment rooms at the site, it is not considered the proposal would have a detrimental impact on the free flow of traffic of parking availability within this area. It would therefore accord with adopted South Tyneside LDF Core Strategy Policy A1 and the associated SPD 6 'Parking Standards'; and adopted South Tyneside LDF Development Management Policy DM1 (G), and Paragraph 111 of the NPPF.

Other planning conditions attached to planning permission Ref: ST/0977/20/VC

It is considered that Condition 4 attached to planning permission Ref: ST/0977/20/VC would still be necessary and reasonable. This condition controlled that the premises should be used for a dental practice only, and so for no other purpose within Use Class D1 of the Schedule to the Town and Country planning (Use Classes) Order 1987 (as amended). However, since the granting of the previous planning permission Ref. ST/0977/20/VC in March 2021, the Use Classes Order has changed and medical or health services principally to visiting members of the public in previous Use Class D1 has been replaced by Class E. It is therefore recommended that this condition again be attached to any planning permission, and instead references Class E of Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification. The applicant's agent has confirmed their agreement to the suggested conditions.

Other matters

Several representations have been submitted in support of the application, including stating that the dental practice has been a great addition to the village, providing an excellent service, bringing welcome business, and because the treatment rooms could be used to give Covid-19 vaccinations. These representations have been noted during the assessment process.

Summary

For the reasons articulated above, it is considered that the proposal would be acceptable in terms of the Council's strategic planning policies, and in relation to impact on the Cleadon Conservation Area, visual amenity and residential amenity. Given the evidence submitted, it would also be acceptable in relation to impact on highway safety and parking, subject to planning conditions including controlling the development to be in accordance with proposed plans (which are the same plans as approved in application Ref. ST/0977/20/VC), to control the number of treatment rooms to a maximum of four, and to ensure that the premises can only operate as a dental practice within Use Class E. Subject to this the proposal would accord with development plan policy and so is considered to be an acceptable form of development.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

- 1 The development shall be carried out in accordance with the approved plan(s) as detailed below

- Drawing titled 'Proposed Plans' received 05/01/2023

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 2 No more than four treatment rooms shall be provided in the dental practice hereby approved.

To ensure a satisfactory form of development, in the interests of highway safety, in accordance with adopted South Tyneside LDF Core Strategy Policy A1 and adopted South Tyneside LDF Development Management Policy DM1.

- 3 The premises shall be used for a dental practice and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification.

The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of policy, access and amenity, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

Informatives

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

Case officer: Nick Graham

Signed: N. Graham

Date: 03/05/2023

Authorised Signatory:

Date:

«END»