BALL TREE DENTAL PRACTICE, 43 BUSTICLE LANE, LANCING, WORTHING, WEST SUSSEX BN15 0DJ

LAWFUL DEVELOPMENT CERTIFICATE



PLANNING STATEMENT

ADUR & WORTHING PLANNING SERVICES	
PLAN	AWDM/ 0100/16
DATE VALID	28 JAN 2016

Tim Dowsett
Associate Consultant
Dowsett Associates Ltd
4, North Heath Close
HAILSHAM
East Sussex
BN27 1UF

January 2016

Design and Access/Planning Statement Contents

1.0 Introduction

2.0 Site Location and Context

3.0 Layout

4.0 Evidence

5.0 Conclusion

1.0 Introduction

1.1 The site which is the subject of this Lawful Development Certificate is situated at 43 Busticle Lane, Lancing in the County of West Sussex (Fig 1). This is the registered address of the Ball Tree Dental Practice and the area within the property for which the certificate is sought is all of the accommodation on the first floor. The use of the property as a Dental Practice falls with Class D 1 in the Use Classes Order 2010.



Fig 1 – 43 Busticle Lane (Ball Tree Dental Practice)

1.2 The first floor comprises Surgery 2, Surgery 3, an office and an ante room to the surgeries. More detailed information is set out at Para 4 below.

2.0 Site Location and Context

2.1 The site location is shown on the Drawing No 0331.01 (Fig 2) which forms part of this LDC application and accompanies this Planning Statement. The property is a semi-detached property which was formerly a dwelling.



Fig 2 – Site Location Plan

2.2 The site is also shown on a Block Plan on Drawing No 0331.01 (Fig 3)

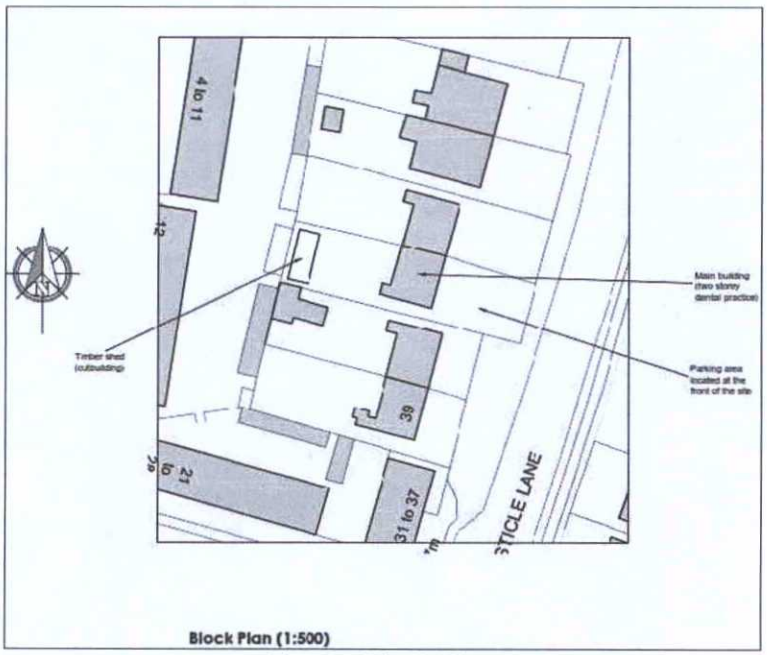


Fig 3 – Block Plan

3.0 Layout

First Floor Plan

3.1 The details of the first floor plan layout are shown on Drawing No 0332.02. (Fig 4) These show Surgery 2 and Surgery 3 together with the office and de-contamination room to the surgeries (formerly a toilet but changed to de-contamination room due to new legislation)

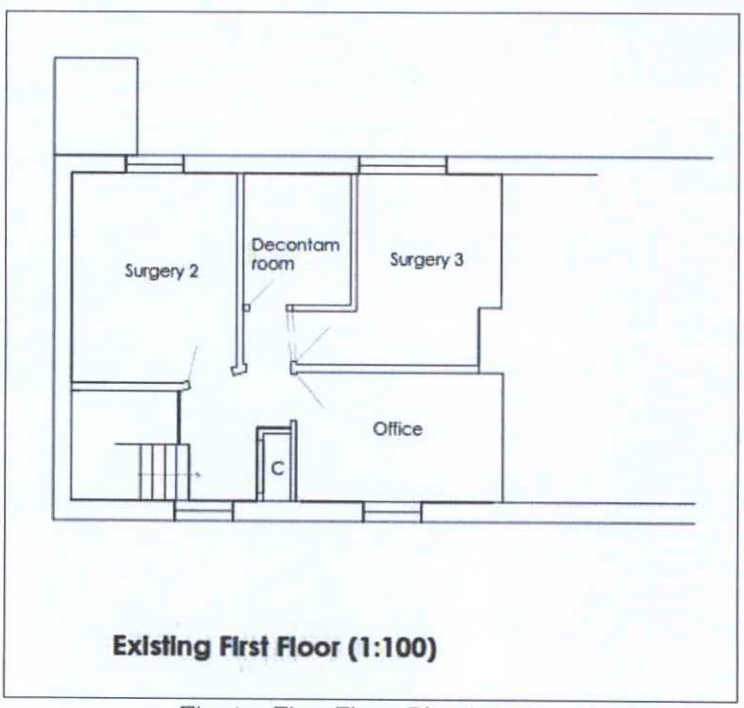


Fig 4 – First Floor Plan Layout.

3.2 The Elevations of the property are shown on Drawing No 0331.02 and in the extracts from the drawing below. The front and side elevations are shown at Fig 5 below

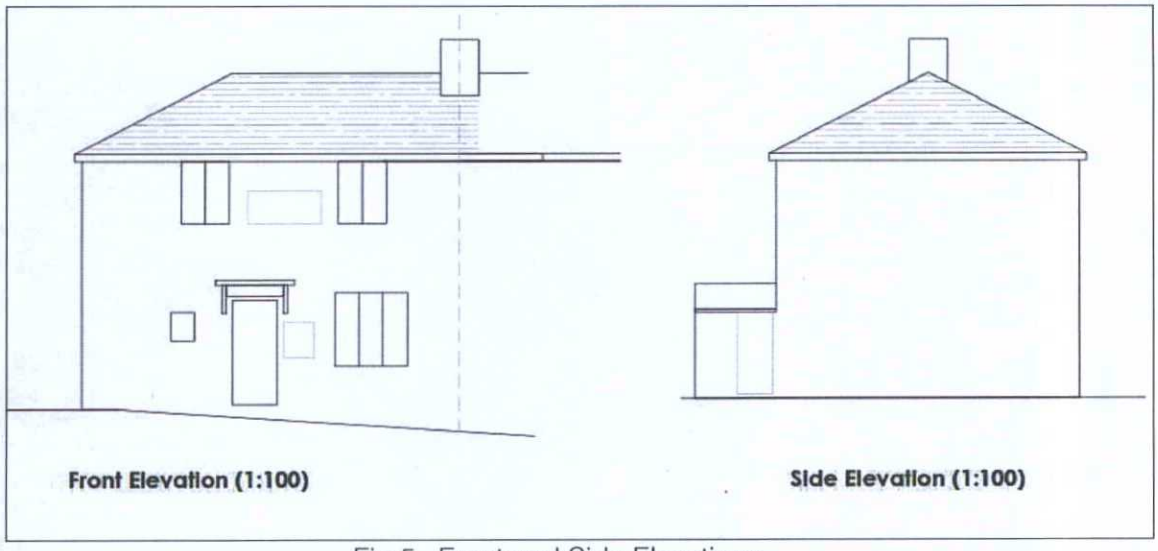


Fig 5– Front and Side Elevations

3.3 The rear elevation is shown at Fig 6. The other elevation is of course the party wall with the adjoining property No 45 Busticle Lane.

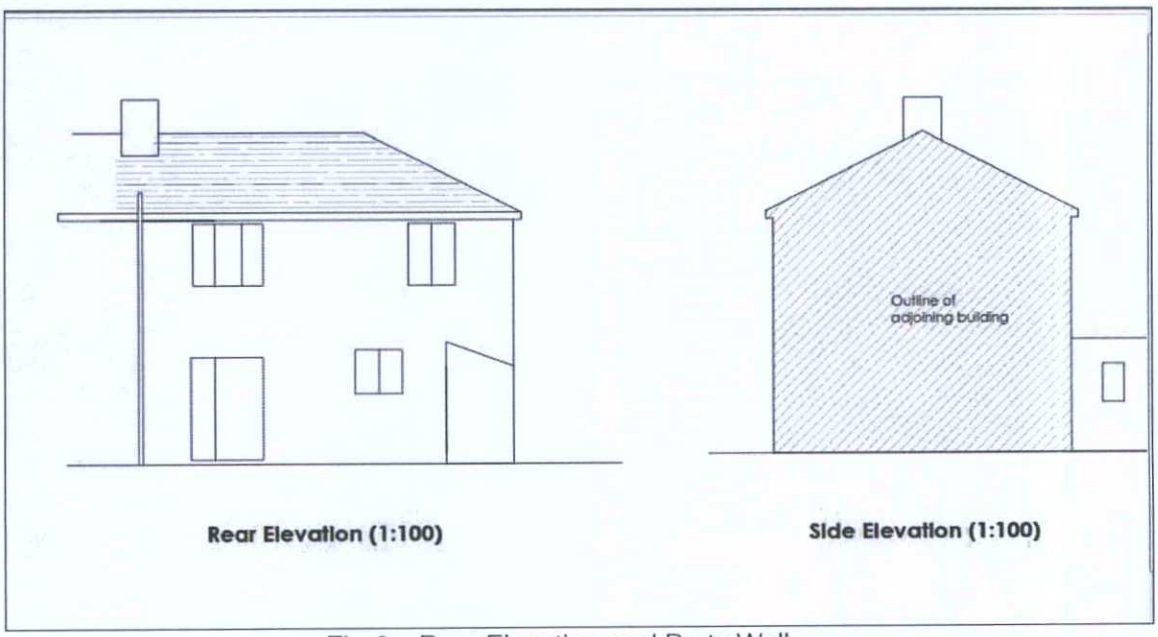


Fig 6 – Rear Elevation and Party Wall

4.0 Evidence

4.1 The Guidance Notes supplied by the Council for applications for Lawful Development Certificates state at Para 9 that the onus is on the applicants to convince the Council that a Certificate should be issued and that has been the aim in this case.

4.2 It is always difficult after 12 years to find a clear paper trail as supplying firms go into liquidation or are taken over (as is so in this case). Records are often destroyed, especially as storage space is scarce (again as in this property). Attempts have been made to obtain details of invoices from Minerva Dental who were one of the main suppliers of equipment for Surgery 3 but when they merged with Henry Schein none of the documentation was transferred to the new company.

4.3 However Accountants are often a good source of information and have been able to assist in this case with a spreadsheet supplied by the applicant to them as part of the accountancy process in 2004. Another Accountant who was also involved with the practice has supplied extracts from a Fixed Assets Register which show equipment purchased for Surgery 3 being added to that List. Both of these documents are included as Appendices in the Applicants Sworn Affidavit Statement.

4.4 Some of the equipment is dated and a photo of a plate on one of the main items of equipment is included as part of the Statement and luckily the X Ray equipment needed a Critical Examination by the National Radiological Protection Board and a copy of that Certificate forms part of the evidence.

4.5 Finally the best evidence can often be Statements from independent professional personnel who have been involved in the process and two such Statements have been obtained from Tony Fallowfield BDS LDSRCS MFGDP (Clinical Adviser HEKSS) and Priti Barua BDS (Wales)1981 who have both used the surgeries from 2004 for periods of time during the last 11 years.

4.6 A Statement has also been obtained from Kim Parrot who is the Practice Administration Manager who has been employed by the Bay Tree Dental Practice since the year 2002. She oversaw the administrative arrangements for the new Surgery 3 and the refurbishment of Surgery 2 together the other minor alterations to the second floor of the premises in 2004.

4.7 The owner of the building firm (G M Miller Ltd) who was appointed to carry out the alterations to the second floor to refurbish Surgery 2, create Surgery 3 and the other minor works has also given a Statement. In fact Mr Miller is the husband of Christine Miller (nee Hallsworth) and his Statement has been kept to a short factual one.

4.8 The main evidence in this case is made by the owner of the Ball Tree Dental Practice, Christine Hallworth. Having taken advice from the Planning Office at Adur District Council her evidence is given in the form of a Sworn Affidavit.

4.7 Christine is married to Gary Miller but always uses her maiden name in connection with all matters relating to Ball Tree Dental Practice. This makes it easier for this application as much of the equipment and the accountancy is in her maiden name for the earlier period.

4.8 Christine Hallsworth's evidence charts the history of the new development on the first floor of the Dental Practice and the Appendices aim to confirm the creation of the two new surgeries and the other minor changes (Office, Toilet/De Contamination Room).

4.10 The Guidance Notes suggest that photographs of the site should be provided and these are set out below.

4.11 The first photograph shows Surgery No 2 and is set out in Fig 7 below:-

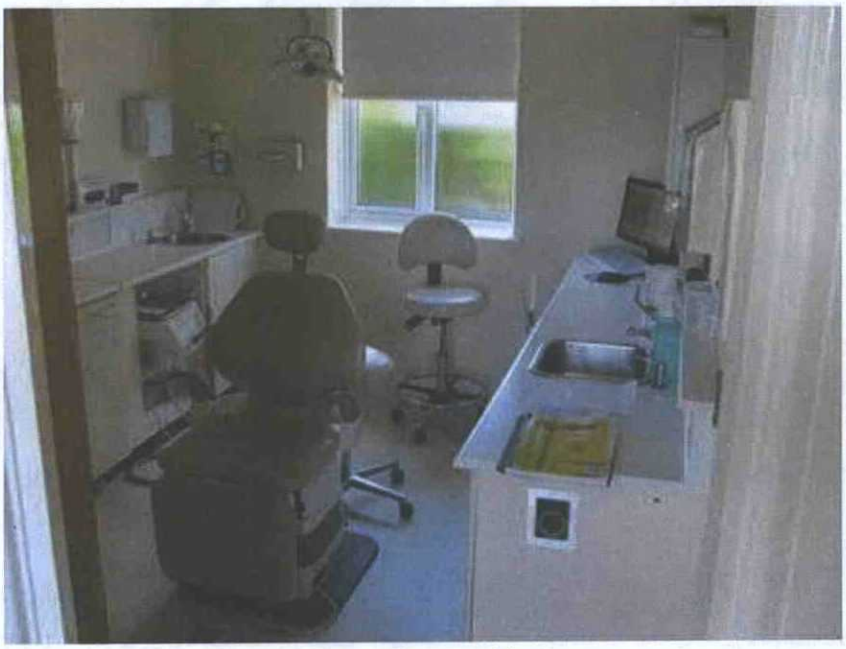


Fig 7 – Surgery No 2

4.12 The second photograph shows the ante room between Surgery 2 and Surgery 3 and is set out in Fig 8 below



Fig 8 – Ante Room between Surgery 2 and Surgery 3

4.13 The third photograph shows Surgery No 3 and is set out in Fig 9 below:-

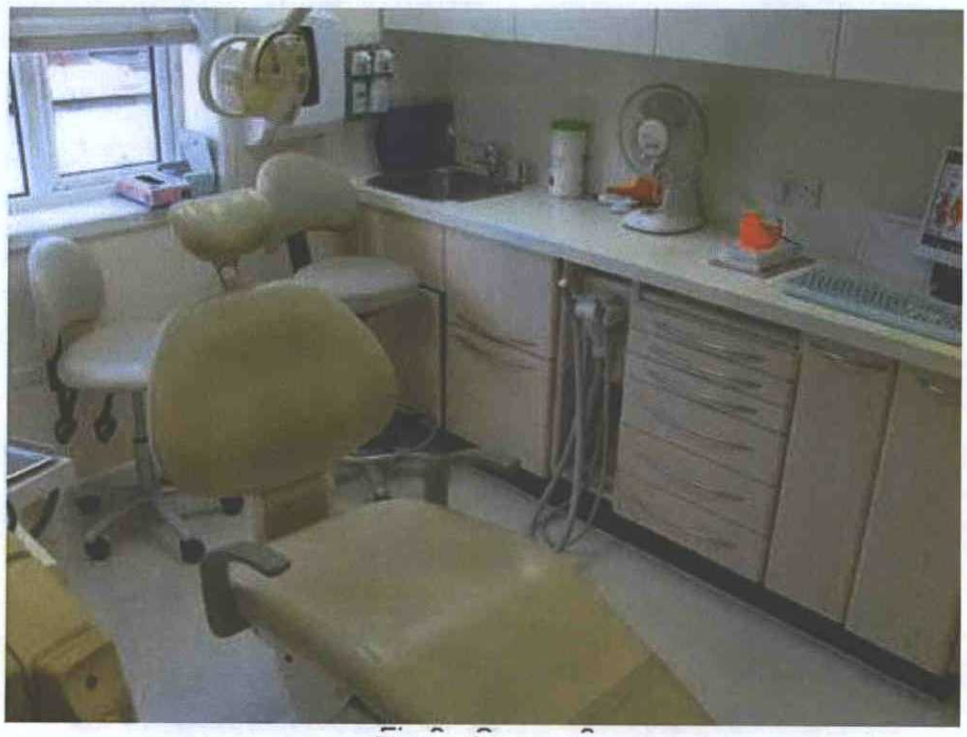


Fig 9 – Surgery 3

4.14 The fourth photograph shows the Office and is set out in Fig 10 below:-

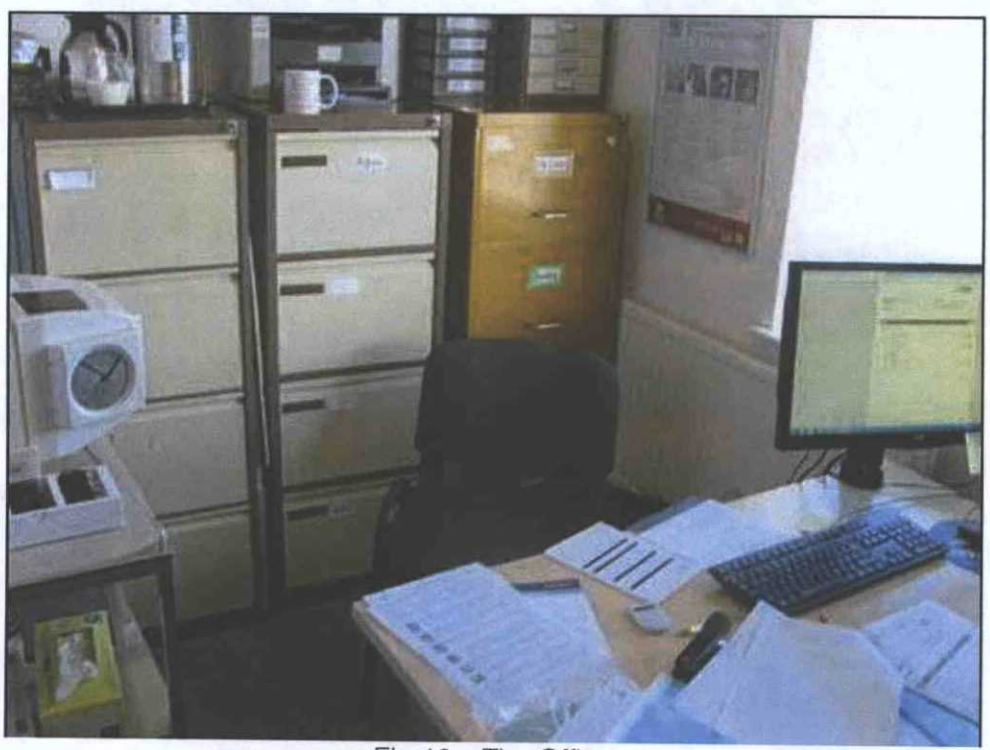


Fig 10 – The Office

4.15 The Statements referred to above as listed below are attached to this Planning Statement, however as these documents are submitted electronically the signed originals will be sent through the post, under a covering letter, to the Planning Officer.

(1) Christine Hallworth (Owner of Ball Tree Dental Practice)

(2) Gary Miller (GM Building Ltd) (Builder)

(3) Tony Fallowfield (Dental Practitioner at Ball Tree Dental Practice)

(4) Priti Barua (Dental Practitioner at Ball Tree Dental Practice)

(5) Kim Parrot (Administration Manager – Ball Tree Dental Practice - 2002 to date)

4.16 It is hoped that the above explanation together the various Statements by the parties involved with the creation of the surgeries or there use of them will be sufficient to be clear and convincing evidence to satisfy the 10 year rule set down in the Town and Country Planning legislation.

5.0 Conclusion

5.1 The Council is respectfully requested to issue a Lawful Development Certificate for the use of the second floor at 43 Busticle Lane, Lancing as two dental surgeries with de-contamination room and office (D1 Use in the 2010 Use Classes Order) as set out in this Planning Statement.

Tim Dowsett
Associates Consultant
Dowsett Associates
4 North Heath Close
HAILSHAM
East Sussex
BN27 1UF

January 2016

NOTE

Please note that the extracts taken from the drawings which are used in this Statement are not to scale and are used to explain the text in the document. Please refer to the drawings which form part of the planning application to obtain accurately scaled measurements.

STATEMENT – RE: LAWFUL DEVELOMENT CERTIFICATE APPLICATION

BALL TREE DENTAL PRACTICE, 43 BUSTICLE LANE, LANCING

I Christine Hallworth of 12, East Drive, Brighton BN2 0BQ do SOLEMNLY AND SINCERELY DECLARE that:-

I am the owner of Ball Tree Dental Practice which is located at 43 Busticle Lane, Lancing BN15 0DJ

I purchased the premises, which was then a dwelling, in 1987 and in 1988 I obtained planning permission to change the use of the premises to a dental surgery.

I commenced work in accordance with the planning permission and transferred my patient list to 43 Busticle Lane. Around this time I purchased another practice list from a firm that had ceased trading and as the business needed to expand I created a second surgery/treatment room on the first floor.

In 1992 I submitted a formal planning application to create a surgery/treatment room on the first floor of the premises which was refused by the Council.

In 2004 I instructed G M Builders Ltd to carry out works to create a third surgery/treatment room on the first floor and carry out other minor alterations. These were completed by the end of 2004 and equipment was purchased and moved into the surgery/treatment room in the latter part of 2004 with the X Ray equipment being installed in early 2005.

The surgery/treatment room was used initially by Tony Fallowfield who is a registered dental practitioner, on occasions by Priti Barua who is also a registered dental practicioner and by a hygienist. (See separate Statements by Tony Fallowfield and Priti Barua)

Surgery/Treatment Room 1 (Ground Floor) has been operational continuously since the latter part of the 1980's Surgery/Treatment Rooms 2 and 3 have been operational continuously since the latter part of 2004.

Unfortunately many of the detailed records for the period 2004 to 2005 have been destroyed due to lack of storage space in the premises at 43 Busticle Lane but I have managed to recover a copy of my Excel Spreadsheet that my Accountant used to prepare my accounts this year and this is attached at Appendix 1.

The large capital items that relate to the new surgeries are shown highlighted yellow and are listed as follows:-

1.3.05 (£385.74) (Monthly Loan Repayment)
9.3.05 (£6,592.48)
16.3.05 (£3,218.00)
24.03.05 (£5,787.62)
1.3.05 (£12,636.90)

The main supplier for equipment was Dental Services Direct (DSD) but unfortunately they have gone into liquidation and therefore are unable to supply any copies of invoices. The sums paid to them are shown in the entries made on the Fixed Assets Register under the headings "Dental Services Direct" and "New Surgery" listed for 2005. This extract is shown at Appendix 2.

I have also taken three photographs of the X Ray equipment with a DSD sticker attached and this is shown at Appendix 3. The date of manufacture of the equipment is shown as December 2004.

Finally the X Ray equipment required a Critical Examination Certificate to be supplied in conjunction with the National Radiological Protection Board and this is dated 26th January 2005 and attached at Appendix 4

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and by virtue of the Statutory Declarations Act 1835.

DECLARED at 31, St. Lukes Terrace Brighton BN2 9ZE

this 19th day of January 2016

MICHAEL JONES

Before me Michael Jones (Barrister at-law)

A Commissioner for Oaths empowered to administer oaths/Solicitor

31, St. Lukes Terrace, Brighton BN2 9ZE

BALL TREE DENTAL SURGERY ACCOUNTS							EXPENDITURE										
DATE	PAYEE	CHQ.No	TOTAL	BANK CHARGES/WAGES	STOCK	LABS	PPS&A	EQUIP REPAIRS	SURG OTHEAPS	LOANS	INSUR-ANCE	PETTY CASH	TRAVEL	REPAIRS RENEW.		OTHER
															DRAW-INGS	
MIDLAND A/C																
1 3 05	HALLWORTH C*BDL		385.74							385.74						
1 3 05	MILLER M&G		1,000.00												1,000.00	
1 3 05	C A HALLWORTH		1,000.00												1,000.00	
1 3 05	LVLC LTD		50												50	
1 3 05	SAVE THE CHILDREN		15													15 charity
3 3 05	DENTIST PROVIDENT		78.00									78				
6 3 05		103124	6,982.48													
7&8 3 05		103125	3,218.00													
21 3 05	MEDICAL PROTEC		94									94				
24 3 05		103126	5,787.82	36												
28 3 05	CHARGES		36							329.8						329.8
29 3 05	ING LEASE LTD		329.8												1,000.00	
30 3 05	C A HALLWORTH		1,000.00													
31 3 05	MRS J UNG	100028	1,213.24			1,213.24										
COOP A/C																
01 3 05	IRIS BUSINESS		21.15													21.15 payroll software
01 3 05	IRIS BUSINESS		128.08													128.08 overcharged should be refunded
01 3 05	ADMOR	30821	87.18				87.18									
01 3 05	THE PRINTED WOR	30823	88.78				88.78									
01 3 05	DBG	30827	623.41			623.41										
01 3 05	CONSERVADENT	30837	107.8				107.8									
01 3 05	DENTAL SERVICES	30839	12,836.90												12838.9	new surgery
01 3 05	GEEKS ON WHEELS	30827	1,287.74													1287.74 computer and repair
01 3 05	PRACTICE PLAN	30825	857.5				857.5									
02 3 05	DENTASCAST OR EX	30825	95.89				95.89									
02 3 05	JOHNSTON NEWSP	30839	97.89				97.89									
02 3 05	CINSERVE LTD	30838	61.07							61.07						
02 3 05	R.MEAD	30827	43.46													43.36 window cleaner
02 3 05		02								10						
02 3 05	BT PLC T1A BT DIR	30825	36.54				36.54									
03 3 05	SARA NEALE	30828	47.98				47.98									
04 3 05	SEEBOARD		60							60						
04 3 05	SERVICE CHARGE		3													
04 3 05	COMMISSION		14.35	1.36												
04 3 05	FEE DELTA CARD-PURCHASE		1.36													
07 3 05	MRS P HALLWORTH		60												60	
08 3 05	SAINSBURYS PFS		46.45										46.45			
08 3 05	MISS UNG	30840	1,907.62			1,907.62										
08 3 05	BRITISH GAS	30841	62.36													
08 3 05	TIM CROSSMAN	30827	21.58			21.58										
10 3 05	BGS SERVICE		15												15	
10 3 05	BARCLAYS MERCH		68.71													68.71

DR CHRISTINE MILLER

FIXED ASSET REGISTER

MAS8 31-Mar-13 N/A

Date:

Telephone no:

Page no:

1st qtr

FIXTURES, FITTINGS AND EQUIPMENT

Detail	Date of purchase	Cost b/fwd	Additions	Cost disposal	Cost c/fwd	Depn b/fwd	Depn disposal	Depn charge for year	Depn b/fwd	NBV c/fwd
Air conditioning	31-Mar-13	1,358.34	-	-	1,358.34	-	-	-	-	-
Chairs, leather & wooden - reception	03-Oct-12	1,201.34	-	-	1,201.34	(1,201.34)	-	-	(1,201.34)	-
Computer hardware	10-Mar-13	11,181.34	-	-	11,181.34	(1,358.34)	-	-	(1,358.34)	-
Computer software	10-Mar-13	1,358.34	-	-	1,358.34	(1,358.34)	-	-	(1,358.34)	-
Desk	10-Mar-13	1,201.34	-	-	1,201.34	(1,201.34)	-	-	(1,201.34)	-
Filing cabinet	10-Mar-13	1,201.34	-	-	1,201.34	(1,201.34)	-	-	(1,201.34)	-
Fixtures & fittings	10-Mar-13	1,201.34	-	-	1,201.34	(1,201.34)	-	-	(1,201.34)	-
Furniture	10-Mar-13	1,201.34	-	-	1,201.34	(1,201.34)	-	-	(1,201.34)	-
Health & safety equipment	10-Mar-13	1,201.34	-	-	1,201.34	(1,201.34)	-	-	(1,201.34)	-
Kitchen equipment	10-Mar-13	1,201.34	-	-	1,201.34	(1,201.34)	-	-	(1,201.34)	-
Office equipment	10-Mar-13	1,201.34	-	-	1,201.34	(1,201.34)	-	-	(1,201.34)	-
Telephone system	10-Mar-13	1,201.34	-	-	1,201.34	(1,201.34)	-	-	(1,201.34)	-
Vehicle	10-Mar-13	0	-	-	0	0	-	-	0	-
Vehicle	10-Mar-13	12,000.34	-	-	12,000.34	(12,000.34)	-	-	(12,000.34)	-
Vehicle	10-Mar-13	28,800.34	-	-	28,800.34	(28,800.34)	-	-	(28,800.34)	-
		-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-

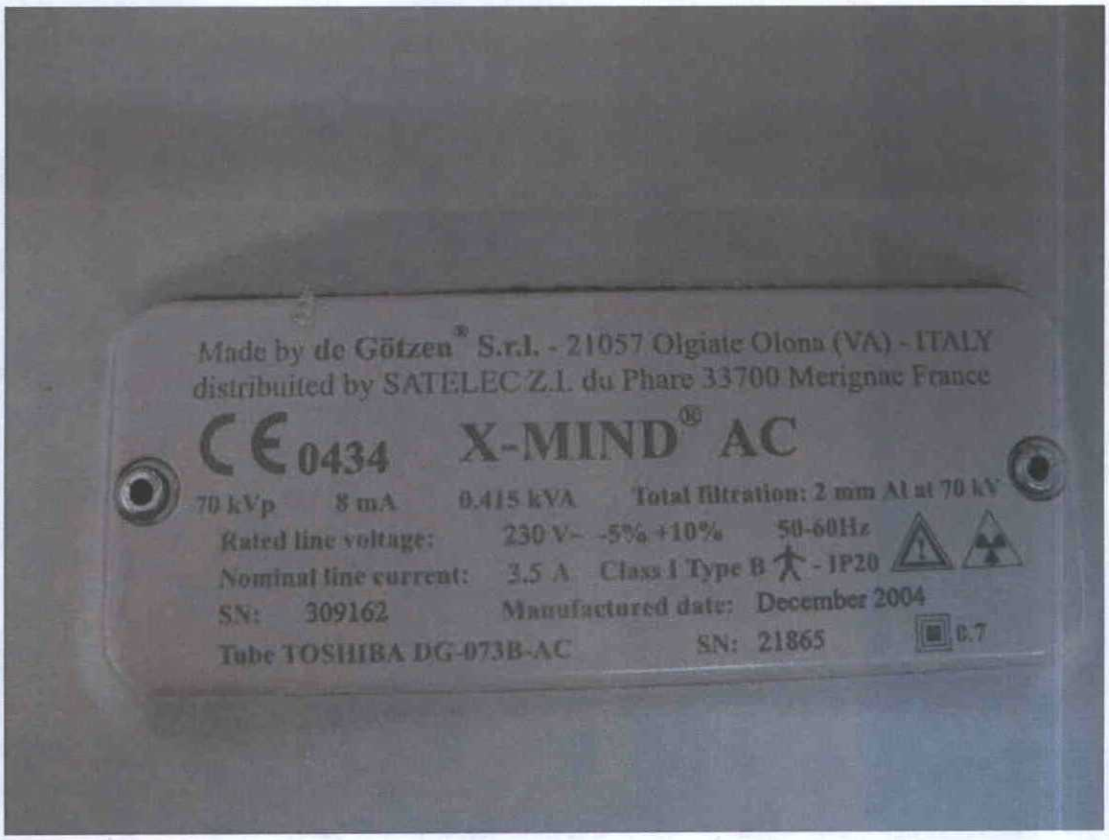
APPENDIX 2 (continued)

| | | |

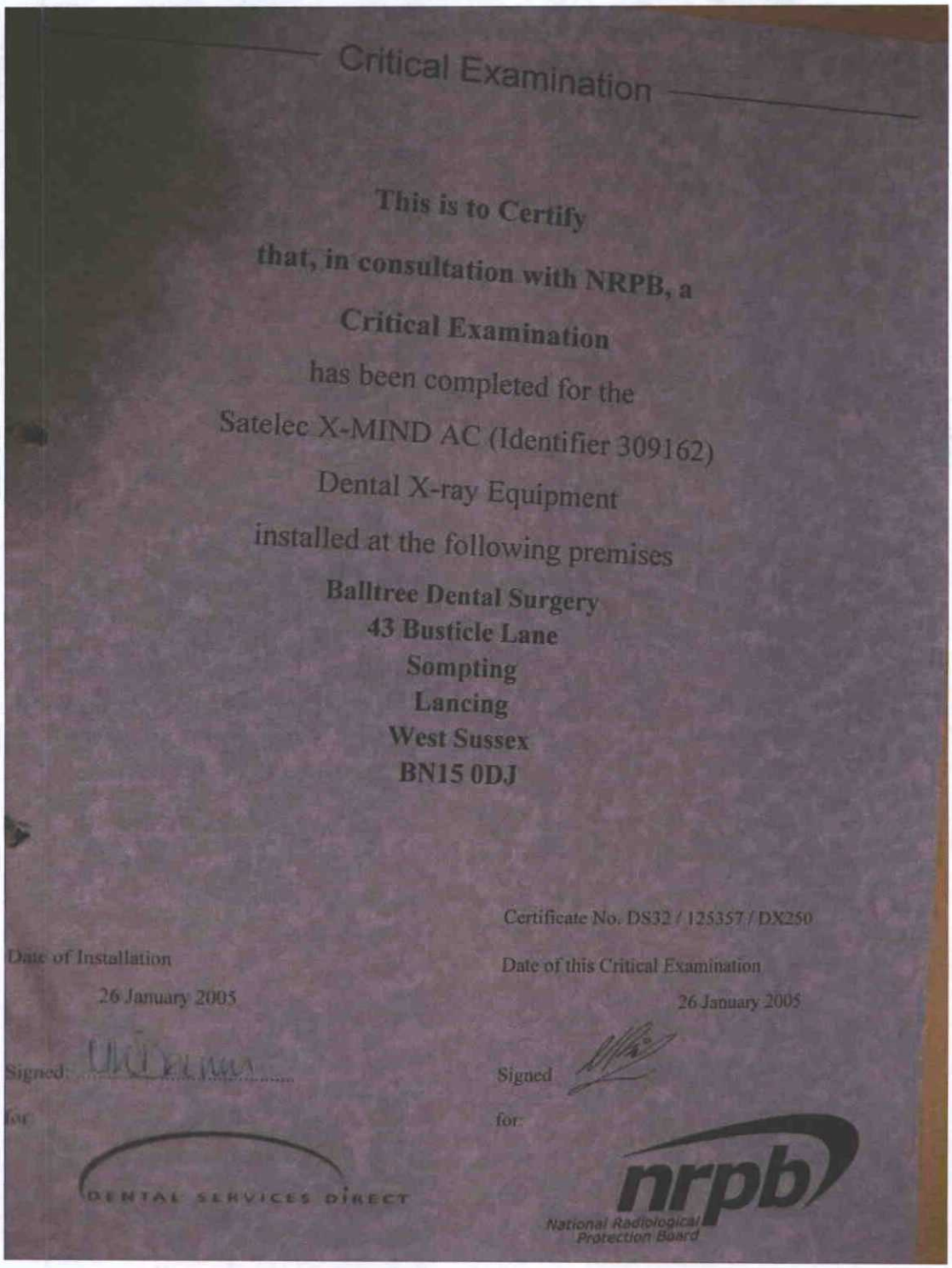
APPENDIX 3


DENTAL SERVICES DIRECT
FOR SALES & SERVICE
Scotland & The North : 0141 616 4743
The South : 01582 672778
www.dentalservicesdirect.com




Made by de Götzen® S.r.l. - 21057 Olgiate Olona (VA) - ITALY
distribuited by SATELEC Z.I. du Phare 33700 Merignac France
CE 0434 X-MIND® AC
70 kVp 8 mA 0.415 kVA Total filtration: 2 mm Al at 70 kV
Rated line voltage: 230 V~ -5% +10% 50-60Hz
Nominal line current: 3.5 A Class I Type B - IP20
SN: 309162 Manufactured date: December 2004
Tube TOSHIBA DG-073B-AC SN: 21865 0.7

APPENDIX 4



Critical Examination

This is to Certify

that, in consultation with NRPB, a

Critical Examination

has been completed for the

Satelec X-MIND AC (Identifier 309162)

Dental X-ray Equipment

installed at the following premises

Balltree Dental Surgery
43 Busticle Lane
Sompting
Lancing
West Sussex
BN15 0DJ

Certificate No. DS32 / 125357 / DX250

Date of Installation

26 January 2005

Date of this Critical Examination

26 January 2005

Signed:

for:

DENTAL SERVICES DIRECT

Signed

for:

nrpb
National Radiological Protection Board

STATEMENT – RE: LAWFUL DEVELOMENT CERTIFICATE APPLICATION

BALL TREE DENTAL PRACTICE, 43 BUSTICLE LANE, LANCING BN15 0DJ

My name is Gary Miller and I live at 12, East Drive, BRIGHTON BN2 0BQ. I am the husband of Christine Miller (nee Hallworth) who has also made a Statement in this case.

I am the Director of G M Building Ltd which is a Brighton based building firm.

I was instructed to carry out works to create a second and third surgery/treatment room and other minor alterations on the first floor of 43 Busticle Lane, Lancing (Ball Tree Dental Surgery). These works were carried out over a period of time between purchase of the property and 2004 and the third surgery was finally completed towards the end of 2004.

No major structural work was involved in this case and the work involved mainly installing plumbing and similar work and decoration of the surgery.

Signed.....

Gary Miller – Director of G M Building Ltd

19th January 2016

STATEMENT – RE: LAWFUL DEVELOMENT CERTIFICATE APPLICATION

BALL TREE DENTAL PRACTICE, LANCING

My name is Tony Fallowfield and I live at 80, Beaconsfield Villas, Brighton BN1 6HE

! am a retired dentist and have worked in general dental practice since 1971 More recently I have been a Clinical Adviser (Training) for Health Education Kent, Surrey and Sussex (HEKSS) which is a Local Education and Training Board, and part of Health Education England, established to ensure the effective planning, education and training of the NHS workforce within the region.

I worked at the Ball Tree Dental Practice from 2004 to 2010 and can confirm that the additional first floor surgeries were completed in the second half of 2004 and have to the best of my knowledge, been in continuous use ever since.

Signed.....

Tony Fallowfield BDS LDSRCS MFGDP [Clinical Adviser HEKSS]

16th November 2015

STATEMENT – RE: LAWFUL DEVELOMENT CERTIFICATE APPLICATION

BALL TREE DENTAL PRACTICE, LANCING

My name is Priti Barua and I live at 2,Highcroft Mews, Highcroft Villas, Brighton, East Sussex BN1 5PT.

I am a practising dentist and have worked in general dental practice since December 1990 after graduating from Cardiff, University of Wales and attaining my BDS degree.

I have worked along the south coast ever since I qualified, initially as a Vocational trainee on the Brighton scheme in Eastbourne, and then as an associate dental surgeon thereafter in Westdene, Brighton, Worthing(along with being part of the Emergency Dental Services at Worthing hospital), Lancing and Hove. I am currently based in both Peacehaven and Hove.

I worked at the Ball Tree Dental Practice from February 1992 to December 2012 and have worked in each of the surgeries there at some time or another, including the two surgeries on the first floor.

I can remember the work being carried out on the first floor of the Ball Tree Dental Practice during 2004 and that the two surgeries were operational towards the end of that year and finally fitted out with all the appropriate equipment in the early part of 2005.

I have either worked in or visited the practice for the past 11 years and can confirm that, to the best of my knowledge, the surgeries on the first floor have been used continuously since 2004

Signed.....

Priti Barua

16th November 2015

STATEMENT – RE: LAWFUL DEVELOMENT CERTIFICATE APPLICATION

BALL TREE DENTAL PRACTICE, LANCING

My name is Kim Carol Parrot and I live at 35 Alexandra Road, Lancing, West Sussex BN15 8EJ

I am the Administration Manager at Ball Tree Dental Care and I have been employed there since the year 2002.

I have been asked to make this Statement in support of an application for a Lawful Development Certificate (LDC) to Adur District Council and the events described below are my best recollection of events during the period of my employment at the Dental Practice.

I understand that the application for the LDC relates to the first floor of No 43 Busticle Lane and this Statement deals with that part of the building.

When I first started my job I can state for certain that Surgery 2 on the first floor was in existence and being used for patients on a regular basis. The other two rooms were being used as a staff room and office.

Moving forward to the year 2004 I can state that work was carried out in that year to create Surgery 3 in place of the staff room In addition some refurbishment of Surgery 2 took place and the office became the staff room. When the work was completed towards the end of 2004 the first floor comprised Surgery 2, Surgery 3 and the newly created toilet facility and office.

The surgeries were used principally by the Foundation Dentist and by Tony Fallowfield and Priti Barua (both qualified Dentists) in the first few years. Since that date both Surgeries 2 and 3 have been in continual use and remain so today.

Signed.....

Kim Carol Parrot

20th January 2016