

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 12/03640/PLUD

Ward:
Farnborough And Crofton

Address : Summercroft Surgery Starts Hill Road
Orpington BR6 7AR

OS Grid Ref: E: 543461 N: 165202

Applicant : Dr J Brennan

Objections : YES

Description of Development:

Use of building as a GP Surgery (Class D1) with ancillary dispensing pharmacy.
CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads

Proposal

A Certificate of Lawfulness for a Proposed Use is sought in relation to the provision of a pharmacy within the existing GP surgery. This is described as being ancillary to the primary surgery use. It would be situated within part of the existing ground floor area.

The application is accompanied by a supporting letter; a statement on behalf of Summercroft Surgery setting out the nature of the existing use and the proposal; and floor plans illustrating the proposed layout. In addition, is an email received from the agent on 4 January the following information was provided:

- only prescription medicines would be dispensed from within the proposed pharmacy
- it is likely that the opening hours would be 6.00 a.m. – 12.00 midnight on Monday – Friday and 8.00 a.m. – 6.00 p.m. on Saturday
- there are no displays that are intended within the pharmacy. It is likely simply to be a dispensing counter.
- there would be minimal signage within the existing surgery building and no external advertising

- staff levels will depend on time of day and will vary from 2 – 3 during quiet times during, possibly a maximum of 6 during busy periods, e.g. morning and evening surgery

Location

The application premises comprise a purpose-built doctors' surgery which fronts Starts Hill Road and which is situated approximately 40 metres south of its junction with Starts Close.

Comments from Local Residents

The following comments have been received:

- proposed pharmacy will adversely affect financial viability of two existing pharmacies in the locality as patients may be encouraged to use proposed in-houses pharmacy
- proposed pharmacy will be open for 100 hours a week
- existing local pharmacies each employ up to 6 part-time and one full-time members of staff
- parking situation at Summerlands Surgery is not ideal and the proposed pharmacy within the existing premises will compound this problem

It should be noted that only comments relating to the legal merits of the application can be considered and this is made clear in the notification letters.

Comments from Consultees

No objections has been raised from an Environmental Health perspective

Planning Considerations

The application requires the Council to consider whether the proposed use would constitute development under Section 55 of the Town And Country Planning Act.

From a legal perspective, the proposal is considered to be ancillary to the existing primary Class D1 surgery use of the premises.

Planning History

The existing building was purpose built in the 1980s as a GP surgery, with planning permission having initially been granted under ref. 83/03171. A number of applications associated with the GP use have been submitted in the intervening years, although the use has remained unchanged.

Conclusions

In this case it is necessary to consider whether the proposal forms an ancillary use in relation to the existing Class D1 GP surgery: whether the proposal can be

regarded as a matter of fact and degree as an ancillary and incidental activity to the existing primary use of the building.

As noted in the application submission the proposed pharmacy would occupy a relatively small proportion of the building (calculated at 6%) and it would be aimed at primarily dispensing prescription medicines to patients based at the practice. No other retailing would take place and the proposed layout would form an integral part of the surgery.

Taking the above into consideration it is considered that the proposed pharmacy will not detract from the primary use of the building as a GP surgery, and that the proposed pharmacy will provide an ancillary and supporting function. Therefore, the proposal is not considered to constitute development under Section 55 (1) of the Town and Country Planning Act 1990.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/03640, excluding exempt information.

as amended by documents received on 04.01.2013

RECOMMENDATION: CERTIFICATE BE GRANTED

- 1 The proposed pharmacy is considered to be ancillary to the existing primary Class D1 surgery use of the premises and is not considered to constitute development under Section 55 (1) of the Town and Country Planning Act 1990.

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Proposal: Use of building as a GP Surgery (Class D1) with ancillary dispensing pharmacy. CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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