

Parish: Sowerby
Ward: Sowerby and Topcliffe
8

Committee Date : 16 March 2023
Officer dealing : Ms Lucy Goundry
Target Date : 18 November 2022
Extension of time : 27 March 2023

22/02208/FUL

Retention of steel storage container

At: Lambert Medical Centre (Doctors Surgery And Clinic), 2 Chapel Street, Thirsk, YO7 1LU

For: Lambert Medical Centre

The proposal is presented to planning committee as it has been called in for member consideration by a member of the council

1.0 Site, context and proposal

- 1.1 The site is located on the south side of Chapel Street, Thirsk within the Conservation Area. The site comprises the main building which is Grade II listed which fronts directly onto Chapel Street to the north. To the rear of the building is the associated parking area which backs onto the grounds of Thirsk and Sowerby Institute to the south. The vehicular access which runs to the east of the building is shared with the former Lambert Memorial Hospital. The steel container is sited on a rectangular shaped parcel of land located immediately to the south of the car park serving the former Lambert Memorial Hospital, to the north of the Thirsk and Sowerby Institute and east of the Lambert Medical Centre car park. The site is bound by 2m high timber fencing.
- 1.2 The application seeks planning permission for the retention of a steel storage container located on land to the rear of the Lambert Medical Centre, Thirsk. A two year temporary permission was granted in April 2020 (20/00291/FUL) for the siting of the container which was required for the storage of patient records. This temporary permission expired on 8 April 2022.
- 1.3 The submitted supporting statement advises that in July 2019 planning permission was granted for the surgery to change the use of a first floor flat to an office and install a lift in the premises to facilitate the creation of additional consulting rooms. These works facilitated the expansion of the practice from a patient list of 8,500 to up to 10,000 people. The expanded practice now provides for the future health care of the occupiers of the new housing recently built, and that currently being developed, in Sowerby and surrounding areas. In addition, the expanded premises provides accommodation for other health professionals such as Clinical Pharmacists, Social Prescribers, Paramedics and Physiotherapists. Doctors are now required to employ such additional staff under the terms of the new contracts issued by government and administered through the Primary Care Network.
- 1.4 The application advises that the removal of the patient records from the existing building was essential to allow the expansion of the practice. The applicant has advised that when the patient's notes were moved to the storage container it was only ever intended as a temporary measure. NHS England were promoting a digitisation project whereby physical patient notes would be scanned on to

computer records, funded by NHS England. Lambert Medical Centre volunteered as a pilot site in the hope the work would be expedited however Covid-19 happened and funding was diverted to other NHS priorities.

- 1.5 A supporting email has been provided from the NHS England Senior Primary Care Commissioning Manager confirming the programme is still very much on the agenda to ensure patient records are fully digitised and existing storage space within Practices is fully utilised as clinical space. Due to Covid the programme has however been delayed. Once further pilots have taken place the full national roll out and transition to an operational business as usual service is expected to take around two to three years. The email confirms the Lambert Medical Centre have expressed a continued interest in this programme and where possible they will be prioritised when they are able to roll out the programme locally in Humber and North Yorkshire.

2.0 Relevant planning history

- 2.1 2/91/139/0395 - Alterations and Extension to Existing Dwelling and Shop to Form a Doctors Surgery with First Floor Flat and Associated Parking Space with Vehicular Access. Refused June 1991.
- 2.2 2/91/139/0395A - Application for Listed Building Consent for Partial Demolition, Alterations and Extension to Existing Dwelling, and a Shop for Form a Doctors Surgery with First Floor Flat and Associated Parking Spaces with Vehicular Access. Granted June 1991.
- 2.3 2/91/139/0395C - Application for Listed Building Consent for Partial Demolition, Alterations and Extension to Existing Dwelling and Shop to Form a Doctors Surgery with Associated Parking Space with Vehicular Access. Granted July 1991.
- 2.4 2/91/139/0395B - Alterations and Extension to Existing Dwelling and Shop to Form A Doctors Surgery with First Floor Flat and Associated Parking Space with Vehicular Access. Granted May 1992.
- 2.5 2/92/139/0395D - Amended Application for the Listed Building Consent for Partial Demolition, Alterations and Extension to Existing Dwelling and Shop to Form a Doctor's Surgery with First Floor Flat and Associated Parking Space with Vehicular Access. Granted June 1992.
- 2.6 2/93/139/0395E - Revised Layout of Land in Connection with a Proposed Doctors Surgery. Granted March 1993.
- 2.7 2/93/139/0395F - Application for Listed Building Consent for the Display of a Non - Illuminated Sign and an Externally Illuminated Projecting Sign. Granted March 1993.
- 2.8 19/01007/FUL - Change of use of first floor apartment (Class C3) to office, kitchen, and bathroom facility in association with D1 use class and alterations to include the installation of a new lift shaft and platform lift. Granted July 2019.

- 2.9 19/01008/LBC - Listed Building Consent for practice alterations, to include the installation of a new lift shaft and platform lift and change of use of first floor apartment (Class C3) to office, kitchen and bathroom facility in association with D1 use class. Granted July 2019.
- 2.10 20/00291/FUL - Siting of steel storage container. Temporary Permission Granted April 2020.

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

The relevant policies are:

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy S7: The Historic Environment

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E5: Development Affecting Heritage Assets

4.0 Consultations

- 4.1 Sowerby Parish Council – Resolved that the councillors wish to see the application refused, as the structure is not suitable for permanent positioning with a conservation area.
- 4.2 A site notice was posted, and neighbours consulted.

One letter of objection was received. Comments are summarised below:

- Site and container is in full view of any member of the public using the public footpath from 'The Flatts' path to Thirsk Leisure Centre.
- The storage unit obscures the window of the Thirsk and Sowerby Institute.
- The storage container of this magnitude can be seen towering above the 6ft railed fence.
- Container is so close to the institute the rainwater system could not be maintained in event of a leak.
- No timescale given therefore use could be ongoing. Do not consider the siting to be an ideal solution.

One letter of support has been received. Comments are summarised below:

- Declares an interest as a patient at Lambert Health Centre.
- Container hardly a thing of beauty but is in an inconspicuous corner at back of car park, fenced on all side and painted to blend in with surroundings.
- Container only obscures window when access door is open which is unlikely to be within club opening hours

5.0 Analysis

- 5.1 The main issues in the consideration of the application are: i) the siting, design and impact on the character and appearance of the conservation area and setting of nearby listed buildings and ii) impact on residential and other neighbouring amenity.

Additional information submitted in support of the application

- 5.2 Information provided in support of the application states that Lambert Medical Centre have previously explored options to relocate the surgery to a bigger building but have advised that there was no financial support from NHS England and the project was not affordable. Therefore, the Partners at Lambert Medical Centre invested their own money and repurposed some rooms to create more clinical rooms to help manage the increasing demand and ensure the Practice's sustainability for a few more years. Storage of the records became a problem when the Practice expanded which it did to both offer additional clinical services to patients and also be capable of coping with the additional increase in the number of patients due to a significant number of new houses built in Sowerby for which no additional funding or financial support was granted to the surgery.
- 5.3 The agent has advised that the digitisation of patient records is a relatively new procedure. Since 2019 NHS England has been consulting on a national strategy for the digitization of Lloyd George (LG) records. In early 2020 a Dynamic Purchasing System (DPS) was formed to support the procurement of digitization services. Shortly afterward, as a result of Covid, the national team placed a hold on the digitisation programme. Discussion around digitisation of these records was effectively paused during the Covid pandemic as all focus was on other priorities. Further details of the national solution are however expected to be announced within 2023.
- 5.4 Since the submission of this current application the Medical Centre have been in touch with the relevant officer within the NHS responsible for the digitisation of patient records to chase progress on this matter. The Doctors have previously offered their practice as a pilot for the digitisation project and have explained to NHS England the situation they find themselves in with the objections being raised to the retention of the container. The practice has been unable to get a date from NHS England as to when the funding might come through. The practice is frustrated at this situation, which unfortunately is out of their hands. The availability of finance is key to this project. The response to the enquiry from the Head of Digital NHS, North Yorkshire stated that with respect to the national offer they still have no clarity on timescales at this point although as mentioned above further details of the national solution are expected to be announced within 2023. There has been some delay to this offer due to Covid pressures and diversion of national funding/resources to alternate programmes. They intend to continue to chase NHSE regional and national teams for updates and will do so again at their next catch up with NHSE regional colleagues.
- 5.5 The agent has advised that the practice receives a weekly set of new patient records for new patients signing up to the surgery; these are received from NHS England. It takes a member of staff around 30 minutes to correctly file and store these new records. The agent has advised that the current records need to be readily available as they need to be accessed when the consultation with the patient

takes place. Occasionally during a consultation with a patient, a doctor will request a patient's file which a member of staff then has to access from the storage container. This could not happen if the files were stored off-site. The practice has over 8500 patients and their care would be compromised if the storage of patient records must be moved off-site. Bringing the records back into the building would result in the loss of a clinical consulting room and consequently resulting in the loss of a GP from the practice. The agent has advised that no obvious alternative premises have been identified. Unless the records are very close at hand the situation becomes untenable.

- 5.6 Options have been explored by the applicant with regards to the scanning of the documents. The agent has advised that the GP partners have recently received a quotation for the works for the sum of £50,000; this is unaffordable for the partners to pay.

Siting, design and impact on the character and appearance of the conservation area and setting of nearby listed buildings

- 5.7 Local Plan Policy S1 (Sustainable Development Principles) states that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change. This will be achieved by (e) protecting and enhancing the high quality natural and historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements.
- 5.8 Local Plan Policy S7 (The Historic Environment) states Hambleton's heritage assets will be conserved in a manner appropriate to their significance. Development which will help in the management, conservation, understanding and enjoyment of the historic environment.
- 5.9 Local Plan Policy E1 (Design) states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 5.10 Local Plan Policy E5 (Development Affecting Heritage Assets) states a proposal will only be supported where it ensures:
- i. those features that contribute to the special architectural or historical interest of a listed building or its setting are preserved.
 - j. those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals.
- 5.11 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which 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.

- 5.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.13 The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal.
- 5.14 The container is sited on a rectangular shaped parcel of land located immediately to the south of the car park serving the former Lambert Memorial Hospital, to the north of the Thirsk and Sowerby Institute and east of the Lambert Medical Centre car park. The site is bound by 2m high timber fencing. Public views of the container from Chapel Street to the north would be limited due to the position of the container in the south west corner of the car park and the screening provided by an area of planting to the west of the former hospital building. The container currently sits to the rear of two further metal containers sited within the adjoining car park. These containers are temporary structures currently being used in association with the conversion of the hospital to form a hospice. Although the fencing does provide a degree of screening when viewed from within the car park the upper section of the container is visible above the fence at this point.
- 5.15 South east of the application site and to the rear of Thirsk and Sowerby Institute lies Sowerby Flats. A public right of way runs to the south and east of the institute building before continuing north of the bowling green. Public views of the container are possible from the adjoining footpath with the container sitting above the boarded fence which defines the boundary.
- 5.16 A condition was included on the previous permission for the siting of the container (20/00291/FUL) requiring it to be painted dark brown to match the fence. This was to reduce its visual impact and these works have since been carried out.
- 5.17 Whilst it's acknowledged the container is visible from public vantage points adjoining the site the container does not occupy a prominent position within the designated Conservation Area being partly screening by the presence of the 2m fence which defines the boundary of the enclosure. Due to its position set back within the site public views from Chapel Lane to the north are limited with only the top section of the container visible from vantage points to the south.
- 5.18 Taking into consideration the position of the container, the harm caused to the heritage assets, in this instance the Conservation Area and setting of the Grade II Listed Building, is considered to be less than substantial, in the view of officers. In accordance with paragraph 202 of the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.19 The supporting information provided by the agent demonstrates that the continued siting of the container is essential to ensure the rooms within practice are fully utilised as clinical space. Bringing the records back into the building would result in the loss of a clinical consulting room and consequently resulting in the loss of a GP from the practice. As detailed previously other options for the storage of the records

have been explored by the applicant however these would be cost prohibitive. The agent has advised that the care of the patients may be compromised should there be a requirement for the records to be moved off-site. It is considered in this instance that the public benefits of allowing the continued expansion of the practice to the benefit of the wider community would outweigh the less than substantial harm to the heritage assets. The proposal would therefore be in accordance with policies E1 and E5 of the Local Plan and the expectations of the NPPF.

- 5.20 The previous permission granted a two year temporary consent for the siting of the container which expired in April 2022. The previous officer report recommended that after this time the container would be required to be removed or if clarification is available of the timescale to complete digitisation of the records a further time limited consent may be appropriate.
- 5.21 It's evident that the progression of the digitisation project has been delayed due to Covid pressures and the diversion of national funding/resources to alternate programmes. Although at this point there is still no clarity on timescales the NHS England Senior Primary Care Commissioning Manager has confirmed the programme is still very much on the agenda to ensure existing storage space within practices is fully utilised as clinical space. Since the submission of the application the agent has advised that details of the national solution are now expected to be announced within 2023.
- 5.22 Should planning permission be granted for the retention of the container then it is recommended that a further two year temporary consent is granted after which time the container would be required to be removed.

Impact on residential and other neighbouring amenity

- 5.23 Policy E2 requires proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future and existing occupants and users of proposed development and neighbouring land and buildings. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.24 The building is sited directly to the north of the Thirsk and Sowerby Institute on a section of land within the ownership of the Lambert Medical Centre. The siting of the container is such that although it would be visible from the north facing kitchen window of the institute the container would not obscure views from this window when not in use. The door of the container is left open when records are being accessed and it's acknowledged that views from the window would be limited at this point. The container is however only accessed during the day for short periods of time therefore any impact in terms of loss of outlook would be minimal.
- 5.25 The 2m fence which encloses this section of land currently sits approximately 3.5m from the kitchen window of the building. Taking into consideration the presence of this fence and the siting of the container to the side of the window it is not considered the outlook from this building is significantly harmed by the presence of the container in this location. In addition to this the affected room is a kitchen of a commercial building and not a residential property which would be given more weight. The proposal therefore complies with Policy E2 of the Local Plan in this regard.

Anti-Social Behaviour

- 5.26 It has been brought to the attention of the Local Authority that instances of anti-social behaviour have occurred at the site involving people climbing on the container in question. Further information has been requested with regards to the number and nature of instances.
- 5.27 The agent has confirmed that there were several examples of anti-social behaviour at the site before the container in question was put in place. The police have been informed of youths having been on the container and the other two containers currently sited on the adjacent car park. The storage container subject of this application is sited behind a high fence accessed through a locked gate and the agent has confirmed that the Practice does have external CCTV which partially covers the car park. Additional information has been sought from the agent as to what further measures can be put in place to limit or reduce instances of anti-social behaviour at the site.
- 5.28 It is recognised that there have been occurrences of anti-social behaviour at the site and the potential increase in the number of instances as a result of the proposals is a material consideration which carries weight. In this instance however it is not considered the impact in terms of anti-social behaviour would outweigh the public benefits which are set out above.

Access/Maintenance

- 5.29 Concerns have been raised in response to the public consultation with regards to the proximity of the container to the institute which would prevent maintenance of the rainwater system in the event of a leak. The eaves and rainwater pipes of the institute building do currently extend over the site in which the container is located however only the section of the building to the east of the kitchen window is affected. The container is set off the building to such an extent that the container is not sited directly under the overhanging eaves at this point. Although it's recognised that the siting of the container in this location may restrict easy access to this section of guttering it is considered the container is sited far enough from the building as to not prevent access or maintenance of this section of guttering.

Planning balance

- 5.30 The siting of the storage container in this location is considered to cause less than substantial harm to the setting and significance of the heritage assets, in this case the Conservation Area and setting of the Grade II Listed Building. It is considered that the public benefits of allowing the continued expansion of the practice to the benefit of the wider community would outweigh the less than substantial harm caused on a further temporary basis. The proposal will have no significant adverse impact on neighbouring amenity. Overall, the proposal will be in accordance with the requirements and expectations of the policies of the Hambleton Local Plan, the NPPF and the nPPG.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **GRANTED** subject for the following conditions(s)

1. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 2020:LMC/01 rev. A received by Hambleton District Council on 23 September 2022; unless otherwise approved in writing by the Local Planning Authority.
2. The permission hereby granted is valid only for a period of two years from the date of this consent, the storage container shall be removed from the site, and the land re-instated to its former condition on or before that date.

The reasons are:-

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1, E1 and E5.
2. The structure is not considered to be visually acceptable for permanent retention on this site within the Thirsk and Sowerby Conservation Area and within the setting of listed buildings.