

APPLICATION NO	PA/2012/1227
APPLICANT	Dr M J Dwyer, Cedar Medical Practice
DEVELOPMENT	Planning permission to operate a pharmacy within the existing medical practice
LOCATION	275 Ashby Road, Scunthorpe
PARISH	SCUNTHORPE
WARD	Kingsway and Lincoln Gardens
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillors Gosling and Wilson – significant public interest) Third party requests to address the committee

POLICIES

National Planning Policy Framework: No specific policies apply.

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

North Lincolnshire Core Strategy: Policy CS5 (Delivering Quality Design in North Lincolnshire)

CONSULTATIONS

Highways: No objections or comments.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Eight letters of objection have been received. A petition objecting to the proposal has also been received with 42 signatories from 24 neighbouring properties. The letters of objection raise the following concerns:

- The existing access and parking area is inadequate to cope with the additional traffic that will be generated, including customers, staff and deliveries.
- The proposed development will lead to additional on-street parking on either side of Ashby Road, which will be harmful to highway safety.
- There are already issues with parking and congestion from the other doctor's surgery at 291 Ashby Road.

- The proposal will result in increased disturbance, at unsocial hours, to properties backing onto the parking area.
- There is inadequate security around the parking area to allow for late-night use and this area provides access into the gardens of adjacent properties.
- The building has no special security measures to allow for the storage of drugs, including methadone.
- There are six pharmacies within 1 mile of the site, including one within 200 metres, and as such there is no need/justification for another pharmacy in the area.
- The proposal will bring no benefits to the local area as any jobs that are created will be lost from existing pharmacies.
- The development, if approved, would result in the need for additional applications to extend the parking area and lighting to the rear of the property, which will further affect the amenity of neighbouring properties.
- If approved an A1 (retail) use will be introduced into the area and this may be used as a shop in the future if the surgery sell the premises.

ASSESSMENT

The application site is an existing doctor's surgery on Ashby Road in Scunthorpe. This is a detached two-storey building that was originally a residential dwelling. The surgery has an existing car park to the rear which is accessed via Ashby Road and is bounded by residential gardens. The surrounding area is predominantly residential in nature, however there are several commercial properties along the road including doctor's surgeries, a care home and a vet's. This stretch of Ashby Road is characterised by a mix of detached and semi-detached dwellings in a relatively formal linear development pattern. This application seeks planning permission for the conversion of one of the existing consulting rooms at the front of the building into a pharmacy and to carry out minor external works including re-opening the blocked up front entrance and installing a disabled access ramp to facilitate this change of use.

The main issues to consider in the determination of this application are whether or not the proposed pharmacy would be detrimental to the amenity of neighbouring residential properties and whether it would be harmful to highway safety on Ashby Road.

The application site is currently used as a doctor's surgery and has been for a number of years. The property has a dedicated car park to the rear that is accessed from Ashby Road, along the side of the building. The proposed pharmacy will be used by existing patients of the doctor's surgery and will also be open to members of the public. The applicants are anticipating that this use will generate an additional four full-time jobs and one part-time job. There will be an increase in traffic generation as a result of the pharmacy due to the extra staff, customers and deliveries. The council's highways department has been consulted on the application and has raised no concerns or comments with regard to the adequacy of the access and parking area, or in relation to highway safety on Ashby Road. The highways department are satisfied that the existing access and parking provisions are adequate to serve the proposed pharmacy and that the use will not result in unacceptable congestion or

highway safety concerns. Consequently, it is considered that the proposed pharmacy will not be harmful to highway safety in the area.

In order for the pharmacy to comply with its permission from North Lincolnshire PCT then it needs to be open for 100 hours per week. On this basis the applicants are proposing to operate the pharmacy from 7.30am to 10.30pm Monday to Saturday and from 8am to 6pm on Sundays, including some bank holidays determined on a rota basis with other local pharmacies. Deliveries to the pharmacy will be kept within normal working hours (9am to 5pm). Concerns have been raised by the occupiers of neighbouring dwellings that the pharmacy will result in increased noise and disturbance due to the increase in people visiting the premises and the proposed operating hours, which would allow customers to visit the pharmacy at unsocial hours until 10.30pm at night. It is hard to predict the number of customers that will make use of the pharmacy outside of the normal operating hours of the surgery (not existing patients), particularly as there are a number of dispensing pharmacies within the area, including one at 291 Ashby Road that was approved last year (PA/2012/0064). However it is unlikely that there will be a vast amount of people visiting the pharmacy late at night. There are a mix of boundary treatments around the car parking area including fencing, hedging and coniferous trees, particularly along the western and southern boundaries that provide a reasonable level of screening and security. For these reasons the proposed pharmacy will not have a significant impact on the amenity of neighbouring properties above and beyond the existing situation. Furthermore, it should be noted that a similar proposal (PA/2012/0064), that included a 100 hour per week pharmacy, at 291 Ashby Road was recently approved by the Planning Committee. This site is close to the application site and has a very similar arrangement in terms of access and parking area to the rear.

Several concerns have been raised with regard to security, both of the parking area to the rear of the building and of the building itself, as a result of drugs being stored on site. The parking area is an existing feature on the site and is not proposed to be altered as part of the development. The proposed pharmacy will not make access to neighbours' gardens any easier or more likely than at present. Indeed, due to the pharmacy being open until 10.30pm it will actually increase the amount of surveillance of this rear parking area by customers and staff being present on site. With regard to the security of the building due to the storage of drugs, including methadone, on the premises, this is a matter for the management of the site. A pharmacy storing drugs has to comply with specific, non-planning regulations relating to the security of drugs and this is something that will be regulated by the NHS.

Many of the objections to the application relate to there being no need or justification for another pharmacy in this area, which is already well served by a number of existing pharmacies. There have also been a number of objections relating to competition between the proposed pharmacy and existing pharmacies. Whilst there are already a number of pharmacies close to the application site and as such there may be competition between them, this is not a material planning consideration and competition is not a valid reason for the refusal of planning permission.

A concern has been raised regarding the introduction of a retail (A1) use within this area and the possible uses that the building could be used for in the future should the surgery be sold. This application does not seek planning permission for a general retail use, it very specifically seeks planning permission for a pharmacy, which will be linked to the surgery in that existing patients will be able to use the pharmacy to pick up their prescriptions. A

condition has been recommended to restrict the change of use to a pharmacy only and to restrict the type of goods that can be sold.

It has been suggested that should the current planning application be approved, it will result in further applications to extend the parking area to the rear and install additional lighting, which would further affect the amenity of neighbouring properties. There is no suggestion that additional parking facilities will be required to cater for the additional staff or customers and the council's Highways department have confirmed that the existing parking area is adequate to serve the doctor's surgery and the proposed pharmacy. However, should the applicants wish to extend the rear parking area in the future then this would require planning permission in its own right and the resulting planning application would be assessed in its own rights. Should the current planning application be granted it would not imply any future approval for extensions to the parking area. All planning applications must be assessed on their own merits and any speculative future development is totally unrelated to the determination of the current application.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 101 and 200.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Notwithstanding the uses allowed under Class A1 of the Use Classes Order, the pharmacy shall be limited to selling the following goods in addition to prescription and over-the-counter medication:

- male/female urine bottles
- dressings, strappings and supports
- blood pressure monitors
- weighing scales
- TENS machines
- vitamins, minerals and supplements
- blood glucose testing machines
- other such like ancillary items.

Reason

To comply with the terms of the application, to control the use of the building and to ensure the property is not established as a separate retail entity.

4.

Hours of opening for the pharmacy shall be restricted to 7.30am to 10.30pm Monday to Saturday and 9am to 5pm on Sundays and Public/Bank Holidays.

Reason

To avoid the unacceptable loss of amenity to nearby premises, in accordance with policy DS1 of the North Lincolnshire Local Plan.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policy DS1 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy and national policy set out in the National Planning Policy Framework.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2012/1227

Drawn by: Sue Barden

Date: 24/01/2013

Scale: 1:1250



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