

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 12th April 2011
 Planning Application Report of the Planning and Development Manager

Application address: Bitterne Surgery 62 West End Road SO18 6TG			
Proposed development: Application for variation of condition 3 (Hours of Use) of planning permission reference 10/01508/FUL to extend operation of the pharmacy to Monday-Saturday (07:00 - 23:00 Hours) and Sundays (09:00 - 17:00 hours)			
Application number	11/00229/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	31.03.2011	Ward	Harefield
Reason for Panel Referral:	'Referred by the Planning & Development Manager'	Ward Councillors	Cllr Fitzhenry Cllr Daunt Cllr Smith

Applicant: Dr Amrik Benning	Agent: Graham Ash Architects
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

Reason for granting variation of condition to planning permission 10/01508/FUL

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. On balance, it is considered that the provision of an out of hours service pharmacy in this location would greatly benefit the local residents and meet the strategic approach of SCPCT to provide primary health care facilities in this part of Southampton, whilst having an acceptable impact on the character of the local area and the amenity of neighbouring occupiers. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters and the conditions under 10/01508/FUL have been reapplied to this permission. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, SDP16, HC3 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 This application site lies on the eastern side of West End Road in Harefield ward to the north of the Bitterne district centre. The application site comprises of a Victorian villa style two storey building with various extensions which comprises of a doctor's surgery with associated parking area to the rear and front forecourt.
- 1.2 The surrounding area is characterised by mainly residential properties with exception to the doctor's surgery and veterinary centre adjacent to the site, ranging between 2 and 3 storey in height.

2. Proposal

- 2.1 It is proposed to extend the opening hours of the pharmacy approved under planning permission no. 10/01508/FUL to Monday-Saturday (07:00 - 23:00 hours) and Sundays (09:00 - 17:00 hours) to provide an out of hours prescription service.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Saved policy HC3 (Primary Care) of the Local Plan Review permits proposals for the expansion of primary care facilities in residential areas subject to no adverse impact on residential amenity, where the Primary Care Sector is defined to cover GP surgeries. The policy encourages a greater range of health services to be delivered locally in easily accessible locations by primary care providers. Saved policy SDP1 of the Local Plan Review permits development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

4.0 Relevant Planning History

- 4.1 The planning history of the site is given in **Appendix 2** of this report. Permission was granted by the Council in 1981 (permission no. 1606/E18 refers) to convert the residential building into a doctor's surgery. Subsequently, permission was granted in 1985 (permission no.951310/E refers) to expand the surgery and provide additional patient parking space to the rear of the site. Most recently in 2010 (permission no. 10/01508/FUL refers) permission was granted for an extension to the surgery to provide a pharmacy for dispensing medical prescriptions and an additional treatment room. The hours of opening currently permitted are Monday - Saturday (09:00 - 18:00 hours) and closed on Sundays and Public Holidays (condition 3 refers).

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **3** representations have been received from surrounding residents. A summary of these comments have been set out below:

- 5.1.2 The pharmacy opening beyond 1900 hours will lead to disturbance from noise and light during the late evening to adjoining residential occupiers along West End Road and Panwell Road due to the increased comings and goings of traffic using the car park.

RESPONSE

The proposed closing time of 23.00 hours is not uncommon for a stand alone commercial use in a residential area within the city, which accords with the government guidance (PPG24). The closure of the existing car park gate to prevent traffic entering the car park can be enforced to minimise the disturbance to adjoining neighbours from additional traffic associated with the extended hours of the pharmacy. The intensification of use in terms of the additional comings and goings associated with scale and nature of the extended hours of the pharmacy as proposed would not significantly harm the amenity of neighbouring occupiers.

- 5.1.3 The pharmacy should operate on a rota basis with other late night pharmacies in the city. There are already 4 other pharmacies operating within the immediate area, which is sufficient to serve the public.

REPSONSE

The applicant has stated that the pharmacy rota system has been abolished by Southampton City Primary Care Trust (SCPCT) in favour of voluntarily extended opening hours by pharmacies. The closest out of hours pharmacy available is in Hedge End and the city centre.

- 5.2 **SCC Highways** - No objection.

- 5.6 **SCC Environmental Health (Pollution & Safety)** – Objection raised as the condition 3 was applied to limit the hours to protect the amenity of the adjacent premises. Without the presence of supporting evidence with this application, the Officer is unable to support the extension of hours. However, the Officer would be in support of the pharmacy opening for dispensing prescriptions on rota basis with other pharmacies in the city.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development;
 - ii. Character of the area;
 - iii. Residential amenity.

6.2 Principle of Development

- 6.2.1 Saved policy HC3 of the Local Plan Review permits the expansion of primary health care facilities in residential areas subject to having an acceptable impact on residential amenity. SCPCT and the Pharmacy Application Committee processed and approved an application for preliminary consent prior to inclusion on the pharmaceutical list of SPCT on 17th February 2011 for an 'out of hours' service at this location to increase access to dispensing services. The 'out of hours' pharmacy service aims to meet the following local and central Government's policies providing primary health care facilities through General Practitioner services:

- The 2010 NHS White Paper Equity and Excellence: Liberating the NHS
- Healthy Lives, Healthy People: Our Strategy for Public health in England
- Southampton's Joint Strategic Needs Assessment for Health and Well-being 2008 to 2011- document jointly issued by Southampton City Primary Care Trust and Southampton City Council

6.2.2 The applicant has stated that SCPCT has recently abolished the pharmacy rota system in favour of voluntarily extended opening hours by pharmacies. The out of hours service will provide medication in emergency situations for the public including palliative care. The applicant states that there is no out of hours service available for the public in east Southampton, the closest being Hedge End and the city centre.

6.2.3 The government and local strategic health care policy documents listed above should be afforded due weight as material consideration in the determination of the application.

6.2.4 Planning Policy Guidance Note 24: Planning and Noise (September 1994) states in paragraph 12 that noise sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00). There is no distinction made in the guidance between the weekend and week days including Sundays.

6.2.5 As such the principle of development is considered to be acceptable.

6.3 Character of the area

6.3.1 Although the character of the surrounding area is predominantly residential with the exception of the doctor's surgery and veterinary centre, this property has been established as a doctors surgery since the early 1980s with expansion of the facilities to its current size in the mid 1990s.

6.3.2 The addition of the pharmacy adjoining the doctors surgery was recently approved in 2010. The applicant is seeking to extend the operation hours to provide an 'out of hours' service to provide pharmaceutical prescription service.

6.3.3 In comparison, the scale and nature of the activities associated with the extended hours of the pharmacy use along this part of West End Road in terms of comings and goings is not considered to be out of character with the local area.

6.4 Residential amenity

6.4.1 The residential properties that would be mostly affected by the extension of hours would be 60 West End Road which adjoins to the southern boundary and properties directly to the east of the site along Panwell Road. There is currently a tall boundary treatment consisting of a part brick wall and fence section along the top and lower length of the site boundary which separates the main car park area from the north flank wall and garden space of 60 West End Road.

6.4.2 Although there are planning controls over the surgery opening hours, the applicant has stated that the surgery is open 07.30 to 20.30 hours Monday to Friday and

closed on Saturday and Sunday. The extension hours of the surgery will result in further traffic coming and going from the site from 20.30 until 23.00.

- 6.4.3 The Environmental Health Officer has objected to this proposal on the basis that the pharmacy should only operate on rota basis with other pharmacies. Although this advice is a material consideration for the Local Planning Authority, the material weight of all the planning merits should be weighed up on-balance in the determination of the application.
- 6.4.4 The proposed closing time of 23.00 hours is not uncommon for a stand alone commercial use in a predominantly residential area within the city, which accords with the government guidance set out in Planning Policy Guidance Note 24: Planning and Noise (paragraph 12) to ensure that the amenity of neighbouring residents is protected from noise generating activities. There is no distinction made in the guidance between the weekend and week days including Sundays, though the proposed Sunday operating hours are not considered to be contrary to this guidance.
- 6.4.5 It is considered that securing the main car park area by closing the existing gate to prevent traffic entering this area, with the exception to the staff, during the surgery closed hours will prevent traffic associated with the pharmacy use entering the main car park area and, therefore, minimise the level of disturbance to the adjoining residential occupiers. The closing of the gate outside surgery hours can be used as an enforceable condition.
- 6.4.6 Given the additional of comings and goings associated with scale and nature of this pharmacy use and the extension of hours, it would be unreasonable for the Local Planning Authority to impose any requirement on the applicant to upgrade the boundary treatment in particular along the common boundary with 60 West End Road.
- 6.4.7 As such the intensification of use in terms of the additional comings and goings associated with scale and nature of the pharmacy and extended hours as proposed would not significantly harm the amenity of neighbouring occupiers.

7.0 Summary

- 7.1 On balance, it is considered that the provision of an out of hours service pharmacy in this location would greatly benefit the local residents and meet the strategic approach of SCPCT to provide primary health care facilities in this part of Southampton, whilst having an acceptable impact on the character of the local area and the amenity of neighbouring occupiers.

8.0 Conclusion

- 8.1 This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 6(c), 7(a), 7(x), 9(a), 9(b)

SB for 12/04/11 PROW Panel

PLANNING CONDITIONS

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02.APPROVAL CONDITION - Materials to match [Performance Condition]

Unless otherwise agreed in writing by the Local Planning Authority, the materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03.APPROVAL CONDITION - Hours of Use [Performance Condition]

The pharmacy use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery associated with the permitted use) outside the following hours:

Monday to Saturday 07.00 hours to 23.00 hours (07.00am to 11.00pm)

Sunday 09.00 hours to 17.00 hours (09.00am to 5.00pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

04.APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991, the premises shall be used only for the purposes indicated in the submitted details as a pharmacy and not for any other purpose within Use Class A1.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority and prevent other uses other non related uses to the surgery which will encourage non linked trips to retain control over the development in the interests of the amenities of the area .

05.APPROVAL CONDITION - Refuse storage [Pre occupation condition]

Prior to the first occupation of the development hereby approved, the refuse storage shall be provided in accordance with the approved plans and shall thereafter be retained for those purposes whilst the building is in commercial use.

REASON

In the interests of protecting visual amenity and the highway safety.

06. APPROVAL CONDITION – Closure of gates

The existing gates enclosing the main car parking area shall be closed shut during the following hours of the week:

Monday to Friday	20.30 to 07.30 hours (8.30pm to 07.30am)
Saturday	Closed
Sunday	Closed

REASON

In the interests of protecting the residential amenity of neighbouring occupiers to prevent traffic associated with the dispensing of prescriptions from the pharmacy using the main car park area to the rear of surgery during out of hours surgery period.

06. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS10 A Healthy City

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development

HC3 Primary Health Care

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

PPG24 Planning and Noise (October 1994)

Relevant Planning History

1306/P35 Change of use of house to offices	Refused 12.04.1966
1352/P8 Convert house to 9 flat lets	Refused 11.06.1968
1354/P27 Convert house to 5 flat lets	Conditionally approved 09.07.1968
1432/P27 Pair semi detached houses with garages	Refused 22.02.1972
1606/E18 Use of house as doctors surgery with ancillary accom & widened access	Conditionally approved 10.11.1981
951310/E ERECTION OF A SINGLE STOREY EXTENSION TO SURGERY	Conditionally approved 23.07.1996
10/01508/FUL Single storey side extension and single storey rear extension to provide pharmacy and additional treatment room.	Conditionally approved 29.12.2010

Condition 3 - Hours of Use

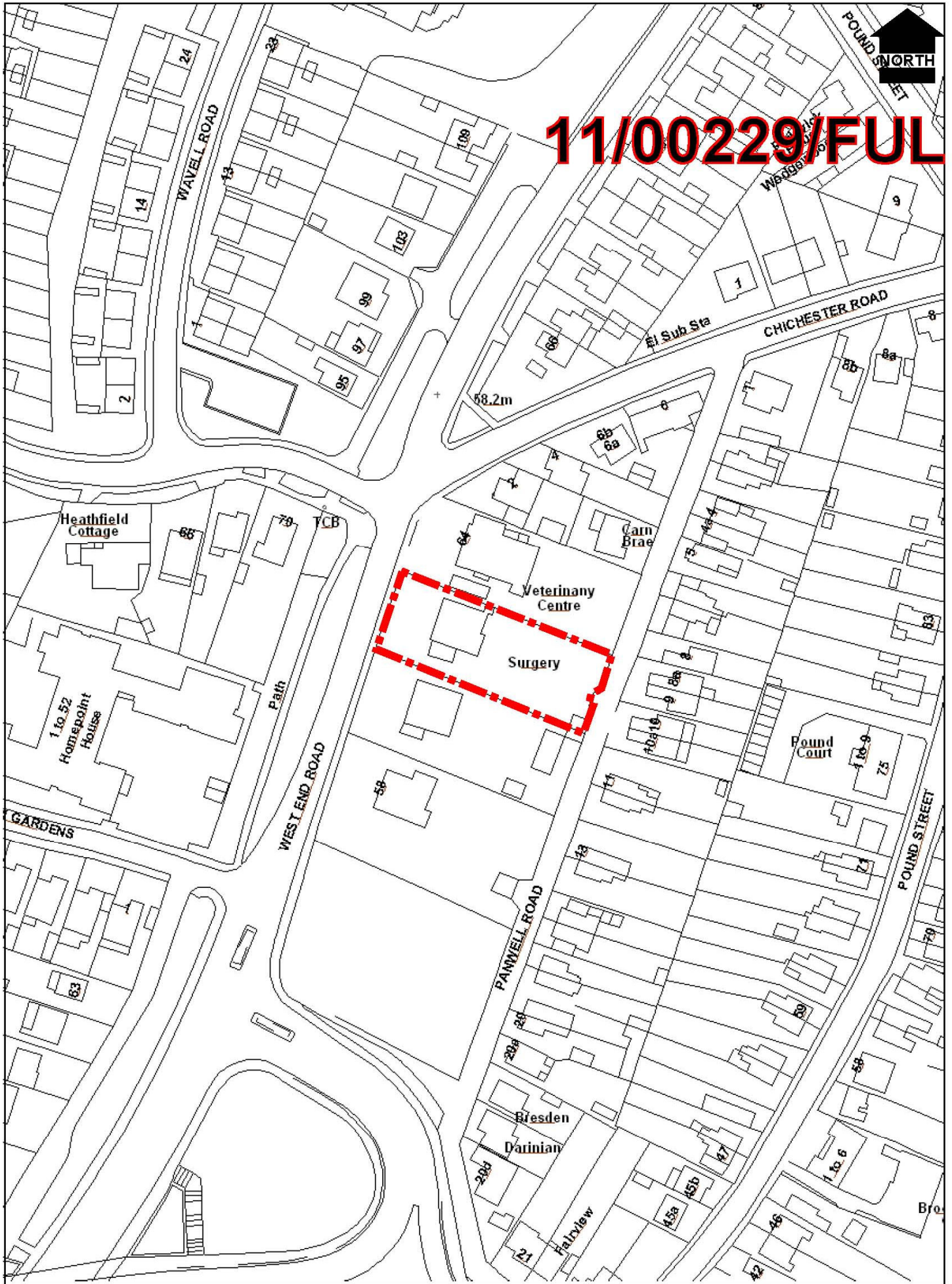
The pharmacy use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery associated with the permitted use) outside the following hours:

Monday to Thursday	09.00 hours to 18.00 hours	(11.00am to 11.00pm)
Friday and Saturday	09.00 hours to 18.00 hours	(11.00am to 12.00 midnight)
Sunday and recognised public holidays	CLOSED	

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.



11/00229/FUL

Scale : 1:1250

Date : 30 March 2011

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