

**REPORT FOR CONSIDERATION AT PLANNING COMMITTEE**

<b>Reference No:</b> HGY/2013/1943	<b>Ward:</b> White Hart Lane
<p><b>Address:</b> Somerset Gardens Family Health Care Centre, Somerset Gardens, 4 Creighton Road, N17 8NW</p> <p><b>Proposal:</b> Change of use of healthcare centre from Use Class D1 to incorporate proposed pharmacy resulting in mixed use comprising D1 (non residential institutions) and A1 (retail).</p> <p><b>Existing Use:</b> Healthcare Centre                      <b>Proposed Use:</b> Mixed Use (D1 and A1)</p> <p><b>Applicant:</b> Community Pharmacies (UK) Ltd</p> <p><b>Ownership:</b> Private</p>	
<p><b>Date received:</b> 19/09/2013   <b>Drawing number of plans:</b> SGFHC - 001A, 002A, 003 and 004A</p>	
<p><b>Case Officer Contact:</b> Fortune Gumbo</p>	
<p><b>PLANNING DESIGNATIONS:</b> Road Network: C Road</p>	
<p><b>RECOMMENDATION:</b> GRANT PERMISSION subject to conditions</p>	
<p><b>SUMMARY OF REPORT:</b> The proposal is for the incorporation of a pharmacy into the existing medical centre. The proposal has already been implemented during the lifetime of this planning application. With the exception of additional signage, no external alterations are proposed.</p> <p>The proposed development is said to provide an integrated healthcare service and contribute to meeting the Council’s Sustainable Community Strategy by according with the Health and Well-Being Local Plan Policies. However, due to the location of the application site, it is considered that the proposal will give rise to significant unacceptable noise and nuisance levels in the late hours, injurious to residential amenity. This application is therefore recommended for approval subject to conditions limiting the hours of operation.</p>	

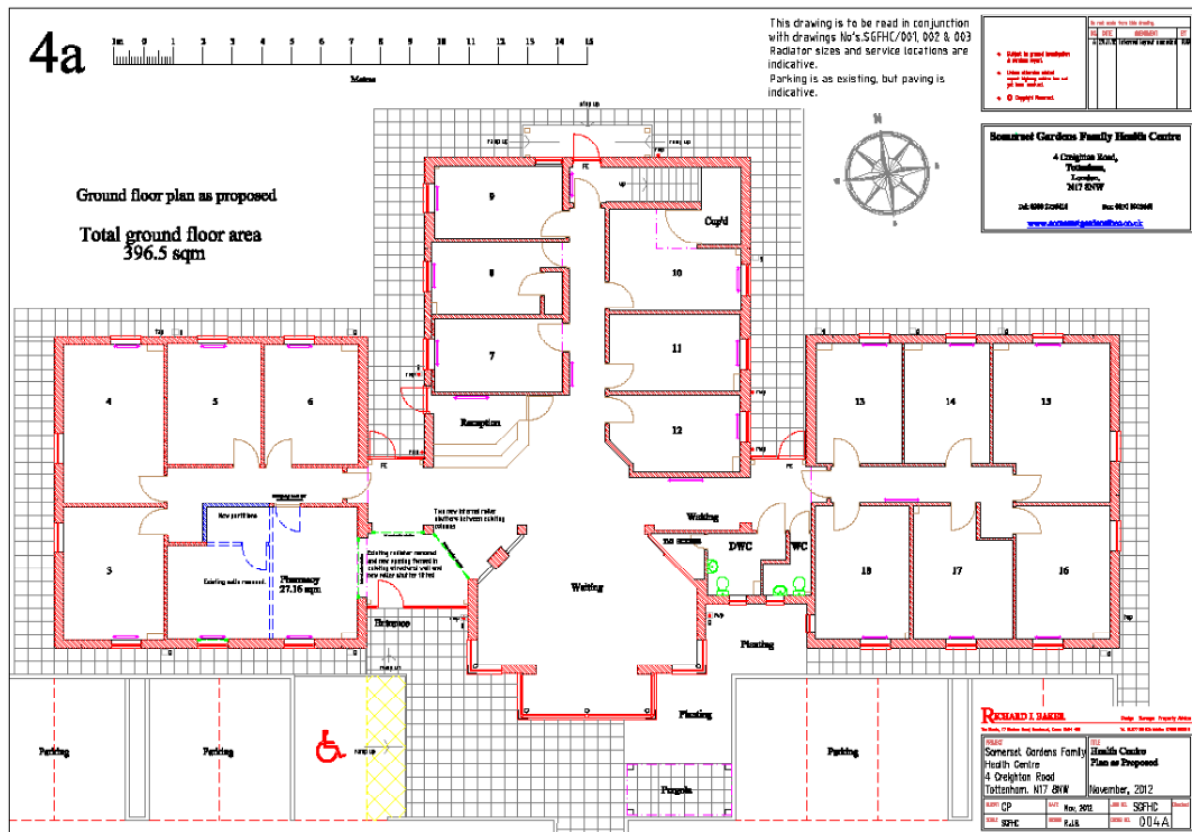


## 2.0 DRAWINGS & IMAGES



View from the front elevation

### Proposed Site Layout Plan





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This drawing is to be read in conjunction with drawings No's SGRHC/001, 002 & 003. Radiator sizes and service locations are indicative. Parking is as existing, but paving is indicative.

To not scale, see title block	
NO	DATE

**Somerset Gardens Family Health Centre**  
4 Creighton Road,  
Tottenham,  
London,  
N17 8NW  
Tel: 020 8265 2264 Fax: 020 8265 2265  
[www.somersetgardensfamilyhealthcentre.nhs.uk](http://www.somersetgardensfamilyhealthcentre.nhs.uk)



Front Elevation as existing

**RICHARD J. BAKER** Architect 17 Broomfield Road, Tottenham, London N17 8JL 020 8265 2264

Client	Somerset Gardens Family Health Centre	Health Centre
Project	4 Creighton Road Tottenham, N17 8NW	Elevation as Existing
Date	CP	Nov. 2012
Drawn	SGHC	003

### 3.0 SITE AND SURROUNDINGS

3.1 The subject site is Somerset Gardens Family Healthcare Centre which is within a 1- and 2-storey detached building built in the early 1990s on the north side of Creighton Road, N17. The surrounding area is predominately residential in character.

On the ground floor there is a reception area, waiting room and a number of consultation rooms. The first floor contains offices, kitchen and a conference room.

### 4.0 PROPOSAL

4.1 The proposed pharmacy would be located within the existing health centre building, near the main entrance on the left hand side when viewed from the front elevation. Due to it being open 100 hours per week, which is much longer than the health centre, the pharmacy will be separated from the rest of the building by roller shutters when the health centre is closed. The applicant is a national operator of health pharmacies working in collaboration with GP practices. The proposed pharmacy will be a joint venture with GPs in the Somerset Gardens medical practice under the rubric of a limited liability

partnership (LLP). The members of the LLP are the GP Partners and Community Pharmacies.

## **5.0 PLANNING HISTORY**

### **5.1 Planning Application History**

HGY/1993/0243 - Erection of part single, part two storey building for use as doctors surgery, provision of one flat plus car parking and landscaping - GRANTED

HGY/2012/2403 – CLUP (Incorporation of pharmacy to existing healthcare centre) NOT DETERMINED

APP/Y5420/X/13/2196155 – Appeal against non determination of HGY/2012/2403. DISMISSED

### **5.2 Planning Enforcement History**

UNW/2013/00602 – Material change of use to a pharmacy. TSN issued, served and subsequently withdrawn.

COU/2013/00673 – Material change of use to a pharmacy. Duplicate case closed.

## **6.0 RELEVANT PLANNING POLICY**

### **6.1 National Planning Policy**

The NPPF was formally published on 27th March 2012. This document sets out the Government's planning policies for England and supersedes the previous Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs).

### **6.2 London Plan 2011**

Policy 6.13 Parking

### **6.3 Haringey Local Plan – Strategic Policies – Adopted 2011**

SP0 Presumption in favour of sustainable development

SP16 Community Facilities

### **6.4 Unitary Development Plan 2006 (Saved Policies)**

UD3 General Principles

M10 Parking for Development

### **6.5 Supplementary Planning Guidance / Documents**

Mayor's Best Practice Guidance – Health Issues in Planning, (June 2007)

## 7.0 CONSULTATION

Internal	External
Ward Councillors Transportation Group Building Control Cleansing North Noise and Pollution Licensing Food and Hygiene	1 to 33 Creighton Road (odd), 41 to 44 Somerset Hall, 74 to 122 White Hart Lane (incl. flats)

## 8.0 RESPONSES

### Haringey Transportation

- 8.1 The proposal site is located in an area that has a good public transport accessibility level of 4 and is within easy walking distance of White Hart Lane rail station. The site is also within walking distance of a section of High Road Tottenham that is served by the 149, 259, 279, 349 and W3 bus routes, which run with a combined two-way frequency of 100 buses per hour. The site falls within the Spurs Match day controlled parking zone, which restricts on-street parking during times when parking demand is high.

The proposed pharmacy is likely to attract customers from the existing health centre, who are likely to be travelling from the immediate locality or using public transport. We have deemed that the level of generated car trips arising from this proposed change of use would be negligible and would therefore not have any significant impact on the existing level of traffic or car parking demand at this location. Therefore, the highway and transportation authority would not object to this application.

- 8.2 It is considered that the proposed development would not generate any more vehicular traffic than that associated with the site's current use. It is not anticipated that the proposed development would have any significant adverse impact on the surrounding highway network or car parking demand at this location. Therefore, there are no highways and transportation objections to the above development proposal.

### Food and Hygiene

- 8.10 No objection.

### Noise and Pollution

- 8.11 No comments submitted.

### Building Control

8.12 No comments to make.

Licensing

8.13 No comments submitted.

Cleansing North

8.14 Provided informatives and also the following comments as well.

This change of use of healthcare centre from use class ( D1 ) to incorporate proposed pharmacy resulting in mixed use comprising (D1 ) and (A1 ) usage will require storage for refuse , recycling and clinical waste either internally or externally. Arrangements for scheduled collections with a Commercial Waste Contractor will be required.

There are no waste storage areas shown on this application.

RAG traffic light status not applicable

Local residents

8.15 Letters of objection/concerns have been received from the residents and other interested parties. The objections raised are summarised below:

The proposal;

- Will result in a methadone and needle exchange facility which would lead to increased anti social behaviour in the locality;
- A1 use is not appropriate to a residential area;
- There are existing pharmacies which already serve the area well;
- The pharmacy is open despite the Council serving a Temporary Stop Notice;
- The pharmacy would open 100 hours a week and serve customers from outside the locality;
- The proposal is suitable for the high street not the middle of a residential area;
- Increased noise and disturbance to local residents due to early and late opening hours would be unacceptable;
- May have a methadone and needle dispensary, bring crime and antisocial behaviour to the area, which has sixth form college and nursery nearby which also cause unacceptable harm to the residential amenity;
- Increased noise due to cars tooting their horns to gain access into the parking area which is gated;
- Increased traffic and congestion;
- No consultation by the applicants with local residents;
- There are concerns with how the existing surgery is run and this casts doubt on how well the pharmacy will be run;



- Would take business away from nearby pharmacies and force them to close down;
- The applicant has disrespected LPAs wherever they operate;
- Previous application was refused therefore the pharmacy should not have opened in the first instance;
- Patients already being coerced into using the new pharmacy by surgery staff;
- The evidence provided refers to smaller towns not London;
- Patients coerced into signing a petition on behalf of the applicants;
- Inadequate consultation on the application by the Council;
- The proposed pharmacy is a commercial venture, fuelled by money not an interest in patient care;
- Pharmacy opened despite planning permission being refused.

There is a 58 page petition, objecting, in the main, on the same grounds as already outlined above.

In addition there is a comprehensive objection to the proposal from BLLaw a solicitor's firm acting on the instructions of Napclan UK Limited who operate 3 pharmacies close to the application site. Their objections are addressed below in the analysis of the application.

8.16 A response to the objections/ concerns raised are outlined in Appendix 1.

## 9.0 ANALYSIS / ASSESSMENT OF THE APPLICATION

### Background

9.1 This current application follows on from a previous certificate of lawfulness application for an identical proposal. The applicant applied for a certificate of lawfulness to determine whether the proposed integration of the pharmacy to the existing health centre would be lawful. The Council failed to make a determination of the application within the required timeframe, and the applicant exercised this right to appeal against the determination of that application. The Inspector appointed by the Secretary of State considered the proposal not to be lawful development, and argued that a material change of use would have occurred and planning permission was required. The planning merits of the proposal did not fall to be considered by the Inspector.

This application was submitted without prejudice to the possible appeal against the Secretary of State's appeal decision. An appeal has now been lodged against the Inspector's decision during the life of this planning application. The appeal is being resisted by the Treasury Solicitor on the Secretary of State's behalf. In the event that the appeal is successful the most likely outcome is that

the decision is remitted back to the Planning Inspectorate for re-determination in light of any comments the High Court make. If the appeal is unsuccessful then the refusal would stand subject to any further onward appeal to the Court of Appeal or even the Supreme Court.

In support of this application the applicant submitted following:

- description of business model
- other recent experiences
- details of proposed use
- Counsel opinion

The Council acknowledges the conflicting counsel opinions submitted on behalf of the applicant and a local objector but they are opinions and the Council can't abdicate its function as Local Planning Authority to assess the application before it.

In any event these opinions were originally submitted in the context of the Certificate application (Ref: HGY/2012/2403 – CLUP) and address the question of whether a pharmacy of the type described therein could be said to be 'ancillary' to the existing D1 use. To that extent they do not assist in the consideration and determination of this application for planning permission.

- 9.2 The main issues in regards to this current application are considered to be (1) principle of development, (2) impact on residential amenity, and (3) transportation and parking.

#### Principle of Mixed D1 and A1 Use

- 9.3 The application site is not located within an identified town centre or local shopping centre but is located in an area which is predominantly residential. The proposal will be within the envelope of the existing building which houses a medical centre.
- 9.4 In support of this application, the applicant refers to a number of cases where pharmacies have been considered to be ancillary and certificates granted or planning permission granted. These include both proposed and existing pharmacies and some include external alterations and or extensions. The applicant provided an analysis of the size of each pharmacy relative to their respective adjacent health centres as well as a breakdown of the proportion of patients seen out of hours, percentage of turnover from retail sales etc. The Council does not dispute these figures but consider these examples to be incomparable to the current application for a number of reasons. In any event every application is considered on its own merits.

- 9.5 The applicant cited pharmacies in Crewkerne, Stockton Heath, Faversham, Huntingdon and Edgeware. These are all town or suburban locations away from metropolitan centres or located in the high streets or busy thoroughfares. The application site is in Tottenham, North London where there is greater population density and a greater likelihood that local residents would walk to a local health centre or pharmacy. The application site is located in a residential area, outside of a town or local shopping centre.
- 9.6 The NPPF provides guidance on decision making and in particular, introduces a presumption in favour of sustainable development and also outlines a number of core planning principles that should be adhered to. In particular this includes encouraging the effective use of land by reusing land that has been previously-developed, and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Local Plan Policy SP0 advocates a positive approach and a presumption in favour of sustainable development, unless significantly outweighed by any adverse impacts of granting permission. The principle of a having a combined surgery and pharmacy under the same roof appears to support the sustainability agenda, and also improves the service user experience. The NPPF requires that planning policy, and by induction, planning decisions, should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. This proposal, in part aims to achieve that aspiration.
- 9.7 Mayor's Best Practice Guidance – Health Issues in Planning (June 2007) states that:

*The provision of good quality accessible public services, particularly health facilities, has a direct positive effect on human health. Failing to plan for the different culturally appropriate public service needs of an area leads to an unsustainable community. In contrast, by providing for good local public services, public participation and ownership can be encouraged, the need to travel minimised and improvements in health realised.*

It is considered that the proposal supports and is supported by the Mayor's BPG.

- 9.8 One of the grounds of objection from Naplan UK Ltd is reproduced in full below:

The Pharmacy falls within Use Class A1 (retail) within the Town and Country Planning Use Classes Order 1987 (as amended) and as such the Council needs to ensure compliance with the sequential tests for viability as set out in the Government's National Planning Policy Framework ("NPPF") paragraph 24 (in respect of its general aims) and incorporated within Haringey's Saved UDP 2006 Policies TCR2, TCR3 and TCR4 and paragraph 6.28. This means that preference for all new retail development should be in suitable town centre sites in order to sustain and enhance the vitality and viability of town centres followed by edge of centre locations. These policies help to achieve the sustainable development that the NPPF advocates. Applications

that fail the sequential test or have an adverse impact on town centre vitality should be refused.

- 9.9 The application is clearly for a mixed use development (A1 and D1) and not a stand-alone retail (A1) retail development and as such the sequential test advocated for in policy TCR2 'Out of Centre Development' does not apply. Policy TCR2 reads: Proposals for **new retail development** outside the identified town and local shopping centres should... (emphasis added). Even if one were to adopt a very liberal interpretation of the wording of the policy TCR2 to encompass any development which has a retail element, the proposal does not meet the threshold of 2,500 sq m set in paragraph 26 of the NPPF. As such the sequential test would still not be required. Should it also be considered that policy TCR2 applies to the proposal, the policy provides further scope for the control of the development by the imposition of conditions controlling the range of goods and services provided and also the subdivision or merger of the proposed unit. Furthermore, should it still be considered that a sequential test is required; given the nature, scope and size of the proposed development and its symbiotic relationship with the medical centre, the lack of a sequential assessment per se, would not, in the Council's opinion, justify refusing planning permission.
- 9.10 Napclan UK Ltd has cited policies TCR3 'Protection of Shops in the Town Centres' and TCR4 'Protection of Local Shops' of the development plan in support of their objection to the proposal. This, in the opinion of the Council, is a misapplication of these two policies. TCR3 reads in part: **Proposals to change the use from existing class A1 retail** will be allowed provided that... (emphasis added). TCR4 reads in part: **Proposals to change the use from existing Class A1 retail** will be allowed provided that... (emphasis added). It is therefore clear that the above two policies do not apply to this proposal as it is neither in a town centre nor a change of use from existing A1 retail.
- 9.11 The question of **need** for the proposal has been highlighted by a number of objectors including Napclan UK Ltd. The issue is threefold. The first aspect of this is that there are already other pharmacies in the vicinity which provide an excellent service. The Council's response on this aspect is that it is not the role of the planning system to prevent competition between two or more retailers but to ensure the viability and vitality of the defined shopping and town centres. There is no detailed viability or vitality study of the Tottenham High Road to show that the vitality or viability of the High Road would be unacceptably affected by the proposal. On the contrary, the area is in line for a major regeneration development; some of the works are already well underway. The Council therefore does not accept that the scheme would be contrary to any policies regarding the viability and vitality of nearby centres.
- 9.12 It is accepted that the other pharmacies in the locality do not currently open for as many hours as the proposal. However, there has been no evidence before the Council that proposals to extend the opening hours, if so desired, have been refused by the LPA. No evidence has been advanced by any of the objectors to support the notion that the proposal would result in the closure of any or all of the other existing pharmacies.

9.13 Napclan UK Ltd have provided The NHS Haringey Pharmaceutical Needs Assessment February 2011 (“PNA”) compiled under statute by HPCT, which carried out an assessment of need and found there is no need for new pharmacies within the area – *“our population currently has good access to essential, advanced and enhanced services at times and locations from where they are needed”*. The Council’s position is that the even though the PNA is a material consideration, it is not development plan policy and neither does it outweigh the development plan policy. The proposal does not require a sequential assessment; therefore the applicant does not have to show that there is need for the development.

#### Impact on Residential Amenity

9.14 Haringey UDP Policy UD3 ‘General Principles’ states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. Local plan policy also expects new development to maintain the level of privacy enjoyed by adjoining properties and not to create problems of overlooking.

9.15 The current opening hours for the medical centre are Monday 0800hrs to 1930hrs, Tuesday to Friday 0700hrs to 1830hrs and closed on Saturday and Sunday. The proposed opening hours for the pharmacy are Monday to Saturday 0700hrs to 2230hrs and Sunday 1000hrs to 1700hrs. It is clear that the proposal would be open for much longer than the medical centre. It is this element of the proposal that the Council has serious misgivings about. The Secretary of State’s appeal decision alludes to this in paragraph 28: *In terms of customers coming and going during the opening hours of the pharmacy, there may well be little difference when it operates at the same time as the surgery. That said, it would be open to the general public as well as patients of the medical centre and different trading patterns may occur especially when the surgery is closed. However, there is no specific data to show the pharmacy’s potential trading patterns or customer volume during the long trading hours.*

The planning permission HGY/1993/0243 granted for the erection of the medical centre does not prescribe any opening hours. The applicant has highlighted this point in its submissions pursuant to this application. The inference is that the proposal would also benefit from this permission. This is manifestly incorrect, this is a new full planning application, and the Council, as the LPA, under the 1990 Act, has the power to refuse or to grant permission (conditionally or otherwise).

9.16 The Secretary of State further states in paragraph 30 to 33:

*30. In addition, as I have said elsewhere, the late opening hours would draw in customers at various times; by their very nature, early morning and late evening opening hours give customers options to call in at their own convenience or leisure. Given the scale of the likely retail sales, customer base and opening hours, the submitted evidence does not suggest that the potential customer volume or trading patterns would be insignificant during the pharmacy’s opening hours.*

*31. In terms of its nature, the evidence indicates that the retail activities would be different from the function of the medical centre. Customers arriving and departing on foot or by other means would have a noticeable potentially adverse impact, because of the site's mainly residential location. The probable increase in pedestrian and vehicular activities would result in the increase in noise and general disturbance.*

*32. It is likely that the pharmacy may require on and off-site deliveries, yet there is no information submitted about the nature of these activities. There are no details of the type and scale of these deliveries and at what times they are likely to occur. Such activities would also need to be evaluated to consider whether or not they would be ancillary to the primary use of the medical centre.*

*33. Taking all of the potential off-site effects in combination, in all probability, the additional effects upon residential amenity that the pharmacy's activities would cause are likely to be noticeably different to the use of the building as a medical centre. The presented evidence indicates that the pharmacy would have a material and significant impact upon residential amenity. This is mainly because of the nature and scale of the retail activities, the scale of the potential customer base and the extent of the opening hours.*

The Officers see no reason to disagree with this assessment and suggest the imposition of a condition restricting the hours of operation in the interests of protecting the amenity of nearby residents.

9.17 There have been concerns expressed that the proposed development will result in increased anti-social behaviour as a result of methadone and needle dispensing service. No evidence of this has been advanced by the objectors. The Council cannot, with any justification, give this objection credence. The applicant has not indicated that these services will be provided, notwithstanding that it will be the applicant's prerogative to offer these services as part of the terms of their licence regime. It would be beyond the remit of the planning regime to curtail these services where there has been no evidence to support the assertion that they result in or cause anti-social behaviour.

9.18 The Council agrees with the Inspector's assertion that it is likely that for many residents, the pharmacy would be the most convenient outlet for pharmaceutical products, both prescription and non-prescription. The convenience of the location would be bolstered by the 100 hour per week opening times. This would be especially true during the evenings and weekend when the Health Centre is closed. As a result, there is likely to be significant footfall and client turnover not related to the health centre.

The operation of the pharmacy would result in greater activity at the applicant site and immediate area due to the attraction of customers to the pharmacy. For the reasons discussed above, the numbers of customers using the pharmacy is likely to be significant, especially at weekends. Unlike other nearby pharmacies,

the proposed pharmacy would have parking and therefore attract customer who will attend the proposal by car. The associated noise and disturbance would have potential impact on residential amenity to the extent that a change of use would have occurred. This situation may not eventuate as described but the Council has not seen any evidence which would counter these concerns.

### Transportation & Parking

- 9.19 It is envisaged that many of the future users of this development are likely to use sustainable travel modes for the majority of their journeys to and from the site. It was brought to the attention of the applicant that no information had been provided with regards to the highways and parking implications of the proposal. An email provided by the applicant's agent in response to this request stated that there are 18 parking spaces within the grounds of the application site and in addition, there is a single disabled bay for the use of disabled patients. The email further states that around 70% of all patients arrive by public transport or on foot, with the remaining 30% presumably using cars. There is no way of verifying the survey. The email further states that: Those arriving by car for surgery appointments typically park on street along Creighton Road and none use the staff car park. In relation to the hours when the pharmacy is open and the surgery is closed it is the intention to make all 19 spaces available to patients if so required. However, the current data held on numbers of people accessing the pharmacy out of hours when the surgery is closed indicates that this is not required.

Transportation have no objection to the proposal.

Based on the comments from Transportation, it is considered that the proposal accords with policies M10 'Parking for Development' of the Haringey UDP (saved policies 2006) and 6.13 'Parking' of the London Plan.

## **10.0 HUMAN RIGHTS**

- 10.1 All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 where there is a requirement to give reasons for the grant of planning permission. Reasons for refusal are always given and are set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

## **11.0 EQUALITIES**

- 11.1 In determining this planning application the Council is required to have regard to its obligations under equalities legislation including the obligations under section 71 of the Race Relations Act 1976. In carrying out the Council's functions due regard must be had, firstly to the need to eliminate unlawful discrimination, and secondly to the need to promote equality of opportunity and good relations

between persons of different equalities groups. Members must have regard to these obligations in taking a decision on this application.

## **12.0 CONCLUSION**

12.1 The proposal is considered to be acceptable and will make a positive contribution to the Borough's health services infrastructure; however the proposed hours of operation are considered excessive and would give rise to unacceptable impact on the amenities of the nearby residential occupiers. The proposed scheme is considered not to have an unacceptable impact on the highways and transportation network.

12.3 Having considered the proposal against the NPPF, the London Plan and Local Plan, including saved UDP policies 2013 and 6.13 of the London Plan 2011, SP0 and SP11 of the Local Plan 2013 and saved policies UD3 and M10) and Supplementary Planning Guidance and Documents and taking into account other material considerations, Officers consider the proposed development to be acceptable and consider that planning permission should be granted subject to suitable planning conditions being imposed.

## **11.0 RECOMMENDATION**

11.1 That planning permission be GRANTED in accordance with planning application drawings SGFHC-001a, 002A, 003 and 004A and the conditions outlined below:

### **IMPLEMENTATION**

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity

3. The development hereby approved shall be operated within the following hours, Monday to Friday – 0700hrs to 1930hrs and not at all on Saturday and Sundays.

Reason: In order to ensure that the development hereby approved does not prejudice the beneficial enjoyment of the residential buildings in the vicinity.



INFORMATIVE: In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our development plan comprising the London Plan 2011, the Haringey Local Plan 2013 and the saved policies of the Haringey Unitary Development Plan 2006 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant during the consideration of the application.

## APPENDIX 1: COMMENTS ON OBSERVATIONS/ COMMENTS MADE

No.	Stakeholder	Comment	Response
1	<u>Haringey Transportation</u>	<p>It is envisaged that many of the future users of this development are likely to use sustainable travel modes for the majority of their journeys to and from the site. It was brought to the attention of the applicant that no information had been provided with regards to the highways and parking implications of the proposal. An email provided in response to this request stated that there 18 parking spaces within the grounds of the application site and in addition, there is a single disabled bay for the use of disabled patients. The email further states that around 70% of all patients arrive by public transport or on foot, with the remaining 30% presumably using cars. The email further states that: Those arriving by car for surgery appointments typically park on street along Creighton Road and none use the staff car park. In relation to the hours when the pharmacy is open and the surgery is closed it is the intention to make all 19 spaces available to patients if so required. However, the current data held on numbers of people accessing the pharmacy out of hours when the surgery is closed indicates that this is not required.</p> <p>Transportation have no objection to the proposal.</p>	Comments noted.
2	<u>Environmental Health</u>	No comments.	N/A
5.	<u>Waste Management</u>	Adequate storage and collection	Condition requiring the submission of waste management details proposed.

No.	Stakeholder	Comment	Response
		arrangements must be in place to service the development. Arrangements for scheduled collections with a Commercial Waste Contractor will be required.	
6	<u>Local Residents</u>	A. The proposal will take business from the two existing nearby pharmacies.	It is not the role of the planning system to prevent competition between various retailers.
		B. The proposal will exacerbate the existing parking pressure and general highways congestion.	Transportation have no objections to the scheme as the application is well served by public transport services.
		C. The planning application has already been refused before.	No application for the proposed use has been refused. A certificate of lawfulness was not issued by the Secretary of State on appeal after the LPA did not make a determination. A certificate of lawfulness application and a full planning application are two separate and distinct processes.
		D. The proposal was commenced without planning permission.	Comment noted. The planning legislation allows for retrospective planning applications which are considered in the same manner as any proposal.
		E. The proposal has continued to operate despite the Council issuing a Temporary Stop Notice.	The Council issued and served a Temporary Stop Notice which was subsequently withdrawn.
		F. The proposal will involve the provision of methadone services and needle exchange	The applicant has not stated this in their application. However even if the applicant were to provide this, there is no planning justification for refusing the application on this basis.
		G. The proposal will result in undesirable persons frequenting the area.	There is no basis in law in refusing an application for the provision of a service to those who need it if the proposal meets all the policy limitations.
		H. The proposal will result in increased anti social behaviour.	There is no evidence before the Council to support this assertion.
		I. The applicant did not consult with the residents and surgery users.	Comment noted. While it would be good practice for the applicant to consult with the residents and surgery users about the proposal, there is no legal obligation imposed on the applicant to do so.

No.	Stakeholder	Comment	Response
		J. The surgery should concentrate on its core function as it currently not providing a good service.	Comment noted. This is not a planning matter.
		K. The proposal is driven by commercial and financial interests not patient care.	Comment noted. This is not a planning matter.
		L. Patients were being coerced into signing a petition to support the applicant.	Comment noted. This is not a planning matter, and any allegations of improper conduct ought to be reported to the appropriate medical or pharmaceutical body.
		M. The amount of coming and going will seriously affect residential amenity.	It is considered that the proposal would not have a significant impact on the amenity of the residents during the times the medical centre is open.
		N. The Council did not consult widely on the proposal.	The Council's consultation went beyond what it is required to do in the Statement of Community Involvement. The objector who raised this point did not specify their address making it impossible verify this claim.
		O. Inadequate parking provision.	Bearing in mind the public transport accessibility level /PTAL for the area, Transportation consider that the current arrangements to be acceptable. Transportation have no objection to the proposal.
		P. The applicant has flouted planning regulations.	Comment noted.
		Q. The surgery staff are already coercing patients to use their pharmacy.	Comment noted. This is not a planning matter. Any concerns about improper conduct should be reported to the relevant medical or pharmaceutical body.
		R. The extended hours would have an unacceptable impact on the residential amenities	Comment noted. It is proposed to condition the opening ours such that there is no late evening opening hours in order to protect the amenities of the nearby residential occupiers.
		S. The A1 use is not suitable for a residential area.	Comment noted. The proposed use is a mixed use comprising A1 and D1 but the scale and scope of the A1 use as a proportion of the entire site is relatively small and therefore acceptable in planning terms.
.	BLLaw(representing Napclan UK Ltd	A. A pharmacy is an A1 use under the Use Classes Order and therefore ought to be	The proposal is for a mixed use development comprising D1 and A1, not a stand-alone A1 development therefore a sequential test is not required in

No.	Stakeholder	Comment	Response
	who run 3 nearby pharmacies)	<p>subject to a sequential test.</p> <p>B. The proposal is located within a predominantly residential area, and policy is clear that existing town centre retail uses should be protected from such development.</p> <p>C. The applicant has not demonstrated the need for the proposal.</p> <p>D. The proposal will have a negative impact on the viability and vitality of the nearby centres.</p> <p>E. Amenity and environmental impact.</p> <p>F. Impact on transportation and traffic.</p>	<p>terms of policy.</p> <p>As above.</p> <p>Comments noted. As above, the proposal is for a mixed use development, not a stand-alone retail unit, as such there is no legal/policy requirement for the applicant to provide a needs assessment.</p> <p>Comments noted. There is no viability study which demonstrates a negative impact on the nearby centres.</p> <p>Comments noted. It is proposed to impose a condition to limit the opening hours in the interests of protecting residential amenity.</p> <p>Transportation have no objection to the proposal and have not requested a detailed study.</p>