

Planning Committee: 16 August 2011

Item Number:

Application No: W 11 / 0490

Town/Parish Council: Warwick
Case Officer: Steven Wallsgrove
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Registration Date: 18/05/11
Expiry Date: 13/07/11

Priory Medical Centre, Cape Road, The Cape, Warwick, CV34 4UN

Erection of extensions to existing medical centre to form new pharmacy and nurse practitioner rooms, with replacement parking spaces, and a cycle shelter
FOR GPI Limited

This application is being presented to Committee due to an objection from Warwick Town Council and a large number of other objections having been received.

SUMMARY OF REPRESENTATIONS

Warwick Town Council : The site for this commercial retail development is clearly outside any of the towns retail areas and mixed use areas, and is outside the Town Centre.

Warwick District Local Plan Policy UAP3 states that retail development will be permitted in Town Centre. In other circumstances retail development will not be permitted unless the criteria can be met, including a proven quantitative need for the development, and there being no available sites available for the proposal with the Town Centre.

The purpose of this policy is to maintain the shopping function of Town Centres, which is to support the local economy and promote more sustainable patterns of development thereby sustaining and enhancing Town Centres by making them the focus for new retail development.

The retail development now put forward for this site proposes a seven day operation based upon 100 hours of retailing, and if permitted cannot fail to impact adversely on those pharmacies operating in the Town Centre, for this retail development will be in direct competition, within a limited market, and to permit this retail development is also directly contradictory to the Local Plan Policy TCP2, and the planning policy to protect the shopping functions of the Warwick Town Centre.

It is the Town Council's understanding that if permission is granted this retail unit will be operated not by the practice, but on a commercial basis by a retailing company.

WCC (Highways) : No objection, subject to parking/loading/unloading being approved.

Warwick Chamber of Trade : "The Chamber of Trade objects to this application on the grounds that the intention is to use the extra space for a pharmacy. There is more than adequate provision of pharmaceutical services within the town. The area that the Medical centre occupies falls outside the local area plan boundary for retail development. The provision of a pharmacy on this site would have huge implications for the vitality of the town centre as it would threaten the existence of both Mellors and Boots and potentially reduce footfall

in the town centre to the detriment of other businesses. There is also a covenant in place on the property which prohibits its use for any other purpose than a medical centre. The WCC councillors voted recently not to lift this covenant."

Warwick Town Centre Management Group : Are concerned about the impact of a 100 hour pharmacy on the town centre pharmacies, and other businesses, and refers to Policy TCP2.

Warwick Society : This is an application for a pharmacy. There may be little direct impact, however, our concerns for the vitality of the town centre are awakened.

NHS Warwickshire Out of Hours Service : Support the proposal due to local chemists being closed outside normal shopping hours.

WCC (Archaeology) : Have no objection subject to a programme of archaeological works condition.

Budbrooke Medical Centre : Consider that a 100 hour pharmacy would benefit patients.

Public Comment : A very large number of comments have been received, both in support and against. The total number supporting the proposal (mostly standard letters) is 163 with the number of objections (also mostly in the form of standard letters) being 105. A copy of a petition about the covenant (undated) has also been submitted together with a second petition against the planning application (said to be over 800 signatures). The grounds of objection include increased traffic, limited parking in residential area, impact on local pharmacies and impact on viability of town centre.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The surgery was erected following a consent of 1982 (W82/252) with a small extension being approved in 1999 (W99/0627).

KEY ISSUES

The Site and its Location

The property consists of a two storey medical centre and lies in the middle of the County Council car park. There are mature trees along the frontage to the footpath beside Priory Park (the south-east boundary), a large tree on the south-west boundary and smaller trees in the car park to the north.

Details of the Development

The proposal is to erect three extensions, namely a dispensary on the south-west end of the existing building, an interview room (on the site of an existing covered area) on the south-east elevation, and two nurse practitioner stations on the north-east end (to replace existing facilities). The sales area would be created inside the existing building, with the principal access being through the existing main entrance, but with a disabled ramp and door being provided to one side. The application was accompanied by a detailed Transport Assessment, a Renewable Energy Statement, a Design and Access Statement and a letter from the Warwickshire Road Safety Unit.

The application forms specify materials to match the existing while the layout plans show the replacement parking to be provided on site (the 'double banked' parking would be allocated to staff).

Assessment

The principal issues in this case are not the design and location of the extensions, which have been carefully designed to appear as subordinate elements to the main building, but the impact on the town centre, and traffic generation.

In terms of impact on the town centre, Local Plan policies UAP3 and TCP2 require new retail development to be in the town centre, unless certain criteria are met. These include that the development is genuinely accessible and well served by a choice of means of transport, would reduce the need to travel, and that the proposal would not have a significant adverse impact on the vitality and viability of the town centre.

In the present case, the proposed pharmacy is intended to have a very restricted range of items for sale, only prescription medicines and medicines authorised by the pharmacist (which would be controlled by condition). Furthermore, the proposal is intended to be ancillary to the surgery, not an independent unit. Under these circumstances, the proposed pharmacy is considered not to be an 'A1' use (i.e. a shop) but a 'sui generis' use, namely it is not within a specified Use Class. This interpretation is included in the published 'Land Use Gazetteer' and has been accepted by other authorities in similar situations, two examples being submitted by the applicants. In this context, it is considered that the use does not conflict with policies referred to.

In addition, the proposed pharmacy is intended to operate as an official '100 hour' pharmacy, namely it would provide an out-of-hours service, which would complement the existing pharmacy facilities which, it is understood, only open during normal working hours. The nearest '100 hour' pharmacies are in Leamington (at the Asda store) and at Stratford, which is why there has been support from two organisations and a number of the local residents.

The location of the surgery, in the middle of the car park, is also considered to be an appropriate location for such a facility since, while being close to the town centre and good public transport, it is not immediately adjoining housing so out of hours visitors would have minimal impact on local residents amenities. In this context, the applicants have stated, as part of their submission, that the pharmacy opening times would be 0700 - 2200 hours Monday to Thursday, 0700 - 2300 hours Fridays, 0800 - 2300 hours on Saturdays, and 0800 - 1700 hours on Sundays and Bank Holidays, which is generally similar to other 100 hour pharmacies throughout the country. The applicants have indicated, however, that if these hours are not acceptable, then more restricted hours of opening could be operated, details of which have been supplied. However, it is considered that the hours, as originally proposed, are acceptable due to the location of the site.

The remaining principal issue is traffic generation and its impact on local residents. In this context, the applicants transport assessment, and the County Highway Authority, consider that the proposal is acceptable, the assessment showing that only a few additional traffic movements would be generated given most visitors to the Pharmacy are likely to be already visiting the site. It is accepted that, at peak periods, there are traffic queues on Cape Road, but this should not be materially increased by the proposal.

It is considered, therefore, that the proposed limited sales pharmacy will have no material impact on the vitality and viability of the town centre, will have no material impact on traffic or local residents, and can therefore be supported.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than 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, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 09-029/004 Rev B, 09-029/005 Rev B and 09-029/005 Rev C, and specification contained therein, submitted on 11th April and 18th May 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.
- 4 The proposed car parking area for the development hereby permitted

shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 The use of the premises for the purposes hereby permitted shall be restricted to the hours of 0700 to 2200 hours Monday to Thursday, 0700 to 2300 hours Fridays, 0800 to 2300 hours Saturdays and 0800 to 1700 hours Sundays and Bank Holidays. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 7 The pharmacy facility hereby approved shall not be used for any retail activity other than for the sale and dispensation of prescription drugs and 'P' products ('P' being defined as 'pharmacy only products to be sold under supervision of a pharmacist'). **REASON** : To ensure that the vitality and viability of the town centre are not adversely affected in order to satisfy Policy UAP3 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of impact on the town centre, traffic, or local amenities which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
