

<b>Application Number</b>	18/01196/AS
<b>Location</b>	The Surgery, Ivy Court, Recreation Ground Road, Tenterden, Kent ,TN30 6RB
<b>Grid Reference</b>	88581/33298
<b>Town Council</b>	Tenterden Town Council
<b>Ward</b>	Tenterden South
<b>Application Description</b>	Alteration and extension to the existing GP Surgery with associated parking
<b>Applicant</b>	Ivy Court GP Surgery
<b>Agent</b>	Mr Graham, The Duncan and Graham Partnership, 8 Cecil Square, Margate, Kent, CT9 1BD
<b>Site Area</b>	0.12 ha

(a) 8/2X, 3S                      (b) S                      (c) KHS/X, Parking Services/+,  
WKPS/S, KCC LLFA/X,  
Drainage/X, KCC PROW/X

## Introduction

1. This application is reported to the Planning Committee because it is a major planning application and officers are minded to recommend refusal. In line with the scheme of delegation, the application therefore is required to be reported to Planning Committee and irrespective of this, has been called-in by the Ward Member, Councillor Knowles.

## Site and Surroundings

2. The application site is located in the built up confines of Tenterden and is within the Conservation Area. It comprises the existing Ivy Court Surgery and associated parking. The existing building is the main GP surgery in the town, and is within the town centre, backing onto the main shopping area. The

surgery also contains a dispensary. The existing building is single storey with accommodation within the roof space, the latter of which is not used for patient accommodation but utilised for staff accommodation. The building possesses a mixture of pitched roof forms. The surgery has red brick facings, concrete roof tiles and a dark timber cladding and joinery.

3. Adjacent to the site, to the south, is Tenterden Church of England Junior School and to the east, across the road is the recreation ground and associated car park run by Ashford Borough Council. To the north lies East Cross Clinic, which does not form part of this application. The school which is to the south of the site has two storey elements but is set well back from the road. The school is screened by mature trees and vegetation.

4. Access to the Surgery is via Recreation Ground Road which continues to Tenterden Leisure Centre, to the south of the site, where there is another council run public car park.

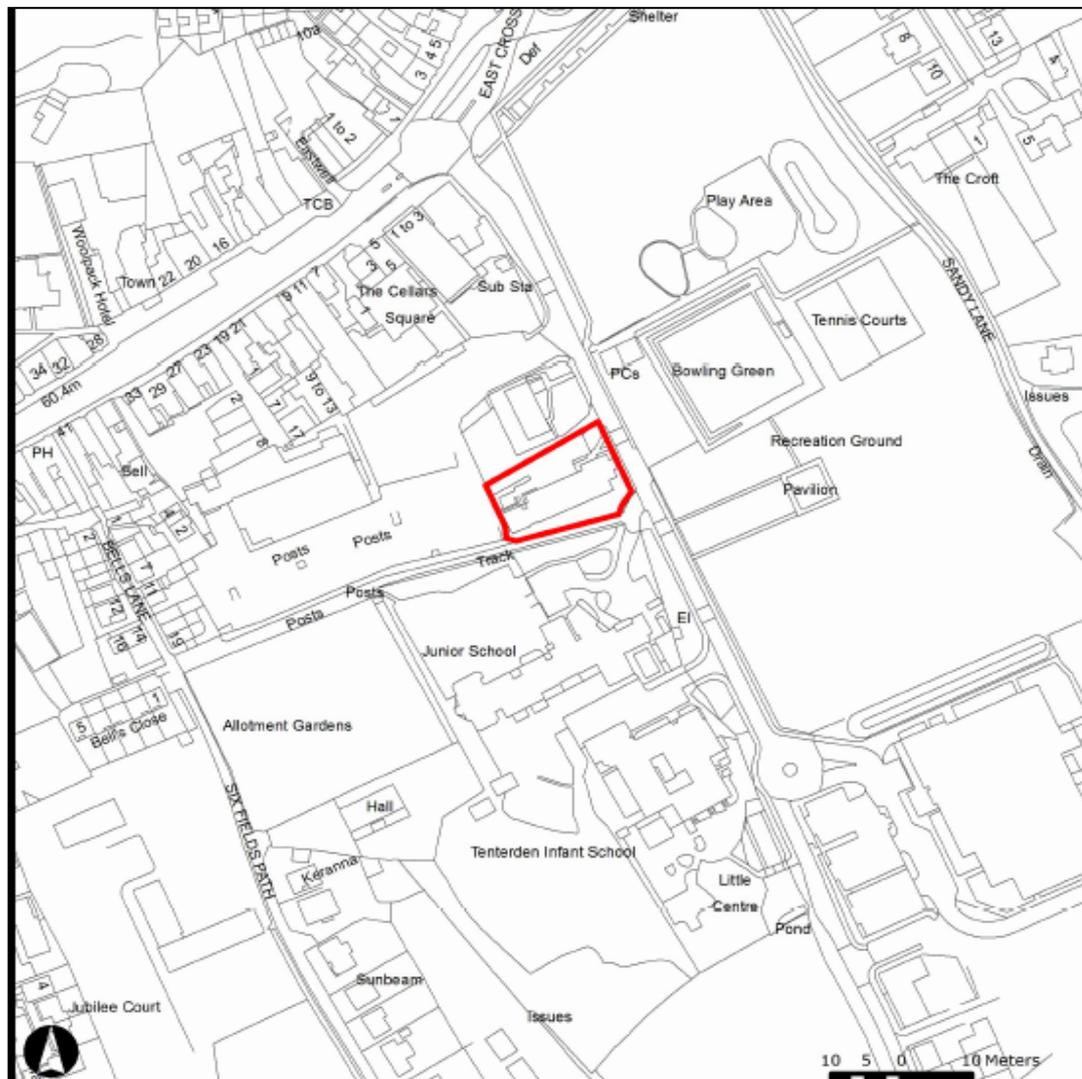


Figure 1 Site Location Plan

## Proposal

5. Full planning permission is sought for the alteration and extension of the surgery and associated parking. The proposal is for a steel structure to be cantilevered over the existing building at ground floor with accommodation at first and second floors over the footprint of the existing building. This will enable the existing surgery to operate whilst the works are ongoing. Temporary accommodation sought under a separate planning application has recently been approved on land to the east of the site. This land forms part of the recreation ground. The proposed works would result in a small increase in the footprint of the building. There would be an increase of 59% in the floor

area of the building from 725sqm to 1157sqm and by virtue of the addition of two full height floors over the existing ground floor of the existing building, a significant increase in the scale and bulk of the building. The minor extensions to the overall footprint of the building to accommodate the additional accommodation and access to the first and second floors would be to the south of the building.

6. The proposed roof forms would include a mixture of flat roofs with parapet walls, flat roof with balcony areas and a curved barrel style roof. The proposed materials include, natural vertical timber cladding to first and second floors with elements of render at ground and second floors. The roof would be a metal standing seam curved roof and the cantilevered structure would be supported by powder coated circular columns.
7. Pre-application discussions prior to the submission of the application have been extensive and supportive of the principle of a contemporary design. The proposed scale and design does not differ significantly from that which was subject to these pre-application discussions. These discussions sought to ensure the resultant building would sit comfortably within the Conservation Area and ensure it would preserve or enhance its appearance in line with the requirement under emerging policy ENV14 and the guidance contained in the NPPF. The concerns raised during these discussions and since the submission of this application have continued to raise concern regarding this particular design in this context and the overall design and scale of the development.

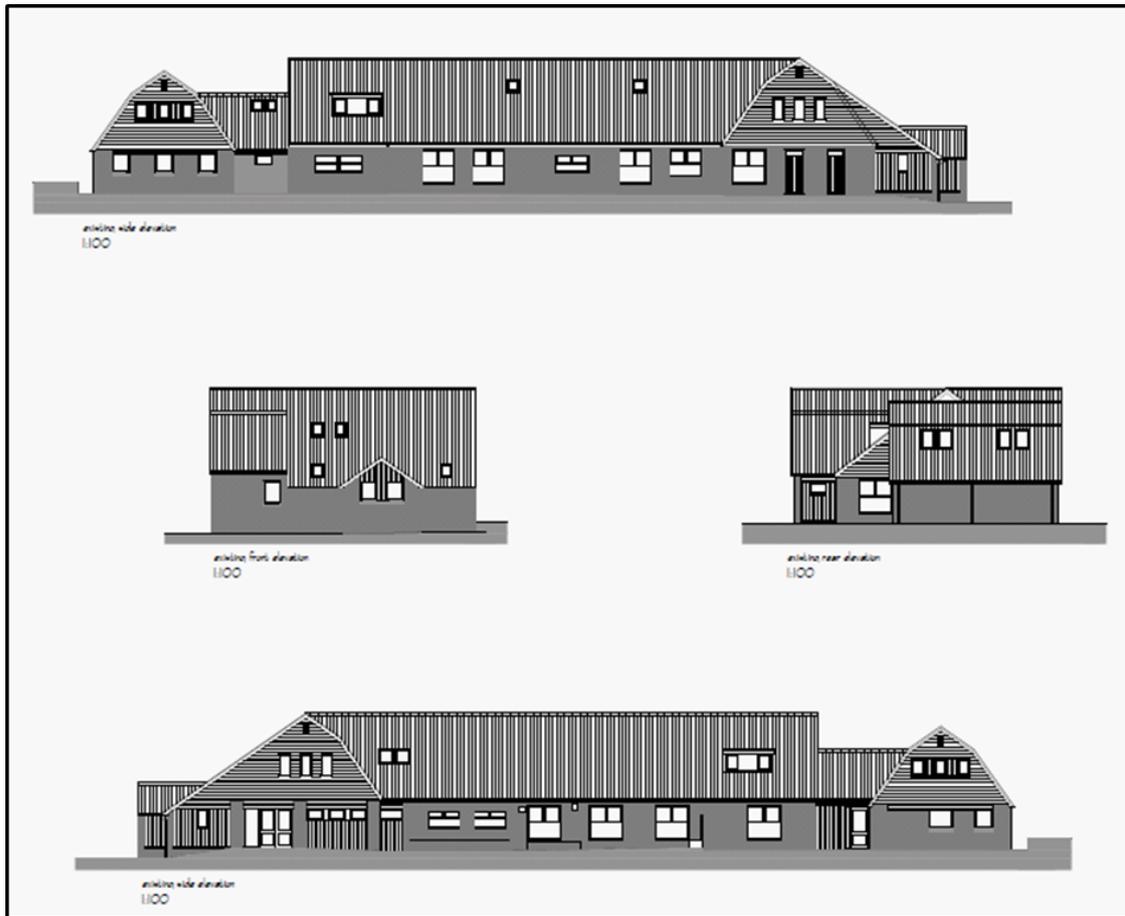


Figure 2 existing elevations (top to bottom clockwise) south, west, north, east)



Figure 3 Side Elevation (south)



Figure 4 - Rear Elevation (west)



Figure 5 Front Elevation (onto Recreation Ground Road) (east)



Figure 6 Side Elevation (north)



Figure 7 Proposed Ground and First Floor Plans



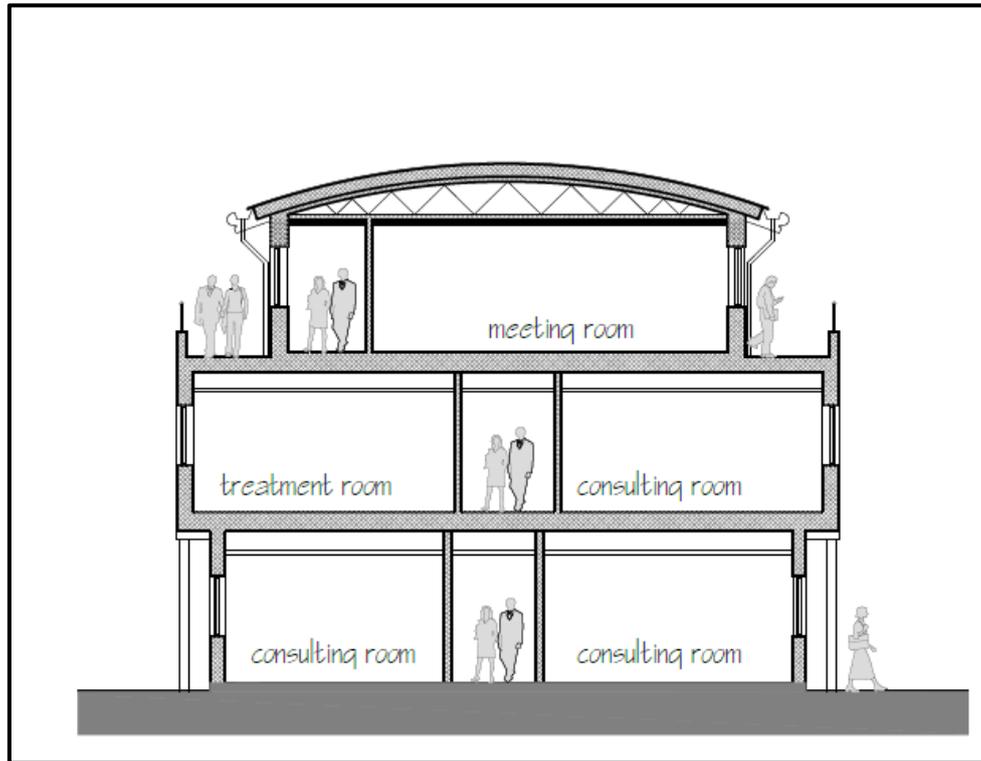


Figure 9 Proposed Section



Figure 10 - Looking north from recreation ground – surgery on left hand side & looking south from recreation ground – schools set behind trees to south of surgery



Figure 11 - Looking south down Recreation Ground Road – East Cross Clinic in foreground and surgery beyond and from Waitrose Car park looking south – East Cross Clinic in foreground and surgery beyond



Figure 12 - View looking west across Recreation Ground towards surgery and school

## **Supporting documents**

### **Design and Access Statement**

8. The submitted document discusses issues regarding the proposed development, including planning, design, sustainability, transport, parking, proposed materials and landscaping.
9. It concludes by stating that the proposals to extend and develop the surgery into a modern 21st century building have been carefully worked through with consultation with the planning department, and the applicants. The restricting site conditions and the need to provide more space for the community services has dictated the increase in height and mass of the building. However, the contemporary and modern approach is supported by both the planning department and the applicant, and has resulted in a suitable, well-designed building that is fit for the site and location.

### **Drainage Impact & Flood Risk Assessment**

10. The report concludes that the proposed development will increase the discharge to the public foul sewer by 1.1l/s. It is the intention that the existing private foul drainage system serving Ivy Court Surgery will be retained and reused subject to their condition. Minor alterations may be required for any additional connections to the system due to the revised internal layout of the surgery. The proposed surface water management plan is to provide a positive drainage system to the impermeable areas and discharge at a controlled rate to the adjacent public surface water sewer at the equivalent - off rate.
11. With the introduction of a suitably designed SUDS solution to cater for the impermeable areas, the post-development run-off volume is reduced from the pre-development run-off volume. It is the intention that the existing private surface water drainage system serving Ivy Court Surgery will be retained and reused subject to their condition. Minor alterations may be required for any additional rainwater connections to the system due to the revised roof layout to the new surgery. A flow control device is to be installed to restrict discharge flow to 4l/s together with the necessary attenuation which will need to be installed within the development site.

### **Tree Survey**

12. The tree evaluation concludes that the site area includes the surgery building, the paved areas to the north and a small soft landscape area to the south. Tree 1 in Figures 1, 2 and 3 is a tall cultivar of weeping birch, which, given its condition, could be removed or retained. Trees 2 and 3 in Figures 4, 5 and 6 are an oak and Monterey cypress which have been damaged by severe root loss when the surrounding walls, retaining walls and paving were constructed.
13. Trees 4 and 5 (Figure 7) are two good, young oaks. There are nearby road kerbs and other paving but it can be assumed that their root growth has adjusted to these constraints and that they could grow to maturity. The trees south of the southern boundary are within the adjacent school site (Figure 8) and are separated from the site by a paved footpath and a shallow bank which was, no doubt, formed when the surgery was constructed. It is considered that none of these tree roots will enter the site. The report proposes that tree planting could include a replacement for birch as this has a limited lifespan.

### **Planning History**

DC	FA	96/00716/AS	Two storey extension and alteration works	PERM	31/07/1996
DC	FA	82/01294/AS	Two storey extension to provide additional facilities.	PERM	11/01/1983
DC	INF	03/00546/INF	additional parking	UNK	
DC	FA	97/00703/AS	Single storey extension to provide dispensing facilities	PERM	16/07/1997

DC	FA	08/01387/AS	Extensions to provide accommodation for additional office area, larger dispensary and waiting areas, increased patient facilities and a pharmacy.	PERM	31/10/2008
----	----	-------------	---	------	------------

### **Related to the site**

DC	FA	18/01193/AS	The temporary siting of portable building for an 18 month period from December 2018 to allow the alteration and extension of the GP surgery opposite.	PERT	10/10/2018
----	----	-------------	---	------	------------

The above application was permitted for a temporary period of 18 months from December 2018. The portable building will facilitate the relocation of some services provided by the existing surgery building into modular temporary buildings located directly opposite the application site. This will enable the works to the surgery proposed under this application to take place without disrupting the day-to-day operation of the surgery.

## **Consultations**

**Ward Member:** The Ward Member, Councillor Knowles called-in the application to Planning Committee.

**Tenterden Town Council – Support.**

**KCC Highways and Transportation – No objection** subject to appropriately worded conditions.

**KCC Flooding and Drainage** – Note that the proposal would limit runoff to four litres per second through the use of attenuation tanks and a hydrobrake with a final outfall to the public surface water sewer. This is considered to meet the Sustainable Drainage SPD in terms of peak run-off rate control. Any further comments deferred to ABC Project Office.

**Drainage (ABC Project Office) – No objection** subject to appropriately worded conditions.

#### **Parking Services – Comment**

- No access to the site will be permitted for patient parking.
- Note potential provision of a bay or drop-off site may result in ‘merry go round’ of a large number of vehicles accessing the site in the attempt to use it and is not workable.
- Increase in capacity of the extended surgery would likely increase the pressure on the capacity of the small car park opposite Ivy Court Surgery and patients utilising free one-hour parking offered by the Borough Council.
- It may be reasonable to provide limited parking for patients on-site, especially for blue badge holders. Otherwise involves a longer route for those with impaired mobility.
- Whilst 1 hour is offered for free this is a general public car park. Potential for loss of income for the Council and non-surgery patients being unable to utilise this car park.
- Although no plans at present to restrict availability of the car park, this cannot be relied upon as there will not be times when the whole/part car park are needed/suspended for some other purpose.
- The presence of the car park and the free parking it currently offers is independent of the presence of the surgery or its needs. The existence of the car park is not conditional upon the existence of the surgery.

**Weald of Kent Protection Society – Support.**

**KCC Public Rights of Way – No objection** subject to an appropriately worded informative.

**Ramblers’ Association – No objection.**

**Neighbours 8 letters of consultation sent, 5 letters of representation received, 2 general comments and 3 support comments summarised below:**

- The plans are an excellent response to the urgent need of increased surgery capacity due to new houses in Tenterden.
- The proposed building is a well-designed solution.
- Such a significant building should be carefully detailed to uphold the quality of buildings in Tenterden.
- Blue painted railings, exposed steelwork and frames should be painted black to integrate with town's colour scheme.
- Tenterden and District Residents Association welcome the proposal which enhances capacity at the surgery. The design is more contemporary in style than other buildings in the High Street and uses a different palette of materials. Nevertheless, we support the application.

## **Planning Policy**

14. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
15. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies. On 13 September the Council commenced consultation on the main modifications to the draft plan.
16. The relevant policies from the Development Plan relating to this application are as follows:-

**Ashford Borough Local Plan 2000**

GP10 - Conserving and enhancing Tenterden's Special Character

EN16 - Development in Conservation Area

EN32 - Important Trees and Woodland

TP6 - Cycle parking

**Local Development Framework Core Strategy 2008**

CS1 - Guiding principles for sustainable development

CS9 - Design quality

CS18 - Meeting the Community's Needs

CS20 - Sustainable drainage

**Tenterden and Rural Sites Development Plan Document 2010**

TRS17 – Landscape character & design

17. The following are also material considerations to the determination of this application.

**Ashford Local Plan to 2030 (Submission Version December 2017)**

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

TRA3b – Parking Standards for Non Residential Development

TRA5 - Planning for Pedestrians

TRA6 – Provision for Cycling

ENV3a – Landscape Character and Design

ENV9 – Sustainable Drainage

ENV11 – Sustainable Design and Construction – Non-residential

ENV13 – Conservation and Enhancement of Heritage Assets

ENV14 – Conservation AreasCOM1 – Meeting the Community’s Needs

### **Supplementary Planning Guidance/Documents**

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Sustainable Design and Construction SPD April 2012

Dark Skies SPD 2014 Supplementary Planning Guidance/Documents

### **Tenterden Conservation Area Appraisal**

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

18. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
19. Paragraph 48 states in relation to the stages of preparing a Local Plan that:  
“Local planning authorities may give weight to relevant policies in emerging plans according to:
  - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”
20. One of the key themes running through the NPPF and outlined under paragraph 8 is the need to ensure that development contributes to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
  21. Paragraph 83 part d) requires planning policies and decisions to enable amongst other things, the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
  22. Paragraph 92 outlines the need to provide the social, recreational and cultural facilities and services the community needs. This includes planning positively for the provision and use of local services to enhance the sustainability of communities and residential environments, and, ensuring that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
  23. Paragraph 109 outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
  24. Paragraph 121 promotes more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.
  25. Paragraph 124 outlines that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
  26. Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely

with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

27. Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
28. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
29. Paragraphs 192-194 outlines the requirement to assess the impact of a proposed development on the significance of a designated heritage asset. It goes on to state:

*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. 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.*
30. Paragraph 192 relates to proposals affecting heritage assets. It states that in determining applications local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.

## National Planning Policy Guidance (NPPG)

### **Assessment**

The following issues are considered to be raised by the application

- The principle of the development
- Visual Amenity and Impact on the Conservation Area & St Mildred's Church
- Residential Amenity
- Highway Safety & Parking
- Flooding & Surface Water Drainage

### **The principle of the development**

31. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
32. The National Planning Policy Framework is one such material consideration. As set out above, the Framework indicates that the weight to be attached to existing policies in the development plan will depend on their degree of consistency with the Framework.
33. The surgery is currently oversubscribed and fails to comply with the NHS expected space standards. It is stated that due to this, the existing surgery is cramped, over used, the size of the accommodation is not adequate to deliver expected services and services cannot be delivered in a timely manner. undersized for the number of patients on its patient list. The supporting documentation confirms that the application proposes to increase the size of the surgery to meet current required NHS standards and to meet the needs of both the existing population and accommodate future growth in population.
34. The provision of community facilities is addressed within the criteria contained within adopted policy CS18 and emerging policy COM1 which both seek to retain services and improve them where required.

35. Amongst other things, the NPPF states that planning decisions should plan positively for the provision and use of local services to enhance the sustainability of communities and residential environments, and take into account and support the delivery of local strategies to improve amongst other things, health, for all sections of the community. The NPPF is also supportive of the need to make more effective use of land (paragraph 121) in respect of services provided for the community provided there is an improvement to the services provided.
36. Therefore in principle the proposed development would comply with development plan policies both adopted and emerging and the objectives set out in the NPPF.

### **Visual Impact and Impact on the Conservation Area & St Mildred's Church**

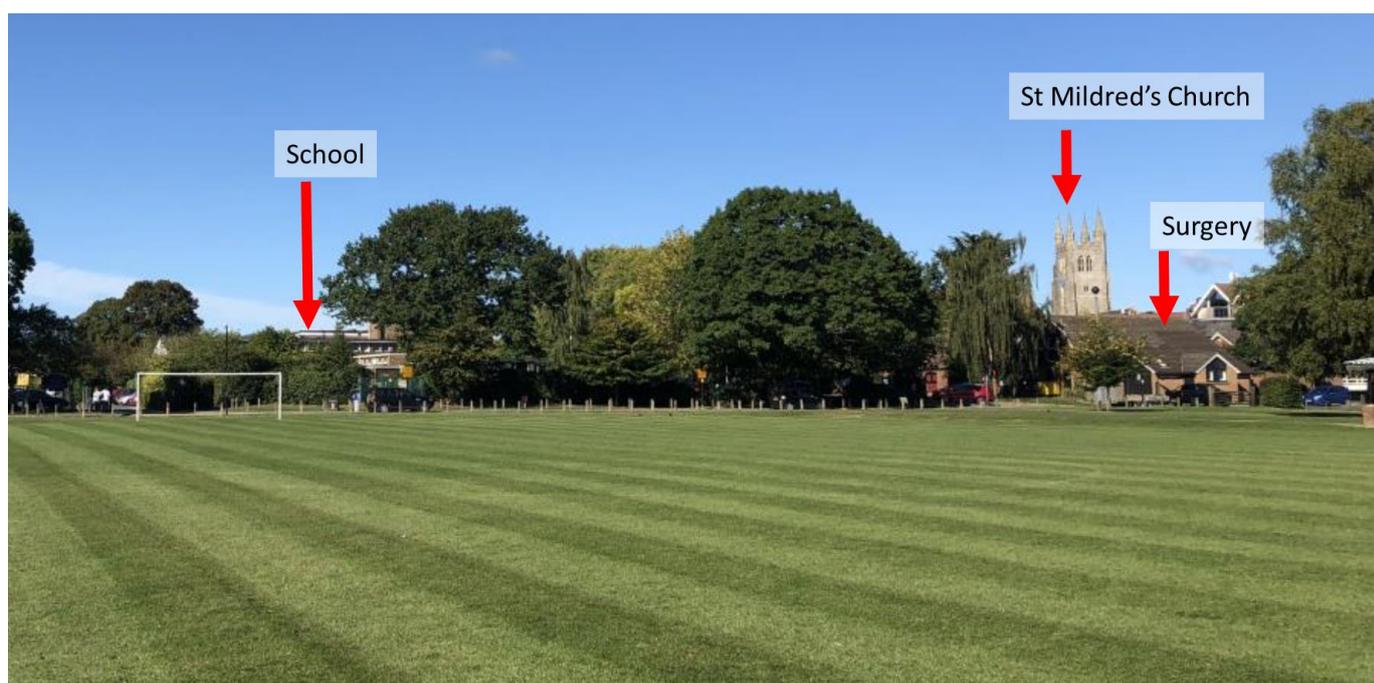
37. The application site is in a sensitive location within the Tenterden Conservation Area. The Conservation Area appraisal for Tenterden outlines the varied character of the area contained within its boundaries. The High Street is set on higher ground. It is acknowledged that there have been a number of changes within the area since its first designation in 1974, namely commercial development including Waitrose which lies to the north of the site, which does not necessarily have a positive effect on the character and appearance of the Conservation Area. It is recognised within the appraisal that development opportunities which arise can be contemporary in design but should seek to be of a proportion that is in character with the town. To the north of the High Street is St Mildred's Church, it is considered the site is within the setting of the church.
38. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of heritage assets such as conservation areas and listed buildings and their setting.
39. In the case of Section 66, it seeks to ensure that where development affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In the case of Section 72, the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.
40. Emerging policy ENV14 and saved policy EN16 state that development or redevelopment within Conservation Areas will be permitted provided such

proposals preserve or enhance the character and appearance of the area and this is in line with the guidance contained within the NPPF.

41. Policy CS9 of the Local Development Framework Core Strategy seeks to achieve a high quality of design and layout in new development. This is carried over into policy SP6 of the emerging Ashford Local Plan.
42. The guidance contained within the NPPF for development affecting conservation areas, are set out under paragraphs 189-194. The general approach to considering applications which impact upon heritage assets is that great weight should be given to the asset's conservation and harm to this should require clear and convincing public benefits to justify any which arises as a result of the development.
43. Recreation Ground Road is a green, open space with community buildings which sit comfortably within their setting. To the north, East Cross Clinic is similarly unassuming and simple in form and low lying given its single storey nature. It is set back further from the road within a more generous plot than the application building but does not benefit from any trees or landscaping of any significance.
44. The buildings to the south of the site include two schools, Tenterden Infant and Junior schools. These are typical 1970s style school buildings which are set back a far greater distance from the road in comparison to the application building. These buildings are primarily single storey with some two storey elements. These are well screened from the road by mature trees and vegetation which serve to soften their impact.
45. The buildings along the High Street are greater in height and on higher ground than the application site and others along Recreation Ground Road. However, buildings within the High Street are a far greater distance from the site than the aforementioned buildings which are read directly in conjunction with the application site. Recreation Ground Road is therefore the immediate context in which the application building is read.
46. The surgery lies on the southern edge of the Conservation Area. The existing building is at a right angle to Recreation Ground Road. It is simple in its form and given its single storey nature with accommodation in the roof, is low lying similar to East Cross Clinic to the north. Whilst it is visible on approach up and down Recreation Ground Road, by virtue of its siting close to the road, it is not overly prominent within the street scene at present or the wider Conservation Area. Given its design which is functional for its purpose and reflective of its age, the existing surgery building is not of any particular architectural merit.

47. The proposed building would result in a significant increase in the accommodation provided on site for patients for which there is policy support in principle. However, at second floor level, the accommodation would be solely for office, welfare and training facilities for staff and it has not been justified that the rationalisation of this accommodation would prevent the surgery from being able to function. The site is already heavily constrained in terms of its size. The existing quantum of built development on site means that there is very little open space around the building. Only minor extensions are proposed to the footprint of the building to facilitate access to the first and second floors, as such, the proposal (by virtue of its cantilevered design over the existing footprint of the building) would not significantly alter this situation.
48. However, when taking into account the existing situation outlined above, and the increase in the height of the building from 7.1 metres to 10.5 metres, this would result in a significant increase in the quantum of development on the site, and a significant increase in the bulk, scale and massing. The resultant building, by virtue of its full three storey height, consequent bulk scale and massing, proximity to the road and constrained site area, represent an overdevelopment of the site and would sit uncomfortably within the context of Recreation Ground Road which is described in detail above. In this context, on approach along Recreation Ground Road the extended surgery would be visually prominent and intrusive. It would appear at odds with the neighbouring built development, which is relatively low level and set back from the road, and given the size of the site, there is no scope for any meaningful landscaping to be provided to soften the impact of the development and provide a soft edge to help preserve/enhance the Conservation Area.
49. The building, includes a varied palette of materials. The materials are not necessarily uncharacteristic and are present on other buildings within the wider Conservation Area but not necessarily present on buildings that are read in direct context with the surgery building. The use of glazing helps to break up what would otherwise be vast expanses of facing materials which could otherwise be quite bland. Their absence of this glazing would further accentuate the bulk and massing of the building when read in its context with East Cross Clinic. Therefore, whilst the detailing, for example the materials, articulation and fenestration design are not considered inappropriate, the overall scale, bulk and mass of the building is considered to result in visual harm and fails to positively respond to the character and appearance of the Conservation Area.
50. St Mildred's Church, is a grade I listed building to the north of the High Street., views of which would be obscured by virtue of the additional storeys above the existing ground floor of the surgery (as shown by figure 12 below). This heritage asset is of great historical significance within the town and has a

strong presence within the Conservation Area in which it is situated, making a significantly positive contribution to the character and appearance of the Conservation Area. As a result, there would be less than substantial harm to its setting. The less than substantial harm, in line with the guidance contained within the NPPF and emerging policy ENV13 would need to be outweighed by public benefits.



**Figure 12 - View looking west across Recreation Ground towards surgery, school and St Mildred's Church**

51. Concerns relating to this have been outlined to the applicant, no amended plans have been forthcoming. This is despite the request to rationalise the significant extent of staff accommodation envisaged within the proposed building, whilst still enabling the surgery to expand patient services in line with the needs of the local area. If it were demonstrated that the accommodation proposed were the minimum necessary to meet the needs of the area and meet NHS requirements then it may be concluded that the benefits of providing a development of the scale proposed would outweigh the visual harm and harm to the character and appearance of the Conservation Area outlined above. However, there is no robust evidenced to suggest that the second floor which incorporates a staff room, kitchen, shower room, toilets, multi-use meeting room and multi-function health education room and storage is required to meet local needs or NHS requirements, and it is this upper floor that exacerbates the harm. Furthermore, it is considered the accommodation

at second floor could be significantly rationalised or accommodated off-site. This would reduce the level of harm.

52. In light of the above, the resultant surgery building by virtue of its increased height, bulk and massing within its immediate context would adversely detract from the visual amenity of the area. The proposal would also detract from and fail to preserve or enhance the character and appearance of the Conservation Area and result in less than substantial harm to the setting of St Mildred's Church with insufficient public benefit to outweigh this harm. The development is therefore contrary to the guidance outlined under CS9, SP6, ENV13 and EN14, saved policy EN16, the Tenterden Conservation Area Appraisal and the central government guidance contained within the NPPF.

### **Residential Amenity**

53. There are no immediate neighbouring residential properties which would be affected by the proposed development. It is not considered that there would be any harm to residential amenity as a result of the proposal.

### **Highway Safety & Parking**

54. The site is within the built up confines of Tenterden which benefits from public transport links to the outlying villages, the populations of which the surgery also serves. The site is within close proximity to several public car parks including Recreation Ground Car Park opposite the site which allows for one hour free parking for patients using the Ivy Court Surgery and East Cross Clinic. The Recreation Ground Road car park to the rear of Waitrose and M&Co, and the Leisure Centre Car Park to the south are also within walking distance of the surgery but do not offer free parking for patients. In accordance with a current agreement, staff also utilise the neighbouring East Cross NHS Clinic, car park. This falls outside of the application site and cannot be relied upon in perpetuity but the informal agreement between the NHS and Ivy Court Surgery is to continue which enables some staff to park adjacent to the site. Careful management of this including double parking is already in operation to ensure that parking is maximised to its full potential.
55. During pre-application discussions, given the limited scope to provide on-site parking, it was considered that there may be scope for a short-term drop-off and pick-up point for patients to reduce pressure on parking in the area. However, it is noted that given the physical constraints of the site and need to prioritise parking for doctors and other staff who are on call, this would not be considered feasible as it would be likely a single drop off space for 'quick visits' would not be utilised for its intended purpose and would be difficult to police.

56. The proposed development would result in no net change in the number of parking spaces on the site, which currently provides 8 vehicle spaces. Although, one of the existing spaces will be altered to provide a disabled parking space adjacent to the entrance to the building. It has been confirmed these spaces will, as is currently the case, remain solely for the use of staff and doctors. New cycle parking is proposed which could be secured by condition.

Ashford Borough Council's Parking Services has provided representations in terms of the current situation outlined above and in respect of the proposed expansion of the surgery. They concur with the view of the applicant in respect of a drop off point but highlight that there would be an increase in pressure on capacity within the Recreation Ground car park opposite the site. More on-site parking would be preferable, especially for those with impaired mobility. There is the potential for income from this car park to reduce and the ability of paying visitors to park may be precluded as a result of increased use by patients of the enlarged surgery. Historically the car park has been free for patients in agreement with Ashford Borough Council but this cannot be relied upon in perpetuity as there will be times when the whole car park or sections of it are needed or suspended for some other purpose by Ashford Borough Council. It is important to note that the presence of the car park and the free parking it currently offers is independent of the presence of the surgery or its needs. The existence of the car park is not conditional upon the existence of the surgery. Whilst it is noted that the car park may have a reduced income for the Council, this is noted as a matter of fact and is not considered material to the application and would not justify grounds for refusal.

57. KCC Highways were consulted on the application and do not wish to raise any objection to the scheme in terms of highway safety. This is on the basis that the surgery is already operating with far fewer vehicle parking spaces than would normally be expected for such a facility. It is operating successfully on this basis without causing a negative parking problem within the area which might otherwise result in a highway safety issue. It is therefore considered by Highways that it would only, be fair to assess the proposal on the uplift from the current to the proposed resultant facility.
58. The Council do not have parking requirements set out under emerging policy TRA3b for such a use. However, KCC Highway's standards are outlined under SPG4 and their comments are based on this standard. This requires 1 space per 2 staff members and 4 spaces per consulting room. However, this is a central location and 3 spaces per consulting room would be more appropriate in this instance. The number of treatment rooms would increase by 6 from 14 at present to 20, with staffing numbers at full time equivalent

remaining at their current level. This would require an increase of 18 parking spaces. There is no increase proposed on site.

59. Notwithstanding the required increase, it is concluded by KCC Highways that the majority of the patients are likely to be located within Tenterden itself. Whilst some patients come from outside the town, there is public transport available and the site is sustainably located to enable access by these means. The Leisure Centre car park is under-utilised and there is free parking in the High Street for up to an hour. Recreation Ground Road is protected by double yellow lines to prevent obstructive parking and given the range of other shops and services in the Town, it is likely many of the trips to the surgery would include link trips to other facilities which would reduce additional trips on the highway network. It would not, as a result, impact in such a way as to justify a recommendation of refusal on highway grounds.
60. In light of the above, given the sustainable location of the site, the provision of on-site parking within the control of the surgery, the ability to utilise existing parking within close proximity to the site, associated linked visits into Tenterden Town and existing safeguards to prevent inappropriate parking, it is considered that there would not be harm to highway safety as a result to warrant refusal.

### **Flooding & Surface Water Drainage**

61. The site is a major application by virtue of its floor area. However, the increase in run-off from the site is considered to be negligible given that the footprint of the building remains largely unchanged. Therefore, the existing situation, which results in surface water run-off from the site being discharged into the public surface water drainage system, would not significantly increase the run-off from the site or result in flooding elsewhere.
62. A control device is proposed to limit run off in line with the requirements of the Council's Sustainable Urban Drainage SPD, adopted policy CS20 and emerging policy ENV9. Given this, it is not considered that the development would give rise to surface water flooding elsewhere subject to condition. KCC as Lead Local Flood Authority and Council's Drainage Engineer concur with this view.

### **Other issues**

63. The site is adjacent to an existing public right of way, it is considered by KCC PROW that there would not be any harm arising from the proposed development as it would not directly affect the existing public footpath.

64. There would as a result of the proposal be a loss of several trees on the site. These are not considered to be of any significant merit and have limited life span.

## **Human Rights Issues**

65. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## **Working with the applicant**

66. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

67. The proposal would fail to comply with the development plan policies in respect of the impact on the character and appearance of the conservation area, the setting of St Mildred’s Church and the wider street scene. The proposal would therefore be contrary to development plan policies and the guidance contained within the NPPF, failing to either preserve or enhance the character and appearance of the designated conservation area and resulting in less than substantial harm to the setting of St Mildred’s Church. Officers do not consider that the accommodation proposed is the minimum necessary to meet the local need and the NHS required standards. Consequently, it is not considered that the public benefits outweigh this harm. Therefore, it is recommended that planning permission be refused.

## **Recommendation**

### **Refuse**

#### **on the following grounds:**

The proposal would be contrary to policies CS1 and CS9 of the Local Development Framework Core Strategy (July 2008), TRS17 of the Tenterden and Rural Sites DPD

(October 2010), saved Policy EN16 of the Ashford Borough Council Local Plan 2000, Policies SP1, SP6, ENV13 and ENV14 of the Ashford Local Plan 2030 (Submission Version December 2017), Tenterden Conservation Area Appraisal and to Central Government advice contained in the National Planning Policy Framework (July 2018), and is therefore considered development harmful to the interests of acknowledged planning importance for the following reasons:

1. The proposal to alter and enlarge the existing surgery building within the Tenterden Conservation Area would be uncharacteristic and visually intrusive by virtue of its increased height, bulk and massing within its immediate context and the resultant building would adversely detract from the visual amenity of the area.
2. For the reasons set out in reason 1 above the proposal would adversely detract from and fail to preserve or enhance the character and appearance of the Conservation Area.
3. For the reasons set out in reason 1 above, the proposal would result in less than substantial harm to the setting of St Mildred's Church.
4. Insufficient public benefit has been demonstrated that will outweigh the harm set out above in reasons 2 and 3.

### **Note to Applicant**

#### **1. Working with the Applicant**

##### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance;

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/01196/AS.

**Contact Officer:** Rob Bewick

**Telephone:** (01233) 330683

**Email:** [rob.bewick@ashford.gov.uk](mailto:rob.bewick@ashford.gov.uk)

Annex 1

