



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 23<sup>rd</sup> August 2011  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/0588:** Change of Use of part of Doctors Surgery  
(Use Class D1) to Pharmacy (Use Class A1)  
Abington Health Complex, Beech Avenue,  
Northampton

**WARD:** Phippsville

**APPLICANT:** Mr. T. Nawaz, Beech Avenue Ltd  
**AGENT:** Mr. B. Waine, Calnan Cox

**REFERRED BY:** Head of Planning  
**REASON:** The application should be considered by the  
Planning Committee due to the level of public  
interest

**DEPARTURE:** No

---

**APPLICATION FOR DETERMINATION**

**1. RECOMMENDATION**

1.1 **REFUSAL** for the following reason:

1.2 By reason of the proposed operating hours, intensification of use and proximity of the site to residential properties, the proposed development would have a significant detrimental impact upon residential amenity as a result of increased noise and disturbance. The proposal therefore fails to comply with the requirements of PPG24 – Planning and Noise.

**2. THE PROPOSAL**

2.1 The applicant seeks planning permission to change the use of part of the existing doctors surgery to form a pharmacy. The proposal incorporates a floorspace of 25m<sup>2</sup>. No external alterations to the building are proposed. The application states that the pharmacy would be open between the hours of 8am and 10:30pm on Mondays

to Fridays, 8am to 10:30pm on Saturdays and 8am to 6:30pm on Sundays, Bank Holidays and Public Holidays.

### **3. SITE DESCRIPTION**

- 3.1 The application site is located within a complex containing a doctors surgery, clinic, opticians, dentists and a pharmacy. The immediate vicinity contains residential accommodation and a primary school located adjacent to the western boundary. The Birchfield Road East Local Centre is located approximately 100m to the south of the application site. Although a local centre, there are few late night uses beyond a relatively small number of hot food takeaways.

### **4. PLANNING HISTORY**

- 4.1 An application for a comparable proposal was submitted in 2010 (application reference number N/2010/0700); however, this was withdrawn prior to a decision be issued. Subsequent to this, an application for a Certificate of Lawfulness for a Proposed Use (reference: N/2011/0338) was submitted as the applicant contended that planning permission was not required for the proposal. This application was also withdrawn.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

#### **5.2 National Policies:**

PPS1 – Delivering Sustainable Development  
PPS4 – Planning for Sustainable Economic Growth  
PPS23 – Planning and Pollution Control  
PPG13 – Transport  
PPG24 – Planning and Noise

#### **5.3 East Midlands Regional Plan**

Policy 2 – Promoting Better Design  
Policy 22 - Regional Priorities for Town Centres & Retail Development

#### **5.4 Northampton Borough Local Plan**

E40 – Planning and crime and anti-social behaviour  
T11 – Commercial uses in residential areas  
T12 – Development requiring servicing

- 5.5 **Supplementary Planning Guidance**  
Northamptonshire County Parking Standards  
Planning Out Crime in Northamptonshire

## 6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Environmental Health (NBC)** – There are strong concerns that the proposed development would have an adverse impact upon amenity as a result of increased noise from customers entering and leaving the property, particularly during the latter part of the evening.
- 6.2 **Northamptonshire Police Crime Prevention Design Advisor** – As a pharmacy can be a target thieves (on account of the storage of drugs and money), designing out the risk of crime should be a priority. A series of informative measures are therefore recommended.
- 6.3 **Highways (NCC)** – No objections
- 6.3 **Michael Ellis MP** – Shares his constituents concerns regarding the impacts of the proposed change of use, particularly as there is a nearby pharmacy that has proven to be successful and is making a contribution to the Northampton economy.
- 6.4 Letters of objection from the occupiers of **17 Abington Park Crescent; 4 Ambleside Close; 116 Ashburnham Road; 1 Ashley Close, Moulton; 56, 74, 89, 90, 92, 106, 127 and 128 Beech Avenue; 146, 166, 271 and 424 Birchfield Road East; 19 Briton Terrace; 284 Broadmead Avenue; 84 Broadway; 89, 93, 121, 125, 127, 131 and 177 Broadway East; 39 Booth Lane North; 89 and 101 Booth Lane South; 16 Burford Avenue; 44, 45, 48, 160 and 169 Bush Hill; 11 Cambria Crescent; 29 and 160 Cedar Road; 118, 120, 130 and 136 Cedar Road East; 42 and 45 Cherry Close; 10 Churchill Avenue; 2 Coniston Avenue; 70 Coppice Drive; 51 Conyngham Road; 16 Cottingham Drive; 11 Cranmere Avenue; 40 Danefield Road; 15 Dane Ridge; 8 Deansway; 7 Debdale Road; 8 Dryland Road; 44 Ecton Lane, Sywell; 25 Ekins Close; 17 and 27 Elizabeth House; 32 Elmhurst Avenue; 6 Fieldway; 22 and 110 Fullingdale Road; 5 Gable Court Mews; 82 Grange Road; 37 Grangewood; 7 Halswell Court; 4, 11, 29, 21, 22 and 35 Hawthorn Road; 69 Highlands Avenue; 7a High Street, Great Houghton; 9 Holmfield Way; 29 Homestead Way; 12 James Lewis Court; 310 Kettering Road; 56 Kingsley Park Terrace; 20, 32, 33 and 34 Lime Avenue; 4, 64, 91 and 93 Lindsay Terrace; 63 Longland Road; 1a Lumbertubs Lane; 27 Mistletoe Close; 42 Oaklands Road; 20 Overstone Road, Sywell; 86 Park Avenue North; 25 Pine Trees; 1 Queenswood Avenue; 15 and 23 Ridgeway; 9 Sandiland Road; 10, 12 and 21 Sheraton Close; 163 Sherwood Avenue; 31 Silverdale Road; 129 Spinney Hill Road; 11 Stanfield Road; 15 Station Road, Little Houghton; 6 The Avenue; 5 The Close; 53**

and **113 The Drive; 24, 75 and 228 The Headlands; 5 The Meadow; 17 Upland Road; 12 and 22 The Vale; 28 Weston Way; 1 Williton Close; 6 The Willows** (two letters); **18 Wheatfield Terrace; 26 Whitegates** (two letters); **3 Whitelands Road; 10 Whiteland Road; 32 Woodland Walk; Abington Pharmacy** (two letters); **Fleetland Farm, New Duston and Garden House, Ecton; Heath Bank, Lower Harlestone** and two letter from unknown properties within **Lodge Road, Little Houghton**. Comments can be summarised as:

- The proposed opening hours would have a detrimental impact upon residential amenity as a result of the increase noise and disturbance
- There is a discrepancy between the hours applied for and those included with the PCT contract application
- The proposal is inappropriate given the surrounding land uses, including a school and residential accommodation
- The proposal would provide retail facilities and should not be confused with a dispensary as a pharmacy could offer a full range of products for sale.
- A new retail use would adversely impact upon the viability and vitality of other centres
- Parking is already difficult and this would be exacerbated by the proposed development.
- If the security gates are locked outside of the normal operating hours of the complex, there is no indication as to where patrons will park
- There are a number of comparable pharmacies already in existence within reasonable travelling distances. As a result, there is no need for the proposed pharmacy.
- Public transport to Weston Favell (where there is a comparable facility) exists for the extent of the proposed opening hours
- The proposal would encourage anti-social behaviour within the vicinity of the application site. This would also create problems with regards to noise levels.
- Leaving the site entrances open for longer will impinge upon the security of the site's other uses
- The proposal would have a detrimental impact upon the viability of the existing pharmacy within the complex. The existing pharmacy provides a good service and is of particular use to those without cars
- It is likely that only one member of staff would be on duty at any time, which could potentially be unsafe.
- There would be a deterioration in the quality of service offered at the application site as a consulting room would be removed and the restricted size of the proposal may reduce the number of products carried.

6.5 **A petition has been submitted**, raising objections to the proposal, which has been signed by 897 individuals.

- 6.6 Letters of support from the occupiers of **94 Beechland Avenue** and three unaddressed letters have been received. Comments can be summarised as:
- There is a need for services to be provided to meet changes in demand
  - The proposal would offer improved service and be open when other pharmacies are closer
  - Parking would not be a problem due to the size of the existing car park
- 6.7 A **petition has also been submitted** in favour of the proposal, which has been signed by 504 individuals.

## 7. **APPRAISAL**

- 7.1 Whilst it is recognised that the proposed development is broadly complementary to the existing use of the building as a doctors surgery, there are concerns that due to the extent of the proposed opening hours, the development would have an adverse impact upon residential amenity as a result of increased noise and disturbance. This would emanate from an intensification in the use of the building, resulting in a greater number of people visiting the premises outside of the hours most commonly associated with the operation of the various activities within the complex. By reason of the predominantly residential character of the surrounding area, it is likely that background noises and activities are likely to be low, particularly during the early morning/late evening, which would increase the prominence the level of intrusiveness of such activities. Therefore, it is considered that the proposal fails to comply with the requirements of PPG24 – Planning and Noise.
- 7.2 Although the original planning permission for the Health Complex did place any restrictions on opening hours, it is likely that the bulk of the existing uses would not have cause to be open during early morning/late night periods. As a result of this the opening hours of the proposed pharmacy and the levels of activity associated with are a relevant material consideration and for the reasons previously identified, it is considered that the proposal would give rise to an unacceptable impact upon residential amenity.
- 7.3 During the consideration of the application, the proposed opening hours of the business were revised to 7.30am to 10.30pm on Mondays to Fridays, 8am to 10.30pm on Saturdays and 8am to 6.30pm on Sundays and Bank Holidays. This replicates those hours applied for within the PCT contract application. As these hours are not significantly different to those originally applied for, it is considered that they would not create any substantially different impacts upon amenity to those previously identified. However, it should be noted that these revised opening hours have not been the subject of formal public consultation. Therefore, if the Committee are

minded to approve the application, it is requested that the consideration of the application be deferred to enable such consultations to take place.

- 7.4 The car parking within the Health Complex is outside of the control of the applicant. As a result of this, it is likely that any demand for car parking spaces would be met through the provision of on street spaces. On account of the likely short transaction times, it is considered that the proposal would not require a large number of spaces, as it is likely that patrons will only require spaces for short periods of time. Whilst this means that the proposal is unlikely to have a significant, detrimental impact upon highway safety, it is considered that this pattern of trading is likely to increase the level of noise and disturbance to the occupiers of surrounding residential properties due to the increased level of activity that would take place during potentially un-neighbourly hours.
- 7.5 Whilst it is noted that the proposal could provide some community benefits by reason of the type of business to be carried out within the proposal, it is considered that this is outweighed by the detrimental impact upon residential amenity and could not form a reason for approving this application.
- 7.6 The application site and its immediate environs are surrounded by a metal fence and gates that provides some security to the site. Should this application be permitted, the pedestrian gate, at least, would need to be left open in order to provide access to the proposed pharmacy. By reason of the proposal being operational during the early morning and late night periods, it is considered that natural surveillance of that car park areas would be minimal and this could give rise to increased anti-social behaviour. Whilst there are no objections to this from Northamptonshire Police's Crime Prevention Design Advisor, it is considered that there would be no breach of Local Plan Policy E40; however, such activities would contribute to the heightened noise and disturbance associated with the proposal.
- 7.7 It is noted that a number of observations have been submitted that raise concerns regarding the impacts of various services, such as the inappropriate disposal of pharmaceutical products. Although these concerns are acknowledged, it is considered that provided that the services carried out fall under the definition of a pharmacy, these impacts are essentially site management issues and therefore cannot be taken into account within the planning process.
- 7.8 Although the proposed use would represent the creation of a retail facility outside of an established centre, the relatively small floorspace of the retail facility (25m<sup>2</sup>) means that it is unlikely that this would provide a significant, detrimental impact upon the viability and vitality of the existing hierarchy of centres within Northampton. As a result of this, it is considered that the proposal does not breach the requirements of PPS4 – Planning for Sustainable Economic Growth.

It is noted that a number of observations have been submitted regarding the impacts of increased competition to the existing pharmacy within the complex. Whilst these comments are noted, competition between competing businesses is not a matter, which can be given any weight within the planning process.

7.9 Although the proposal would not affect residential amenity through matters such as light, outlook and privacy, it is considered that this does not outweigh the harm as previously identified.

## 8. **CONCLUSION**

8.1 In conclusion, it is considered that the proposed development is unacceptable on account of the increase noise and disturbance that is likely to arise from the intensification of the site's use, particularly during periods where background noise and activity is likely to be low. As such the proposal would have a significant and detrimental impact upon residential amenity.

## 10. **BACKGROUND PAPERS**

10.1 N/2010/0700  
N/2011/0338  
N/2011/0588

## 11. **LEGAL IMPLICATIONS**

11.1 None.

## 12. **SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	29/7/11
<b>Development Control Manager Agreed:</b>	Gareth Jones	02/8/11



Name: LZ  
 Date: 11th August 2011  
 Scale: 1:1250  
 Dept: Planning  
 Project: Site Location Plan

Title

## Abington Health Complex, Beech Avenue

Produced from the 2008 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655