

COMMITTEE REPORT

Date: 7 February 2013 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 12/03081/FUL
Application at: Health Centre 1 North Lane Huntington York YO32 9RU
For: Alterations and extensions of existing GP surgery to provide additional consulting, treatment and administration rooms and a dispensing pharmacy following demolition of existing dwelling (3 North Lane) and erection of cycle storage, new car park and improved vehicular access
By: Mr J McEvoy
Application Type: Full Application
Target Date: 26 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application proposal relates to the GP Surgery on the corner North Moor Road and North Lane in Huntington. The application site consists of the existing surgery site and 3 North Lane. The application seeks planning permission to extend the surgery to create nine GP consultation rooms, two nurse treatment rooms, a dispensing pharmacy, and associated reception and waiting areas on the ground floor. On the first floor would be admin rooms, staff facilities, a boardroom and an alternative treatment room. The site would provide eight customer car parking spaces (two to disability standards) and three staff car parking spaces. Cycle parking hoops would be provided for customers, with covered cycle parking proposed to the rear for use by staff.

1.2 At present the GP Surgery contains five GP consultation rooms, a treatment room, a nurse treatment room, and associated waiting rooms, offices, and reception area. There is a shared staff and patient car parking area which can accommodate eight cars.

1.3 In order to accommodate the proposed extension it is proposed to demolish the bungalow at 3 North Lane. This dwelling has been purchased by the GP Surgery and is now empty. The site of the existing bungalow would contain the eight patient car parking spaces and a single storey extension which would contain GP consultation rooms. The existing two storey surgery building would be retained, with a part single, part two storey extension being wrapped around the existing building. The proposed extension would result in the building significantly closer to North Moor Road.

A small triangular piece of land adjacent to North Moor Road would be retained for the three staff car parking spaces. The proposed extension is contemporary in design and would primarily be finished in a combination of render, timber cladding, and brick.

1.4 Access to the staff car parking spaces would be by way of an existing dropped crossing along North Moor Road. Access to the patient parking area would be from a widened crossing point across the grass verge from North Lane.

1.5 The application site is within the built up settlement limit of York. The application site is unallocated in the Development Control Local Plan and is outside of Huntington Conservation Area.

1.6 The dispensing pharmacy would be open 100 hours per week. This would be between 07:00 and 23:00 hours Monday to Friday, between 08:00 and 19:00 hours on Saturdays, and between 09:00 and 17:00 hours on Sundays and bank holidays.

1.7 Members will recall that a decision on the application was deferred at the East Area Planning sub - Committee held in December. The first reason for deferment related to car parking and Members desire to see a formal contract between the health centre and the sports and social club to enable staff and users of the health centre to be able to park at the social club and therefore reduce the pressure on on-site car parking and surrounding roads. The second reason for deferment was to allow the applicants to consider whether a 100 hour pharmacy was the best approach and if so provide further justification. Some Members expressed a desire to see shorter opening hours for the pharmacy in order to reduce the impact on neighbouring amenity. The application was originally brought before East Area Planning Committee at the request of Councillor Orrell. The reason for calling the application in was due to public interest and concerns over car parking raised by the Parish Council and others in the area.

1.8 Much of the report is the same as that considered at December Planning Committee. For ease of reference the following paragraphs have been amended or added:

3.3 - amended to include Highway Network Management comments

3.7 - added to summarise additional comments received from Parkers Pharmacy

3.8 - added to summarise response from applicants to Parkers Pharmacy comments

4.25 - amended with information regarding the legal agreement for car parking provision at Sports and Social Club

4.28 - amended

4.29 and 4.30 - added following submission of additional information regarding the need for the 100 hour pharmacy and its likely level of use during the evening

5.2 and 5.3 - conclusions amended in line with latest information

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYT4
Cycle parking standards

CYH9
loss of dwellings or housing land

CYC1
Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No objections subject to the inclusion of a condition which requires approval of any new plant or machinery to be installed to ensure that there is no harm to the amenity of local residents through noise.

3.2 Transport Planning - Cycle racks should be 1m apart to allow bikes to be locked either side of the stands. Staff parking should be covered and secure. Drainage in the area may need to be approved as there are known drainage issues along the rear of the grass verge. The proposed increase in surgery size increases the likely number of trips to the site; measures need to be put in place to prevent cars parking on the grass verge.

3.3 Highway Network Management - No objections. The car parking does not exceed the maximum standards laid out in Annex E of the Draft Local Plan. The applicant has provided information stating that the maximum number of staff expected on site at any one time is 14. The site is located in a residential area and is well served by high frequency public transport. It is therefore reasonable to assume that a proportion of staff and patients will be able to arrive by non car modes.

A Travel Plan will be secured by condition in order to promote sustainable travel and reduce the level of car parking generated by the scheme. 10 covered secure cycle spaces have been provided for staff and 14 spaces for visitors.

Should on-street parking occur it is considered that the adjacent highway can accommodate some parking without being to the detriment of free flow of traffic or highway safety. The existing junction of North Moor Road and North Lane is protected by waiting restrictions to prevent parking in this location. The applicants have agreed to provide funding of £2k that can be used by the authority to implement further waiting restrictions should this prove necessary in the future.

A formal legal agreement is being drawn up to allow staff and patients to park at the local sports centre.

3.4 Drainage - No objections subject to a condition which requires drainage details to be agreed prior to the commencement of development. Such details to control surface water run-off to a maximum of 2.4 litres/second taking account of a 1 in 100 year storm event.

EXTERNAL

3.5 Huntington Parish Council - Whilst there is full support of the development of the proposed GP surgery to meet the need of the area, there are grave concerns. These are:

- the traffic management issues such a development (increase in services) would create, considering the existing road traffic issues at the location.
- the totally inadequate parking facilities provided for such a size of development; considering the site and the fact that alternative local parking is very limited and the existing parking issues at this location.

As such, it is considered that unless the aforementioned concerns are addressed the development is not viable at this location in Huntington

3.6 Other Third Parties - Eight letters of objection received from local residents and on behalf of two local pharmacies. The letters from residents were received from 18 and 39 Strensall Road, 61 North Moor Road and 5 North Lane (x2). The following comments were raised:

- The inclusion of a dispensing pharmacy creates competition for the Chemists across the road, many local residents rely on the chemist for purchases apart from having prescriptions dispensed, it would be a great loss to the local area if the Chemist were to close;

- The proposed pharmacy would be able to open longer than the local chemist, therefore giving it an unfair competitive advantage, there is not the need for a dispensing facility for longer hours than the chemist as outside these hours people can use Boots or the supermarkets at Monks Cross;
- The proposed pharmacy has longer operating hours than the doctors surgery and therefore cannot be considered ancillary;
- The pharmacy would sell products and would not just dispense prescriptions, therefore it should be considered an A1 retail use and therefore a sequential test should have been submitted demonstrating that there are no sequentially preferable sites available in the City Centre or edge of centre;
- Extending the health centre is not suitable in this location given its lack of safe pedestrian access;
- There is not enough car parking for the increase in either staff or visitors/customers;
- The late opening times will bring noise and disturbance in the area through car headlights, noise and pollution;
- The residents of 5 North Lane (next door to the bungalow to be demolished and proposed car park) requested an 8 foot high wall on the boundary for the purposes of security and to reduce noise and light pollution;
- The description of development on the application form does not accurately describe the development proposed;
- The proposed development would result in the loss of a house which is contrary to Policy H9 of the Local Plan;
- There is no need for the pharmacy as there are others in the area;
- The three staff car parking spaces do not allow a vehicle to enter the site in a forward gear, turnaround and leave the site in a forward gear; therefore it creates highway safety concerns;

3.7 Since the December Planning Committee additional representations have been received from the owner of Parker's Pharmacy.

The following comments were made:

- Incorrect information was given by the applicant at Planning Committee because they will have to supply methadone and a needle exchange service;
- Information provided by the applicant that there would be just two drug deliveries a day is not true as agreements with certain manufacturers means that there will be at least four per day;
- It was incorrect to state that 100 hour pharmacy contracts are innovative and offer increased services as it is commonly known that they have an inclement effect on the pharmacy sector and local communities and new 100 hour pharmacy contracts are now not offered;
- It would be easy for the applicant to apply for a shorter pharmacy contract;
- Concerns are raised about the way Planning Officers guided Members during Planning Committee.

3.8 In response to these comments, the applicant has made the following points:

- A 100 hour pharmacy dispensing contract only requires a methadone service to be offered if directed to do so by the PCT/commissioning group. There has been no request to provide this service and it is not considered likely to do so given the local demographics in the area. A methadone service would not be provided at the outset and whilst it is considered unlikely to ever be required, it is possible that it could occur if directed by the PCT.
- The Haxby Group has 20,000 patients and only one on record as being prescribed methadone.
- It is felt that Mr Kochhar's remarks are primarily motivated by competition which should not be taken into account in this planning decision. However, it is worth highlighting that Parkers Pharmacy is one of a chain of pharmacies which Mr Kochhar's organisation owns and are based in Manchester. It is not a small local business; Mr Parker himself is no longer associated with this pharmacy.
- The 100 hour pharmacy contract was awarded by the NHS in accordance with extant regulations and exacting criteria. The suitability of the contract was decided by the NHS and a need or not for this contract should therefore be immaterial to the planning committee. The contract gives the practice the flexibility it needs to be responsive to service and patient needs in a fast changing healthcare environment. The pharmacy would provide a real choice to local residents which would be of great benefit to patients and the local community. The new service would offer new medicine checks and reviews, additional health support such as smoking cessation, as well as providing permanent professional employment. The new service would have first rate disabled access facilities which are not available at all other pharmacies or services. The service would offer local residents access to a local, known, trained health service professional for face to face advice at times when the only other option is the NHS 111 service, an unfamiliar GP in out of hours service or Accident and Emergency at the hospital.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of Development
- Design and Visual Impact
- Car and Cycle Parking
- Neighbouring Amenity

PRINCIPLE OF DEVELOPMENT

4.2 There are two issues to consider in terms of assessing the principle of the proposed development. The first is the loss of a dwelling through the demolition of the bungalow at 3 North Lane. The second is the principle of extending the GP Surgery including the creation of a pharmacy.

4.3 Development Control Local Plan Policy H9 states that the loss of individual residential properties needs to be considered in light of individual site circumstances and the character of and desired uses in the surrounding area. The reason for this policy is due to a shortage of housing in York and to retain existing housing and allocated housing sites. One of the stated justifications for granting planning permission resulting in the loss of a dwelling or dwellings is to improve the distribution of community facilities in the city. Given that the proposal only results in the loss of one bungalow and that this would be replaced with improved and larger community health facilities, it is considered that there is no justification for resisting the proposed development on the basis of Policy H9.

4.4 As stated within the introductory paragraphs of this report, the application site is unallocated in the Development Control Local Plan. Chapter 13 of the Local Plan states that the objective is to protect and enhance existing community facilities. Policy C1 'Community Facilities' states that planning applications for health facilities will be granted where the proposed development in terms of scale and design is appropriate to the character and appearance of the area and where the facility would meet a recognised need. The applicants have submitted a statement explaining the reasoning for their desire to expand and improve the surgery practice. The surgery received a low score in a recent NHS survey due to its access arrangements, DDA requirements, lack of confidentiality, and in some areas infection control. Facilities need to be improved and upgraded to meet modern standards. The population of the city is growing year on year and is expected to continue to do so. In addition the average patient now makes more visits to a GP than previously. The proposed development would enable the surgery to provide a higher quality service with a multi-disciplinary range of services which are expected in such centres. The extension would allow the surgery to meet the needs of a local population which is expanding in size. It is considered that there is a clear need for the proposed extension to these community facilities.

4.5 Comments have been received on behalf of the local chemist operator asserting that the proposed pharmacy constitutes a new A1 retail use and therefore should be assessed as such. The implication of this would mean that a sequential test is needed to justify a new retail facility in this out of town location rather than in or close to the city or district centres. The assertion that the pharmacy is an A1 use is based on the products it may sell and also that the pharmacy could clearly operate independently from the GP surgery and would therefore provide a service direct to visiting members of the public. The objector states that the fact that the pharmacy will be open for a number of hours when the GP surgery is not, further adds to the argument that the pharmacy is a separate planning unit.

4.6 However, the applicant believes that what is proposed is an ancillary element to the proposed D1 health centre use. It is stated that the pharmacy is a small extension of the general health care services which are offered by the practice.

It is stated that the proposed pharmacy is an ancillary operation within which 98% of pharmacy income would be generated through prescription dispensing with only 2% associated with over the counter sales for items such as pain relief, first aid, cough and cold treatments and children's medication. There will be no non-healthcare related / beauty products on sale. In addition the pharmacy would operate health care related activities such as medicine use reviews, blood pressure and diabetic screening, and the collection of prescriptions out of surgery hours. The applicants regard the pharmacy as very much an extension of the existing health service on offer at the site.

4.7 Officers consider that for a pharmacy to be considered as an A1 retail unit there has to be a primary purpose related to the retail sale of goods to the visiting public. Medical or health services where goods sold are primarily to those who have undergone specialist consultation, are unlikely to be an A1 use and almost certainly are a Class D1 use. The fact that the pharmacy utilises the same entrance door as would be used to access the GP and nurse consultation services, and that the pharmacy would not sell non-medical products, indicate that the proposed pharmacy is part of the D1 medical and health service offered at this site. The additional opening hours above and beyond those of the GP consultation hours provides flexibility for customers to use the health care services. It does not, in the opinion of officers, create a separate A1 planning unit as stated by the objector. In order to ensure that the pharmacy remains as a D1 medical and health service, it is proposed that a condition be added to any approval which restricts the premises from selling non-medical products. Additionally a condition is proposed restricting the size of the pharmacy to that shown on the floor plans to ensure it remains a proportionally small part of the health centre. Overall the principle of this development is considered acceptable.

DESIGN AND VISUAL IMPACT

4.8 The existing bungalow which is proposed to be demolished is not of any particular architectural merit and its demolition would not harm the character and appearance of the area. The proposed extension wraps around three sides of the existing GP surgery, only its existing rear elevation which faces the side and rear garden of 60 North Moor Road and a small section of the first storey of the west and east side elevations would remain visible if the extension is built. The existing surgery building is post-war and is constructed with a brown brick with a shallow pitched roof which is tiled. There are a number of flat roof and shallow pitch single storey extensions to the building and an external staircase enclosure to the rear elevation. The building has no architectural merit and does not have a clear visual identity as a GP surgery. The existing two storey part of the building has a ridge height of 6m and eaves height of 5m.

4.9 The proposed extension would mitigate the appearance of a building with numerous unsympathetic extensions by wrapping an extension around the building.

The two most significant parts of the extension are a part single and part two storey front extension towards North Moor Road and towards this roads junction with North Lane and secondly a single storey side extension onto the part of the site currently occupied by the bungalow at 3 North Lane.

4.10 The front extension proposed is contemporary in design. The proposal creates a clear and substantial glazed entrance facing south towards the corner of North Moor Road and North Lane. Around this sits a curved flat roof single storey design which returns to meet a flat roof two storey building which would be extended out from the existing front elevation. Sitting centrally and on top of a section of the curved ground floor extension would be a glazed projecting flat roof extension. The ground floor curved part of the extension would be finished in horizontal timber cladding with large expanses of glazing serving the pharmacy on the west side and the main GP waiting room to the east. Above this, the central projecting extension would be glazed on all three external sides with an overhanging aluminium profile fascia. The two storey extension to the front and west side of the existing building would have a painted render finish with large feature window openings. In total the proposed front extension projects 12.8m forwards of the existing front elevation towards the junction of North Moor Road and North Lane. To the west the extension projects approximately 3.8m towards North Moor Lane leaving a gap of just 0.8m between the building and the footpath along North Moor Lane at its closest point. The proposed two storey part of this extension is 6.3m in height. The single storey curved part of the extension would be 3.4m in height.

4.11 The second major element of extension consists of single storey extension to the east side of the existing building, over land currently occupied by the bungalow and its garden areas at 3 North Lane. This extension would appear flat roofed from North Lane. Behind the frontage would sit a raised mono-pitch roof with raised windows to allow natural light into the GP consultation rooms whilst maintaining privacy. The maximum height of the side extension is 4.2m. This part of the extension would substantially be constructed of brick. The extension projects 16.7m east from the side of the existing building, siting between 1.1m and 2.2m from the boundary with the bungalow at 5 North Lane. The extension has a depth of 6.6m and would sit between 11m and 13.4m back from the front boundary. Within this space between the building and front boundary would be patient car and cycle parking.

4.12 The proposed extensions are undeniably bold and contemporary. The palette of materials consisting primarily of painted render, brick, glazing, and timber cladding has been used to create a proposal with distinct elements. The character of the area is relatively traditional with brick buildings with tiled pitched roofs being the predominant style. However, there are examples in the area of flat roof buildings and the use of white render.

Paragraph 60 of the NPPF states that 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.'

4.13 The proposed development would create a distinctive building with an appearance which reflects its function i.e. a modern community health care facility. The site is heavily constrained. These constraints include residential dwellings to the rear and east, North Moor Road to the west, and an existing building on site which needs to be retained to continue to provide health care services whilst the extension is constructed. The proposed design has been guided by these constraints, which limit the amount of areas on site which could be developed. It is considered that there would have been benefit in pulling the extension further back from North Moor Road to give a greater separation, however this has been resisted by the applicants agent as the design proposed is based on the needs of the GP surgery and the site constraints. This would make any significant alterations to this part of the proposal difficult.

4.14 The applicant's agent has revised the plans to reduce the size of the pharmacy window in order to reduce its visual prominence within the street scene, as there were concerns that the size of this opening would make the pharmacy unduly prominent during hours of darkness given its close relationship to the street. Given the position of the NPPF in terms of encouraging innovative design solutions, it is considered that the proposed design is acceptable. Materials could be controlled by condition to ensure that the colour of render, colour and quality of bricks, and the timber cladding finish is carried out to a high quality and where suitable matches existing materials in the area. The side extension is modest in scale and appears as a suitable transition between the bungalow at 5 North Lane and the larger more bold extensions to the front of the surgery.

4.15 There is currently no substantial landscaping on the application site. The front boundary of 3 North Lane is marked by a hedge, and the applicants are proposing to re-plant a hedge in this location once development is complete. This would help to give a softer edge to the development and partially screen the car park. The applicants have also shown two trees to be planted towards the front of the site, between the proposed front extension and the footpath and grass verge of North Lane. These would help to give the proposed development a softer edge. A condition could be added to any approval requiring a landscaping scheme to be approved and implemented to ensure the landscaping is carried out and the species planted are suitable. Whilst not part of the application site, the applicants have also agreed to fund the planting of trees within the substantial grass verge to the front which would further soften the appearance of the development and provide a more attractive setting to the entrance to North Lane. This would be secured through a Section 106 Agreement.

4.16 The proposed vehicle crossing utilises an existing crossing point as far as possible. This cuts across the grass verge. It is necessary to increase the width of the existing crossing and this will have some impact on the green character of the grass verge. However, the extent of hard standing has been reduced through a design which minimises the width of the vehicle crossing. As discussed above, the applicant has agreed to a planting scheme on the grass verge which would compensate for the loss of a small part of the grass verge.

4.17 It is considered that the proposed development accords with the design principles set out in Development Control Local Plan Policy GP1 through being designed in a way which is compatible with the character of the area and incorporating appropriate landscaping where suitable.

CAR AND CYCLE PARKING

4.18 The consultation exercise resulted in concerns being expressed about the level of car parking proposed at the site given the scale of the proposed expansion of the GP surgery. The proposal increases the number of GP consultation rooms by four, nurse treatment rooms by one, as well as adding an alternative treatment room and a dispensing pharmacy. The proposal clearly has the potential to create a significant increase in the number of staff and patients on site at any one time. The number of on-site car parking spaces is proposed to increase by three, from eight to eleven.

4.19 The Development Control Local Plan sets maximum rather than minimum car parking standards. However, a pragmatic approach clearly needs to be taken and developments should not be approved which would cause highway safety issues or significantly harm neighbouring amenity through indiscriminate parking. In addressing concerns raised regarding the number of car parking spaces proposed, the applicants have submitted information including a patient travel survey, a green travel plan which has been produced to encourage sustainable travel choice, and further details about how the surgery would operate and alternative staff parking facilities in the area.

4.20 The applicants have stated that the number of staff employed on site and the number of patients visiting would not grow proportionately to the size of the proposed extension. It is stated that the additional GP consultation rooms would allow each GP to have their own room rather than sharing, however all will not be working at the same time. Additionally it is stated that it is proposed to spread out the number of patients received over a full day, and the number of GP's receiving patients at any one time is not proposed to significantly increase. Therefore, the applicants do not believe that the number of patients on site at any one time would significantly increase. The proposal would result in an increase in staff through an increase in patient services offered and the opening of the pharmacy.

4.21 Whilst the applicant states that the proposal would not result in a significant increase in the number of patients on site at any one time, approving a substantial extension does create the potential for this to change if demand grows and a greater number of treatment rooms are utilised at any one time. In terms of physical space on site there is the potential for the number of staff and patients to double. Therefore it is reasonable to consider the application in relation to the potential impact over a longer period taking account of potential increases in patient numbers which could take place in the future.

4.22 In order to try and address concerns regarding car parking demand the applicants have carried out a patient travel survey to show what the existing travel patterns are of patients. The patient travel survey was recently carried out over a four week period. Over this time 1958 visiting patients were surveyed. Of these patients 1265 arrived by private car, 571 walked, with the remainder arriving by bus, taxi, walking, cycling or community ambulance. Clearly a large proportion of patients arrive by car, however the central location of the site within the residential area of Huntington accounts for the significant number of people who walk. Even with this large proportion of patients arriving by car at present and only eight car parking spaces being available, there are no known existing highway safety problems associated with indiscriminate car parking in the area.

4.23 The proposal includes an increase in the number of car parking spaces by three but also includes a Travel Plan with the aim of achieving a modal shift towards more sustainable transport choice and away from private car journeys. The applicants have worked with the Council's Travel Planning Coordinator to devise a simple leaflet which can be given to all patients encouraging them to arrive by walking, cycling, or by bus and providing relevant information to enable people to be confident in using a sustainable transport choice. The applicants are committed to continuing to work with the Council's Travel Planning Coordinator to create a substantial modal shift over five years. There are clear health benefits associated with this objective. This would include annual monitoring and the creation of new appropriate measures to continue to encourage a greater proportion of patients to arrive by sustainable transport choice on a year by year basis. Discussions are continuing with the applicant to try and firm up travel planning arrangements and provide more assurance and commitment to a modal shift. If such measures are not successful the Council's Highway's Department have the power to implement waiting restrictions on adjacent roads if parking on the highway causes problems. The applicant has agreed to provide £2000 towards any Traffic Regulation Order which is needed in the future to retain highway safety.

4.24 To further encourage sustainable transport choice it is proposed to install separate cycle parking for staff and patients. Seven cycle hoops are proposed for patients to enable fourteen bicycles to be parked at any one time. The cycle hoops are close to the building entrance to encourage their use. Staff parking is to the rear of the building.

Eleven bicycles could be stored in this area, with a canopy to provide shelter. The staff cycle parking area is located behind a lockable gate to ensure they are secure. It is considered that both the type and amount of cycle parking proposed is suitable and would help encourage sustainable transport choice, therefore reducing the demand for car parking spaces.

4.25 At the time of writing this report the Local Planning Authority is in possession of a draft legal agreement between the health centre and Huntington Sports and Social Club. The agreement states that twelve car parking spaces at the Sports and Social Club will be available for staff and patients of the health centre between 08:00 and 18:30 hours Mondays to Fridays and between 08:00 and 12:30 hours on Saturdays. Additional use at other times would have to be agreed between the parties. The agreement would be for a period of 38 years starting on 1st April 2013. It has been confirmed by the applicant that this legal agreement will be signed and finalised prior to the Committee Meeting. Members will be updated in this regard. It is considered that the additional twelve car parking spaces at peak times will reduce the pressure for on-site car parking at the health centre. Staff and visitor levels outside of the agreed sports club parking provision hours are likely to be significantly lower, and the car parking arrangement covers peak times. Patient travel surveys for the Haxby Group Pharmacy show that only 0.38% of patients visit before 8am and only 8% after 7pm. GP appointments after 6.30pm are likely to be very limited in number. Car parking hours have been set in order to reduce conflict with demand for visitors to the sports and social club which generally peaks in the evening and at weekends. It is considered that the proposed legal agreement addresses previous concerns in relation to the lack of parking facilities at the site.

NEIGHBOURING AMENITY

4.26 Policy GP1 'Design' seeks to protect the amenity of nearby residents from noise, disturbance, overlooking, overshadowing or from being dominated by overbearing structures. The two storey part of the proposed extension would be positioned away from residential dwellings in the area. The side extension is single storey only; this would be 3.2m in height at its rear where it sits adjacent to the curtilage of 4 Grampian Close. The extension would be located between 1.5m and 2.5m from the boundary. There is a 2.2m high fence separating the application site from 4 Grampian Close. Given the separation distance between the boundary and the proposed single storey extension and its modest height above the existing fence, it is not considered that there would be any significant impact on light to, or outlook from, 4 Grampian Close.

4.27 The proposed single storey side extension would be located between 1.2m and 2.3m from the shared curtilage boundary with 5 North Lane. The proposed extension would be 2.9m in height at this point. It is not considered that this would appear dominant or overbearing given the separation distance from the boundary. There is only one window within this side elevation facing towards 5 North Lane.

This window is raised and would be obscure glazed and would not result in a loss of privacy. A letter was received from the residents of 5 North Lane requesting that a 2m high wall be erected on the boundary. It is considered that a 2m high wall would look oppressive and out of character with the surrounding area where dwarf walls and hedges are the common boundary treatments. The applicant has agreed to erect a brick wall along this boundary which is predominantly 1.8m in height. This would mean that patients visiting surgery would be screened from the back garden of 5 North Lane. It would also help to mitigate against the noise of vehicles entering and leaving the car park, and prevent car headlights from shining into windows on the side elevation of this bungalow. The proposed boundary wall would step down to 1.5m in height and then 1.2m in height as it reaches the front boundary of the site. Number 5 North Lane has a dwarf wall along their front boundary and it was considered important that the proposed wall respects this and steps down in height. On the application side of the proposed boundary wall it is proposed to plant a hedge, which would soften the appearance of the brick wall and provide a greener setting to the car park.

4.28 The proposed surgery extension has the potential to increase the number of comings and goings from patients. Given the location of the site adjacent to a busy road and in an area where there is activity associated with local shops, a chip shop, and public house, it is not considered that during the day this activity would have a significant impact on neighbouring amenity. The proposed pharmacy is proposed to be open from 07:00 to 23:00 hours on Monday to Friday, 08:00 to 19:00 hours on Saturdays and between 09:00 and 17:00 hours on Sundays and Bank Holidays.

4.29 Members raised concerns about the proposed opening hours of the pharmacy and the impact this may have on local residential amenity. The applicants have not amended the proposed opening hours and have submitted additional information explaining this decision and justifying the need and benefits this would bring. The additional information provided by the applicants explains that healthcare demands change rapidly depending on current trends. There is a requirement for health centres to be responsive to developing needs and new health care systems. The development of 'extended hours' contracts encourages practices to offer appointments and services over a wider range of hours. A recent survey with customers has shown a desire for longer opening hours, which has resulted in Saturday morning appointments being offered. As a result of budget pressures, local health centres are now being expected to cover many issues which in recent times have fallen on NHS hospitals. The intention of the re-development of this site is to enable these challenges to be met. A successful pharmacy is an essential part of making the whole development economically viable. The applicants believe that they would not be given a license for a reduced number of hours at the pharmacy with lesser services because this is already provided for by existing services. The 100 hour pharmacy offers additional services. Without the 100 contract pharmacy there would be no pharmacy and without the pharmacy there would not be the funds for the redevelopment of the health centre.

4.30 The applicants point out that there are examples in the past when the site operated significantly longer hours than it does presently. Until the 1990s there was a duty doctor accommodated on site throughout the night. It is understood that the health centre has no planning restrictions on its opening hours and it could operate 24 hours a day 365 days a year without the need for any planning permission. The applicants also believe that they could set up a pharmacy within the existing building without the need for planning permission as it would fall within the same use class as the health centre. These are considered to be material considerations.

4.31 As previously described the application site is in an urban area located close to a busy road with other land uses in the area which are open into the evening. The pharmacy opens out onto the roadside with the patient entrance located away from residential dwellings. The on-site car park would be screened from neighbours by a solid wall and landscaping. A two year survey of the pharmacy in Haxby, which operates similar hours to that proposed in Huntington, shows that only 4% of visits to the pharmacy are after 8pm, with only 2% after 9pm. Given the location of the application site, the way the development has been laid out with the pharmacy and entrance away from residential dwellings, and the likely low level of use later in the evening; it is considered that the proposed development would not cause significant harm to residential amenity.

5.0 CONCLUSION

5.1 The proposed development would enhance and expand an existing health care community facility. This would be likely to result in significant benefits to both existing customers whilst meeting the needs of an expanding York population. The demolition of a bungalow to enable this to occur is considered acceptable.

5.2 The proposed development incorporates a modern design to create a health centre facility which is appropriate for a modern surgery and will meet the needs of patients. The design respects neighbouring properties and would not harm their amenity. Sustainable transport choice is to be promoted through the provision of cycle parking and the implementation of a Travel Plan. A formal legal agreement should be in place between the health centre and sports and social club to provide additional off-street car parking provision. Given the evidence provided about the likely low level of activity at the site in the evening, it is not considered that there would be any significant harm to residential amenity.

5.3 It is considered that the proposed development is acceptable subject to appropriate conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

- Elevations as Proposed: Revised Plan SK07 Rev A received 06/11/12
- Ground Floor Plan as Proposed: Revised Plan SK06 Rev C received 05/12/12
- First Floor Plan as Proposed: Revised Plan SK05 Rev A received 06/11/12 (not including the staff car parking arrangement)
- Proposed boundary wall to no. 5 North Lane: Revised Plan SK09 A received 23/11/12

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Notwithstanding the information contained on the approved plans, the height of the new build houses shall not exceed 6.5 metres in height, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used, including a sample panel of brickwork and painted render, timber cladding, roof coverings, and hard ground surface materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

6 The extension hereby approved shall not come into use until the areas shown on the approved plans for car parking and cycle parking (including the installation of a security gate) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

Informative - The patient cycle parking hoops shall be spaced 1m apart to allow both sides of the hoop to be used for securing bicycles.

7 The pharmacy service hereby approved shall not offer for sale any products which are not medical in nature, that is, not related to the treatment or prevention of illness and injuries.

Reason: To ensure the pharmacy operates ancillary to the approved extended health centre.

8 The floor area of the pharmacy hereby approved shall not extend beyond the floor layout plan shown on the approved plans (drawing number SK06 - rev B).

Reason: To ensure the pharmacy operates as an ancillary facility to the approved extended health centre.

9 Prior to the commencement of development, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Details to include:

- (i) Peak surface water run-off from the proposed development must be restricted to a maximum 2.4 lit/sec.
- (ii) Site specific details of the flow control device manhole limiting the surface water to the 2.4 lit/sec.

(iii) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.

(iv) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

(v) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

(vi) Details should be provided of the future management / maintenance of the proposed drainage scheme.

The development shall be carried out in complete accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

10 All site preparation and construction works and ancillary operations which are audible at the site boundary, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday - 08:00 to 18:00

Saturday - 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

11 The use hereby permitted shall only operate between the hours of:

- 07:00 and 23:00 hours Monday to Friday

- 09:00 and 19:00 hours on Saturdays

- 09:00 and 17:00 hours on Sundays and Bank Holidays

All plant and machinery shall have been switched off and all customers/patients shall have vacated the premises by this time.

Reason: To protect the amenity of local residents.

12 Details of all new machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the Local Planning Authority for written approval. These details shall include maximum (L_{Amax} (f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To Protect the amenity of local residents from noise.

13 Prior to the commencement of development a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of the yearly travel surveys shall then be submitted annually to the LPA's Travel Plan Officer for approval including measures to be implemented to increase modal shift towards sustainable transport choice for both staff and patients.

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles, and other forms of transport to and from the site.

14 Prior to the commencement of the development hereby approved details of the measures which will be used to manage car parking associated with the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic.

Informative: The above condition could be addressed through the provision of £2000 funding to be used by the authority towards the implementation of traffic restrictions in the vicinity of the site and through tree planting on the adjacent grass verge.

15 The extension hereby approved shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbing, footway and verge to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Principle of Development
- Design and Visual Impact
- Car and Cycle Parking
- Neighbouring Amenity

As such the proposal complies with Policies GP1, H9, C1 and T4 of the City of York Development Control Local Plan.

2. DEMOLITION AND CONSTRUCTION INFORMATIVE

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(ii) All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

(iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(v) There shall be no bonfires on the site.

3. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Improvements to boundary with 5 North Lane
- Alteration in design with a reduction in the size of pharmacy windows
- Improved car parking arrangements
- Covered staff cycle parking

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