

**MAIN CASE**

Proposal: Change of use of part ground floor (44.6sqm) from doctor's surgery (Use Class D1) to pharmacy (Use Class A1)

Location: St. Marys Surgery 37 St. Marys Street Ely Cambridgeshire CB7 4HF

Applicant: Lloyds Pharmacy Ltd

Agent: Gerald Eve LLP, No 1 Marsden Street, Manchester M2 1HW

Reference No: 13/00509/FUL

Case Officer: Ann Caffall

Parish: City of Ely

Ward: Ely East  
Ward Councillor/s: Councillor Lis Every  
Councillor Richard Hobbs

Date Received: 19<sup>th</sup> June 2013 Expiry Date: 14 August 2013

**[N115]**

**1.0 EXECUTIVE SUMMARY**

- 1.1 This proposal involves the change of use of administrative areas of St Mary's Surgery to a Lloyds pharmacy which would operate as an integrated pharmacy with the surgery, allowing residents of Ely to fulfil their prescriptions whilst visiting their doctor. Currently the dispensary within the surgery is only available for residents who live outside Ely. This co-location allows a symbiosis between the doctor's services and those of a pharmacist and will allow patients to discuss their medication with an on-site pharmacist, thus potentially freeing up other medical practitioners time. Currently patients who reside in Ely can use the existing pharmacies at Lloyds, Boots, St Mary's Pharmacy, Sainsburys, Tesco and the Cathedral Medical Centre. However the applicant has stressed that the current Lloyds pharmacy in the High Street will close as it is a 'poor performer'. The move to the doctor's surgery will provide the clients of the surgery with an on-site pharmacist, who would be available to Ely residents.
- 1.2 Planning permission has been given for A1 retail use (including a pharmacy) in the building adjacent to the surgery. It is considered that the proposed use would allow combined trips for patients, would not adversely impact on neighbouring amenity and would not cause significant harm from increased traffic or extended opening hours. Comments regarding loss of business to

other pharmacies in the vicinity have been raised. However it is not for the planning system to address issues of competition. The application is therefore recommended for APPROVAL subject to conditions.

1.3 **A site visit has been arranged for 12.15 prior to the meeting.**

## 2.0 **THE APPLICATION**

2.1 The application seeks to change the use of part (44.6m<sup>2</sup>) of the ground floor from the administration and records area of the doctor's surgery (Class D1) to a pharmacy use (Class A1 retail). It is proposed to relocate Lloyd's pharmacy from the High Street in Ely to the proposed space within St Mary's Surgery. No external changes are proposed with all access to the pharmacy being through the doctor surgery.

2.2 The proposed opening hours are:

Monday and Wednesday 08:30hrs - 20:00hrs  
Tuesday, Thursday and Friday 08:30hrs – 18:30hrs  
Saturday 09:00hrs – 17:30hrs

2.3 A planning statement and note on retail impact issues are submitted with the application, together with a supporting letter from St Mary's Surgery.

## 3.0 **THE APPLICANT'S CASE**

3.1 The Applicant's case is set out in the Design, Access and Sustainability Assessment/Planning and Heritage Statement, which can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://anitepa.eastcamb.gov.uk/AnitePublicDocs/00098097.pdf> and <http://anitepa.eastcamb.gov.uk/AnitePublicDocs/00098099.pdf>. Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

3.2 There are mitigating circumstances which warrant the location of the pharmacy on St Mary's Street: - The pharmacy will enable St Mary's Surgery to provide a full medical service to patients and provide a convenient facility for local people. The existing Lloyds pharmacy is a "poor performer" and will be closed shortly when its lease expires. The proposal will not increase the number of pharmacies in Ely, but enables an existing pharmacy to amalgamate with a doctor's surgery to provide a range of services to customers. There would be no loss of retail (A1) retail floor space in the town centre, as a new retail business could occupy the unit. Whilst it is recognized that at present only two pharmacies exist in the town centre, the policy requirement to maintain town centre vitality and viability considers the overall strength, performance and longevity of retail and commercial uses, rather than the mix of specific A1 uses.

- 3.3 We have noted that the Core Strategy was prepared in the context of guidance within PPS6 that was replaced in 2009. PPS6 contained a requirement for proposals located outside a town centre to be justified in terms of need. This requirement is removed in the Framework. Moreover the provision of pharmacies is controlled by the Health and Well Being Board and a consideration is the need for the proposals and adequacy of existing pharmacy provision. It is a well established principle that the planning process should not interfere or pre-judge matters that are the subject of control from other legislation. Consequently the issue of need for a pharmacy at this location should not be a material consideration for this application because it is a matter to be dealt with under other legislation.
- 3.4 Set in the circumstances of existing provision, the fact that the proposals involve a relocation of an existing facility and given the scale of the proposed development, it is highly unlikely to have any material or disproportionate effect on existing pharmacies within the town centre such as to harm the town centre and thereby justify refusing planning permission. Overall the proposed development is small scale. The size of the pharmacy is substantially below the default threshold above which an impact assessment is required by the NPPF. It is also significantly below the local threshold proposed in the draft local plan.
- 3.5 Any adverse effects arising from the proposal are likely to be dispersed amongst existing provision and bearing in mind the location of existing pharmacies, it is highly unlikely that the proposal would harm the town centre significantly to justify refusing planning permission.

#### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 St Mary's Surgery is a two storey building located on the south side of St Mary's Street some 400m from the start of the High Street and the adopted Town Centre boundary. To the rear is a car park accessed from St Mary's Street via the eastern side of the building. Pedestrian access is through a glazed conservatory to the western side. A large wall surrounds the site to the west, south and east. The pharmacy is proposed to replace the existing administration and records area of the doctor's surgery located on the ground floor in the north-eastern corner of the building. The existing dispensary would remain open to dispense medicines for rural patients as at present.
- 4.2 The surrounding area is predominantly residential in nature, although there is a veterinary surgery and some retail buildings nearby. The site is within the Conservation Area and there are listed buildings on the other side of St Mary's Street to the north. There is also a Tree Preservation Order to protect trees in the south western corner of the car park on the site.

## 5.0 **PLANNING HISTORY**

5.1 10/00993/FUL Demolition of single storey front porch Approved 03.02.2011

89/00410/FUL Change of use to Doctor's surgery Approved 26.03.1990

### **Adjacent site:**

12/00022/FUL Change of use of the ground floor Approved 06.03.2012  
from B1(Office) use to A1 (shops) use

## 6.0 **REPLIES TO CONSULTATIONS**

6.1 **City of Ely Council** - Members were very concerned that the new pharmacy would be able to dispense prescriptions to all patients from within the surgery. This would have a detrimental economical affect on other pharmacies within the city and subsequently reduce the footfall to other businesses within the locality of these pharmacies, which would also cause them to suffer economically. No objections to extended Saturday opening hours subject to the pharmacy only being permitted to dispense to rural patients as set out in the Council's original comments for this application.

6.2 **Conservation Officer** – The change will have no impact on either the character or appearance of the Conservation Area. No objections.

6.3 **Environmental Health** – No issues

6.4 **Ely Society** - We note that the parking for doctor's cars at the front of the building will be lost. Also we consider that the proposed change will generate additional deliveries, for which there is no provision and thus may cause an obstruction to St Mary's Street.

### 6.5 **Neighbours and members of public**

Nine letters of objection have been received raising the following issues:

- Detrimental impact on the High Street in Ely.
- More and more businesses have been closing down and leaving many empty shops.
- Lloyds should relocate within the city centre if their lease is coming to an end.
- The proposal will have an impact on the existing St Mary's pharmacy which is a well run independent chemist which is available when the doctors surgery is closed.
- There is inadequate parking at the surgery; the pharmacy will make it worse.
- Lloyd's chemist should not have the monopoly near doctor's surgeries and disadvantage other chemists in the area.
- Disgarded syringes dumped in immediate area and in car park
- High incidence of methadone users in the locality and associated anti-social behaviour
- Congestion from delivery vehicles

- Independent users of pharmacy blocking patient car parking spaces.

## **7.0 THE PLANNING POLICY CONTEXT**

- 7.1 East Cambridgeshire Core Strategy
- CS1 Spatial Strategy
  - CS5 Retail and town centre uses
  - CS9 Ely
  - S1 Location of retail and town centre uses
  - S2 Retail uses in town centres
  - S6 Transport impact
  - S7 Parking provision

## **8.0 CENTRAL GOVERNMENT POLICY**

- 8.1 National Planning Policy Framework 2012
- Core Planning Policies
  - 2 Ensuring the vitality of town centres
  - 8 Promoting healthy communities

## **9.0 PLANNING COMMENTS**

- 9.1 The main issue in determining this application is the principle of retail development in this location. Other material considerations are impact on adjoining occupiers from noise disturbance and parking, and impact on the conservation area.
- 9.2 **Principle of development:** The site lies within the settlement boundary of Ely, and within the designated Conservation Area. It lies some 400m from the top of the High Street which is the start of the designated Town Centre.
- 9.3 National planning policy on retail development is contained in the National Planning Policy Framework. The policy seeks to ensure town centres are vibrant and a vital heart of the community. The need for a retail impact assessment is not required where developments are below 2,500 sqm, where there is no locally set threshold. However a sequential test should be applied to planning applications where a town centre use is proposed that is not in an existing centre and is not in accordance with an up-to-date Local Plan. Main town centre uses should be located in the town centre, then in edge of centre locations and only located in out of centre sites if other suitable sites are not available. In this case the applicant has not provided specific evidence for the sequential test, but has given other information to support the application.
- 9.4 One of the key strategic objectives of the adopted Core Strategy and the East Cambridgeshire Draft Local Plan (Pre-submission version) February 2013 is to

provide town centres which are vibrant and attractive and offer a range of retail, leisure and other town centre uses. The aim is to focus town centre uses within the identified town centres. It is the case that there will be a vacant retail unit when Lloyds vacate their existing premises. However it is not unusual within a town centre for retail units to become vacant, and reoccupied depending on market forces. The A1 use will be retained and available for other retail (A1) users.

- 9.5 Policy COM1 of the draft local plan outlines that outside the town centre proposals for retail uses may be permitted where retail developments of 280m<sup>2</sup> or larger would have no adverse effect on the vitality and viability of the town centre, which should be demonstrated by a retail impact analysis, (i.e. the 'local threshold' referred to in para 9.3 above). The proposal, the subject of this application, is for 44.6m<sup>2</sup>, well below the threshold for a retail impact analysis.
- 9.6 Whilst falling below the threshold for retail impact analysis, the applicant has not provided specific evidence for the sequential test. However other evidence has been given in support of the application which aims to address why the proposed location was chosen. The Senior Partner at St Mary's surgery has advised that this 'partnership' with Lloyds has great potential to improve services to patients living in Ely. Recent developments in primary care have highlighted the need for patients to be able to access a variety of primary care professionals such as the GP and Pharmacist. By co-locating on the same site it is thought that there would be more integration of services to provide a synergy which will serve patients much better. The presence of a pharmacist on the surgery site may well 'free-up' doctor and nurse appointments which currently can be the only option for patients who wish, for example, to discuss their medication. The Surgery has stated that it is mindful that patients must have a choice of pharmacists and they will continue to work closely with other pharmacists in Ely.
- 9.7 This proposal is similar in nature to the current pharmacy arrangement at the Cathedral Medical Centre at the Princess of Wales Hospital, where Lloyds operate. It is acknowledged that the application site is located within an area of mixed uses and adjacent to No.41 St Marys Street where retail use has already been granted for a much larger site. That proposal, E/12./00022/FUL, included the provision of a pharmacy within the application. It is considered that the site is edge of centre, being located within walking distance of the town centre and main town car parks. The proposal would include an office, micro care room, public sales area and dispensary. As stated above, the doctors' surgery already has a dispensary (D1 use class), but this serves only rural patients. As a pharmacy, the use dictates a different nature of custom and use to other A1 uses, and in this case it is functionally linked with the doctors' surgery. Subject to a condition which restricts the use to A1 retail pharmacy only, the scale of the proposal is unlikely to undermine the vitality of the town centre and as an ancillary retail use, its scale is considered to be acceptable in this location. It is therefore considered that the principle of development is acceptable.

- 9.8 **Impact on local residents:** Whilst the applicants submit that the proposed pharmacy will operate virtually as an ancillary function of the doctor's surgery, in combination with the existing dispensary, it will need to operate on Saturdays, when the surgery is closed, in order to meet the requirements of its license. It is considered that the majority of visitors to the pharmacy will be by car or by foot. Parking is available at the rear of the surgery for patients visiting the doctors and dispensary during surgery hours, this is considered to be adequate for the proposed use as the majority of customers will be linked to visits to the surgery. It is acknowledged that during busy periods some patients may find the car park congested, but in this edge of centre location there are alternative areas of on and off street parking within walking distance. There will be visitors to the pharmacy during Saturday opening when there is no surgery, when parking will be available at the rear of the premises. The proposed hours of opening are not considered excessive in this mixed use area. No early opening times or late night visitors are proposed. Provided that the hours are restricted to those which have been applied for, it is considered that the additional opening hours, over and above the existing use, will not cause a detrimental impact on any adjoining occupants by reason of noise or disturbance. In respect of deliveries, the applicant has confirmed that these will comprise approximately two deliveries per day, lasting about 5 minutes, it is therefore considered this would not cause a significant impact to highway safety.
- 9.9 The location of the proposed pharmacy within the doctor's surgery is not considered to potentially encourage an increase in anti-social behaviour or drug use problems. Needle exchange facilities are required by the NHS at 100 hour opening pharmacies, which the proposed integrated pharmacy is not. However, in the interest of the public the proposed pharmacy would supply this service in order to keep stray needles away from outdoor public areas.
- 9.10 **Impact on the Conservation Area:** No physical changes are proposed to the external appearance of the building. There will be no impact on the character and appearance of the Conservation Area. There would also be no impact on the trees which are subject to a TPO in the car park. An informative regarding advertisement consent will be attached to any consent granted.
- 9.11 **Summary/Conclusion:** This proposal involves the change of use of administrative areas of St Mary's Surgery to a Lloyds pharmacy which would operate as an integrated pharmacy with the surgery, allowing residents of Ely to fulfil their prescriptions whilst visiting their doctor. The existing dispensary will remain for patients living outside Ely. This co-location allows a symbiosis between the doctor's services and those of a pharmacist and will allow patients to discuss their medication with an on-site pharmacist, thus potentially freeing up other medical practitioners time. Whilst this town centre use would be moving to an 'edge of centre' location, the pharmacy itself would remain in business offering a choice for Ely residents – i.e. there would be no reduction in choice of pharmacies. Currently patients who reside in Ely can use the existing pharmacies at Lloyds, Boots, St Mary's Pharmacy, Sainsburys, Tesco and the

Cathedral Medical Centre. However the applicant has stressed that the current Lloyds pharmacy in the High Street will close as it is a 'poor performer'. The move to the doctor's surgery will provide the clients of the surgery with an on-site pharmacist, in line with current rural patients.

- 9.12 Planning permission has been given for A1 retail use (including a pharmacy) in the building adjacent to the surgery. It is considered that the proposed use would allow combined trips for patients, would not adversely impact on neighbouring amenity and would not cause significant harm from increased traffic or extended opening hours. Comments regarding loss of business to other pharmacies in the vicinity have been raised. However it is not for the planning system to address issues of competition. The application is therefore recommended for Approval subject to conditions.

## **10.0 RECOMMENDATION**

RECOMMENDATION: APPROVAL

Subject to the following planning conditions:

1. The development hereby permitted shall be commenced within 3 years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

2. Notwithstanding the Use Class A1 of the Schedule to the Town and Country (Use Classes) Order 987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order, with or without modification, the use hereby permitted shall be restricted to retail pharmacy and for no other purpose, without the prior written permission of the Local Planning Authority.

Reason: In order not to prejudice the primary shopping role of the city centre and in order to protect the residential amenities of adjoining occupiers in accordance with policies CS5, CS9 and EN2 of the East Cambridgeshire Core Strategy 2009.

3. The opening hours of the pharmacy shall be Monday and Wednesday 08:30hrs - 20:00hrs, Tuesday, Thursday and Friday 08:30hrs - 18:30hrs and Saturday 09:00hrs - 17:30hrs, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application has been assessed on the basis of a pharmacy attached to a doctor's surgery as requested by the applicants and in order to protect the residential amenities of adjoining occupiers in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.



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<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
File E/13/00509/FUL	Ann Caffall	Ann Caffall
File E/12/00022/FUL	Room No.011	Senior Planning Officer
	The Grange	01353 665555
	Ely	<a href="mailto:ann.caffall@eastcambs.gov.uk">ann.caffall@eastcambs.gov.uk</a> >