

Parish:	South Wootton	
Proposal:	VARIATION OF CONDITION 27 FOR PLANNING APPLICATION 21/00995/FM - Proposed primary care centre, new access and associated facilities	
Location:	Land W of The Garden Edward Benefer Way King's Lynn Norfolk	
Applicant:	St James Medical Centre	
Case No:	23/00968/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 29 June 2023

Reason for Referral to Planning Committee – Referred by Sifting Panel

Neighbourhood Plan: Yes

Case Summary

A variation of condition application is proposed under Section 73 of the Town and Country Planning Act (as amended) to vary Condition 27 of Planning Application Ref 21/00995/FM. The original consent referred to the construction of a proposed primary care centre, new access and associated facilities fronting Edward Benefer Way, Kings Lynn. This construction is underway on site.

This application seeks to vary the specific requirement for 45 cycle spaces previously required via Condition 27, to allow for a reduced number (30 spaces), which ties in with the Travel Plan which has been submitted to accompany this application. The Travel Plan was required to be submitted under Condition 11 of the previous consent.

Members may note that the condition was added by Members at Planning Committee in November 2021, in addition to the conditions recommended by the case officer at the time.

Key Issues

- Principle of Development
- Highway Safety
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

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care centre, new access and associated facilities fronting Edward Benefer Way, Kings Lynn. This construction is underway on site.

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SUPPORTING CASE

A supporting statement was requested however nothing has been submitted as of the date of writing this report.

PLANNING HISTORY

21/00995/DISC_B: Discharge of Condition final letter: 09/01/23 - DISCHARGE OF CONDITION 25 of Planning Permission 21/00995/FM: Proposed primary care centre, new access and associated facilities - Land W of The Gardens Edward Benefer Way

21/00995/DISC_A: Discharge of Condition final letter: 15/05/23 - DISCHARGE OF CONDITIONS 8,11,15 AND 24 OF PLANNING CONSENT: 21/00995/FM: Proposed primary care centre, new access and associated facilities - Land W of The Gardens

21/00995/NMAM_1: Application Permitted: 14/10/22 - NON-MATERIAL AMENDMENT to Planning Permission 21/00995/FM: Proposed primary care centre, new access and associated facilities - Land W of The Gardens Edward Benefer Way

21/00995/FM: Application Permitted: 12/11/21 - Proposed primary care centre, new access and associated facilities - Land W of The Gardens Edward Benefer Way

RESPONSE TO CONSULTATION

Parish Council: SUPPORT no reasons given

Highways Authority: NO OBJECTION no reasons given

Environmental Health & Housing - Environmental Quality: NO OBJECTION in relation to contaminated land

REPRESENTATIONS

NONE received at time of writing

LDF CORE STRATEGY POLICIES

CS08 - Sustainable Development

CS11 – Transport

CS13 - Community and Culture

CS03 - King's Lynn Area

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy B4 - Employment and Access

Policy T1 - Walking and Cycling Facilities

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Highway Safety
- Other Material Considerations

Principle of Development

An application for varying conditions can be made under Section 73 of the Town and Country Planning Act 1990 – the legislation can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

The principle of development is considered acceptable, the proposed changes must be assessed with reference to their impacts. In this instance, the changes relate solely to the number of cycle parking bays provided, shown on the east side of the building on the site plan provided as part of this application.

Highway Safety

The NPPF (2021) states that development should only be refused on highway safety grounds if there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe (para 111).

99 car parking spaces are provided on site, this is not proposed to change.

The Norfolk Parking Standards (updated September 2020) require health centres, medical centres etc. to demonstrate 1 cycle space for every 4 staff members plus 1 space per consulting room. These standards are noted (on page 11) to be the starting point for assessing parking requirements for individual development and the document states that consideration should take into account the type of development, its location and the operational characteristics. This allows flexibility in parking standards overall.

The original Transport Statement alongside the previous application referred to 35 staff members and 23 clinical rooms (including treatment rooms). The document went on to add that 12 more consulting rooms could be added following a further 240m² expansion however that is not currently part of this application.

Whereas the previous condition was created in reference to the potential future requirement for 45 spaces in the event the planning expansion came forward, the current proposal building, based on 35 staff members (9 spaces) plus 23 clinical rooms (23 spaces) results in a requirement of 32 cycle spaces. The provision of 30 cycle spaces is below this requirement however the reduction by 2 spaces, considering the use proposed and the accessibility of the site by public transport and other means would not result in any highway safety concerns.

A Travel Plan, conditioned as a requirement of the extant consent, has been submitted to support this application. The Travel Plan outlines how considering the array of other methods of green transport available to get to and from the site, the provision of 30 spaces for bicycles will adequately provide for the proposed use. The Travel Plan, controlled by Condition 10 of this consent, states that a 'Travel Plan Coordinator' will be nominated and, whilst it is anticipated that 30 cycle spaces will be ample enough for the proposed use, part of the coordinator's role will be to monitor the use of the bicycle racks and propose, if necessary additional racks to be provided within the site.

The Travel Plan condition was not requested by Norfolk County Council however they had no objection to the plan condition being discharged under 21/00995/DISC_A. The condition could not ultimately be discharged due to the conflicts with the cycle spaces which this application seeks to rectify.

In the future, if consulting rooms are expanded by extensions to the approved building, further cycle parking could be added as controlled by the Travel Plan, or if planning permission is required for the alterations, through the planning consent process.

The variation of condition from 45 cycle spaces to 30 is therefore acceptable. The development is considered to comply with the NPPF (2021), Policy CS08 and Policy DM15 of the Local Plan, and Policy B4 of the South Wootton Neighbourhood Plan in relation to cycle parking and highway safety.

Other Material Considerations

Various other conditions remain outstanding on the previous consent. These conditions will be carried over to this consent for completeness.

Conditions relating to the submission of a Construction Management Scheme, a Construction Traffic Management Plan, Ecological Mitigation and Enhancement details and off-site Highway Improvement Works have previously been agreed under application ref 21/00995/DISC_A. The relevant conditions have been updated to reflect these agreed details. The development must be completed in accordance with those details previously agreed.

Outstanding conditions which will require additional details to be discharged prior to the occupation of the development include details of the following: hard and soft landscaping, acoustic fencing, security fencing/barriers, cycle and refuse storage units, external lighting details.

Other conditions require the development to be completed in accordance with the details previously agreed – for example highway improvement works, the laying out of parking and turning areas, foul and surface water drainage details.

Conditions restricting the use of the building to the agreed use and preventing additional plant and machinery without specific consent are also carried over.

The proposed changes will not result in greater impacts on neighbour amenity, ecology, biodiversity etc. and existing conditions carried over to this consent will sufficiently control the submission of and completion in accordance with additional required details.

CONCLUSION

Members may note that a planning condition was added by Members at Planning Committee in November 2021, in addition to the conditions recommended by the case officer at the time. This condition required 45 cycle spaces to be included on site.

This application seeks to vary the specific requirement for 45 cycle spaces previously required via Condition 27, to allow for a reduced number (30 spaces), which ties in with the Travel Plan which has been submitted to accompany this application.

The proposed changes have not drawn objections from the Parish Council and the Local Highway Authority and are considered acceptable from a highway safety perspective, in line with the requirements of the NPPF (2021), Policy CS08 and Policy DM15 of the Local Plan, and Policy B4 of the South Wootton Neighbourhood Plan in relation to cycle parking and highway safety.

RECOMMENDATION

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan drawing .AL(90)01 Rev A dated 14th December 2020
 - 20064-C2J-XX-00-DR-A-01000 Rev B – Ground Floor Plan
 - 20064-C2J-XX-01-DR-A-01001 Rev B – First Floor Plan
 - 20064-C2J-XX-XX-DR-A-02000 Rev B – South & North
 - 20064-C2J-XX-XX-DR-A-02002 Rev B – West & East
 - AL(90)10 Rev L – Proposed Site Plan

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The mesh fencing as shown on drawing SK_11 dated 14th December 2020 received 14th October 2021 shall be finished in a dark green colour and retained in such colour thereafter.
- 2 Reason: In the interests of visual amenity in accordance with the principles of the NPPF.
- 3 Condition: Prior to their erection/installation details of the security gate and security barrier as shown on drawing sk11 shall be submitted to approved in writing by the Local Planning Authority. The details shall include their scale, appearance and appearance used. The gates/barriers shall be erected in accordance with the agreed details.
- 3 Reason: In the interests of amenity and for the avoidance of doubt.
- 4 Condition: Prior to the first use of the building hereby approved, details of the cycle and refuse store shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the height, width and depth of the cycle and refuse store including the materials used in their construction. The development shall be carried out in accordance with the agreed details and the cycle and refuse store shall be retained in accordance with the agreed details.
- 4 Reason: For the avoidance of doubt and in the interests of visual amenity.
- 5 Condition: No plant or other mechanical or powered air handling/extraction/ventilation system shall be installed in the building other than that agreed through this planning consent. Prior to the installation of any plant associated with ventilation/extraction/air handling connected with the roof vents/louvres, full details including locations, sound power levels, times of operation and noise mitigation measures shall be submitted to and approved in writing by the LPA. Installation of any such plant shall then be in accordance with the approved details.
- 5 Reason: In the interests of safeguarding neighbour amenity in accordance with the principles of the NPPF
- 6 Condition: Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed
- 6 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 7 Condition: The development shall be completed in full accordance with the Construction Management Plan by Pentaco Construction Ltd & dated 2nd May 2023, approved as part of 21/00995/DISC_A.
- 7 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

- 8 Condition: The use of the Primary Care Centre hereby approved shall be used between the hours of 07:30-20:00 Mon to Sunday and the pharmacy between the hours of 07:30 -20:30 hours Monday to Sunday.
- 8 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 9 Condition: Prior to the first use of the building hereby permitted, full details of a 2m high acoustic fence to be erected along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the siting, the amount of fencing provided, and the materials used in its construction. The development shall be carried out in the accordance with the approved details and retained thereafter as such.
- 9 Reason: In order to protect neighbours amenity in accordance with the principles of the NPPF.
- 10 Condition: The development shall be implemented and operated in accordance with the details within the agreed Green Travel Plan, reference 81973 B submitted to accompany this application, unless otherwise agreed in writing by the Local Planning Authority.
- 10 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with the NPPF.
- 11 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 11 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 12 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 12 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 13 Condition: The development hereby approved shall be carried out in accordance with the Tree Survey Report, Ref No:A3159, by Encon associates dated 2nd February 2021 received as part of the application.

- 13 Reason: To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF.
- 14 Condition: All agreed ecological mitigation measures shall be provided on site in accordance with the details and timetable approved as part of planning reference 21/00995/DISC_A and retained thereafter as such.
- 14 Reason: In the accordance with the provisions of the Wildlife Countryside Act 1981 and the NPPF
- 15 Condition: The ecological mitigation and enhancement measures approved under reference 21/00995/DISC_A shall be implemented as approved in accordance with the agreed timetable and retained thereafter as such.
- 15 Reason: In the accordance with the provisions of the Wildlife Countryside Act 1981 and the NPPF
- 16 Condition: The approved surface water drainage scheme shall be carried out in accordance with the foul and storm water drainage strategy ref: - 81973-03 Rev D dated 24th September 2021, drawing no. 101 rev P2 (Drainage Strategy project no.81973). The approved scheme shall be implemented prior to the first occupation/use of the development.
- 16 Reason: In order to prevent flooding in accordance with the National Planning Policy Framework paragraph 167,169 and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site from the site in a range of rainfall events and ensuring the SUDS proposed operates as designed for the lifetime of the development.
- 17 Condition: The development hereby approved shall be carried out in accordance with the Foul and Surface Water Drainage Strategy 81973-03 Rev E dated 25th October 2021. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 17 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 18 Condition: Notwithstanding details received on plan SK11_B, Prior to the first use of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification (for the first 10 metres into the site) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 18 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety
- 19 Condition: Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

- 19 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.
- 20 Condition: The gradient of the vehicular access shall not exceed 1:12 for the first 15 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 20 Reason: In the interests of the safety of persons using the access and users of the highway
- 21 Condition: Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan 81973- 022 REV P1, contained within the Transport Statement ref:81973-04 Rev B dated 28th April 2021 . The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway
- 21 Reason: In the interests of highway safety in accordance with the principles of the NPPF
- 22 Condition: Prior to the first use of the development hereby permitted the proposed access/on-site car and cycle parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 22 Reason: To ensure the permanent availability of parking/manoeuvring areas, in the interests of satisfactory development and highway safety
- 23 Condition: The development shall be constructed in full accordance with the construction traffic management plan by Pentaco Construction Ltd and the site plans within the Construction Management Plan showing the wheel washing etc. received on 3rd May 2023, agreed as part of application ref 21/00995/DISC_A.
- 23 Reason: In the interests of maintain highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 24 Condition: Prior to the first use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way Works) referred to in this condition shall be completed in accordance with the details agreed under application ref 21/00995/DISC_B to the written satisfaction of the Local Planning Authority.
- 24 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor
- 25 Condition: The development hereby approved shall be used for the purposes primary medical centre with associated pharmacy class E(e) only, (as defined within the Town and Country Planning (Use Classes)(Amendment)Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and shall not be used for any other purpose, including any use permitted under Schedule 2, Part 3 'Changes of Use' of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification.

- 25 Reason: For the avoidance of doubt.
- 26 Condition: Prior to the first use of the Primary Care Centre building hereby approved, the Cycle store, in accordance with Condition 4 of this permission shall make provision for a minimum of 30 cycle parking spaces.
- 26 Reason: For the avoidance of doubt and to ensure that the site is accessible for all modes in accordance with the requirements of the NPPF (2021).