

Application:	2021/0117/FUL	ITEM 4	
Proposal:	Erection of a single storey pre-fabricated modular building to provide consulting rooms for a temporary period of 3 years		
Address:	Empingham Medical Centre, 39 Main Street, Empingham		
Applicant:	Empingham Medical Centre	Parish	Empingham
Agent:	Mr P Elliott	Ward	Normanton Ward
Reason for presenting to Committee:	At the request of the Development Control Manager		
Date of Committee:	1 June 2021		

EXECUTIVE SUMMARY

To site a single storey pre-fabricated modular building to provide 3 additional consulting rooms. The building would be located in the adjacent car park, measuring 14.8m in length, 4.2m wide and 2.9m High.

In order to accommodate the building on site it is proposed to remove all the existing 11 car parking spaces and install 2 additional disabled bays increasing the total number to disabled bays from 2 to 4. The existing two bays would be relocated and two additional bays would be located on the southern side of the car park adjacent the copse of trees and the garden area of the adjacent property know as Wheelwrights Barn.

The objection from RCC Highways cannot be addressed satisfactory and with reference to the need to provide additional car parking spaces to meet the proposed use and the existing parking problems referred to along Main Street and Willoughby Gardens, the proposal is therefore unacceptable in this respect, as it would be not be in accordance with Section 9 of the NPPF (2019) and SP15 of the Site Allocations and Policies Development Plan Document (2014)

RECOMMENDATION

REFUSAL, for the following reasons:

The proposed prefabricated building would result in the loss of existing onsite parking space and does not make suitable alternative proposals for the loss of the existing parking bays or for the new parking spaces required to meet the need for 3 additional consultation rooms. The proposal would thereby result in a short fall of 18 car parking spaces not being able to be accommodated within the curtilage of the application site. This would result in vehicles parking on the public highway and or which would be detrimental to highway safety and contrary to Section 9 of the NPPF (2019), Policy SP15(I) ' Access and Parking' and Appendix 2 (Parking Standards) of the Site Allocations and Polices Development Plan Document Adopted 2014.

Site & Surroundings

1. The application site is the existing car park ancillary to Empingham Medical Centre accessed from Willoughby Drive. The site is located with the Empingham

Conservation Area and adjacent a Grade II Listed Building abutting the western elevation of the existing car park, No 2 Crocket Lane.

2. The existing car park is set back from the road behind the building line of the existing Medical Practice. The entrance of the car park is screened by a low stone wall and a number of mature trees located within the application site and on the existing grass verge forward of the eastern boundary. The car park is screened from the rear garden with 37 Main Street and 2 Crockets Lane by a 1.8m high boundary fence and wall.
3. The prefabricated building would be locate along the northern boundary of the existing car park parallel with the rear garden boundary of No 37 Main Street. The western elevation would be located 1.1m from the rear garden boundary of No 2 Crocket Lane, a Grade II Listed Building

Proposal

4. To site a single storey pre-fabricated modular building to provide 3 additional consulting rooms. The building would be located in the adjacent car park, measuring 14.8m in length, 4.2m wide and 2.9m High.
5. In order to accommodate the building on site it is proposed to remove all the existing 11 car parking spaces and install 2 additional disabled bays increasing the total number to disabled bays from 2 to 4. The existing two bays would be relocated and two additional bays would be located on the southern side of the car park adjacent the copse of trees and the garden area of the adjacent property know as Wheelwrights Barn.
6. The existing car park is screed from the rear garden with 37 Main Street and 2 Crockets Lane by a 1.8m high boundary fence and wall
7. It is was proposed as part of the original submission that externally the walls would be insulated wall panels clad with plastisol steel and coloured, goosewing Grey BS 10A0. The roof fascia would be coloured Grey RAL7042 and doors and windows coloured Anthracite RAL7016
8. During the determination period the applicant's agent has agreed that proposal could be for a temporary period of 3 years, provided an access ramp, and increase the number of disabled spaces on site by 2 thus providing 4 in total and provided additional drawing to show that vehicles can still manoeuvre on site. In addition specific details have been provided of the make and model of the proposed air source heat pumps.

Relevant Planning History

Application	Description	Decision
83-0228-9	Construction of extension to existing doctors surgery building after partial demolition and construction of new car park with new	Planning Permission Granted 12 August 1983

vehicular access and
pedestrian access to
Willoughby Drive
existing surgery building
and No 39 Main Street
Empingham

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 12 - Achieving well-designed places

Chapter 16 - Conserving and enhancing the historic environment

Chapter 15 - Conserving and enhancing the natural environment

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP15 - Design and Amenity

SP19 - Biodiversity and Geodiversity Conservation

SP20 - The Historic Environment

Core Strategy DPD (2011)

CS04 - The Location of Development

CS03 - The Settlement Hierarchy

CS07 - Delivering Socially Inclusive Communities

CS19 - Promoting Good Design

CS21 - The Natural Environment

CS22 - The Historic and Cultural Environment

Other Policies

Empingham Conservation Area Character Appraisal And Management Proposals (2014)

Consultations

9. Conservation Area Officer

10. The application site is located in the Empingham Conservation Area and there are Listed Buildings nearby. The application should therefore be accompanied by a Heritage Impact Assessment as required by paragraph 189 of the NPPF:
11. “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”
12. Following the submission of a Heritage Impact Statement a further response was received stating;
13. The site for the building is in the Empingham Conservation Area and would impact on the setting of Grade II Listed buildings fronting Crocket Lane.
14. A building in this location and of the design proposed would neither preserve nor enhance the character or appearance of the Conservation Area or the setting of nearby Listed Buildings. It would normally only be appropriate for a building such as that proposed to be located in such a sensitive position for a limited period until permanent accommodation could be provided.
15. However, if the building were to be clad in timber boarding of a natural finish, this might go some way to mitigating its harmful impact on the surroundings.
16. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
17. Paragraph 194 goes on to require that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
18. In instances where it is concluded that there would be less than substantial harm to the historic environment, paragraph 196 of the NPPF requires that harm be weighed against the public benefits of the proposal. This is a matter for the decision maker to come to a judgement on having regard to all the relevant issues.
19. I would assess the degree of harm to the historic environment in this instance to be less than substantial.
20. In response to additional information received from the applicant’s agent about the exterior appearance of the proposed building;

21. In the interests of mitigating the harmful impact on the immediate surroundings, I would suggest that in this instance the Facing Brickwork Wrap would be the most appropriate option for the exterior of the modular building.
22. Second choice would be Honesty with the grey windows.
23. Empingham Parish Council
24. Discussed this application at Parish Council meeting on 10 March. Empingham is a large village/Local Service Centre providing key services for other settlements. Probably the most important of these is medical services provided by the Medical Centre which is rated "good" with the best customer service, and customer satisfaction rating, in East Leicester and Rutland. Patient numbers have increased about 600 in the last eight months. The physical facilities urgently need to be increased to provide additional consulting rooms to meet current and future demand for high quality medical services from settlements in the Centre's extensive catchment area from Whissendine in the west to Stamford in the east.
25. The proposed use of a prefabricated modular building to consulting room standards is a sensible solution to meet an urgent need. EPC assumes that as a modular building it will be connected to existing services with no need for extensive foundations or groundworks. EPC also assumes it is "temporary" in so far as if the need arose it could be disconnected from those services and moved elsewhere.
26. Empingham Medical Centre is within the village Conservation Area (CA) at the southern edge of that Area. It is proposed to locate the modular building behind the Medical Centre in the car park to the south of the main building. It would not be visible from Main Street or the historic core of the village. Indeed it should only be visible from a limited stretch of Willoughby Drive opposite the entrance to the car park. The light grey colour of the building is not dissimilar to the grey of stone walls in the CA.
27. EPC considers it would not have an adverse effect on the CA. EPC supports the application and early implementation of the proposal to extend the physical facilities at the Medical Centre and good medical services to residents.
28. RCC Highways
29. Object to the proposal.
30. The practice currently only has 11 car parking spaces and 2 disabled bays. The parking currently serves the doctors, nurses, receptionist, pharmacist, and the patients. The practice does not have enough parking spaces for the current use

which results in on street parking along Main Street and Willoughby Gardens as shown in the google maps image below:



31. Due to the bends in the road of Willoughby Gardens there is limited forward visibility. The on street parking reduces the road width to 1 vehicle width. If two vehicles meet, going in opposite directions, one is forced to reverse a long distance before there is sufficient space for the other vehicle to park.
32. Additionally vehicles parking on both Main Street and Willoughby Gardens park either close to the junction or on the junction. This reduces the visibility of vehicles exiting Willoughby Gardens onto Main Street and is against rule 243 of the highway code

Proposed development

33. Application 2021/0117/FUL is proposing to remove all 11 car parking spaces and install 2 disabled bays; taking the total parking number to 4 disabled bays.
34. Any new development should keep the existing parking for the building and increase the parking for the new development. As per RCC site allocations and development plan documents the parking standards for a D1 non-residential institution (clinics, health centres, surgeries), require one space per member of staff employment plus two car parking. The proposed development has 3 consultation rooms and therefore will require 9 additional parking spaces. Bringing the total of parking spaces required for the site to 22 (disabled bays inclusive).
35. It should be noted that Empingham Parish Council have submitted a number of highway concerns to the highways and transport working group for Main Street and the surrounding areas. The proposed development will result in additional on street parking, possibly in dangerous location, and result in more vehicles coming to Empingham to use the services due to the size of the practices catchment area.

36. Things the applicant could look at to try and mitigate the highway issues

1. Travel plan for staff

This must include parking facilities for all the staff

The applicant could propose an off-site parking area within the village and provide a bus service to the practice for the staff

2. -Parking for patients

3. Possible highway improvements (to be carried out under a S278 agreement, or through RCC funded by the applicant)

- It should be noted that the current parking strategy does not support double yellow lines in villages. This document is currently under review.
- Double yellow lines could be considered to guide drivers where to safely park on street. At present drivers in this area do not park safely and park on/near the junctions and on bends. This reduces the visibility and road width
- Enforcement will rely on resources available. Double yellow lines and dangerous/inconsiderate parking can be enforced by the police, however police resources are very limited.

Provide 22 car parking spaces at another location near the practice

37. Environmental Protection

38. No objection subject to conditions.

39. Ecology Unit

40. It appears from the plans that the development will not result in the removal of any trees. There are some boundary hedgerows and trees which may need some maintenance e.g. pruning, therefore I recommend that the following note to applicant is added to any planning permission, should it be granted:

41. 'Vegetation clearance must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.'

42. Rutland Access group

43. 'I am writing on behalf of Rutland Access group who have concerns about the proposed additional consulting rooms at Empingham Medical centre. It is noted that a portacabin solution is being proposed and this results in a ground floor level 309mm above external ground level. There is no indication of a ramp being created to provide full disabled access to the building. At the 1:15 maximum slope this would require a ramp of over 4.5m long. This is not shown on any drawings so I would presume that this is not to be provided. The Rutland Access Group thus object very strongly to this proposal.

44. Parking is already an issue at this surgery and there is no indication of how this proposal will affect the parking arrangements. I would hope that the disabled parking facilities will not be removed as a result.'

Neighbour Representations

45. Mr Allun Evans

I have no objections to the propose plans. I would only ask that consideration to lighting in the remaining car park is installed with sympathy to our property in that it does not shine directly into our windows as it does at present.

46. Mr & Mrs Evelyn and Gavin Burns

As the long term occupiers of Hallstones my wife and I are concerned at the proposal to park a visually intrusive commercial building on the car park adjacent to our garden in a conservation area. This adds nothing to the value of our house. Will there be further buildings until we are obliged to move?

47. Mr Neil Johannessen

Have selected 'Neutral' as my stance because, whilst in no way 'objecting' to the intention of this proposal, nor can I 'support' the proposal as detailed in the application.

No one should doubt the potential benefit that will come from adding more consulting rooms to the Medical Centre, and certainly, given the obvious constraints of the site and the conservation area location, the challenges of doing so are many and various. But, from the perspective of the local community and the users of the Centre, there is not enough detail in the application for a full understanding of the outcome and its implications.

For example, whilst it is abundantly clear that there will be fewer car parking spaces (with obvious consequences for street parking) precisely how many will there be? How will they be laid out and marked? Will there still be three disabled bays?

And how will the site work in terms of pedestrians, deliveries and collections? There is already little enough room for the vans that visit to manoeuvre. The Site Plan drawing shows a simple rectangle for the structure, but there is a canopy over the door (and presumably also some sort of ramp for wheelchair access?) and there are Air-Con units and other services along the back, all of which will require service access. Is the position and are the extremities and protrusions really as simple and certain as the simple as the submitted drawing shows? Presumably there will also need to be clearly defined and marked (and protected?) pedestrian pathways between the annexe building and the Centre?

Any and all of these factors could make for a very different layout and functionality of the site than the current level of detail gets near to providing. And the time to be sure is now, not after a unit arrives.

Planning Assessment

48. The main issues are the visual impact on the character and appearance of the Empingham Conservation Area and setting of nearby Listed Buildings, the loss of existing on site car parking and no additional car parking provision to serve the proposed development.

Impact on the Conservation Area and setting of Listed Buildings

49. A building in this location and of the design proposed would neither preserve nor enhance the character or appearance of the Conservation Area or the setting of nearby listed buildings. It would normally only be appropriate for a building such as that proposed to be located in such a sensitive position for a limited period until permanent accommodation could be provided.
50. The Conservation Area officer originally stated that 'if the building were to be clad in timber boarding of a natural finish, this might go some way to mitigating its harmful impact on the surroundings. In response to this request
51. The applicant's agent has stated that with regards to the external finish of the proposed building that the vertical timber cladding would be too expensive for a building required for such a short period of time.
52. As an alternative, following further discussions with the Conservation Area Officer, in the interests of mitigating the harmful impact on the immediate surroundings, The Conservation Area Officer has stated that that he would suggest that in this instance the Facing Brickwork Wrap would be the most appropriate option for the exterior of the modular building. Second choice would be Honesty with the grey windows
53. In response the applicant's agent has stated that 'Portakabin (manufacturer of the prefabricated building) have confirmed to have a plain colour the additional cost to the client is £645.00, (Honey Colour – The Conservation Area officers third preference) however, for the brick wrap there is an uplift of £9000.00. The applicant has not included for this in their budget for the project therefore they would prefer the external walls to be 'Honesty' colour.
54. In the interests of mitigating the harmful impact on the immediate surroundings, although a timber clad building or a building finished in a brick wrap would be preferable in this instance the proposal to finish the exterior of the building in a colour known as 'Honesty' with the grey windows is considered acceptable to in the interests of mitigating the harmful impact on the immediate surroundings, subject to permission been granted for a temporary period.

Car Parking

55. The application as referred to in the response from RCC Highways, proposes to remove all 11 car parking spaces and install 2 disabled bays; taking the total parking number to 4 disabled bays.
56. In addition to retaining the existing on-site parking, The Adopted Parking standards require an increase in on-site parking to meet the demands of the new development. For non-residential institution (clinics, health centres, surgeries), the standards require one space per member of staff employment plus two car parking. The proposed development has 3 consultation rooms and therefore would require 9 additional parking spaces. This would bring the total number of parking spaces required on site to 22 (disabled bays inclusive). This represents a significant shortfall, with only 4 spaces being able to be accommodated on site. Due to the lack of any alternative provision to address the shortfall of on-site parking on site, in combination with the on street parking issues identified in the consultation response from RCC Highways, it is considered that the proposed development would only result the existing on street parking being made worse.

Access into the building

57. In relation to the comments received from Rutland Access Group, the applicant's agent has submitted a revised drawing showing the provision of a ramp, 5m in length and has confirmed that the two existing disabled parking spaces would be retained together with the addition 2 additional spaces. Due to space constraints the existing two spaces are proposed to be relocated along the southern boundary. The existing area taken up by the two disabled spaces is identified on the revised drawings as being a pedestrian zone to allow safe movement of pedestrians between the proposed prefabricated building and the entrance to the existing medical centre.
58. A copy of the revised drawing had been sent to Rutland Access Group but at the time of writing the report to response had been received.

Noise

59. In relation to comments received from neighbours concerning the issues of potential noise nuisance the applicant's agent has provided additional information. In response to the information provided Environmental Protection have stated that 'the predicted noise levels 1m from the nearest noise sensitive facades of 37 Main Street and 2 Crocket Lane will be low in the order of 30 dBA, assuming all three units (make and model as specified by the applicant) are operating simultaneously. 30dBA is a low level of noise where houses and similar uses are already present such as the Surgery, therefore I don't think refusal could be justified on noise grounds. A low level of noise at times will be audible in neighbour's gardens, but this shouldn't be a significant impact given most forms of heating, cooling and ventilation generate low levels of noise that will be audible in neighbouring areas / gardens.
60. The predicted noise levels assumes the units are as specified 'Daiken and model RXM20M9' installed at ground level as shown in drawing reference OPP1172779 Rev. C. the orientation of the building is as shown in PTK20-02 Rev. A. and the 1.8m high boundary fence / wall or similar solid structure remains on the boundaries with 37 Main Street and 2 Crockets Lane. I would advise that if the application is approved, condition(s) should require that the proposals are followed as submitted and maintained for the life of the development to avoid unexpected impacts;
1. The heat exchange units installed are those specified by the applicant 'Daiken and model RXM20M9' and that they should be installed at ground level in the positions shown on the submitted drawings.
 2. The 1.8m high boundary fence / wall or equivalent solid structure on the site boundary with 37 Main Street and 2 Crockets Lane should be retained.

Impact on amenities of neighbouring properties

61. The modular building is surrounded by fence and/or stone walls on all sides. The fencing to the immediate north is an 1800mm high close boarded fence. On the western boundary is a stone wall and trellis fencing, and shrubs which run into a close boarded fence along the southern boundary, covered by ivy and other evergreen plant growth. There are also a number of trees to the south and in the south-east corner in which would limit any open views of the proposed new structure.
62. Although the prefabricated building would be located near to the rear garden boundary of No 37 Main Street only the top 0.2m of the proposed building will rise up above the existing boundary fence. This would be a similar relationship to the rear boundary of No 2 Crocket Lane. However there is also vegetation that will break up direct views of the end elevation.

63. In relation to the comments from Environmental Protecting it is considered that any noise nuisance could be mitigated by a suitably worded condition.
64. On this this it is considered that the proposed location of the prefabricated building would not have an adverse impact on the amenities of the neighbouring properties to justify refusal of the application.

Crime and Disorder

65. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

66. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
67. It is considered that no relevant Article of that act will be breached.

Conclusion

68. While the development is located within the planned limits of development for Empingham, and the proposal will have benefits for the users of Empingham Medical Centre. Although it is considered that an argument could be made that the proposed development would not have a significant adverse impact upon the character and appearance of the Empingham Conservation Area and setting of the neighbouring Listed Building due to the development been for a temporary period of time to meet an essential service use (provided the external finish is revised in accordance with the Conservation Officer comments) and that on balance the less than significant harm could be outweighed by the wider public benefits of the scheme, the objection from RCC Highways cannot be addressed satisfactory and with reference to need to provide additional car parking spaces to meet the proposed use and the existing parking problems referred to along Main Street and Willoughby Gardens, the proposal is therefore unacceptable in this respect, as it would be not be in accordance with Section 9 of the NPPF (2019) and SP15 of the Site Allocations and Policies Development Plan Document (2014)

That PLANNING PERMISSION BE REFUSED on the following ground:

69. The proposed prefabricated building would result in the loss of existing onsite parking space and does not make suitable alternative proposals for the loss of the existing parking bays or for the new parking spaces required to meet the need for 3 additional consultation rooms. The proposal would thereby result in a short fall of 18 car parking spaces not being able to be accommodated within the curtilage of the application site. This would result in vehicles parking on the public highway and or which would be detrimental to highway safety and contrary to Section 9 of the NPPF (2019), Policy SP15(I) ' Access and Parking' and Appendix 2 (Parking Standards) of the Site Allocations and Policies Development Plan Document Adopted 2014.