



*St Edmundsbury*  
BOROUGH COUNCIL

# Development Control Committee

## 4 October 2018

### Committee Update Report

#### **Item 4 - DC/18/0721/FUL, Saxon House, 7 Hillside Road**

1. Further discussions between the applicant's agent and officers took place around the suggested condition 3, which would make the use personal to Community Dental Services (CDS) for special dentistry care and Suffolk Community Healthcare (SCH), should members be inclined to approve the application.

2. The applicant set out in correspondence reasons why a personal condition would not be acceptable in this case.

3. This correspondence explains that CSD and SCH are the current providers of the services they offer to the NHS. However, the NHS contracts are reviewed periodically and awarded in line with public sector procurements. There is no guarantee that the continuity of the service which it is to provide at Saxon House will be delivered through CSD and SCH.

4. Moreover, the agent also advised that the Planning Practice Guidance at Paragraph 015 explains:

"A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company."

5. The applicant disputes the need for and reasonableness of a 'personal' condition therefore and argued that what is required is a condition to limit the use of the site within the use class D1, so as to avoid a different use within D1 with a greater level of parking requirements.

6. The agent also argues that 'Community healthcare services exist to serve those with some sort of additional needs or challenges and who therefore cannot access healthcare services in the conventional way. They also necessarily involve work in the community meaning that a proportion of their work occurs offsite'.

7. The guidance within the NPPG is noted, as is the position of the agent here, and on this basis Officers suggest that condition 3 should be amended to read:

The building subject to this application shall only be used for community healthcare services (including dentistry) on an appointment only basis and for no other uses within use class D1.

Reason: To restrict the extent of the permission having regard to the exceptional circumstances in which permission has been granted.

8. Members must be aware that in the view of officers this condition will however provide less control for the Council and as a consequence will marginally but potentially materially increase the risk of greater parking demand being placed on this site and in turn upon the surrounding area, thereby exacerbating much of the harm set out in the accompanying risk assessment report. The condition for example will not necessarily ensure that the services are provided only for the more vulnerable members of the community with, at present, subsequent less frequent, longer appointments.

9. The applicant further clarified that the preventive treatment room at ground floor is used for patients to have toothbrushing lessons or to recover after treatment so this room is always used in conjunction with a surgery and not as well as. There will therefore only be 6 treatment rooms at ground floor and not 7 as previously assumed by officers.

10. The officer report at para 20 refers to the comments received from SCC Highways and states:

- 'The ancillary back office use to support 'community health care professionals' is not detailed until the technical note and supporting information and appears to be an additional use to that initially detailed in the application. Whether or not the proposed facility is to also be a base for these community-based professionals is not made clear, nor is any associated parking for them.'

11. The agent refutes this statement and highlights that the Planning Statement submitted in support of the application explained at paragraph 3.10: SCH's use of any new premises will comprise the following:

- Office / administration / support staff space;
- Base for community healthcare staff running courses etc in the community;
- Appointments with patients; and
- Group appointments / sessions.

And at paragraph 3.12: that one reason Saxon House has been identified as suitable for SCH was because 'It is suitable for both the administration and clinical aspects of the use proposed...'

12. The agent reiterates that there would be a total of 13 members of staff (full time equivalent).