



Appeal Decision

Site visit made on 30 August 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/M2325/W/16/3150374

St Annes Health Centre, Durham Avenue, Lytham St Annes, Lancashire FY8 2EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Harry Ashworth against the decision of Fylde Borough Council.
 - The application Ref 15/0902, dated 23 December 2015, was refused by notice dated 20 April 2016.
 - The development proposed is retrospective application to allow B1 use of existing second floor, demolition of 5 Stephen Street and extension to car park and proposed roof lift to existing medical centre to create additional office space on the second floor.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed roof lift to existing medical centre to create additional office space on the second floor. The appeal is allowed insofar as it relates to B1 use of existing second floor, demolition of 5 Stephen Street and extension to car park. Therefore planning permission is granted for B1 use of existing second floor, demolition of 5 Stephen Street and extension to car park and at St Annes Health Centre, Durham Avenue, Lytham St Annes, Lancashire FY8 2EP in accordance with the terms of the application, Ref 15/0902, dated 23 December 2015.

Application for costs

2. An application for costs was made by Mr Harry Ashworth against Fylde Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The description of the development provided on the application form in this case referred to the variation of a condition on an earlier approval. However, this has been amended on the appeal form to reflect the retrospective nature of some elements of this scheme. I have therefore used this latter description in the interests of accuracy.
4. As details of current and proposed employment levels on this site were not provided, and details of the level car parking provision were not clear, further clarification of these matters were sought and are considered below.

Main Issues

5. The main issues in this case are:
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- 1) The effect of the parking arrangements on the living conditions of the occupiers of nearby properties; and,
- 2) The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and daylight/sunlight.

Background

6. St Annes Medical Centre is a substantial modern building of two to three storeys which houses two GP Surgeries and a pharmacy. It is located within a mature residential area, adjacent to the railway line, near the centre of Lytham St Annes. Following the original approval for this building in 2007, an adjacent property on Stephen Street was demolished to create additional parking spaces for the Centre. Also, whilst the original approval conditioned the use of the third floor for storage only, this area has been used as additional office space since 2011. Whilst both of these elements have been the subject of earlier applications neither have formally been granted planning permission.
7. The current appeal follows the refusal of an application for retrospective approval of the additional car park area and the use of the third floor as office space. This application also included the creation of additional office floorspace at third floor level to be achieved by lifting the roof of the existing part-three storey element of the building. This would enable the re-location of an additional GP Surgery, the Poplar House Surgery, into this building.

Reasons

Living conditions - parking

8. Current dedicated car parking provision for the medical centre provides for 131 car parking spaces. This includes the additional parking spaces¹ provided as a result of the demolition of No 5 Stephen Street. 30 covered cycle parking spaces are also provided.
9. The assessment of the parking implications of these proposals by the Council was undertaken on the basis of the current staffing levels on this site being 46, with an additional 14 members of staffing proposed as a result of the relocation of staff from the Poplar House surgery. Subsequent evidence submitted by the parties indicates that current staffing levels are between 45 and 47, with this figure including around 32 part-time members of staff. It has also been acknowledged that the employment of around 130 members of 'community staff' is associated with the Centre. The appellant states that this group work off site in a community setting, and are not permanent members of staff in the typical sense. In terms of whole time equivalents it is suggested that community staff equate to 53. Finally, updated figures suggest that the Poplar House surgery would bring an additional 24 members of staff to the centre, 13 of which would be part-time, around 10 more than previously assumed.
10. It is therefore clear that initial estimates of current and proposed future levels of employment associated with this site have been under-estimated. I acknowledge that a proportion of these employees are part time and a substantial number work out in the community. Whilst I accept that the community workers are not likely

¹ Whilst the application form refers to an additional 26 car parking spaces being provided, the Council refers alternately to the creation of an additional 18 and 20 parking spaces.

require access to parking spaces on a regular or predictable basis at this site, it is likely that they are largely dependent on car use to access patients and different venues, including this Centre. In this respect, the parking needs of the current staff and proposed future staff base are not fully assessed or understood in this proposal.

11. This calls into question the Council's assessment of the Centre's parking requirements using the parking standards for D1 medical/health facilities and B1 office use². I accept that 72 parking spaces may be sufficient allocation for the proposed increase to 18 consulting rooms. The assessment of office space in terms of the parking requirements per m² of gross floor area suggests that 24 spaces would be sufficient, generating a need for 96 spaces overall and suggesting an over-capacity at the Centre. However, my view is that this assessment has not taken into consideration the current and future parking requirements of all current and proposed future staff which would be based at and linked to the Centre.
12. At the time of my site visit during the early afternoon of a weekday I was able to observe some availability of parking spaces at the Centre. However, I also noted a lot of on street car parking in the streets around the Centre, which I accept has an impact on the living conditions of the occupiers of neighbouring properties, many of which do not have private driveways. I also accept that demand for parking spaces is likely to be greater during the busy early morning period, but that in the evenings and much of the weekends, outside opening hours, this area is likely to be relatively undisturbed.
13. The current levels of usage have been in place for around the past four years. Based on the current level of parking provision, including the creation of additional parking spaces on site, and noting the Council's parking standards, it appears that there is sufficient capacity to accommodate current parking needs. In this respect my view is that the retrospective approval of the additional car parking area and the use of the second floor area as office space would not be unreasonable.
14. Turning to the proposed increase in the size of the Centre to accommodate the additional surgery, I accept that the Council may have permitted other traffic generating activity in this area, and as I have noted, outside opening hours these streets would remain relatively undisturbed. I also accept that this site is in a sustainable location with good access to public transport options, and that the patients from the Poplar House surgery would support such a transfer, and that some patients have already transferred.
15. However, my view is that a high proportion of both existing and future patients and staff are, and would be, dependent on private motor vehicles to access this facility. In this respect the proposal to further expand this Centre has not demonstrated either that additional parking requirements associated with increased use are fully understood, or that the capacity to accommodate such additional requirements exists. It is also clear that any unmanaged increase in traffic levels in this location could have a detrimental effect on the living conditions of the occupiers of neighbouring properties in terms of disturbance and inconvenience at certain times of the day. This would include vehicle congestion and manoeuvring, vehicles taking up on street parking spaces which residents without driveways would need, and the blocking of accesses.

² Joint Lancashire Structure Plan Parking Standards 2005

16. On this matter I conclude that the proposal for the retrospective use of the second floor storage area as office space, and the demolition of 5 Stephen Street for use as additional car parking does not have a detrimental effect on the living conditions of the occupiers of nearby properties in terms of parking arrangements. In this respect the proposal complies with the Fylde Borough Local Plan 2005 (the Local Plan) which at Policy CF1 requires adequate parking to be provided for the extension of community facilities, and that residential amenity should not be prejudiced.
17. I also conclude that the proposal to expand the second floor to accommodate the additional surgery would have a detrimental effect on the living conditions of the occupiers of nearby properties in terms of parking arrangements. In this respect the proposal would not comply with the Local Plan which at Policy CF1 requires adequate parking to be provided for community facilities, and that residential amenity should not be prejudiced.

Living conditions – outlook and sunlight/daylight

18. The footprint of the Centre has a 'T' shape with its current three storey element located to the south west adjacent to the railway line. The proposal would increase the height of this part of the building by around 2m in order to enable access to a greater amount of this third floor area for office use. Durham Avenue and Stephen Street contain semi-detached and terraced properties of two to three stories in height. The houses closest to this part of the appeal building and most likely to be affected include the two storey properties at No 9 and No 11 Durham Avenue, and the two and three storey dwellings at No 4 and No 6 Stephen Street. The Council notes that at their closest points No 9 Durham Street is around 9m and No 4 Stephen Street is around 8.5m from the part of the Centre which would be increased in height.
19. The development of this building has altered the outlook for occupiers of these properties to a considerable degree, to the extent that the 21m facing distance referred to by the Council has already clearly been breached. However, my view is that the additional 2m height would not impact on this outlook, nor appear as overbearing, to any significantly greater degree than the present building, particularly as the roof slopes away from these properties. I accept that the proposal would impact on the amount of sunlight reaching the Stephen Street properties to the greatest degree, as they are located to the north east of the extended part of the building. However, I do not consider that this impact would be particularly noticeable given the existing height of the building.
20. As additional second floor windows would be present on elevations facing these properties and their gardens I acknowledge that there would be privacy concerns. In this respect I accept the Council's suggestion that, should the appeal be allowed, then a condition requiring such windows to be obscured and non-opening could be required to mitigate any harm.
21. On this matter I conclude that the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and daylight/sunlight, would not be unduly harmed by the proposal. It would therefore comply with the Local Plan in this respect which at Policy CF1 requires that the development of Community Facilities should not prejudice residential amenity. It would also comply with the principle contained in paragraph 17 the National Planning Policy Framework requiring that development "*should always seek to securea good standard of amenity for all existing and future occupants*".

Conditions

22. As the parts of the application relating to the B1 use of the second floor and the demolition of 5 Stephen Street to create additional car parking have already been implemented it is not necessary to apply conditions to this part of the decision.

Conclusion

23. I have found this proposal to be acceptable in terms of the retrospective application for B1 use of the second floor and the demolition of 5 Stephen Street to create additional car parking. These aspects of the proposals do not have a detrimental effect on the living conditions of the occupiers of nearby properties. I have also found that the proposed roof lift would not have a detrimental effect on the living conditions of the occupiers of neighbouring properties.
24. However, it has not been demonstrated that sufficient car parking provision has been made to accommodate the proposed increase in office space and staffing levels at the Centre. As a result I have found that this element of the proposal would have a detrimental effect on the living conditions of the occupiers of nearby properties in the vicinity of the appeal site.
25. For these reasons, taking into consideration all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the B1 use of the second floor and demolition of 5 Stephen Street, and dismissed insofar as it relates to the roof lift to create additional office space.

AJ Mageean

INSPECTOR