

08/01525/FUL CHANGE OF USE FROM DOCTORS SURGERY TO RETAIL FOR
PHARMACY, NEWBOROUGH, PETERBOROUGH
VALID: 08 JANUARY 2009
APPLICANT: MR M DATOO
AGENT: MR N MARSDEN
REFERRED BY: COUNCILLOR HARRINGTON
REASON: IMPACT ON RESIDENTIAL AMENITY, INCREASED TRAFFIC GENERATION
AND ASSOCIATED CONGESTION
DEPARTURE: NO
CASE OFFICER: MISS A HAWLEY
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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of the development.
- The impact on the visual amenity of the area.
- The impact on residential amenity.
- Highway implications.
- Landscaping implications.

The Head of Planning Services recommends that the application is APPROVED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

Notation: Within the village of Newborough

R10 Shops in Villages - Planning permission will be granted for shops in villages provided that the scale of provision is commensurate to the size of the village, any building is of a suitable design and form and that no suitable alternative location is available within a designated centre. Additionally the proposal should not result in an adverse impact on the residential amenity of nearby residents or highway safety.

DA2 The effect of development upon on the amenities and character of an area – planning permission will only be granted if development can be satisfactorily accommodated within the site, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties.

T1 Transport implications of New Development – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

T10 Car and Motorcycle Parking Requirements – planning permission will only be granted for development outside the city centre if it is in accordance with Appendix V.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

National Planning Policy Statements

PPS1 Delivering Sustainable Development

Peterborough Core Strategy (Preferred Options May 2008)

CS1 Spatial Strategy for the Location of Residential Development

CS5 The Settlement Hierarchy and the Countryside

3 DESCRIPTION OF PROPOSAL

Permission is sought for a change of use of the old doctors' surgery (D1 Non Residential Institutions) to a pharmacy (A1 Retail).

It is proposed that the internal floor space would be arranged to provide a prescription counter, retail area for non prescription goods, two consulting rooms, a drug storage area, an office, staff toilet and small kitchen space.

No external alterations are proposed to the existing building.

Off road customer parking and a designated service/delivery area would be provided to the rear of the building.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The existing building, constructed in 1987, is single storey and modest in scale, with a designated car parking area at the rear. The building was previously used as a doctors' surgery but has been vacant since this operation ceased.

The site falls within a residential area and is surrounded by dwellings to the north, south, east and west. The village school, a dentists and a Special Needs care home are located further to the west on School Road.

There are two trees, one silver birch and one oak, located to the rear of the site which are covered by Tree Preservation Orders.

The access to the designed parking area at the rear of the building also serves the residential dwellings to the rear (south).

5 PLANNING HISTORY

Application Number	Description	Date	Decision
05/01984/OUT	Erection of five two storey dwellings and associated garaging	10.03.06	Permitted
07/00351/REM	Erection of five two storey dwellings and associated garaging	24.10.07	Permitted
08/01536/FUL	Construction of two three bedroom detached dwellings with associated garaging		Under consideration

The application for the erection of two dwellings (planning reference: 08/01536/FUL refers) on this site is currently under consideration by the Local Planning Authority. Both this application for a change of use and the application for residential development will be assessed against the relevant policy criteria and determined on their own merits. The subsequent implementation of either scheme, if permission is granted, will be dependent on the sale of the land, as governed by the land owner.

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections. An area to the rear of the site should be laid out to accommodate deliveries to the pharmacy and other associated servicing requirements, customer car parking re-configured appropriately. Secured ‘Sheffield’ type cycle stands should be provided in close proximity to the building.

Planning Policy Manager – No objections. The key issue is whether the scale of provision is appropriate to the size of the village in accordance with criterion (a) of Policy R10 of the Peterborough Local Plan (First Replacement). The Core Strategy (Policy CS5) identifies Newborough as a Limited Growth Village where some of the 500 dwellings (Policy CS1) will be allocated to 2026. Taking into account the existing status of the village, and its growth potential, it is considered that the scale of development is appropriate to the village and would provide additional services which would enable the village to become more sustainable. The proposal therefore accords with criterion (a) of policy R10.

EXTERNAL

Peterborough NHS Primary Care Trust (PCT) – Advised that the former doctors’ surgery was a dispensing practice not a pharmacy. It would only have dispensed prescription medicines to patients of that practice, with no retail element to the dispensing arrangements. Patients registered elsewhere would not have access to receiving medication from the practice. The PCT refused the application to enable the applicant to open a pharmacy in Newborough. The applicant’s subsequent appeal was upheld by the NHS Litigation Authority, Family Health Services Appeal Unit.

Newborough Parish Council- Has objected to the proposal on the following grounds:

- The existing building detracts from the visual amenity of the area in terms of both the building itself and the neglected flower beds to the front of it. The Parish considers that the proposal before the Local Planning Authority (LPA) for the erection of two dwellings would resolve this issue and return the land to residential use. It is considered that this would be more appropriate than a shop in this location.
- Insufficient information has been provided about the internal layout and how the floor space would be used.
- The information contained within the supporting statement is inaccurate. The doctor’s surgery did not contain a pharmacy, rather a unit for dispensing prescription drugs to the surgery’s patients only.
- Security issues associated with securing large quantities of drugs on site.
- There is a surgery operated from Guntons Road, adjacent to the village Hall, it provides a dispensary to patients. An additional pharmaceutical dispensary is not required in the village, which is recognised as a Limited Rural Growth Settlement.
- Increased congestion, on street parking and negative impact on highway safety along School Road, particularly at school arrival/departure times. The road is frequently heavily parked as a result of patients to the dentists, visitors to the special needs home and residents.

NEIGHBOURS

Letters of objection have been received from 3 local residents raising the following issues:

- Increased car parking/traffic and congestion particularly at school drop off/collection.
- People will not use the dedicated rear car parking area.

- The new dwellings to the rear of the site and the approved development for two dwellings adjacent to the site will cause more on street car parking/vehicular activity.
- Suitability of the shared access to the rear car parking area/dwellings.
- The site falls within a residential area and should be redeveloped to provide housing as this is considered more appropriate to the character of the area than a shop.
- A new surgery has been provided next to the village hall and provides good service. It is not considered that the village is big enough to support a pharmacy.

COUNCILLORS

Cllr Harrington has objected to the application on the following grounds:

- Impact on the residential amenity of local residents as a result of the associated noise, traffic, vehicular movements and increased on street parking, likely to be generated.
- The impact on highway safety from the associated increased traffic generation and congestion arising from the change of use, particularly at school arrival/departure times and when taken in connection with traffic generated by the dental surgery, residents and the special needs care home located along School Road.
- Insufficient information about the proposal included in the application to assess the likely traffic generation.

It should be noted that a number of the issues raised such as competition/duplication of services and the safe storage of drugs are not material planning considerations. These matters fall outside of the remit of the planning system and are, therefore, not relevant to the determination of this application.

7 REASONING

a) Principle of the development

The premises have an internal floor space of some 133 m². Of this floor space, an area of approximately 18m² would be designated for the sale of non prescription goods. The remaining floor space would be used as a dispensary, drug storage area, consultation rooms, office, staff toilet and kitchen area. Policy R10 of the Peterborough Local Plan stipulates that planning permission will be granted for shops in villages provided that the scale of provision is commensurate to the size of the village. Newborough is identified as a Limited Growth Settlement in the Peterborough Local Plan and in the emerging Core Strategy, where policy CS1 identifies an allocation of some 500 dwellings for the village up to 2026.

Taking into account the existing status of the village and its future growth it is considered that the scale of the development proposed is appropriate to the size of the settlement and will enable it to become more sustainable by offering a variety of services and amenities, thereby reducing the need for residents to travel further afield to secure such services. The village does not have a defined local centre in which to allocate such uses so every application must be considered on its own merits.

In order to ensure that the level of retail space remains at a provision that is commensurate to the size of the village and that any subsequent applications to extend the floor space or change the type of retail from a pharmacy would be appropriately assessed it is recommended that a condition controlling the level of A1 retail floor space and limiting the use to a pharmacy be imposed upon any approval.

Subject to this, it is considered that the proposal is acceptable in principle, in accordance with criterion policy R10 (a), subject to satisfactory evaluation of the other issues below.

b) Impact on Visual Amenity

No alterations are proposed to the external fabric of the building. Any subsequent proposal to materially change the appearance of the frontage or extend the building would require formal planning consent. The impact on the character of the area in terms of the physical appearance of the building will not, therefore, change from the existing situation.

The comments from the Parish Council are noted but this application cannot be resisted on the grounds that the replacement of the existing building with residential development would be more appropriate.

c) Impact on Residential Amenity

A doctor's surgery by the nature of its use attracts patients, staff and deliveries with the associated footfall and vehicle movements. It is not considered that the proposed pharmacy would result in any additional levels of visitors than the previous use.

It is proposed that the pharmacy is open from 8:30 am to 6pm Monday to Friday and 9am – 1pm on Saturday's. The premises will not be open on Sunday or Bank Holidays. It is considered that these opening hours are appropriate within a residential area, and can be conditioned to ensure that any future extension to the opening hours will require formal planning permission.

As such, it is not considered that the proposed use would have an unacceptable adverse impact upon the amenity of the neighbouring residents.

d) Highway Implications

Concerns have been raised regarding on street car parking and increased traffic generation. The site has an existing shared access (with the residential development to the rear) to which no alteration is proposed. The premises have a parking area which could provide adequate customer car parking, cycle parking as well as a designated delivery and servicing area. The proposed parking provision is considered acceptable in accordance with the maximum car parking standards set stated in Policy T10 of the Peterborough Local Plan (First Replacement). In addition it is considered that many visitors to the pharmacy will be local residents likely to travel to the site on foot, or as part of a link trip thereby reducing the need for car travel or specific travel to other local centres outside the village. As such the site is considered to be a sustainable location in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

e) Landscaping Implications

The site has two trees located to its rear boundary that are the subject of Tree Preservation Orders. As part of the proposal the applicant would be required to re-surface the rear car parking area. In order to assess the likely impact of the re-surfacing on the Root Protection Area (RPA) of the trees the applicant was asked to carry out an Arboricultural Impact Assessment.

There is a discrepancy between the proposed layout in the submitted Assessment and the amended layout subsequently submitted by the application showing a designated serving/delivery area. Notwithstanding this discrepancy, the Landscaping Officer has advised that the separation distance between the trees and the proposed hard surfacing area is acceptable in principle. In order to ensure no future damage to these protected trees the Landscaping Officer has advised that an amended pruning scheme should be submitted for consideration. The trees should also be protected during construction works. It is considered that these matters can reasonably be addressed via a condition on any planning permission.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The provision of the scale of the development is considered commensurate to the size of Newborough Village.

The proposed change of use will not result in any material change to the external appearance of the building and will not therefore result in any change to the visual amenity of the area.

The proposed change of use is not considered likely to generate any increased levels of footfall to the site than when it was used as a doctor's surgery. The proposal will not therefore result in any increased

detrimental impact on the residential amenities of local residents in terms of noise and nuisance arising from the use and its associated activities.

Adequate onsite parking, delivery area and a means of access are provided and the site is accessible by a variety of modes of travel. It is not considered therefore that the proposal will result in a detrimental impact on highway safety.

The proposal is therefore in accordance with policies T1, T10, DA2 and R10 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the imposition of the following conditions:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 The pharmacy shall not be brought into use until the areas shown for the parking, turning, loading and unloading of vehicles on the approved plan (Car Parking Plan 03.04.2009) have been marked out and made available for use on site. These areas shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles, in connection with the use of the building.

Reason: In the interest of Highway safety, in accordance with Policies T1, T10 and T11 of the Peterborough Local Plan (First Replacement).

C3 Notwithstanding the submitted information the pharmacy shall not be brought into use until details of the proposed cycle shelters have been submitted to and approved in writing by the Local Planning Authority. The shelters shall be installed in accordance with the approved details before pharmacy is brought into use and thereafter retained.

Reason: In the interest of Highway safety, in accordance with Policies T1, T10 and T11 of the Adopted Peterborough Local Plan (First Replacement).

C4 The use hereby permitted shall not be open to customers outside of the following times 8.00am to 6.00pm Monday to Friday and 9.00 am to 1.00pm Saturdays. The use shall not be open to customers at any other time including Sundays and Bank Holidays.

Reason: In order to protect the amenity of the adjoining occupiers from noise and traffic generation, in accordance with Planning Policy Guidance (PPG24 Planning and Noise), and Policies DA2 and R10 of the Peterborough Local Plan (First Replacement).

C 5 Notwithstanding the details hereby approved, the retail (A1) floorspace shall not exceed an area of 20m² as indicated on the proposed layout plan (dated 26.02.09).

Reason: In order to protect the amenity of the area and in accordance with policies DA2 and R10 of the Peterborough Local Plan (First Replacement).

C6 The building shall be used solely for A1 retail purposes in connection with the Pharmacy use hereby approved; and for no other purpose (including any other purpose within Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987) (or any provision equivalent to that class in any statutory instrument revoking and re enacting that Order with or without modification), notwithstanding the provisions of the Town &

Country Planning (General Permitted) Development Order 1995 (or any statutory instrument revoking and re enacting that Order).

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C7 (a) No development or other operations shall commence on site until an amended arboricultural report (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. (The amended report should include a revised pruning schedule to be agreed with the Local Planning Authority.**
- (b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;**
- (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;**
- (d) Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;**

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

Notes Relating to this Decision

- 1 Public Health Act 1925 S17-18
The development will result in the creation of new street(s) and/or new dwelling(s) and/or new premises and it will be necessary for the Council, as Street Naming Authority, to allocate appropriate street names and property numbers. Before development is commenced, you should contact the Technical Support Team Manager - Highway Infrastructure Group on (01733) 453461 for details of the procedure to be followed and information required. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings.
Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.
- 2 Highways Act 1980 - Section 148, Sub-Section C
It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
- 3 Highways Act 1980 - Section 149
If any thing is so deposited on a highway as to constitute a nuisance, the local authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local

Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

- 4 This planning permission does not give consent for the display of any advertisements on the property. These may require separate Advertisement Consent. For further information contact the Planning Department by telephoning 01733 453410.

- 5 Pursuant to condition C3 Cycle parking should be in accordance with the Council's cycle parking guidance (a copy is attached) which recommends a 'Sheffield' hoop design located within a secured shelter. For further information please contact the Travel Choice Team on 01733-317484.

Copy to Councillor Harrington.