



MIKE SIBTHORP PLANNING
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SUPPORTING PLANNING STATEMENT

PROPOSED EXTENSION OF DOCTORS' SURGERY AND ADDITION OF 25 DEGREE PITCHED ROOF

CHURCH WALK SURGERY 3 CHURCH WALK PINCHBECK SPALDING

1. This statement accompanies a full planning application for the alterations to the existing Church Walk Doctors Surgery to provide improved consulting room, reception and waiting facilities, and to add a shallow pitched roof to the existing flat roofed building.
2. The application comprises a re-submission of an earlier planning application (ref: H14-1258-16) which was refused by the District Council in March 2017.
3. The application was refused for the following reason;

There is insufficient information, as reflected in the comments of the County Highway Authority to demonstrate that there would be any off street parking under the control of the doctors' surgery. As such approval of this application would therefore be likely to exacerbate an existing problem with the site leading to increased on street parking in the vicinity and thereby causing harm to the residential amenity of nearby properties.

4. This decision was reached, despite the fact that the local highway authority advised that they did not wish to restrict the grant of planning permission. The relevant Committee report for the application, notes (at para.7.15) that the initial highways response advised that they did not wish to restrict the grant of planning permission. The report notes that following a number of subsequent visits to the site, the local highway authority did not consider it necessary or expedient to change their original consultation response.
5. The reason for refusal suggests that there is insufficient information 'as reflected in the comments of the County Highway Authority'. This implies that the objection has been made by the Council Highway Authority whereas that is demonstrably not the case.
6. At the time of submission of the previous application, the red line application site had been drawn around the surgery building, whilst the adjoining car parking area was outlined in blue. The surgery has a right of way across the car parking area and full rights to park upon it. Documentary proof of this was supplied with the application and is similarly furnished in connection with the present application. The land was edged in blue because, whilst the applicant did not own the land, they had sufficient control over the land (in terms of the right to

utilise it for car parking) to enable planning conditions to be imposed in relation to it, for car parking associated with the proposed development.

7. The applicant was advised to exclude the blue land from the site location plan, and the application was determined, excluding this land from the application proposals. .
8. This revised application, in which the proposed works to the building are identical in all respects, differs only insofar as it now includes within the red-line application site the car parking area to the front of the building. Certificate B has been completed on the application forms and appropriate notification of the application given to the landowner.
9. The application is submitted as a 'free-go' submission within 12 months of the previously refused application. Regulation 8 of the 2012 Fees Regulations enable a resubmission of an application to include a different red lined area to that previously considered, where the additional land relates to a different means of access to the site.
10. The revised application thus includes sufficient land for the parking of vehicles in connection with the approved development. Whilst the applicant is able, for clarification purposes, to demonstrate that they have sufficient control over the land to enable car parking in connection with the existing and proposed development, we consider that private legal matters relating to access and parking rights are not relevant to the determination.
11. The previous planning application Committee Report inferred that car parking for the surgery was made available by the 'on-going co-operation of the landowner' and inferred that the right of access may be retracted by the landowner. Both assertions incorrect; the applicant has a clear and inviolable right to use the land for car parking in connection with the surgery use, and that right cannot be withdrawn unilaterally by the landowner.
12. Fundamentally, these are private legal matters that fall outside the scope of planning control. Inclusion of the car parking area within the application site enables the local planning authority to be satisfied that there is car parking available in connection with the use, and to impose car parking conditions in relation to that land (for example stating that car parking should be available for use at all times when the surgery is in operation). The precise nature of the private legal rights and entitlements in this respect are in this respect irrelevant to the planning decision.
13. Importantly, there is demonstrably sufficient space to accommodate the parking requirements of the existing development. The proposed alterations to the building in this case essentially represent improvements to the facilities in terms of waiting and reception facilities and the creation of two consulting rooms, as opposed to one consulting room and one examination room. The development as such is not likely to generate any materially increased car parking demands, and the available parking space is considered to be more than adequate to meet the needs of the practice and its patients.

14. It is considered that given the officer support for the application, and the absence of any objections from the local highway authority, the previous refusal of planning permission was both unreasonable and unjustified. The revised application site boundary, by the inclusion of the car parking area, removes any uncertainty about the availability of car parking associated with the site use. The proposed development, which provides a modest increase in floorspace, in order to provide enhanced as opposed to increased facilities, does not give rise to any increased parking demands that would justify a refusal of planning permission.
15. The previous decision appears to have been unduly swayed by incorrect and specious submissions about the car parking area and use rights of the land; considerations that are not considered to be material to the determination of the present application.
16. Accordingly, it is considered that there are no grounds to withhold the grant of permission in this case.

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