

**Planning Committee 22 March 2016
Report of the Chief Planning and Development Officer**



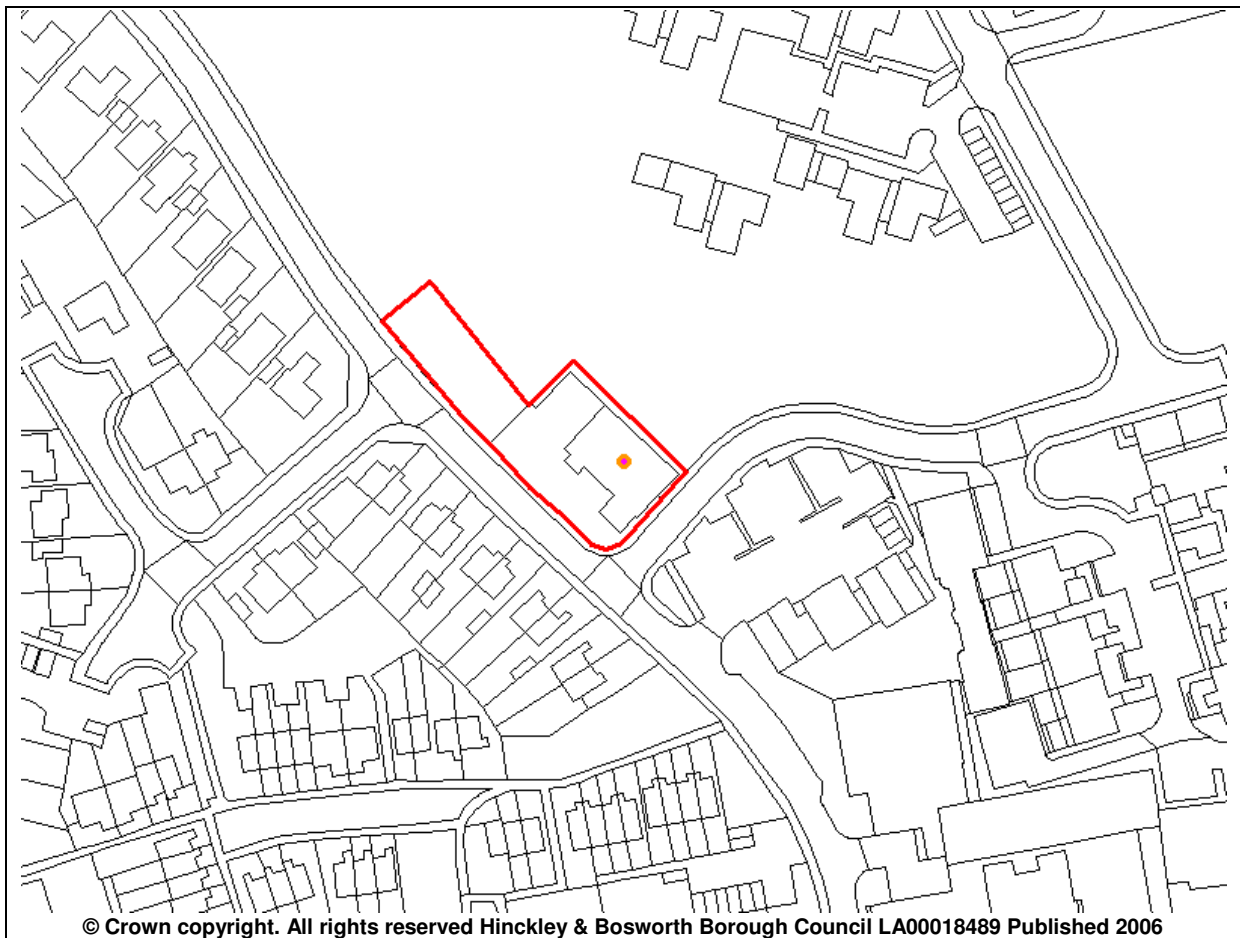
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 15/01322/FUL
Applicant: Mr B Sacha
Ward: Hinckley Trinity

Site: Doctor's Surgery Clifton Way Hinckley

Proposal: Extension to medical centre



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given authority to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1.** This application seeks planning permission for an extension to the doctor's surgery primarily to provide 3 additional consultation rooms. The extension would be constructed on the existing car park with replacement and additional car parking provided on land to the west of the existing site.

- 2.2. The application has been amended during the course of the application to remove the initially proposed pharmacy and dentist clinic and reduce the level of car parking. The amended plans also sought to improve the external appearance of the site by replacing the existing galvanised palisade fencing with a more visually appealing black rounded top railing.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the west side of Hinckley, within the settlement boundary. The wider area is primarily residential in nature with flats to the north and houses to the south and west. Immediately adjacent to the north of the application site is Clifton Way amenity green space. The green space slopes steeply up to the flats to the north and there are several mature trees to the north west of the site. To the south east of the application site is the Hollycroft neighbourhood centre.
- 3.2. The application site comprises the doctor's surgery in the south east corner of the site with car parking to the north and west. The parcel of land has a vehicular access onto Clifton Way with a hedgerow to the south and steel palisade fencing to the north which surrounds the north, east and south boundaries of the site. To the north of the existing developed parcel of land is an area of amenity green space.

4. Relevant Planning History

90/00944/4	Erection of doctors surgery and associated works	Approved	23.10.1990
97/00356/FUL	Extension to doctors surgery	Approved	22.05.1997
09/00727/FUL	Extension and alterations to surgery	Approved	16.11.2009

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 14 letters of representation have been received, 13 of objection and 1 commenting on the application. The representations are summarised below:
1. Loss of mature trees and the visual impact
 2. Increased traffic resulting in an impact on residential amenity
 3. Noise during construction
 4. The car park may get used by people using the adjacent shopping centre
 5. The dental surgery results in an unnecessary loss of green space
 6. Would lead to on-street car parking
 7. Increased surface water runoff, especially with the removal of the trees
 8. There is an existing pharmacy in close proximity to the site
 9. Contrary to Policy DM8 of the emerging SADMP
 10. The site adds to the amenity of the area
 11. A doctors surgery should be provided on the Bloor Homes site
 12. The loss of trees would impact on ecology
 13. The Council's validation requirements specify a bat survey would be required for this type of development

14. No opening times have been proposed
15. Loss of privacy and outlook for adjacent residential properties
16. The existing shops and church already cause parking problems at peak times
17. Loss of green space to car parking in unnecessary when the adjacent car park is often underutilised
18. Impact on adjacent house values

6. Consultation

6.1. No objections subject to:-

Leicestershire County Council (Highways)
Environmental Health (Pollution)
Environmental Health (Drainage)

6.2. Green Spaces – The steel palisade fencing has an adverse impact on the visual appearance of the area

6.3. Arboricultural Officer – the proposed works will retain the majority of the grouping of adjacent trees. There would be limited impact on the amenity of the green space, subject to a replacement planting scheme.

7. Policy

7.1. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.2. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 1: Development in Hinckley

7.3. Hinckley and Bosworth Local Plan (2001)

- Policy BE1: Design and Siting of Development
- Policy NE12: Landscaping Schemes
- Policy NE14: Protection of Surface Waters and Groundwater Quality
- Policy T5: Highway Design and Vehicle Parking Standards
- Policy REC1: Development of Recreation Sites

7.4. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)

- DM1: Presumption in Favour of Sustainable Development
- DM6: Enhancement of Biodiversity and Geological Interest
- DM7: Preventing Pollution and Flooding
- DM8: Safeguarding Open Space, Sport and Recreational Facilities
- DM10: Development and Design
- DM17: Highways Design
- DM18: Vehicle Parking Standards
- DM25: Safeguarding Community Facilities

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Loss of open space
- Impact upon the character of the area
- Impact upon neighbouring amenity
- Highway safety
- Ecology
- Drainage
- Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.
- 8.3. The Local Plan has no saved policies relating to the provision of health care facilities. Paragraph 14 of the NPPF iterates that a presumption in favour of sustainable development for decision-taking means, where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
- 8.4. Paragraph 216 of the NPPF iterates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to their stage of preparation, extent of unresolved objection and degree of consistency with the NPPF. Policy DM25 of the emerging SADMP relates to the provision of new community facilities. However, although the document is at an advanced stage and has been through the examination process, the section of the policy relating to new community facilities is subject to major modifications and therefore can only be afforded limited weight in the determination of this application.
- 8.5. Paragraph 70 of the NPPF iterates that to deliver social, recreational and cultural facilities and services the community needs, decisions should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefits of the community and ensure an integrated approach to consider the location of housing, economic uses and community facilities and services.
- 8.6. The proposed development is in a sustainable location adjacent to an existing neighbourhood centre and accessible by sustainable modes of transport by the population it is proposed to serve. The development would increase the provision of health care within the Hollycroft area and the areas immediately adjoining. The additional provision is required to serve the existing population as well as foreseeable increases resulting from current and future residential development. The site is in close proximity to the 'Land West of Hinckley, Normandy Way' site which the emerging SADMP allocates for 850 dwellings (HIN02) and is currently proposed under planning application ref: 15/00188/OUT. Although the development does not have planning permission, it is given weight due to its allocation for residential development.

- 8.7. Concern has been raised that the additional health care provision is to serve the increased population provided on the allocated site HIN02 and therefore facilities should be provided on-site. The proposed development is to serve a larger catchment than that specifically related to the allocated site. The location of the additional health care provision in the proposed location is better suited to meeting the needs of the wider community due to its sustainable location than if the facility was to be provided on the forthcoming development.
- 8.8. It is considered that, subject to the material impacts, that the location of the proposed development is considered acceptable as it would provide additional health care services in a sustainable location in accordance with Paragraph 70 of the NPPF.

Loss of open space

- 8.9. Policy REC1 of the Local Plan seeks to prohibit the development of land and buildings currently used for recreation and open space unless one of the exemptions in the policy is met; one of which is the development of a small part of a larger site in recreational use would result in the enhancement of facilities on the remainder of the site. Policy DM8 of the emerging SADMP goes further to include open space and sports facilities.
- 8.10. The proposed development would result in the loss of an area of approximately 420 square metres from the Clifton Way amenity green space site. The Clifton Way amenity green space site currently measure 2.06ha and has a quality score of 65% in accordance with the most up-to-date Open Space, Sport and Recreational Facilities Study. The development would result in a relatively small proportion of the site being developed. However, the development of the small part of the site would not result in the enhancement of recreational facilities on the remainder of the site. The proposed development is considered contrary to Policies REC1 of the Local Plan and DM8 of the emerging SADMP.

Impact upon the character of the Area

- 8.11. Policy BE1 of the Local Plan and Policy DM10 of the emerging SADMP seek to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design.
- 8.12. The proposed development would extend the existing doctors surgery onto the existing car park which currently serves the facility. The proposed extension would reflect the character of the existing building by using the same design and materials. Due to the single storey nature of the building it would not create an excessive bulk that would have an adverse impact on the street scene.
- 8.13. To replace the existing car park that the extension would be constructed on, it is proposed to extend the site in a northerly direction incorporating some of the amenity green space adjoining the footpath. The additional car parking area would result in the loss of several of the younger trees in the adjacent grouping although the largest of the mature trees would be retained. The trees to be lost could be replaced through a replacement planting scheme which can be secured by planning condition. Although the development would have an urbanising impact on the undeveloped character of the green amenity space, the area to be developed is relatively small in the context of the amenity space.

- 8.14. Boundary treatments along existing rear and side boundaries of the site comprise steel palisade fencing. It is proposed to replace the existing fencing and provide further boundary treatments along the new side and rear boundaries comprising metal hoop top fencing. Metal hoop top fencing is used for the boundary treatments of the nearby church and would be far less intrusive than the existing steel palisade fencing. It is proposed to provide a hedgerow along the extended front boundary of the site to match the existing.
- 8.15. In light of the above, it is considered that, subject to conditions, the proposed development would enhance the visual appearance and character of the area in accordance with Policies BE1 of the Local Plan and DM10 of the emerging SADMP.

Impact upon neighbouring residential amenity

- 8.16. Policy BE1 of the Local Plan and Policy DM10 of the emerging SADMP seek to ensure that development proposals shall not harm the amenity of neighbouring residential properties. The application site is opposite nos. 29, 31, 33, 35, 37, 39, 41, 43 and 45 Clifton Way.
- 8.17. The proposed extension is modest in size and would not exceed the existing building. The extension would be in excess of 28m from the nearest building which is considered sufficient to avoid an overbearing, overlooking or overshadowing impact on the windows in the front elevation of the neighbouring properties across Clifton Way. Concern was raised that the development would impact on the outlook and views from the properties. Private views and outlooks are not considered a material planning consideration in the determination of this application.
- 8.18. Concern has been raised over the noise and disturbance associated with the construction of the extension and as a result of the functioning of the facility.
- 8.19. The extension is not considered to be of a size to require conditions to restrict the hours of construction through a planning condition. Hours of construction would be controlled by Environmental Health
- 8.20. The doctor's surgery is located adjacent to a neighbourhood centre resulting in Clifton Way being subject to a relatively high level of vehicular movements. It is considered that the additional noise and disturbance caused by vehicular movements associated with the doctor's surgery would not have a material impact on the amenity of the occupiers of the adjacent dwellings.
- 8.21. It is considered that the proposed development would not have an adverse impact on the amenity of the occupiers of the adjacent residential properties in accordance with Policies BE1 of the Local Plan and DM10 of the emerging SADMP.

Highway safety

- 8.22. Policies T5 of the Local Plan and DM17 of the emerging SADMP seek to ensure new development adheres to the design standards as set out in the 6C's design guide. Policies T5 of the Local Plan also seeks to ensure parking provision in accordance with the Council's Parking Standards unless a different provision can be justified. Policy DM18 of the emerging SADMP seeks to ensure parking provision appropriate to individual development.
- 8.23. The proposed development would result in an additional 3 consulting rooms in the doctor's surgery. In accordance with the Council's parking standards, 2 additional

spaces should be provided per consulting room and 1 additional space per member of staff. The development proposes to replace the existing car parking and provide an additional 6 car parking spaces. The applicant has commented that there are only two full time employees on-site; all other employees are part-time. As a result of the proposed development there would be an increase to four full time members of staff on-site and a reduction in number of part time staff. The agent has explained that the surgery will employ several part time doctors who would use the consulting rooms on a rotation and therefore the actual increase in patient movements to and from the site would not be the equivalent of three consulting rooms used on a full time basis. Although the proposed level of car parking is not in accordance with the parking standards, it is considered the reduced level of car parking is justified to be through the timings of the use of the consulting rooms.

- 8.24. Concern has been raised that the existing car parking is not sufficient and use of the surgery results in on-street parking. It is acknowledged that car parking at peak times in the surrounding area can become congested. However, sufficient car parking provision is proposed for the additional development.
- 8.25. The proposed development would utilise the existing vehicular access for the site. It is not considered that the additional vehicular movements associated with the existing access would have a material impact on the highway. Leicestershire County Council (Highways) was consulted on the application and raised no objection.
- 8.26. In light of the above, it is considered that the proposed development would provide adequate car parking provision relative to the extent of the development and would not have an adverse impact on highway safety. The development is considered to be in accordance with Policies T5 of the Local Plan and DM17 and DM18 of the emerging SADMP.

Ecology

- 8.27. Policy DM6 of the emerging SADMP seeks to ensure that development does result in a net loss of biodiversity or adversely affect the integrity of the local ecological network.
- 8.28. Initially when the application proposed to remove the entire grouping of adjacent mature trees concern was raised by neighbours and Leicestershire County Council (Ecology) that given the maturity of the trees there is potential for the presence of bats and felling of the tree may result in the loss of bat habitats. Mature trees can be suitable for roosting bats dependent on their age and characteristics. The development was reduced substantially since the original proposal and only several trees are to be removed. A bat survey has not been submitted with the application. It is considered unlikely given the extent of the trees to be lost that a bat habitat would be impacted by the proposed development. However, it is considered that a bat survey should be undertaken prior to commencement and appropriate mitigation implemented, if necessary.
- 8.29. Subject to a condition, it is considered that the proposed development would not result in a net loss of biodiversity in accordance with Policy DM6 of the emerging SADMP.

Drainage

- 8.30. Policies NE14 of the Local Plan and DM7 of the emerging SADMP seek to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks.
- 8.31. The application would increase the hardstanding surface area above that of the existing site due to the incorporation of the amenity green space land. Additionally, the development would result in the loss of several trees. The proposed development is likely to increase the level of surface water runoff. Environmental Health (Drainage) has been consulted on the application and raised no objection. To ensure the development does not lead to increased surface water runoff a drainage scheme should be submitted which can be secured through a planning condition.
- 8.32. The proposed development is considered to be in accordance with Policies NE14 of the Local Plan and DM7 of the emerging SADMP.

Other matters

- 8.33. Concern has been raised over the impact of the proposed development on house values in the immediate vicinity of the development. This is not considered to be a material planning consideration in the determination of this application.
- 8.34. Concern has been raised that the application proposes no opening times. The opening times are proposed to remain as existing. There is currently no restriction on the opening times and therefore it would not be reasonable to restrict the opening times through a planning condition.

9. Conclusion

- 9.1. The proposed development would provide additional health care facilities to the existing and future population on the west side of Hinckley. The development is located in a sustainable location in close proximity to which it serves and is easily accessible by sustainable modes of transport. By virtue of the proposed layout, scale, design and appearance the scheme would complement the character and visual appearance of the surrounding area. The proposed development proposes to improve and provide additional landscaping which would substantially enhance the visual appearance of the area. The development would have an adequate level of car parking to serve the additional development and would not have an adverse impact on highway safety. The development would not give rise to adverse impacts on the amenity of the occupiers of neighbouring residential properties. The proposed development is considered to be in accordance with Policies BE1, NE12, NE14 and T5 of the Local Plan, DM1, DM6, DM7, DM10, DM17, DM18 and DM25 of the emerging SADMP and Paragraph 70 of the NPPF.
- 9.2. The development would result in the loss of a relatively small area of designated amenity green space which is contrary to Policies REC1 of the Local Plan and DM8 of the emerging SADMP.
- 9.3. In light of the above and in accordance with Paragraph 14 of the NPPF, in the planning balance it is not considered that the harm caused by the loss of the relatively small area of amenity green space would significantly and demonstrably outweigh the benefits of providing additional health care facilities in a sustainable

location and therefore the development is recommended for approval subject to conditions.

10. Recommendation

10.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

10.2. That the Chief Planning and Development Officer be given authority to determine the final detail of planning conditions.

10.3. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

B14/34/L01 - Location Plan (received on 23 December 2015)

B14/34/PRS01A - Site Plan (received on 4 March 2016)

B14/34/PRS02 - Floor and Elevation Plans (received on 17 February 2016)

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

3. The materials to be used on the external elevations of the proposed extension shall match the corresponding materials of the existing building

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

4. Prior to first use of the extension hereby approved, car parking provision and turning space shall be marked out and made available, in accordance with the submitted details as shown on drawing no.B14/34/PRS01A. The parking spaces and turning space so provided shall not be obstructed and shall thereafter permanently remain available for car parking and turning.

Reason: To ensure that adequate off-street parking and turning facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001 and DM17 and DM18 of the emerging Site Allocations and Development Management Policies DPD.

5. Development shall not commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) Proposed finished levels
- b) Means of enclosure including the railings to replace the existing steel palisade fence
- c) Car parking layouts
- d) Other vehicle and pedestrian access and circulation areas
- e) Hard surfacing materials
- f) Planting plans
- g) Written specifications
- h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- i) Implementation programme

The Planting Plans shall include details of the replacement planting for the trees to be lost as a result of the development hereby approved. Within 5 years from the date of planting, any replacement trees which die or are damaged, removed or seriously diseased shall be replaced by trees of a similar size and species to those originally proposed

Reason: In the interests of visual amenity to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

- 6. Prior to commencement of development, a bat survey shall be carried out on any trees to be removed or pruned as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure there is no net loss of biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD.

- 7. If bats are found to present as a result of the survey undertaken in accordance with condition 6, an appropriate mitigation strategy for the protection of bats and their habitats shall be submitted to and approved in writing by the local planning authority. The mitigation strategy shall be carried out in accordance with the approved details.

Reason: To ensure there is no net loss of biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD.

- 8. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley & Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.

10.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.