



St Edmundsbury
BOROUGH COUNCIL

WORKING PAPER 1

DEV/SE/18/028

Development Control Committee 6 September 2018

Planning Application DC/18/0721/FUL – Saxon House, 7 Hillside Road, Bury St Edmunds

Date Registered:	09.05.2018	Expiry Date:	04.07.2018
Case Officer:	Britta Heidecke	Recommendation:	Refuse
Parish:	Bury St Edmunds	Ward:	Moreton Hall
Proposal:	Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces		
Site:	Saxon House, 7 Hillside Road, Bury St Edmunds		
Applicant:	Mr St Clair Armitage - Community Dental Services		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

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Background:

The application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel at the request of Ward Councillor Peter Thompson (Moreton Hall).

A site visit is scheduled to take place on Thursday 30 August 2018.

1. In 2004 Planning permission was granted for a purpose built facility for Age Concern: **SE/04/2489/P** – Erection of two storey Class B1 office building with ancillary healthy living resource facility as amended and supported by letters and drawing received 26th July 2004 relating to the use of the building and indicating revised siting, landscaping and parking provision.

A letter from the agent (9 July 2004) clarified that over 80% of the building would be used by Age Concern as their administrative staff offices with associated canteen, toilet and storage facilities. The building would not be available to members of the public and the use by elderly clients would be strictly controlled by Age Concern who collect all visitors and take them home.

Parking standards at the time required 28 car parking spaces, and these have been provided.

It is clear from the plans and the application that the principle use of the building was as an administrative centre for Age Concern with the ground floor laid out and provided with specialist disabled bathroom and toilets. Planning permission SE/04/2489/P includes condition 5 restricting the use of the premises to be used "only for offices with ancillary healthy living resource facility and for no other purpose whatsoever," and concludes "The healthy living resource facility shall be operated in accordance with the terms as set out in the submitted supporting statement from Age Concern dated 22nd July 2004".

2. **In January 2018 DC/17/2406/FUL** - Change of use of Saxon House from office (B1) to dental clinic (D1). Planning permission was granted on 12 January 2018. The permission was limited to a 'personal' use by Community Dental Services for special dentistry care, to restrict the extent of the permission (6 treatment rooms only) and enable the Local Planning Authority to keep the site under review having regard to the exceptional circumstances in which permission has been granted. This permission is extant and at the time of my site visit refurbishment was underway.

Proposal:

3. The application proposes (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces.
4. The specialist dental clinic will operate from the ground floor and the community healthcare facility will operate from the first floor.

Application Supporting Material:

5. A letter dated 13 April 2018 from NHS England (Midlands and East (East)) supports the application. The letter refers to a great deal of effort being taken to find alternative premises closer to the centre of town following closure of NHS premises in Looms Lane, but how this was unsuccessful. It talks of the benefits of co-locating community healthcare services with dental services, and goes on to say that if planning permission is not granted patients from Bury St Edmunds will have to travel to Newmarket, Ipswich or Cambridge in order to access community healthcare services. The letter concludes by disagreeing with the number of car parking spaces required on site.
6. The Planning Statement submitted by the applicant's agent indicates that the community healthcare services displaced from Blomfield House in Looms Lane have been operating from NHS premises in Hospital Road, various village halls and sports halls and Derbyshire House on Lamdin Road. These are said to be unsuitable for various reasons: Hospital Road - over capacity and poor access and parking provision; village halls - bookings difficult to organise and space far from ideal; and Derbyshire House provides hot desk facilities for admin staff but is operating over capacity.
7. Further details in the form of a revised transport statement, as well as supporting letters from Community Dental Services and the NHA have been received following consideration at the Delegation Panel. These are available to view on the Councils' website.
8. In summary, the transport statement technical note concludes that –

Given the information presented in this chapter, the car park has been demonstrated to be sufficient to accommodate the operational needs of both uses without the requirement for additional onsite car parking or the potential for on street parking due to a lack of available spaces.

9. At the time of writing the further view of Suffolk County Council as Highway Authority has not been provided. This will be reported, either in the late papers or verbally as timings dictate.
10. The letter from the West Suffolk NHS Foundation Trust states as follows –

Since having to move out of Blomfield House in September 2016, the affected community healthcare services have been being delivered from temporary locations which are wholly unsatisfactory for our patients and for our staff and cannot be seen as a permanent solution. West Suffolk NHS Foundation Trust, CDS and NHS England have carried out an extensive search for suitable properties closer to the centre of Bury St Edmunds and have been unable to find any.

As a result West Suffolk NHS Foundation Trust is anxious to find a medium term solution which would provide a suitable location and base for the delivery of these essential community healthcare services to our patients and their families.

The nature of these services is that the patients attend by prior appointment only and would not result in unplanned attendances all

at the same time. As is often the case in this type of facility we hope to be able to house a small number of the community administration support team, thereby providing employment as part of the use.

The consequence of this application being refused is that patients from Bury St Edmunds and the surrounding area would have to travel to other parts of Suffolk and have longer waits for the services which we would otherwise deliver from the application site. This is would be detrimental to our provision of healthcare, would be unsustainable, and would make life increasingly difficult for our staff who would have to travel to and from their work along the already overstretched A14.

We note that the Agent acting on behalf Community Dental Services has explained why the concerns that have been expressed about pressure on parking provision do not to amount to a sufficient reason to reject the application, especially when balanced with the need for the facility.

Failure to approve the application will see the provision of vital community healthcare services to Bury St Edmunds severely compromised, and our therapists having to work in a very inefficient way.

- 11.The letter from the applicant Community Dental Services concludes as follows –

This application is crucial for retaining community healthcare services which are currently being provided from unsatisfactory, makeshift premises to the detriment of capacity and quality of care for vulnerable patients. If planning permission cannot be secured, vital community healthcare services will be lost from the Borough altogether.

Site Details:

- 12.The application site is located within Suffolk Business Park, a designated General Employment Area on the eastern edge of Bury St Edmunds. The site lies 2.3km from the town centre. The nearest bus stop is approx. 650m north of the site in Bedingfield Way. A public cycle path runs beyond a tree belt along the western side boundary.
- 13.The site comprises of a two storey office/ commercial building which benefits from planning permission to change use to a specialist dental clinic. This is currently being implemented. The site is accessed from Hillside Road. To the rear, side and front of the building are currently 31 parking spaces in total. Cycle parking is located to the north of the building. To the north, east and south of the site are other business/industrial units. Further business/industrial units lie beyond the tree belt and cycle path to the west.

Planning History:

14.

Reference	Proposal	Status	Received Date	Decision Date
DC/17/1842/FUL	Planning Application - Temporary siting of 2 no. mobile dental surgery units within an area of existing car parking for a period of 4 months	Application Granted	05.09.2017	26.10.2017
DC/17/2406/FUL	Planning Application - Change of use from office (B1) to dental clinic (D1)	Application Granted	13.11.2017	12.01.2018
DC/18/0721/FUL	Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces	Pending Decision	17.04.2018	
SE/05/02685	Planning Application - Variation of condition 5 of planning approval SE/04/2489/P to allow the premises to be used for Acts of Worship by the Kingsgate Church on Wednesday evenings between 19.00 and 21.30 and on Sundays between 09.00 and 14.00 in addition to the uses specified in condition 5 of SE/04/2489/P (amended description 7th December 2005).	Application Granted	02.11.2005	21.12.2005
SE/04/2489/P	Planning Application - Erection of two	Application Granted	11.06.2004	25.08.2004

	storey Class B1 office building with ancillary healthy living resource facility as amended and supported by letters and drawing received 26th July 2004 relating to use of building and indicating revised siting, landscaping and parking provision			
SE/02/2622/P	Planning Application - Erection of 11 no. two storey Class business units and 8 no. industrial/warehouse units with ancillary offices for Class B1, B2 and B8 uses as amended by schedule of approved plans attached to decision notice	Application Granted	03.07.2002	13.12.2002
E/95/1784/P	Submission of Details - Construction of estate roads and drainage works and planting of strategic landscaping to phase A as amended by letter and drawing no.442/12/E received 22 .8.95 indicating increase in overall size of lagoon control chamber further amended by plans received 28/9/95 indicating revisions to proposals	Application Granted	25.05.1995	15.01.1996

E/91/1788/P	Submission of Details - Construction of estate roads, drainage works and landscaping to business/industrial park (Phase I) as amended by letter received 5th August 1991 and accompanying revised plans and by letter received 3rd September 1991 and accompanying	Application Granted	14.05.1991	31.10.1991
E/88/1663/P	Outline Application - Use of land for business park/employment area (phases 1 and 2) with construction of vehicular accesses to Orttewell Road and Boldero Road	Application Withdrawn	08.03.1988	17.05.1988
E/87/2725/P	Outline Application - Use of land for Business Park/Employment Area (Class B1 Business and Class B8 Storage or Distribution), with construction of vehicular access as extension to Orttewell Road	Application Withdrawn	16.07.1987	17.05.1988

Consultations:

15.

Environment & Transport - Highways

Recommend refusal (see Officer comments below). Comments outstanding on the additional highways Technical Note received on 16th August 2018.

NHS England

Support

Town Council

Neither objecting to or supporting the Planning Application.

Ward Members

No comments other than the call in received.

Rights Of Way Support Officer SCC

No objections but suggest informative.

Public Health And Housing

Public Health and Housing have no objection to this application.

Representations:

16.No third party comments have been received.

Policy:

17.The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV14 - General Employment Areas - Bury St Edmunds
- Vision Policy BV15 - Alternative Business Development within General Employment Areas
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS11 - Bury St Edmunds Strategic Growth
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM35 Proposals for main town centre uses
- Policy DM41 Community Facilities and Services
- Policy DM46 Parking Standards

Other Planning Policy:

18.The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due

weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM35, DM41 and DM46 and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant DM Policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant DM Policy.

19. Paragraph 80 of the revised NPPF, indicates that policies and decisions should help create conditions in which business can invest, expand and adapt, with significant weight being attached to the need to support economic growth and productivity. Noting the support offered within Policy DM30 to ensure wherever possible the protection of employment land unless otherwise shown to be justified, officers are satisfied that there is no material conflict between Policy DM30 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM30.
20. Paragraph 92 of the NPPF indicates that decisions should ensure an integrated approach to considering the location of community facilities and services. DM41 supports the provision of community facilities where they will contribute to the maintenance of sustainable communities. In this regard therefore it is considered that there is a high degree of alignment between the DM41 and the provisions of the NPPF, such that full weight can be given to DM41.
21. Paragraph 105 of the NPPF allows local parking standards to be set, taking into account, inter alia, the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; and levels of local car ownership. The local parking standards adopted in West Suffolk reflect bespoke consideration by the Highway Authority of these matters, and officers remain of the opinion that the provisions of DM46 remain material, are otherwise aligned with the provisions of the NPPF, and that full weight can therefore be given to DM46 in consideration of this matter. As a consequence it is also considered that full weight can be given the provisions of criterion L of Policy DM2, noting the provisions of Para. 108 of the NPPF that seeks to ensure that safe and suitable access to sites can be achieved.
22. Core Strategy Policy CS7 requires all development proposals to provide for travel by a range of means of transport other than the private car in accordance with the following hierarchy:
 - Walking
 - Cycling
 - Public Transport (including taxis)
 - Commercial vehicles
 - Cars
23. It is considered that this Policy aligns sufficiently closely with the provisions of paragraph 102 of the NPPF, which requires opportunities to promote walking, cycling and public transport are identified and pursued, such that weight can be attached to CS7, notwithstanding its age.

Officer Comment:

24. The issues to be considered in the determination of the application are:

- Principle of Development
- Planning History
- Accessibility
- Highways matters
- Other matters

Principle

25. Policy DM30 seeks to protect employment land and existing businesses. Planning Policy explained in their comments that: 'The starting point of the policy is the question as to whether the non-employment use proposal will have an adverse effect on employment generation. Adverse effects will include loss of designated/allocated B Use Class(es) employment land compromising the ability of the local planning authority to meet job targets set out in the Core Strategy (and Bury St Edmunds and Haverhill Vision documents), and the introduction of inappropriate uses that may fetter the activities of existing neighbouring employment uses and prevent them from expanding or intensifying e.g. through noise, traffic movements, etc. (...)'

26. It is officer's view that the proposal would have an adverse effect because of the loss of designated employment land/premises, and may fetter the activities of neighbouring employment uses through the introduction of traffic movements and insufficient on-site parking.

27. This is not an exceptional case, and the applicants haven't provided any evidence to support the loss of employment space here. Without this evidence criteria a) and b) in DM30, have not been met. Criteria c), d), e) or f) are not considered applicable here. The local planning authority cannot be satisfied that the proposal meets any of the criteria in DM30. On the basis of the above the principle of the proposal is not acceptable.

Planning history

28. Planning history is a material consideration. Whilst planning permission DC/17/2406/FUL - Change of use of Saxon House from office (B1) to dental clinic (D1) is extant, this permission is limited to a 'personal' use by Community Dental Services for special dentistry care, to restrict the extent of the permission and enable the Local Planning Authority to keep the site under review having regard to the exceptional circumstances in which permission has been granted.

29. The circumstances were special insofar as Community Dental Services (CDS) are different from most High Street dentists. They are mostly a 'referral' dental service providing specialist care and expertise to vulnerable patients. Whilst there was some conflict with criteria set out in policy DM30, the proposal was considered to comply with policy DM41 due to the specialist nature of care. The case was also made that patients will only be seen on appointment, most patients will arrive by car/ organised transport and so there was a justification for reduced parking provision in this case. Given there was no harm to highways safety and parking provision, in the planning balance the conflict with policy DM30 was outweighed by the benefits of the scheme.

30. This current application has been submitted on the basis to better utilise the building and provide a permanent base for both CDS and Suffolk Community Healthcare (SCH) following the closure of Blomfield House in late 2017.

Accessibility

31. This current proposal is not an exceptional case. SCH provide a range of NHS community services for a relatively wide geographical area. Paragraph 4.1.4 of the Planning Statement states that the proposal will help to diversify the employment base of Suffolk Business Park whilst providing an existing community facility local to residents of Moreton Hall” and for this reason they state the proposals “gain support from the policy [DM41]”. Clearly the proposed community healthcare facilities are intended for a geographically far wider area than that of Moreton Hall.
32. Such community services should be located where people can benefit from good public transport and/ or walking access and from linked trips, and not located on employment areas that most members of the community requiring the services would find difficult to access.
33. Policy CS7 states (inter alia) *‘All proposals for development will be required to provide for travel by a range of means of transport other than the private car in accordance with the following hierarchy:*
- *Walking*
 - *Cycling*
 - *Public Transport (including taxis)*
 - *Commercial vehicles*
 - *Cars*

New commercial development, including leisure uses and visitor attractions, which generate significant demands for travel, should be located in areas well served by a variety of transport modes...’

34. Consideration of CS7 in the Planning Statement concludes that the site is “therefore well located in terms of sustainable transport”. This is not the case – the location is too distant from the bus stops in Bedingfield Way (650m) to encourage the use of buses (SCC guidance on walking distance from home to bus stops is 400m); walking is only going to be an option for an extremely small number of residents on Moreton Hall.

Highways matters

35. Policy DM46 seeks *‘to reduce over-reliance on the car and to promote more sustainable forms of transport. All proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles, in accordance with the adopted standards current at the time of the application.*

In the town centres and other locations with good accessibility to facilities and services, and/or well served by public transport, a reduced level of car parking may be sought in all new development proposals...’

36. Suffolk County Council as Highways Authority object to the proposal on the basis that the previous permission with an already reduced parking provision was only acceptable due to the special circumstances and justification. The existing parking spaces therefore are allocated to the ground floor specialist dental practice.
37. This application proposes 5 additional spaces for the 1st floor Community Healthcare provision. The Suffolk Guidance for Parking (SGP) recommends medical centres provide 1 car parking space per staff member (FTE) and 4 spaces per consulting room. The proposed 12 staff members and 5 treatment rooms would therefore require 32 parking spaces. This level of parking takes into account patient arrival, waiting and leaving time.
38. Based on the information supplied and guidance given in the Suffolk Guidance for Parking (SGP) there is a severe under-allocation of on-site parking. This can lead to inappropriate on-street parking which can often be part or fully on the footway causing an obstruction to other road users and a danger to pedestrians.
39. The Highways Authority further note that the proposed additional parking spaces reduces the available manoeuvring space for the existing parking spaces 5 to 12 from the required 6.0m to 4.0m. 4.0m is considered insufficient for safe reversing and turning of cars and would render spaces 5 to 12 inaccessible.
40. Additionally, space 32 reduces the access width to 3.0m throughout, removing the small wider passing place which would allow vehicles entering the site a passing place when encountering vehicles leaving the site. Without this passing space the access would be too narrow to be acceptable for a shared use access.
41. The Highways Authority further queries drawing SAH-MAR-XX-00-DR-A-0150 Rev 2 which shows one treatment as a 'group therapy' room where it can be assumed multiple patients will be on-site at the same time. The transport statement shows 4-5 clinics only with a daily morning and afternoon patient number.
42. The proposed use introduces pedestrians, cyclists but predominantly motorists visiting the premises throughout the day. Whilst the volume of traffic is not itself a problem, parking clearly will be. In this location away from other community/ service/ retail uses where linked trips might take place, and away from any public car parks, the provision of sufficient on-site parking is vital. This area is very congested during weekday working hours with parking on the street and partly on footpaths. This level of new, public parking, would exacerbate this. The proposal therefore fails to comply with policy DM46 and would have an adverse effect on highway safety, contrary to policy DM2 (I) and policies in the NPPF.

Other matters

43. In addition to the policy position set-out above, authorities and agencies are working on proposals to co-locate public/community uses through the One Public Estate Programme. An example of this is the Mildenhall Hub. There is an adopted Western Way masterplan that provides for the relocation of health and other public services to Western Way under this

programme. Clearly this will take a few years to deliver, but there is no mention of forward planning in the application supporting statement.

Conclusion:

44. The proposal is contrary to policy DM30 and as such is not acceptable as a matter of principle. Whilst there appear to be no suitable alternative premises available at present in a more sustainable location, there are no material considerations to indicate that the application should be determined other than in accordance with the development plan. Whilst the proposal would generate a considerable number of traffic movements, the application site is not well accessible by foot and/or well served by public transport and suitable for linked trips. As such the proposals are contrary to policy CS7. Additionally, the proposal would be harmful to highway safety due to severe under-allocation of on-site parking and a too narrow access for shared use. Accordingly the application is recommended for refusal.

Recommendation:

45. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The proposal would have an adverse effect because of the loss of designated employment land/premises, and may fetter the activities of neighbouring employment uses through the introduction of traffic movements and insufficient on-site parking. The relevant criteria a) and b) of policy DM30 have not been met. As such the proposal is contrary to policy DM30.

The provision of the service, the need for suitable premises and unavailability of alternative, more sustainable located sites are factors which weigh in favour of the proposal. However, the policy conflict and harm identified above together with the inaccessible location and adverse effect on highway safety significantly and demonstrably outweigh the benefits of the proposal.

2. The proposed community healthcare facilities are intended for a geographically wider area than within walking distance. The site does not benefit from good public transport and/or walking access nor would it benefit from possible linked trips. The proposal therefore fails to comply with policy CS7, which seeks to reduce the need for travel through spatial planning and design, and one of the core principles of the NPPF, which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
3. The proposal includes 5 additional parking spaces where in accordance with the Suffolk Parking Guidance 32 parking spaces would be required for the 12 staff members and 5 treatment rooms. There would therefore be a severe under-allocation of on-site parking. This can lead to inappropriate on-street parking which can often be part or fully on the footway causing an obstruction to other road users and a danger to pedestrians.

Furthermore, the proposed additional 5 parking spaces would reduce the available space for manoeuvring for the existing parking spaces 5 to 12 from the required 6.0m to 4.0m. 4.0m is considered insufficient for safe reversing and turning of cars and would render spaces 5 to 12 inaccessible. Additionally, space 32 reduces the access width to 3.0m throughout, removing the small wider passing place which would allow vehicles entering the site a passing place when encountering vehicles leaving the site. Without this passing space the access would be too narrow to be acceptable for a shared use access.

The proposal therefore fails to provide adequate parking and safe and suitable access for all, contrary to policy DM2 (I) and DM46. And the proposal would have an unacceptable impact on highway safety as a result of significant under provision with parking. As such the proposal is contrary to policy in the NPPF, particularly 105, 108 to 110.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0721/FUL](https://www.birmingham.gov.uk/info/20136/consultations/20136/dc180721ful)