
Appeal Decision

Site visit made on 14 May 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/A2280/W/23/3332198

Hempstead Medical Centre, 144 Hempstead Road, Hempstead, Gillingham, Kent ME7 3QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dr R Patel against the decision of Medway Council.
 - The application Ref is MC/22/2833.
 - The development proposed is the demolition of existing medical centre to facilitate the construction of a detached two storey medical centre with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adapted the description of the appeal proposal from the planning decision notice since this more accurately describes the proposal than the original planning application form.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, after the submission of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety, with particular regard to parking provision; and,
 - whether the need for the proposed primary healthcare use has been demonstrated.

Reasons

Character and appearance

5. The appeal site lies in the Hempstead Local Shopping Centre which is surrounded by a predominantly residential area, characterised by single and two storey dwellings with front and rear gardens. Hempstead Medical Centre forms part of a small parade of shops and services located to the west side of Hempstead Road. The buildings in the parade are set within long, reasonably narrow plots.

6. The appeal site comprises a single storey, hipped roof building with a smaller footprint than others in the parade; there is a driveway to the side of the building which allows access to a rear car park. The other buildings in the parade are of a gable ended form comprising a single storey with additional accommodation in the roof; all four buildings have a uniform building line to the front.
7. The proposal involves the demolition of the existing building and its replacement with a two-storey building, recessed into the plot to allow for parking at the front with limited landscape strips. The landscaping would assist in providing some interest and softening of the car parking area and boundary. The form of the proposed building with its gable end and first floor dormers, would generally reflect the other buildings in the parade. Nevertheless, the position of a building of the scale and mass proposed so deep within the plot would be uncharacteristic of the area. It would neither respect nor reflect the pattern and grain of development locally and would result in a disjointed street scene.
8. Whilst the submitted floorplans show the building extending almost the full width of the plot, the proposed street elevation does not correspond with the plans, showing a large space between the proposed building and its neighbour to the south.
9. I acknowledge that within the area there is development of a similar form and location to that proposed in this scheme. However, these can be distinguished from the scheme before me. For example, in the case of the adjacent restaurant, the outbuilding is only a single storey and does not cover the full width of the plot. Furthermore, whilst there is also backland development within the corner plot with a return elevation to Dukes Meadow Drive; this comprises a single storey dwelling, along with a single storey commercial unit with accommodation in the roof. Both these buildings present a street frontage to Dukes Meadow Drive and as such have a different context to the appeal site.
10. The appellant indicates that car parking in forecourts is common in the area. There are many front gardens of domestic properties in the vicinity given over to car parking, and the commercial parade containing the appeal site also has small forecourts which could be used for parking. However, set back of the proposed building required to accommodate the proposed car parking area is significant and at odds with the prevailing form of development.
11. Due to its scale, form and position relative to its plot size, the appeal proposal would harm the character and appearance of the area. It would be contrary to the aims of Policy BNE1 of the Medway Local Plan 2003 (Local Plan) which seeks the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework, which is not contingent on the age of the policy. In this respect, the policy is consistent with the aims of the Framework to achieve high quality, beautiful and sustainable buildings and places.

Highway safety

12. There is an existing vehicular crossover with dedicated car parking accommodating five cars to the rear of the existing surgery. As proposed, five car parking spaces would be provided to the front of the site, along with electric vehicle charging points, cycle parking and refuse storage. No vehicular access to the rear would be possible due to the footprint of the proposed building.

13. Policy T13 of the Local Plan expects parking to be provided in accordance with the adopted standard. In the case of medical uses, the maximum provision is set at four spaces per treatment room, in addition to staff parking. The appeal scheme contains seven treatment/consulting rooms, along with a physiotherapy and gym space. Whilst the Council has assessed the parking requirement as being 28 spaces plus staff parking, the policy stipulates that this is a maximum, rather than an absolute requirement.
14. This policy must also be considered in the context of the Framework, particularly as the Local Plan pre-dates it. The Framework promotes sustainable transport, and paragraph 114 seeks to ensure that safe and suitable access to development sites can be achieved for all users. Additionally, paragraph 116 confirms that priority should first be given to pedestrian and cycle movements.
15. The transport assessment states that given the surgery's catchment area; the majority of patients will travel on foot to the medical centre. No details of the anticipated catchment area have been provided. The appellants' evidence indicates that 3-4 members of staff and 6-7 patients are likely to be on site at any one time. This appears to be a very low number given the number of consulting rooms and variety of services proposed, as well as taking into account any support staff and patients waiting for appointments.
16. Swept path diagrams have been provided to demonstrate that cars would be able to enter and exit the site in forward gear, and there would be sufficient manoeuvring space to be able to do this in the absence of any other obstruction. However, the manoeuvring routes shown conflict with the refuse storage space and cycle parking shown on other submitted drawings. There would also be the potential for conflict with pedestrians or wheelchair users as a result of the proposed manoeuvring areas, largely due to the very constrained nature of the site.
17. There are limited parking spaces around the commercial parade containing the appeal site. At the time of my site visit, most of the dedicated parking spaces in the vicinity were full. Whilst unrestricted parking appears to be available on the residential streets off Hempstead Road, little substantive evidence has been provided to show availability or occupancy rates of on-street parking in the area, or typical occupancy or availability of spaces within the car park I have been referred to at Hempstead Recreation Ground or at the restaurant next door to the appeal site. Increased parking demand in areas of limited on-street supply may lead to additional congestion as drivers seek spaces, or park illegally, which would be detrimental to highway safety. There is little evidence to suggest that such circumstances could be avoided by the appeal proposal.
18. There is a bus stop on Dukes Meadow Drive, in close proximity to the surgery, where there is an hourly service to Chatham and Wigmore until around 14.00, with 2 services in the early evening. Whilst there is some public transport provision, this single bus route with sporadic afternoon services would provide a convenient means of access for a relatively limited population at limited times. The transport assessment also refers to the surgery being served by route 659; this appears to be a school bus running once in either direction each day.
19. I recognise that the location is accessible by a bus route and by foot and cycle and that the appellants have offered to produce a travel plan, which could be secured by condition. The surgery is proposed to expand in size and scope to the services to be offered, which would lead to a greater extent of patients and staff. It has not

been demonstrated that the provision of no net additional car parking would not put undue pressure on the availability of on-street parking, to the detriment of highway safety. Additionally, I am not persuaded that the car parking shown to the forecourt would not compromise highway and pedestrian safety due to the constrained nature of the site. The proposal therefore conflicts with Policy T13 of the Local Plan, which amongst other things, sets maximum standards for vehicle parking. The proposal would also be contrary to the aims of the Framework to secure safe and suitable access to development sites for all users.

Need for the proposed use

20. Policy CF4 of the Local Plan states that new or improved primary healthcare facilities will be permitted in areas where there is a deficiency in the quality of existing provision, subject to there being no undue loss of amenity to neighbouring residents. It goes on to state that adequate on-site parking will be required in line with policies T13 and T15, unless it can be demonstrated that circumstances exist to justify a reduction in the standard.
21. A letter from the practice manager for Wigmore Medical Centre and its branch surgery at Hempstead Medical Centre sets out that the surgeries are currently operating at over full capacity, with the need for new facilities having been recognised since 2015. The proposed medical centre would allow the surgeries to serve an additional 4000 patients. A letter from the Clinical Director of the Medway Rainham Primary Care Network states that clinical space in the area is in extreme demand. The Council has not disputed these claims, or provided any substantive evidence which would lead me to conclude otherwise.
22. Whilst there is a need for the additional medical services, the appeal scheme has not demonstrated how this could be achieved without leading to an increased demand for parking which could be accommodated on site. As such, the appeal scheme conflicts with Policy CF4 of the Local Plan insofar as it requires adequate on-site parking for new or improved primary health care facilities to maintain highway safety.

Planning Balance

23. The proposal would provide benefits in the form of expanded local healthcare services including dentistry and physiotherapy, neither of which are currently provided on site. Other benefits would include the provision of electric vehicle charging points and economic benefits through construction and subsequently through the use of local shops and services by the increased numbers of staff and patients. However, the harm I have identified to the character and appearance of the area and to highway safety outweighs the identified benefits.

Conclusion

24. The proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

L Francis

INSPECTOR