

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

8 June 2011

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

11/0530/VARY

**Proposed Primary Care Centre And Pharmacy, Finchale Avenue, Billingham
Application to vary condition 2 (approved plans) of 09/1418/FUL to incorporate a pharmacy
drive through and alterations to the roof line, internal layout and site layout**

Expiry Date 10 June 2011

SUMMARY

The application site forms part of the former Stockton and Billingham College Site, and was formerly playing fields associated with the college. Planning permission was granted in both outline and under a reserved matters application for residential development on part of the college site. Planning permission was then sought for the erection of a Primary Care Centre and Class A1 Associated pharmacy that was approved subject to a section 106 agreement.

Planning permission is sought under section 73 of the Town and Country Planning Act 1990 to vary condition 2 (the approved plans) of the previously approved application. The application seeks to vary the approved plans in order to allow a pharmacy drive through to be incorporated into the scheme. The revised plans also include alterations to the roofline, a revised internal and site layout. The proposed opening hours are from 7 am-10.3 pm Monday-Friday, 8 am-8 pm Saturday and 8.30 am-7 pm on Sundays.

The proposed development and changes do not significantly alter the appearance of the building from that previously approved. Despite the concerns of local residents officers are satisfied that appropriate planning conditions can be imposed to ensure that the 'drive-through' pharmacy would not have any detrimental impacts on levels of residential amenity or highway safety.

RECOMMENDATION

Planning application 11/0530/VARY be Approved subject to the following Conditions

Approved Plans:

01 The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
1619-C-22-001-3	16 March 2011
1619-C-22-002-3	16 March 2011
SBC0001	7 March 2011
1619-C-20-001-02	7 March 2011
1619-C-20-002-2	7 March 2011

1619-D-90-002-2 7 March 2011
1619-D-90-003-D 7 March 2011
1619-C-27-001 7 March 2011

Reason: To define the consent.

Pharmacy opening hours;

- 02 The hereby approved pharmacy shall not be open outside the hours of 7.00 am-10.30 pm Monday to Friday, 8.00 am-8.00 pm Saturday and 8.30 am-7 pm on Sundays or Bank Holidays.

Reason: To protect the amenity of the nearby residential properties.

Drive Through Pharmacy opening hours;

- 03 The hereby approved 'drive-through' pharmacy and associated serving hatch shall not be operated before 18.30 hours.

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises and in the interests of highway safety.

Delivery times;

- 04 No deliveries to the hereby approved development shall take place on the site outside the hours of 8.00 am - 6.00 pm Monday to Friday, 8.00 am – 1 pm Saturday and nor at any time on Sunday's or Bank Holiday's.

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

Variation – no discharge of conditions

- 05 Nothing in this permission other than the variation of condition No. 2 of application 09/1418/FUL shall be construed as discharging the conditions attached the previous permissions 09/1418/FUL and 10/1370/VARY

Reason: To reserve the rights of the Local Planning Authority with regards to these matters.

BACKGROUND

1. The application site forms part of the former Stockton and Billingham College Site, and was formerly playing fields associated with the college. Planning permission was granted in both outline and under a reserved matters application for residential development on part of the college site (applications 06/1983/OUT & 07/0858/REM), The College has since been demolished and construction on the residential development is well underway with many of the dwellings both constructed and occupied.
2. Planning permission was then sought for the erection of a Primary Care Centre and Class A1 Associated Pharmacy (app ref 09/1418/FUL), subject to a section 106 agreement for replacement sports facilities/provision. A further application then sought to revise the approved plans under section 73 of the Town and Country Planning Act 1990 to allow for a reduction in the overall size of the premise (ref 10/1370/VARY). Members may also wish to note that construction of the Primary Care Centre is also well underway.

PROPOSAL

3. Again, planning permission is sought under section 73 of the Town and Country Planning Act 1990 to vary condition 2 (the approved plans) of the previously approved application. The

application seeks to vary the approved plans in order to allow a pharmacy drive through to be incorporated into the scheme. The revised plans also include alterations to the roofline, a revised internal and site layout.

4. The main change to the scheme is that the roofline to the left of the main entrance has been changed to include only a single pitch. The building retains its T-shape and overall scale, with the building measuring a maximum of 53m (w) x 54 (L) and having a maximum height of 12 metres. Some other minor changes have also taken place in terms of window openings and the inclusion of a hatch for the pharmacy on the eastern elevation.
5. The overall positioning of the building remains the same as was previously approved and the access into the site also remains unchanged from Finchale Avenue. Changes to the site layout revolve around creating the access to the 'drive-through' pharmacy, this is to link into the turning head and back round to the access to the car parking area.
6. Further information has been received from the applicant with regards to the operation of the 'drive-through' pharmacy (see appendices). It highlights that the 'drive-through' element will only be in operation outside of normal surgery hours (after 6.30 pm). The award NHS contract also means that the pharmacy is required to be open 100 hours each week, as such the proposed opening hours are from 7 am-10.30 pm Monday-Friday, 8 am-8 pm Saturday and 8.30 am-7 pm on Sundays.

CONSULTATIONS

7. The following Consultations were notified and comments received are set out below:-

Councillors

No comments received

Head of Technical Services

General Summary

Subject to the condition below Urban Design has no objections.

Highways Comments

The applicant has submitted a letter detailing how the drive through pharmacy is intended to operate, stating that the drive through will only operate outside the opening hours of the health centre. This would alleviate our concerns regarding congestion within the site.

Subject to a condition being included in any permission granted stating that the drive through element of the pharmacy may only operate outside the opening hours of the health centre we raise no highway objections.

Landscape & Visual Comments

We would not object to the variation in landscape and visual terms but would request tree and shrub planting in the area around the relocated cycle store to allow for tree planting lost to accommodate the access drive through road.

Tree/shrub planting should be provided either side of the relocated bin store to soften its impact.

These changes should be indicated on a revised landscape plan.

0530FUL1 Proposed primary care centre and pharmacy, Finchale Avenue, Billingham.doc

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

- Noise disturbance from access and egress to the premises
The opening hours should be limited to ensure that adjacent premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.

Northumbrian Water Limited

Northumbrian Water has no objection to the variation.

Primary Care Trust

No comments received

Billingham Town Council

No comments received

Health and Safety Executive

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

PUBLICITY

8. Neighbours were notified and a site notice displayed. A total of 20 no. letters of objection have been received, along with 1 letter of comments and a petition of 80 signatures opposing the scheme due to concerns over an increase in traffic in a busy area.

Objections:

- Will increase traffic
- Drive through's are for fast food, not pharmacies.
- A Drive through pharmacy is not suitable within a residential area - excess traffic and noise
- impact on market value of the properties around this area.
- Impacts on businesses/chemist/Pharmacies in town centre
- Opening hours are excessive
- Will create noise disturbance 7 days a week
- Supermarket pharmacy is ½ mile away which is easily accessible
- Better suited to retail park area such as Teesside Park
- Better suited to an industrial location
- Likely to generate large queues
- Will yellow lines be painted to stop street parking?
- Would a Macdonald's be accepted in this area?
- Requests that provision of hard standing be placed outside 63-67 Rievaulx Ave.
- Requests a condition for hard standing on T Junction of Rievaulx and Finchale Ave

Objectors:

Kath Stringer - 54 Dunbar Road Billingham
Sharron Kelly - 4 Gardenia Way Billingham
Stephen and Kim Malcolm - 18 Gardenia Way Billingham
Mrs Dutton - 6 Finchale Avenue Billingham
Peter Carmody - 8 Finchale Avenue Billingham
L Stephenson - 12 Finchale Avenue Billingham
T Stephenson - 12 Finchale Avenue Billingham
B Stephenson - 14 Finchale Avenue Billingham

A C S Gallacher - 18 Finchale Avenue Billingham
I Thompson - 7 Porlock Road Billingham
T Thompson - 7 Porlock Road Billingham
W K Bennett - 108 Corfe Crescent Billingham
Lee Dale - 5 Gleneagles Close Billingham
Mr M Dale - 32 Burniston Drive Billingham
Lindsay Porter - 22 Bewholme Close Billingham
Eileen Gilbert - 5 Melgrove Way Sedgefield
D Elliott - 16 Jubilee Grove Billingham
L Weeks - 67 Imperial Road Billingham
Dorothy Gant - 28 Skripka Drive Billingham
Mr K Bowler - 65 Rievaulx Avenue Billingham

Comments from W Stott - :

- Confusion over definition of Primary Care Centre (PCC) due to a parallel facility Wynyard new hospital set up which required Localised NHS - In Billingham, this PCC was to be on the first floor of the revitalised ex Billingham town centre Council offices,
- The adjacent new housing was subjected to a 8m height limitation! Is the proposed roof alteration restricted to a similar figure?
- A drive through pharmacy with hand delivered packages to waiting parked or returned cars for drive through collection may provide alternative more convenient method of access / supply. However the local residents may not agree.

PLANNING POLICY

9. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)
10. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.

Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

- i) The Tees Valley Metro;
- ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
- iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
- iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

- i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
- ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
- iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
- iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

8. Additionally, in designing new development, proposals will:

- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 6 (CS6) - Community Facilities

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.

2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.

3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.

4. Support will be given to the Borough's Building Schools for the Future Programme and Primary Capital Programme, and other education initiatives, the expansion of Durham University's Queen's Campus, and the provision of health services and facilities through Momentum: Pathways to Healthcare Programme.

5. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location, through initiatives such as the Extended Schools Programme.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and

projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.

2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

- i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

- ii) Green wedges within the conurbation, including:

- _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
- _ Leven Valley between Yarm and Ingleby Barwick;
- _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
- _ Stainsby Beck Valley, Thornaby;
- _ Billingham Beck Valley;
- _ Between North Billingham and Cowpen Lane Industrial Estate.

- iii) Urban open space and play space.

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.

6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.

7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:

- i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;
- ii) Tees Heritage Park.

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

- _ the risks associated with previous contaminative uses;
- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

Core Strategy Policy 11 (CS 11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:

- _ highways and transport infrastructure;
- _ affordable housing;
- _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Saved Policy REC1

Development which would result in the permanent loss of playing space will not be permitted unless:

- (i.) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- (ii.) Alternative provision of equivalent community benefit is made available, or
- (iii.) The land is not required to satisfy known local needs.

Saved Policy EN39

The expansion of existing industrial or commercial undertakings in the vicinity of hazardous installations will normally be permitted if it can be shown that additional people and buildings will not be placed at unacceptable risk because of the proximity of the installation.

Other relevant planning considerations;

Planning Policy Statement 1: Delivering sustainable development

Planning Policy Statement 4: Planning for sustainable economic growth

Planning Policy Statement 9: Biodiversity and geological conservation

Planning Policy Guidance 17: Planning for open space, sport and recreation

SITE AND SURROUNDINGS

11. The application site is situated to the north of Billingham Town Centre and lies immediately to the west of Finchale Avenue in Billingham. A new residential development lies to the south of the site, with the residential properties of Finchale Avenue to the east. The remnants of the former college playing fields lie to the north and west of the site with further residential properties beyond.

MATERIAL PLANNING CONSIDERATIONS

12. The main planning considerations of this application are compliance with planning policies, the loss of existing playing pitch provision, the impacts of the development on the character of the area, landscaping features, the amenity of neighbouring occupiers, access and highway safety; public safety and protected species.

Principle of Development;

13. Previous approvals have been granted for surgeries and a pharmacy on the site. Since these approvals there has been no significant change in planning policy and given the extant planning approvals the principle of development remains acceptable subject to the relevant policies of the local plan and Core Strategy and the material planning considerations set out in this report.

14. Local residents have raised concerns over the impacts of the 'drive-through' pharmacy on existing businesses, chemists/pharmacies within Billingham Town centre. Although these comments are duly noted, it is important to recognise that the pharmacy will remain the same size as that previously approved and that the 'drive-through' element of the proposal will allow access to these facilities outside of the normal surgery hours. It is therefore not considered that

the revisions to the scheme will result in any significant harm to Billingham Town Centre and the existing businesses.

Loss of Playing Field;

15. Saved policy REC1 of the Local Plan states that development which results in the permanent loss of playing space will not be permitted unless sports and recreation facilities can be retained and enhanced through the development of a small part of the site; or alternative provision of equal community benefit is available; or the land is not required to satisfy local needs. The previous planning approvals accepted the loss of part of the playing field on the basis that replacement facilities would be provided. The developer has since commenced development and paid the commuted lump sum (£126,000), officers are currently re-assessing the opportunities for Billingham in light of the recent announcement of additional national funding for playing pitch investment via the Olympic Legacy Fund and a final decision on how the monies are to be spent is expected in the near future.
16. Given the previous approval and that established mitigation costs have already been provided, it is not necessary for the developer to enter into a further legal agreement. Accordingly the proposed development is not to be contrary saved policy REC1 or PPG 17.

Character of the area;

17. Within the immediate area there are a range of building styles, though they are predominately two-storey in nature with a range of building materials. The external appearance of the building remains similar to that previously approved and although minor changes have been made to its external appearance it still retains its modern design and the proposal will fit into the character of the surrounding area.
18. The overall scale of the building will remain as previously approved, the building remains set back from Finchale Avenue by a minimum of 65m and along with the mounding and soft landscaping this will help to further reduce its overall impact within the street scene. The changes to the previously approved plan are therefore considered to be acceptable and will not cause any significant impacts to the character of the area so as to warrant a refusal of the application.

Landscaping features;

19. The Council's Landscape Officers have considered the revised drawings and do not object in landscape and visual terms but would request tree and shrub planting in the area around the relocated cycle store to allow for tree planting lost to accommodate the 'drive-through' road. Previously imposed planning conditions regarding soft landscape (planting plans, specification and maintenance programme) remain to be discharged and any associated landscaping can be agreed through planning conditions.

Amenity of neighbouring occupiers;

20. The side (south) elevation of the proposed development reduces from two storeys down to a single storey at the rear (western elevation) and is situated in excess of 25m from the rear wall of the newly constructed properties on the former Billingham College site. Given the distance, scale of the building and its use, it is again considered that the proposal will not have any adverse impacts on the general levels of amenity or privacy of these neighbouring occupiers. With regards to the remaining residential properties the building is in excess of 80 metres from these dwellings, again it is considered that the proposal will not be overbearing or have any adverse impacts on the amenity or privacy of these neighbouring occupiers.

21. Many residents have raised concerns regarding increases in noise and disturbance as a result of the impacts of the proposed pharmacy drive through. Concerns are also raised regarding excessive opening hours and noise disturbance being created 7 days a week. Further information provided by the applicant sets out how the pharmacy and 'drive through' facility will operate. The submitted statement states that the drive through element will only operate outside of 'normal' surgery hours and that opening for the Pharmacy is sought over 100 hours, 7 days a week. In terms of the hours of operation of the Pharmacy these can be controlled via planning conditions and it is not considered that the general level of activity associated with patrons visiting the facility during the proposed hours would be fairly low. Discussions have been held with the Environmental Health Officers and it is not considered that the proposed opening hours would cause any significant noise/disturbance to neighbouring residents. It was however suggested that any deliveries should be restricted to normal working hours (9 am -6 pm). This can be conditioned accordingly.
22. On the basis of the above information the proposed development is therefore not considered to pose any significant harm to the amenity of the neighbouring occupiers.

Access and Highway Safety;

23. The Head of Technical Services has considered the submitted information. In view of additional information being submitted that clarifies how the drive through pharmacy is intended to operate, no objections are raised to the application subject to a condition that the drive through will only operate outside the opening hours of the health centre. Such a condition is set out earlier in the report to control opening of the 'drive through' outside of peak hours.
24. Comments and objections have been received from the neighbouring residents with respect to the proposal increasing traffic and resulting in additional queuing both within the access road for the development and along Finchale Avenue. However, on the basis that the 'drive through' pharmacy will operate outside the opening hours of the health centre, it is considered that there will be little conflict between patrons visiting the pharmacy and those utilising the access into the site. Accordingly and in the absence of an objection from the Head of Technical Services the proposal is not considered to pose any significant threat to highway safety.
25. Comments made in relation to the provision of a hardstanding area being provided outside of numbers 63-67 Rievaulx Ave and/or adjacent to the T junction with Rievaulx and Finchale Ave are noted. However, this area of land lies outside of the application site and such works are not required as a result of the planning application. This is therefore a separate highway matter and cannot be considered as part of this application.
26. All other highway matters were considered under the previously approved application (09/1418/FUL) and there remains no highway objection to this application.

Public Safety;

27. Through the Health and Safety Executives (HSE) PADHI+ consultation system, it is advised that the HSE do not on safety grounds advise against the granting of planning permission in this instance. The proposal is therefore considered to accord with saved policy EN39 of the adopted Stockton on Tees local Plan in this respect.

Impact on protected species;

28. As part of the original application, a protected species report was submitted that showed the site did not support any protected species. The only exception was a tree in the north-east corner of the site (Horse Chestnut) which may have been used by breeding birds.
29. The development sought the removal of this tree and a planning condition was imposed to prohibit the tree being felled in the Bird breeding season (March-September). This tree has now been removed and the site is therefore considered to have very limited nature

conservation value and is not considered to pose any significant threat to species especially protected by law and accords with guidance set out in PPS9.

Residual Issues;

30. One resident has raised concerns over the Impact of the proposal on the market value of the properties in the area. Whilst these comments are duly noted, impacts on property values are not a material planning consideration.

CONCLUSION

31. The proposed development and changes but not significantly alter the appearance of the building from that previously approved. This revised scheme will retain a modern design with materials that complement the more traditional buildings in the surrounding area. Associated landscaping will also help to soften and enhance the development.
32. Despite the concerns of local residents officers are satisfied that appropriate planning conditions can be imposed to ensure that the 'drive-through' pharmacy would not have any detrimental impacts on levels of residential amenity or highway safety.
33. The proposed development is therefore considered to remain in accordance with national planning guidance and policies CS2, CS3, CS6, CS 11 of the Core Strategy and Saved policies REC1 and EN39 of the Local Plan. Consequently it is recommended that the application be Approved with Conditions set out earlier in this report.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

WARD AND WARD COUNCILLORS

**Ward Billingham Central
Ward Councillor Councillors Ann McCoy and B Woodhouse**

IMPLICATIONS

Financial Implications.

None

Environmental Implications.

As report.

Community Safety Implications.

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers.

Stockton on Tees Local Plan
Planning Policy Statement 1; Delivering Sustainable development
Planning Policy Statement 4; Planning for sustainable economic growth
Planning Policy Statement 9; Biodiversity and Geological conservation
Planning Policy Guidance 17: Planning for open space, sport and recreation
Planning Applications 06/1983/OUT, 07/0858/REM, 09/1418/FUL &10/1370/VARY

