

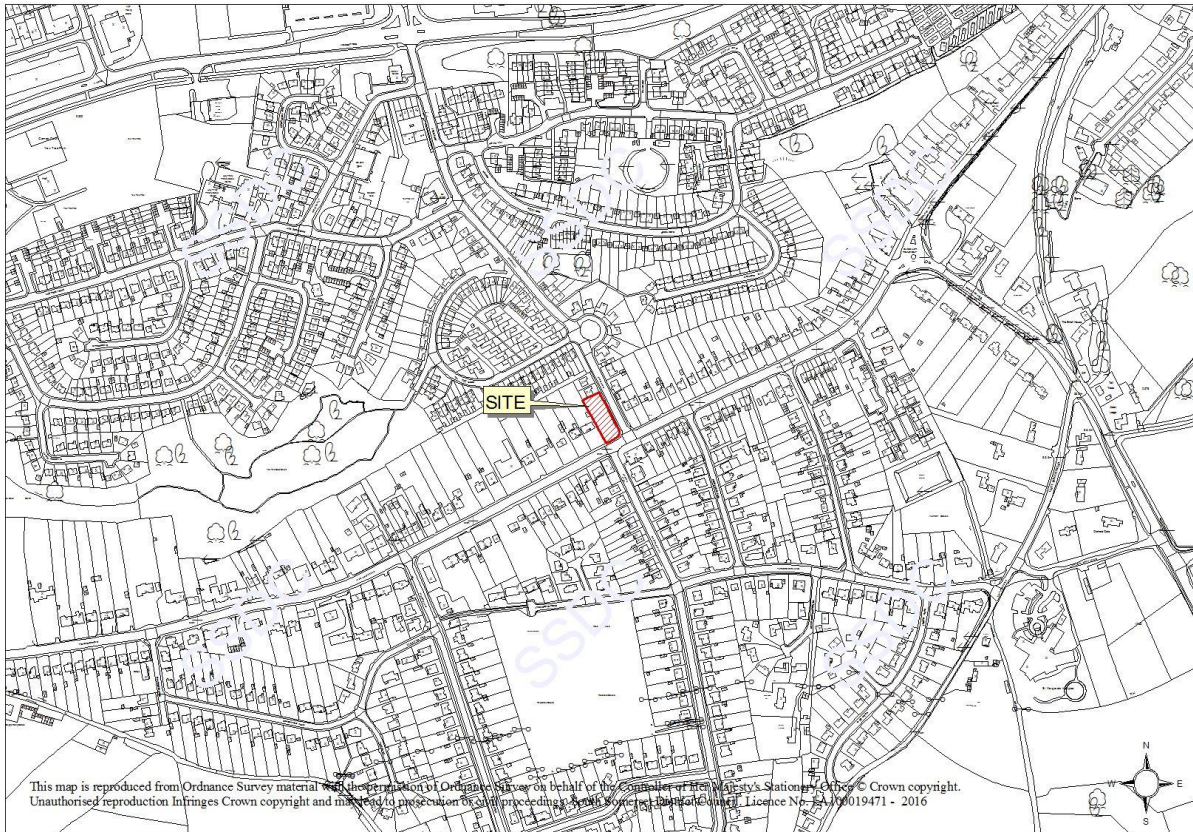
## Officer Report On Planning Application: 16/01284/FUL

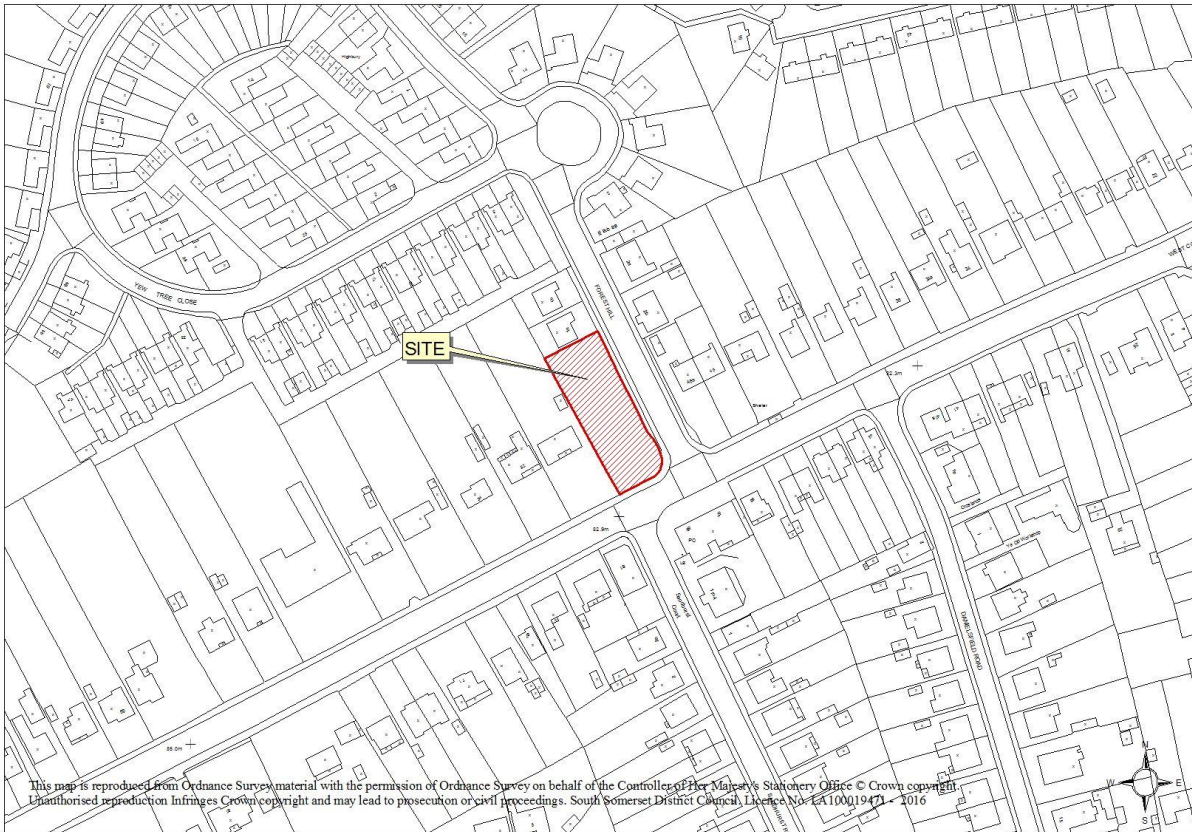
<b>Proposal :</b>	The erection of a pharmacy (Revised application)
<b>Site Address:</b>	48 West Coker Road Yeovil Somerset
<b>Parish:</b>	Yeovil
<b>Yeovil (South) Ward (SSDC Member)</b>	Cllr J Field Cllr N J Gage Cllr S McAllister
<b>Recommending Officer:</b>	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
<b>Case</b>	
<b>Target date :</b>	12th May 2016
<b>Applicant :</b>	Mr Max Punni
<b>Agent: (no agent if blank)</b>	James Ewart Fox 55 The Park Yeovil Somerset BA20 1DF
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### Reason for Referral to Committee

This application is referred to the committee at the request of Cllr Nigel Gage with the agreement of the Area Chairman to enable the highways aspects of the proposal to be considered in relation to Policy TA5 and that the comments of Yeovil Town Council and neighbours to be fully debated.

### Site Description and Proposal





Number 48 West Coker Road is located on the northern side of the road on the corner of West Coker Road with Forest Hill. The property is a 2 storey dwellinghouse with a dual access to the front with access off West Coker Road and Forest Hill. The majority of the front of the property is laid to parking and turning for the dwelling. To the north / rear of the dwelling are a timber double garage and 2 sheds along the western boundary. The remainder of the site is the main private garden area of the dwelling. The garden is bounded from Forest Hill by a close boarded fence. There is evidence of mature trees on site having been felled. However as they are not protected by way of TPO or being in a Conservation Area these did not require consent.

This application seeks permission for the erection of a single storey building access off Forest Hill for use as a pharmacy.

This revised application follows the withdrawal of application 15/05548/FUL for the erection of a pharmacy.

The applicant currently owns runs and has the licence for the Options Pharmacy located to the South of the site in Sandhurst Road. It has been detailed that a larger pharmacy is required.

In detail 3.5m from the northern elevation of 48 West Coker Road a fence would be erected and to the west of the site a single storey building of 105m<sup>2</sup> would be erected to serve as a pharmacy. Existing outbuildings - garage and sheds will be demolished to make way for the new building. The building would have a main floor area, 2 offices, a consultation room and a disabled toilet. To the east of the building 5 car parking spaces are proposed with 1 disabled space, cycle parking and turning on site for a delivery van is proposed with access off Forest Hill.

A bus stop serving both directions on Forest Hill is adjacent to the new vehicular access.

It has been confirmed that the existing dwellinghouse will be used for the pharmacy manager and that staff will park in the area to the front of the dwellinghouse.

The application is supported by a Statement from the applicant detailing the need and an Access Statement.

Compared to the previous application, the pharmacy has been reduced in size, the layout has been improved by providing a turning area for delivery vans and much more justification has been supplied for the need for the new pharmacy.

During the course of the application amended plans have been received to address concerns from the police. It has also been confirmed that no air conditioning unit is proposed on the building. Also a further highways statement has been received picking up on comments made by Yeovil Town Council.

## **HISTORY**

15/05548/FUL - The erection of a pharmacy - Application withdrawn - 28/01/16

16864/C - Erection of 2 detached houses and garages, formation of vehicular access - Conditionally approved - 30/4/72

16864/B - Outline - Erection of semi-detached house and garage - Conditionally approved - 16/6/71

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

South Somerset Local Plan (2006 - 2028)

On the 5th March 2015 this new local plan was adopted and constitutes the development plan. The most relevant policies are:-

SD1 - Sustainable Development

SS1 - Settlement Strategy

EP15 - Protection and Provision of Local Shops, Community Facilities and Services

TA3 - Sustainable Travel at Chard and Yeovil

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ7 - Pollution Control

National Planning Policy Framework

Chapter 1 - Building a Strong Competitive Economy

Chapter 4 - Promoting Sustainable Transport

*"32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- o the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- o safe and suitable access to the site can be achieved for all people; and*
- o improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

## Chapter 7 - Requiring Good Design

### Other Relevant Considerations

Somerset Standing Advice (June 2015)

Somerset Parking Strategy (September 2013)

### **CONSULTATIONS**

Yeovil Town Council - *"Recommend refusal on the following grounds;*

- o Increase in traffic and associated safety concerns*
- o Opposite to the bus stop and associated safety concerns*
- o Wrong location and would set precedent of commercial development in residential area*
- o Concerns regarding noise and light pollution*
- o Concerns associated with security*
- o Insufficient parking*
- o Insufficient information provided regarding siting of air conditioning units*
- o SSDC highway concerns previously raised not addressed."*

County Highway Authority - Refers to standing advice.

Previously confirmed that the Highway Authority have reviewed the plans and are satisfied that standing advice would still apply as the level of parking is still in line with SCC's Parking Strategy.

SSDC Highways Consultant - Declares an interest as he wrote the submitted Access Statement.

Police Crime Prevention Design Advisor - Initially advised that PAS standard windows and doors be installed, that internal security of controlled drugs controls and the need for fencing / gating installed to prevent access to the rear.

On the basis of the amended plans considered that the previous concerns had been addressed. However it was considered that boundary treatment could be detailed.

Environmental Protection Officer - *"With the confirmation that there will be no external plant, I withdraw my concerns regarding noise. I would like to see some form of condition stating that if any external plant is to be fitted, that it be subject to a new planning application."*

NHS England - Notes that there is no minimum distance for relocated pharmacies (it was previously 500m). The requirement now is that the new location must be 'not significantly less accessible' than the current premises for patients accustomed to receiving services from the pharmacy. There is no defined distance limit any more.

Distance between sites is no longer the determining factor - while a short distance may be more likely to be acceptable than a longer one, it is believed that relocations of a mile or more have been approved. What is more relevant is whether there is anything to make it more difficult for patients to get to the new site than it was to get to the old one.

The NHS Litigation Authority, which determines appeals, has produced a guidance note on relocation applications.

Somerset County Council Public Health Specialist - *"I looked at the Pharmaceutical Services Negotiating Committee website (umbrella body for pharmacies in relation to regulations), and that suggests that there is a 'reasonableness' test of whether it is a relocation (rather than closing one pharmacy and opening a new one): it looks as though there used to be a 500m rule, so that's probably the sort of distance that would be considered reasonable.*

*I don't think we would consider the loss of the pharmacy to be a gap in provision that had to be filled. The likelihood is also that there will be fewer pharmacies in future (as they say in the letter; more efficiency, more internet supply etc. so not necessarily very different from other businesses) so we may all have to get used to them being further apart."*

## **REPRESENTATIONS**

Submitted by the applicant are 7 letters of support, a letter of support from the Yeovil MP and a petition of 315 signatures in support.

During the course of the application there have been 13 letters from 6 properties received from neighbours and a letter from another pharmacy raising the following areas of concern:-

- o Noise pollution through additional vehicles coming and going.
- o Lack of parking on site and people likely to park on road.
- o Concerns over need for security lighting and signage which would add to light pollution.
- o This proposal would just move the existing traffic problem from Sandhurst Road to Forest Hill.
- o There is an existing bus stop that serves both directions located near the proposed new entrance. Also the school bus stops at the top of Forest Hill to pick up / drop off school children.
- o Forest Hill is a busy through road especially in the morning and afternoon when Westland workers are coming and going.
- o Concerns that number 48 West Coker Road could be sold at any time and the staff parking removed at any time.
- o Site is not a commercial site and is inappropriate in this location.
- o Concerns that the existing dwelling is being advertised for rent.
- o Concerns if people park on Forest Hill as this would limit access to the neighbouring property.
- o There was an indication that a traffic survey would be undertaken and this does not appear to have been carried out.
- o A brand new pharmacy has recently been built at Hendford Lodge Medical Centre and this has plenty of off road parking.

- o Turning on site can only be achieved with difficulty.
- o The Forest Hill / West Coker Road junction is very busy and at times is grid locked. Traffic disruption will only increase if this application is approved.
- o Concerns over the emptying of bins.
- o Highway and pedestrian safety concerns.
- o Visual impact - the loss of a garden and change the character of the house.
- o There are already plenty of pharmacies in the vicinity is there any need?
- o The loss of amenity land for the existing dwelling.
- o Concerns that security cameras could invade privacy.
- o Will there be any air conditioning equipment in the future?
- o Trees were recently felled before the original application was submitted.
- o Concerns about asbestos roof on the existing double garage that would need to be removed.
- o The proposal should be accompanied by an Environmental Impact Assessment.
- o Questions if there are any issues from the General Pharmaceutical Council.
- o Day Lewis Pharmacy currently operates out of 72 Henford but are shortly moving to Hendford Lodge Medical Centre. They are located 0.8 miles away and ample space in their current location. They have extra capacity to take more patients and carry out additional services.

## **APPLICANTS CASE**

Submitted with the application is a 50 point letter by the applicant outlining the background and need for the move.

It is detailed that;

- o The current premises are being rented and are too small and can't expand.
- o Patient safety, confidentiality and security are being compromised as there is inadequate preparation and storage space for prescriptions, inadequate seating and waiting area and the consultation room doubles up as a staffroom.
- o Prescription volumes are rising due to an aging population, changing demographics and local factors.
- o The pharmacy provides services to approximately 2500 patients and the pharmacy is close to being deemed insufficient and not fit for purpose and is in danger of being closed.
- o 1/3rd of prescriptions are delivered to the patient's home.
- o The existing pharmacy is open 09:00 - 18:00 Monday to Friday and 09:00 - 13:00 on Saturdays. It is not open Sundays or Bank Holidays. The new pharmacy is proposed to keep the same hours.
- o In data collected between November 2015 and January 2016 the existing pharmacy is processing between 150 and 280 transactions a day. The number of visitors is spread through the day and the picking up of prescriptions is often carried out by patients collecting more than one (spouses, carers etc.).
- o Legislation requires that a relocated pharmacy should be located within 500m of the existing. *N. B. There has been a change in legislation as detailed in the NHS Response and a relocated pharmacy should not be 'not significantly less accessible' than the existing facility.*
- o The site is across the road from the existing facility set back from the busy road junction with patient and staff parking. A pelican crossing is in place to enable easy crossing of West Coker Road.
- o The building has been carefully designed to fit in with its surroundings.
- o A covenant restricts building to the front of the house and the conversion and extension is not viable as the change in levels and the existing layout of the dwelling.

- o It is proposed that the existing dwelling be used by the pharmacy manager and that parking to the front of the dwelling will be for staff members only.

## **CONSIDERATIONS**

### **Principle of Development**

The site is located within the urban framework for Yeovil and is considered to be a sustainable location as detailed within Policies SD1 and SS2. Therefore subject to other considerations the development of this site is accepted. It has been detailed that in order to open a pharmacy, permission is required from the NHS tribunal committee. This was granted in 2009 and the pharmacy has been operating out of rented premises in Sandhurst Road. This premise has now become too small for the site with a number of issues. It is claimed by the applicant that patient safety, confidentiality and security are being compromised as there is inadequate preparation and storage space for prescriptions, inadequate seating and waiting area and the consultation room doubles up as a staffroom. As a result this application is to relocate the existing pharmacy to a bespoke built new pharmacy to continue serving the local community. Under NHS guidance a relation should 'not significantly less accessible' than the existing facility.

Policy EP15 relates to the provision of new local shops, community facilities and services. This states that the provision of new community facilities and services will be supported.

A pharmacy is an A1 use under the Use Classes Order, the same use as shops. However this type of business is more of a community facility and provides an important role within the community with the provision of prescriptions and maintains the health and wellbeing of their patients.

As an A1 use a pharmacy could change to a shop or other A1 use without the need for planning permission. Other A1 uses don't necessarily have the same level of community benefit and result in other considerations. On this basis it is considered necessary to restrict the use to a pharmacy.

### **Impact upon Residential Amenity**

The proposed building is a single story building located towards the West / rear of the site. It is not considered that the window layout and general bulk of the building is such that it would give rise to undue overlooking / loss of privacy or an overbearing relationship with neighbouring properties.

Amended plans have been provided to show a fence across the site to restrict access to the rear of the pharmacy as requested by the police. This arrangement does not have an adverse impact upon residential amenity. The boundary treatment to the western boundary is not clear as on one plan the existing hedge is to be retained, whilst there is confusion and in considering the police's comments a condition requiring details of boundary treatment is necessary.

In assessing the proposed use of the site, the opening hours already operating and these to be retained it is not considered that the proposal will result in undue noise and disturbance.

The site is located within an urban area therefore this proposal is not considered to adversely affect amenity by light pollution.

The agent has confirmed that no air conditioning unit is now proposed on the building. The

Environmental Protection Officer due to any impact upon residential amenity proposes a condition restricting the development of any external plant. Any external plant has the ability to produce significant noise that could harm amenity. Without any details such a condition is considered reasonable and meets the tests.

Therefore the proposal would not harm local residential amenity in accordance with EQ2.

### **Impact upon Visual Amenity**

The pharmacy has been designed to be as low key as possible and has the appearance of a bungalow. It is to be constructed of a brick plinth, rendered walls under a slate roof.

The pharmacy building is located towards the west of the site to allow a parking and turning area to the front. The provision of parking for this facility is essential, which will be picked up below, therefore the superficial 'building line' is not considered to be important in this location. On this basis it is considered that the proposal would not have an adverse effect upon visual amenity.

### **Highways**

A key concern from neighbours is the amount of parking on site and any impact upon the surrounding highway. Policy TA6 requires that the parking levels as detailed in the Somerset Parking Strategy would be applied within South Somerset. This states that for A1 non food retail a provision of 1 space per 70m<sup>2</sup> is required. The pharmacy is proposed to measure 105m<sup>2</sup> and therefore only 2 parking spaces would be required. Instead due to neighbour concerns and the nature of the area, 5 parking spaces including 1 disabled is proposed on site. Therefore the level of parking proposed is in excess of the Parking Strategy requirements. The Parking Strategy also indicates that sites in accessible areas a lower level of parking could be provided. The size of the site allows for turning to allow entering and exiting the site in forward gear. In addition, a cycle rack and an area are proposed for delivery vehicles. Also the rebuttal statement confirms that the aisle width measures 8.4m as opposed to the standard 6m and this allows a greater ease of access and turning.

It is also noted that the current pharmacy and hairdressers has a combined 6 tandem spaces. The proposed layout and parking numbers for this application, for purely the pharmacy, is therefore more than appropriate.

In front of the existing dwellinghouse is a parking and hardstanding area. This is all included within the redline area and it is detailed that staff would be parking in this location. It is also detailed that the dwellinghouse would be used as staff accommodation for the pharmacy manager and therefore the provision of this parking could be conditioned.

Concerns have been raised over the potential conflicts between the school bus and the access to the pharmacy. Photos have been provided showing where the school bus stops and this has been viewed on site. The school bus stops on the western side of the road towards the southern end of Forest Hill, adjacent to the junction with West Coker Road. This would not result in any conflicts with the proposed new access as is 25m from this access. It is noted in the submitted rebuttal statement that the pharmacy does not open until 09:00 and as such would not be any conflicts with a school bus in the morning.

There is an existing bus stop marked on the ground on the eastern side of the road. On checking on timetables a bus routes goes up and down Forest Hill, but there is no indication on the other side of the road where the public bus stops. If not marked on the ground it could stop where the school bus stops and this would not cause a conflict with the proposed



access. If a vehicle is leaving the site they would need to wait if there was a bus stopped nearby and this arrangement is not different from a bus stop being opposite a junction. The road is detailed as being 7.25m wide. As detailed in Manual for Streets the width of a bus is 3m and as such there is sufficient room to pass a bus. It is also noted that the footpath width is 1.8m wide this is wide enough to allow other users to pass and not cause conflict.

In considering all the above the proposals would provide a safe and suitable access to the site for all people and is not considered to result in a severe residual cumulative impact. Also parking provision would be provided over the requirement as stated in the Somerset Parking Strategy. As such the proposals comply with Policies TA5 and TA6.

### Other Issues

The existing dwelling, as noted by neighbours, has been advertised for rent. Therefore the ability for staff to park on site and the pharmacy manager to live on site was questioned. It has been confirmed from the agent that this is only for a temporary period. It is likely that the pharmacy will take up to 6 months to construct after receiving planning permission and any conditions being agreed. Therefore as opposed to living it empty in the meantime the property has been advertised for rent.

Concern was raised that before the original application was submitted trees had been felled on the site. These trees were not covered by a Tree Preservation Order or located within a Conservation Area and as such were not protected. Therefore permission was not required for them to be felled.

A neighbour has suggested that a full Environmental Impact Assessment be submitted for this site. The requirement for such a request is detailed in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended. Such a proposal does not meet any of the requirements for such an assessment and it is considered that any environmental impact will be localised and not severe.

In the covering information it is detailed that the existing pharmacy located in Sandhurst Road would be converted into a flat. This would require a formal application being submitted for consideration. An informative in this regard is considered appropriate.

### Conclusion

Notwithstanding the neighbour concerns the provision of a pharmacy meets a community need and in assessing all the impacts does not adversely affect residential or visual amenity, highway safety or parking. Therefore in considering the benefits and in providing a planning balance the pragmatic solution is to recommend approval.

## **RECOMMENDATION**

### **Grant permission for the following reason:**

01. Notwithstanding the neighbour and Town Council concerns the provision of a pharmacy meets a community need and in assessing all the impacts does not adversely affect residential or visual amenity, highway safety or parking. The proposal therefore complies with policies SD1, SS1, EP15, TA3, TA5, TA6, EQ2 and EQ7 of the adopted South Somerset Local Plan (2006 -2028) and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: amended drawing 3758-02E received 21 April 2016.

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

03. The building hereby approved shall be used as a pharmacy and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (with or without modification).

Reason: The application has been assessed on this basis only in accordance with policies EQ2, EP15, TA5 and TA6 of the adopted South Somerset Local Plan (2006 - 2028).

04. No works shall be undertaken unless details of all proposed boundary treatment are submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

05. The pharmacy shall not open unless the internal security fence as detailed in drawing 3758-02E has been fully implemented.

Reason: In accordance of Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF.

06. No works shall be undertaken unless details of the external materials (including the provision of samples where appropriate) have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan (2006 - 2028)

07. (i) No works shall be undertaken unless, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

08. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or any subsequent order amending or revoking and re enacting that Order) there shall be no external plant or equipment unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: The Local Planning Authority is not satisfied that the building could accommodate external plant without detriment to the amenities of the area in accordance with Policy EQ7 of the adopted South Somerset Local Plan (2006 - 2028).

09. The pharmacy shall not be opened outside the hours of 09:00 - 18:00 Monday to Friday and 09:00 - 13:00 on Saturdays. It shall not open on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and to define the scope of the application in accordance with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

10. The area shown as 'parking area for pharmacy staff' on approved drawing 3758-02E shall thereafter be provided for the parking of staff whilst the pharmacy is open.

Reason: In the interests of parking and highway safety in accordance with Policies TA5 and TA6 of the adopted South Somerset Local Plan (2006 - 2028)

11. The area allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of providing sufficient parking and turning on site in accordance with Policies TA5 and TA6 of the adopted South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF.

12. Before the development hereby permitted is occupied, unobstructed visibility shall be provided above a height of 900mm from adjoining carriageway level for a minimum distance of 43m to the north and 33m to the south for a depth of 2.4 metres measured from the nearside edge of the adjoining carriageway as shown on approved drawing 3758-02E. Such visibility splays shall thereafter be maintained unobstructed.

Reason: In the interests of highway safety in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

13. The pharmacy shall not open unless the cycle stand shown on drawing 3758-02E has been implemented and thereafter retained.

Reason: In the interests of sustainable transport in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028)