



PLANNING, REGULATORY AND LICENSING

5.00 PM WEDNESDAY, 1ST FEBRUARY, 2017

COUNCIL CHAMBER

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AGENDA

1. Apologies for absence
2. Declarations of Interest

Members are reminded of their personal responsibility to declare any personal and prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government and Finance Act 1992 relating to Council Tax, the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct

Note:

- (a) Members are reminded that they must identify the item number and subject matter that their interest relates to and signify the nature of the personal interest and
- (b) Where Members withdraw from a Meeting as a consequence of the disclosure of a prejudicial interest they must notify the Chair when they leave

OPEN SESSION

Planning Applications - Recommendations under the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991

- 3. P/16/0003 - Morlais Medical Centre, Berry Square, Dowlais, Merthyr Tydfil
To consider report of the Deputy Chief Executive **1 - 26**

Information Reports

- 4. Appeal Decision - P/16/0222
To receive report of the Deputy Chief Executive **27 - 28**
- 5. Delegated Decision Report
To receive report of the Deputy Chief Executive **29 - 32**
- 6. Any Other Business Deemed Urgent by the Chair

COMPOSITION:

Councillor C T Jones (Chair)

Councillors: B E Mansbridge, T Chaplin, E Galsworthy, A Jones, W R Smith, G Lewis, S Slater, L E Smart and S Williams

together with appropriate officers

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Agenda Item 3

Application No.
P/16/0003

Date
4th March 2016

Determining Authority
MTCBC

Proposed Development

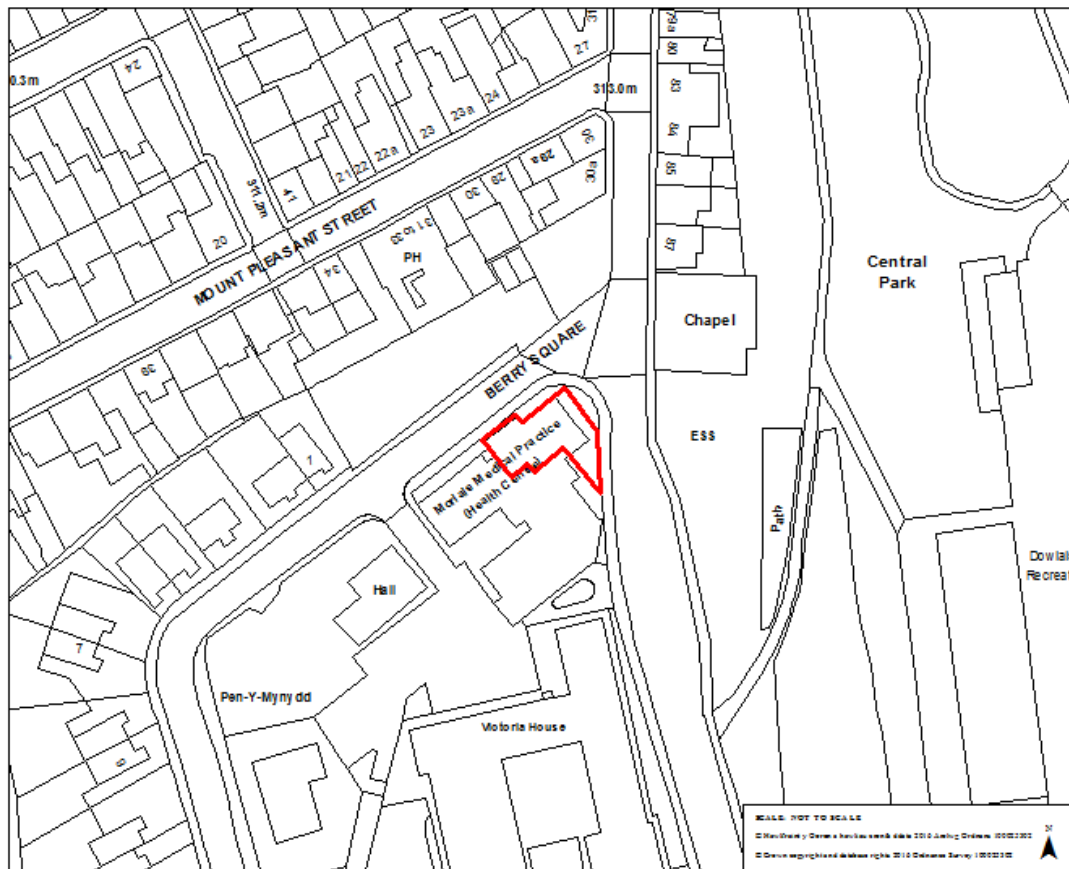
Location

Name & Address of Applicant/Agent

Change of use of part of the building to a pharmacy (A1 use class), creation of new entrance with canopy and footpath and installation of new external air condenser unit

Morlais Medical Centre
Berry Square
Dowlais
Merthyr Tydfil
CF48 3AL

Morlais Medical Practice
c/o Stride Treglown
Treglown Court
Dowlais Road
Cardiff



This application was reported back to the Planning Regulatory and Licensing Committee on 4th January 2017 (following a fact finding site on 1st August 2016) with an officer recommendation for refusal. At that meeting Committee resolved not to accept the officer recommendation to refuse the application. Following this decision, an amendment was put forward to approve the application contrary to officer advice. This was supported by the Committee.

As set out in the Planning Code of Conduct, if Committee are minded to determine an application contrary to officer advice then before a final decision can be reached, it must be reported back to a further Committee where the officer report can highlight any planning and/or legal implications of the Committee approving the application contrary to the officer

recommendation. The Code of Conduct also points out that the report must recommend any appropriate conditions if the Committee are still minded to approve the application.

The report of the 4th January 2017 concluded that the recommendation to refuse the application was a finely balanced decision. The judgement being that the relocation of Pearn's Pharmacy to Morlais Medical Centre would adversely impact on Dowlais Pharmacy and result in a concentration of customers in an out of local centre premises with a subsequent reduction of footfall within the local centre. As such the proposal would harm the vitality and viability of the Dowlais local centre. Therefore, the application should be **REFUSED for the following reason:**

The proposal to re-locate a local centre pharmacy to an existing medical centre situated outside the retail area would harm the vitality and viability of the Dowlais local centre. As such the proposal would be contrary to Policy AS18 of the Merthyr Tydfil Local Development Plan and Technical Advice Note 4 – Retail and Commercial Development dated November 2016.

Following the Committee on 4th January 2017 a further letter has been received from the objector. This letter points out that a block plan submitted by the applicant was incorrect. This block plan identifies the local centre boundary as defined by the LDP. Following further scrutiny of the submitted plan and an assessment of the planning history of the application site and adjoining property, it has been determined that the local centre boundary is correctly identified. The objector also refers to the contents of an e-mail from Dr Hackwell (on behalf of Morlais Medical Practice) that was considered by the Committee as a late response at the 4th January 2017 Committee. In particular, the objector questions whether the proposal would support the future sustainability of the Medical Practice pointing out '*the practice is now more sustainable than ever given the merger and that it is now recognised as being in the top 10 in Wales for patient numbers*'. Committee will note that this issue raised by Dr Hackwell did not form part of the assessment of the application and with or without any substantive evidence would not be a significant material planning consideration.

It is appreciated that Committee has concluded that the proposal should be supported and that there would be little harm to the local centre if the pharmacy was relocated to Morlais Medical Centre. This decision was arrived at following the consideration of the officer's report, a fact finding site visit, debate at Committee and some knowledge of the local centre and surrounding areas. Policy AS18 of the LDP points out that outside Dowlais local centre '*proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability*'. As highlighted in the officer's report the assessment of need and the sequential test have been found to be satisfactory. Therefore, if Committee remain of a view that there would be no harm to the vitality and viability of the Dowlais local centre and is thus minded to approve the application, the following conditions are recommended (it should be noted that the final decision rests with the Planning Regulatory and Licensing Committee since, if the application is approved, it would not be a departure/contravention from the LDP):

- 1 The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The part of the premises hatched in purple on drawing number MMP-STL-00-GF-DR-A-3020-02002/P2 shall be used as a pharmacy and for no other purpose (including any other purpose in class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason: To protect the vitality and viability of Dowlais local centre in accordance with Policy AS18 of the Merthyr Tydfil Local Development Plan.

COMMITTEE'S DECISION IS REQUIRED.

PURPOSE OF REPORT
TO FURTHER CONSIDER PLANNING APPLICATION P/16/0003

FACT FINDING SITE VISIT CARRIED OUT ON 1ST AUGUST 2016

At the Planning, Regulatory and Licensing Committee meeting on the 20th July 2016, it was resolved to defer the determination of the application to undertake a fact finding site visit. This took place on the 1st August 2016.

The main issues raised by Members during this site visit centred around the impact of the re-location of the pharmacy on Dowlais local centre and highway safety concerns. Members also sought clarification on some aspects of the proposal.

As noted in the original report, the re-location of the pharmacy to the Morlais Medical Centre would result in the introduction of an A1 use outside the local centre contrary to Policy AS18 of the Merthyr Tydfil Local Development Plan (LDP). Members were advised that the applicant had failed to provide an adequate retail assessment which demonstrates the need for the provision of a pharmacy outside the local centre. It was pointed out that, due to the location of the medical centre, the proposal would be likely to result in a reduction of footfall in the local centre that would potentially impact on other businesses, including the existing Dowlais Pharmacy. This proposal could therefore have an adverse impact on the vitality and viability of Dowlais local centre.

Members were also advised that the existing unit, currently occupied by Pearn's Pharmacy could be left vacant if the application was approved. This property however, could be occupied by any other A1 (shop) use without the need for planning permission. It was highlighted that given its location on the very edge of the local centre, there would be a concern that over time the property could either remain vacant or result in the permanent loss of a retail premises, which would harm the vitality and viability of the local centre.

Clarification was also sought regarding the applicants' ability to submit further evidence in support of the application. Members were advised that the application has been under consideration since January 2016 and the applicant has had sufficient time and opportunity to submit the necessary supporting information. It was noted that the applicant considers that given the scale of the retail element of the proposal (i.e. 35% of the total floor space) a full retail assessment was not necessary.

The other matters raised by Members at the fact finding site visit related to parking facilities and highway safety. It was pointed out that parking is provided to the west of Morlais Medical Centre and there are public car parks within walking distance of the site. Members were reminded that the Engineering and Traffic Group Leader did not raise objections to this proposal and that illegal parking would be a matter for the Police. This was confirmed by the Engineering and Traffic Group Leader who attended the fact finding site visit.

FURTHER INFORMATION RECEIVED ON 31ST AUGUST 2016

Since the fact finding site visit, a report prepared by Reeves Retail Planning Consultancy Ltd for Stride Treglown on behalf of the applicant was submitted in support of the application and in an attempt to overcome the recommended reason of refusal. The report reiterates information previously submitted, regarding the nature of the proposed development, its location, the justification for the proposal and the relevant national and local planning policies. It also includes additional information relating to need, the sequential approach and the retail impact assessment. In summary the report highlights the following:

Need

- Both existing pharmacies are well used and issued over 27,600 prescriptions in the year to November 2015, which equates to over 530 per week and 88 a day (6 day week trading).
- The high level of prescriptions issued reflects the close proximity of the two existing medical centres, Morlais Medical Centre (located just outside the Dowlais local centre and the subject of this application) and Dowlais Medical Centre (located on the corner of Ivor Street/Victoria Street).
- The health profile of the area is likely to influence the proximity of the two pharmacies.
- Trading potential and efficient working is constrained by the physical limitations of Pearn's pharmacy.
- The demand for prescriptions and associated sales, including retail sales, are expected to increase in the future. The comparison sales (which includes goods that form part of the retail sales proposed by this application) have been increasing since 2011 and are likely to continue to increase on an annual basis. From 2011 to 2021 expenditure is likely to increase by over 35% or 25% once allowance is made for other forms of trading (e.g. the internet) . Therefore, this increase in comparison floor space within the centre is appropriate if the same proportion of need is to be met locally.
- The population of Merthyr Tydfil is expected to rise to 60,077 in 2016 from 58,581 in 2011.
- The population of Dowlais is expected to increase once the allocated housing site, H23 (Former Dowlais Foundry) is developed.
- The population aged over 65 is expected to increase from 9,856 in 2011 to 11,937 in 2021, which suggests there will be an increase in the demand for medical services and prescriptions, as well as an increase in available expenditure in the immediate vicinity of Dowlais to support the small edge of local centre associated retail floor space (34m²) proposed. This demonstrates the quantitative need for additional floorspace for the effective operation of Pearn's pharmacy.

Sequential Approach

- The re-location involves a move of 40 metres from the existing unit and 25 metres from the designated local centre, and will have no effect on the accessibility to the pharmacy, how customers use it or the remaining centre.
- The re-location will remain within walking distance for visitors or customers wishing to undertake linked shopping trips and the re-located pharmacy will function as it does now.
- There are no vacant units within the centre. The relocation represents the next best preferable alternative, closest to the centre. Compliance with the sequential test has therefore been demonstrated.

Retail Impact Assessment

- A minimum threshold of 2,500 sq. m gross of new retail floor space is normally necessary before an impact assessment is required.
- This current proposal increases the out of centre floor space by 96m² (whereby only 34m² of floor space would be retail). It is therefore unusual for an assessment to be required. However, due to the concerns expressed in the committee report regarding the relocation of Pearn's pharmacy, the existing business and centre turnover has been considered, as well as two alternative scenarios: the existing Pearn's pharmacy is reoccupied; or the existing Pearn's pharmacy remains vacant.
- The planning system cannot prevent or control the closure of retail or other outlets. It is only the occupation of the existing Pearn's unit by a use other than A1 which would require planning permission.

Existing Business and Centre Turnover:

- The retail study which informed the Local Development Plan (prepared by Roger Tim & Partners in 2008) included health checks of Dowlais local centre, but has no information on the centre's turnover. This has implications for the preparation of a retail impact assessment requested.
- The study confirmed that the centre contained five outlets where only two were an A1 use. A recent visit confirms that A1 retail uses have increased to 7 in Dowlais centre since the 2008 study. There are also other A2 and A3 uses.
- Floorspace data suggests that Pearn's pharmacy occupies less than 15% of the total A1 floorspace in the centre. Thus, the contribution of retail sales made by Pearn's pharmacy will be small, as retail sales amount to only 2% of the overall turnover.
- Even if Pearn's pharmacy traded at a similar level to other retail units, it would still be limited to 34m² of retail trading floorspace. Based on the study carried out, it could be expected to achieve around £900 per m² at 2006 prices, which would equate to around £840 per m² in current prices. The resulting turnover would amount to £28,560 given the store size.

Effect on the Centre if Existing Unit Reoccupied:

- This is highly unlikely given the increase in retail units and the lack of vacant sites in the centre.
- Any other A1 use would increase the turnover of the centre, add more diversity and increase vitality and viability.
- The relocation of the pharmacy, due to its close proximity to the centre, would not alter the need for customers to make linked shopping trips and the additional walking distance would be unlikely to change shopping habits.
- Dowlais pharmacy is existing and could be used for shoppers not wishing to leave the local centre.
- Assuming that the unit is reoccupied, the relocation of Pearn's pharmacy is likely to have a positive impact on the centre.

Effect on the Centre if the Existing Unit Remains Vacant:

- The centre would see a small decrease in total sales, without adversely affecting other units.
- There would be no expected change in linked trips as shoppers would walk the additional distance to use Pearn's pharmacy or continue to shop in Dowlais pharmacy.
- Any adverse impact on the centre would be small and limited, due to limited retail sales from Pearn's pharmacy. There are therefore no retail impact reasons to refuse the current proposal.

ADDITIONAL OBJECTIONS RECEIVED ON 29TH SEPTEMBER 2016

Following the receipt of the report summarised above, two objection letters (from the same objector) have been received. The objector has reiterated some of the issues previously raised, and as such the following is a summary of the additional concerns:

- The retail assessment is inadequate due to errors and misrepresentations and the unconvincing need argument put forward by the applicant.
- The relocation could result in three pharmacies in close vicinity and the need to relocate from the retail centre is not well reasoned in this regard.
- The working relationship with the medical practice is not robust since all business is undertaken electronically. The need to relocate is not fully reasoned.
- If the authority is minded to approve the application, the pharmaceutical regulations regarding the adequacy argument should be referred to in the officer's report.
- The pharmacy is not within easy walking distance for the elderly, infirm or mothers with prams, who have to cross a busy highway to reach the re-located pharmacy.
- The paragraphs under the Planning Policy section can be challenged in particular TAN4. There is a presumption in extending the local centre, which if the precedent of departing from policy is considered appropriate, then the use should be tied to the Medical Practice, so as to not encourage further retail development at the building currently occupied by the Medical Practice given the current merger of the two previous doctor's surgeries into one entity.
- Approving this application would cause harm to the local centre and go against the Welsh Government's objectives for retailing and town centres and should not be a reason to depart from the Local Development Plan.

- Retail sales are more than that submitted in the application documents and are not low. If they are so low, the pharmacy should be restricted to prescription medicines only, as originally claimed.
- The sentence referring to prescription numbers issued is misleading and inaccurate and questions the accuracy of the information related to numerical analysis. 27,600 prescriptions are stated to have occurred in the year to November 2015. Publicly available figures for prescriptions issued over this period is approximately 330,000 per annum. Turnover is far greater than stated given my experience of operating a pharmacy in Dowlais.
- In terms of the physical limitations of the building, there are other options available to Pearn's pharmacy. No assessment has been provided to demonstrate that the existing accommodation cannot be improved and extended to satisfy the perceived needs.
- The additional information states that sales, which include retail sales are increasing and are expected to continue to increase on an annual basis. This contradicts with earlier statements made, that the retail element was very small. Now it is being claimed it is due to increase annually.
- The argument regarding the increase of the population in Dowlais, once the allocated housing site has been developed is subjective and speculative, as it may not attract developers.
- Quantitative need has not been adequately demonstrated and the need for the pharmacy to relocate outside the centre has therefore not been adequately demonstrated.
- The earlier comments of the Policy and Implementation Officer refer to other development management impacts which should be fully assessed and considered.
- The implication of the merger between the pharmacy and the medical practice has not been considered appropriately in the officer's report in terms of additional patients attending Morlais Medical Practice and the impact this would have on highway and pedestrian safety.
- The figures in the retail assessment are misleading, incorrect and have implications for highway impact.
- The entrance to the pharmacy should be removed in order that the safety of pedestrians, vehicular highway users and congestion is not exacerbated. The car park at the Morlais Medical Centre would not allow larger van deliveries to safely negotiate the car park. This means they would park (illegally) on the public highway which would impede visibility from the Berry Square/Victoria Street junction. It may also result in lorries parking on the pavement and in the bus stop opposite. The new access would also encourage vehicles to park up whilst dropping off/picking up patients to the surgery or pharmacy.
- Officers and Members should not rely on the information presented in the additional information, which should be professionally examined and reviewed before accepting its content, assumptions and conclusions.

FURTHER INFORMATION RECEIVED ON 28TH OCTOBER 2016

Following the receipt of the objections referred to above, the applicant has submitted additional information in an attempt to overcome the concerns raised. This is summarised below:

- New pharmacies require licenses from the health board before opening. It is unlikely another pharmacy would open in Dowlais.
- *The need for co-location is based around partnership working between GP's and pharmacies, improving patient access to healthcare, improving prudent prescribing, facilitating investment in the medical practice and providing a more robust and financially stable facility. Electronic transmission of prescriptions is not a system currently used in Wales.*
- *The Chartered Institute of Highways and Transportation (CIHT) published 'Guidelines for Providing for Journeys on Foot' (2000) and states that a 200 metre walking distance in town centres is desirable, and 400 is acceptable. The proposal increases walking distances from 70 metres to 110 metres.*
- Visitors to the pharmacy who are not already visiting the medical centre would cross Berry Square, served by dropped kerbs, just over the stated walking distance. Visitors who do not wish to walk the short additional distance, have the choice of using the in-centre Dowlais pharmacy.
- The objector does not provide reasons or evidence as to why the policy section can be challenged.
- No evidence of harm is provided by the objector. This application does not seek to extend the local centre, which would need to be considered as part of the development plan review. This proposal is for an edge of centre development in a location that benefits from close proximity to other commercial businesses.
- Confidential evidence of low retail sales (i.e. those not related to NHS prescriptions) have been submitted.
- *The prescription numbers have been amended as these represent monthly figures and not annual figures. '...published data indicates that the two existing pharmacies in Dowlais are both extremely well used currently and issued in excess of 27,600 prescriptions during November 2015 ...assuming this to be an average month, this equates to around 6,370 a week over the year or 1,060 a day assuming a 6-day trading week. Based on actual opening hours which total 85.5 hours a week, this means 74 prescriptions an hour are dispensed, more than one every minute...' The correct figures highlight that the pharmacies are even more well used than that presented in the report.*
- The retail assessment seeks to show how overall spending on non-food/comparison goods is expected to continue to increase in the coming years, regardless of any changes in population levels, i.e. as affluence and the costs of different goods changes, individuals adjust their spending on different goods and services.
- Whilst individual circumstances vary, the overall trend for households at the present time is to spend the same or less on convenience (food items) and more on comparison (non-food) sales (this includes retail items sold in pharmacies, such as hair accessories, toiletries and beauty products). Thus, the evidence indicates that, if an individual's spending on such items at Pearn's pharmacy was £10 a year in 2011, by 2014 this would have increased to £10.99 at constant prices and by 2021 will be £12.97.
- Although retail sales at the pharmacy are low and represent a small proportion of the overall business, what this indicates is that the cumulative effect over a number of years is to increase the demand for such goods, which in turn results in a need to increase the amount of floorspace devoted to such sales. If this demand is not met locally, the likelihood is that individuals will eventually shop elsewhere, including out

of centre locations, where the larger shops are able to provide the wider range of products customers want.

- There is a likelihood that the allocated housing site would be deliverable over the plan period (until 2021).
- The age profile of the area is expected to increase and the prevalence of long-term health conditions increases with age.
- In the absence of published data for the retail outlets within the Dowlais centre, the retail assessment has sought to estimate turnover based on information available, namely that from the Council commissioned survey. However, even if the two pharmacies are trading at a higher level than assumed, this does not negate the case that the turnover of the Pearn's pharmacy will only represent a small proportion of the total centre sales, given its limited size. The conclusions of the retail impact assessment would therefore remain unchanged.
- No two businesses are the same. Dowlais Pharmacy appears to be more retail focussed, while Pearn's pharmacy is more health/prescriptions focused.
- Full occupation of all available retail units is beneficial for the retail centre which encourages sustainable local shopping trips.
- Double yellow lines are in place along a large part of the local retail centre including Morlais centre and the two pharmacies and there is no reason to suggest that an additional entrance and active frontage will encourage or attract unauthorised parking any more than it currently does.
- The new entrance will provide a convenient link for patients collecting prescriptions when the Medical Centre is closed on a Saturday morning and for visitors who are not patients of the Morlais Centre. The pharmacy is contractually obliged to open on Saturdays.
- The delivery schedule will match the existing premises on Victoria Street with the pharmacy receiving two daily deliveries.
- The ownership of the medical practice is not a material consideration.
- Patient numbers will remain unchanged.
- The objection comments refer to "glaring" errors and "misrepresentation" in the retail report, however, with the exception of the error in retail assessment, no evidence or justification has been submitted to contradict these comments.

A Feasibility Report which considers the potential for the refurbishment and expansion of the existing Pearn's Pharmacy has been submitted by the applicant. In summary this report states:

- Pearn's pharmacy is dated, limited in size and accessed directly from a narrow pedestrian footpath;
- There are no allocated parking spaces and there is limited on-street parking which serves both pharmacies and cafe.
- The pharmacy has an apartment at first floor.
- The solid stone walls restrict internal level changes and adaptability.
- The irregular layout prevents the effective storage solutions and staff working.
- Narrow spaces prevent effective staff working.
- There are low head heights and multiple levels throughout the building.
- The temporary lean-to covered link is inadequate.
- The staffroom and WC is within a stock area.

- The existing premises restricts the pharmacy from increasing staffing numbers to meet dispensing demands, which should be discretely carried out away from customers.
- Prescription volumes in Wales are growing at a rate of 2.5% each year and Pearn's pharmacy is limited in its future growth due to the size of the premises and the staff numbers which can be accommodated (preventing the pharmacy from receiving the full practice remuneration).
- Any amendments to the premises will be required to meet building regulations and standards, as storage areas are likely to be required to be updated to fire escape routes and accessibility would be required to meet the needs of disabled customers and staff.
- The existing pharmacy has the following constraints which prevents it operating as a successful and efficient pharmacy:
 - undamaged even surfaces which supports high quality patient care;
 - dispensary size and layout including surface area of the dispensary bench should reflect sufficient volume of prescriptions and staffing levels and facilitate an uninterrupted, safe and efficient workflow;
 - dispensary should be organised to prevent distractions and provide safe delivery of patient care;
 - sufficient space must be available for storage of medicines and for their storage at an accessible height;
 - the dispensing and non-prescription medicines should be appropriately laid out whilst maintaining security and confidentiality;
 - entry of staff area and facilities must be controlled and restricted;
 - adequate and separate staff facilities should be provided;
- Refurbishment of the building could involve relocation of furniture, provide additional stock room and relocate counters, however this will prevent stock organisation and will not ensure the efficient operation of the pharmacy. Major structural works would be required to provide level access throughout. This could impact on the building's foundation and it would still be insufficient to accommodate the dispensing bench and provide staff facilities. In addition, reducing the public area to provide additional dispensing space would reduce waiting space for customers. The fact that the pharmacy is not contractually able to close for refurbishment also limits opportunities for refurbishment.
- Again, there are opportunities to extend the property. Whilst the external bin area is required, the rear yard would provide an additional 13m² of internal space for additional stock shelving, however this would also be required to comply with building regulations. The proposed layout would need to be confirmed by a structural engineer and a fire safety officer. A new fire escape may also be required which would restrict the usability of the stock room. The removal of solid stone walls would be costly to remove and the overall layout would remain poor and irregular and with limited dispensing/checking area.

ADDITIONAL OBJECTION RECEIVED ON 21ST NOVEMBER 2016

Following the receipt of additional information, as summarised above, an additional objection letter has been received. The objector, once again, reiterates concerns already raised, but also refers to additional concerns as summarised below:

- The cost of refurbishment should not be a material planning consideration;
- Significant refurbishment and structural works have been undertaken at Dowlais pharmacy and this remained operational.
- The author of the report is making assumptions regarding structural and building works and is not qualified to make such assessments.
- Difference in floor levels can be accommodated by introducing ramps or having the floor levels rebuilt. An independent Chartered Building Surveyors Report should be submitted.
- Part of the building at ground floor and first floor is rented out to private accommodation. This should be used as additional storage facilities to enable the ground floor to be used for retail and a prescribing area (similar to the operation of the Dowlais Pharmacy) to meet the needs of Pearn's pharmacy;
- Dowlais high street boundary includes the adjoining property 29a also owned by Pearn's Pharmacy. It's a residential property in the retail area and could be converted. This property offers ground and first floor options for use by the pharmacy which have not been considered in the feasibility report. The amended retail report and feasibility report can therefore not be considered to address LDP Policy AS18.
- Separate access to the Medical Practice is unnecessary. The Saturday morning contractual hours can be addressed by varying the pharmaceutical contract with Cwm Taf University Health Board. This service is already provided by Dowlais Pharmacy, and a variation is therefore likely.
- Two deliveries per day is an absolute minimum as Pearn's have a contract with two, if not three wholesale drug companies, where deliveries are made by large vehicles using crates and trolley. The officer's report cannot solely rely on the highway officer comments since they may not be aware of the merger implications and the increase in public now using this facility compared to before and the parking needs of the delivery vehicles. The solution is to avoid a separate access for public and deliveries.
- The projected business needs and the case put forward by the agent provides an incomplete assessment given the opportunities that the accommodation in the ownership of Pearn's can offer.
- Co-location with the existing medical practice will not provide a more sustainable future for the medical practice especially since the two doctor's surgeries have become one entity.
- It is not considered that the information provided by the applicant is of sufficient material substance to justify an officer recommendation for approval contrary to the policies in the Development Plan.

FURTHER CONSULTATION WITH THE ENGINEERING AND TRAFFIC GROUP LEADER FOLLOWING THE ADDITIONAL INFORMATION RECEIVED ON 21ST NOVEMBER 2016

Following the receipt of the above information this was sent to the Engineering and Traffic Group Leader for further consideration. He advised that his comments have not changed as a result of this additional objection.

FURTHER INFORMATION RECEIVED ON 24TH NOVEMBER 2016

Since the receipt of the objections referred to above, the applicant's agent has submitted information to emphasise that even with the demolition of the wall in the stock room to

expand into the entrance hall of the first floor apartment, it would only provide a narrow work area and would therefore not address the accommodation/storage requirements of the pharmacy.

ADDITIONAL OBJECTION RECEIVED ON 12TH DECEMBER 2016

Following the receipt of the additional information, as noted above, as well as referring to previously raised concerns relating to the historic use of 29 and 29a Victoria Street (and how the use of the ground floor hallway and first floor apartment has not been fully explored) the objector also notes that the red line boundary plan which denotes the local centre boundary is incorrect. However, Committee should note that the submitted plans are correct and in accordance with the boundary highlighted in the LDP.

FURTHER CONSULTATION RESPONSE OF THE PLANNING DIVISION'S GROUP LEADER POLICY AND IMPLEMENTATION

Following the receipt of all the above additional information the Group Leader Policy and Implementation was again consulted. He is satisfied the need and sequential test, as required by policy AS18 of the LDP and TAN4, are both met. However, he has concluded that the proposal would result in a concentration of uses outside of the local centre which would have an adverse impact on the vitality, attractiveness and viability of the Dowlais local centre.

PLANNING CONSIDERATIONS TAKING INTO ACCOUNT THE ADDITIONAL INFORMATION, OBJECTIONS AND CONSULTATION RESPONSES RECEIVED FOLLOWING THE FACT FINDING SITE VISIT

As Committee will note, since the previous recommendation to refuse the planning application and subsequent fact finding visit a considerable amount of supporting information has been submitted by the applicant. Equally, as a result of the receipt of this information, numerous objections (from the same objector) have also been received. Committee should also be aware that an updated Planning Policy Wales (PPW - November 2016) and Technical Advice Note 4 (TAN 4) – Retail and Commercial Development have also been issued since the drafting of the original report. All of the above, as well as the additional consultation responses, need to be fully assessed before arriving at a recommendation.

As referred to in the original committee report, which is duplicated below, the application was recommended for refusal, for the reason that a retail assessment was not submitted and the proposed development could potentially harm the vitality and viability of the local centre and therefore failed to comply with LDP Policy AS18.

Chapter 10 (Retail and Commercial Development) of PPW points out (paragraph 10.1.2), amongst other things, that *'The Welsh Government's objectives for retail and commercial centres are to:*

- *Promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;*
- *Sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and*

- *Improve access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport*

TAN4 states that retail assessments are not merely relevant to applications with a gross floorspace of 2,500 sq. metres. At paragraph 8.2 it points out that ‘...smaller retail applications or site allocations may also be assessed where local planning authorities believe it will have a significant impact on a retail and commercial centre...’. However, the TAN appreciates that such requests must be proportionate to potential impacts. Paragraph 6.2 of the TAN also states that the Welsh Government does not prescribe particular methodology for undertaking assessments and it is up to each Local Planning Authority to be satisfied with the need evidence and the assessments should be prepared in a clear logical and transparent way with the use of robust and realistic evidence.

The content of the retail assessment is somewhat limited given the amount of information which is readily available at the local level. Nevertheless, the applicant has had regard to the quantitative and qualitative retail need tests. In terms of a quantitative need assessment, statistics on the potential growth in the population and the available expenditure now and in the future for comparison goods (i.e. those which would be sold in the pharmacy) in the local area have been provided and adequately assessed. Based on this evidence, it would be difficult to refute that there is a quantitative need for a relatively small increase in floorspace in Dowlais to meet the population and associated comparison retail spend growth. Therefore, the applicant has justified both the quantitative and qualitative (see ‘*Assessment of Need*’ section of the original committee report) need for the proposed development.

With regards to the sequential test, Committee will note that this was addressed in the original report (reproduced below) where it was recognised that whilst a sequential test was provided, it was considered a ‘weak’ submission. Paragraph 7.1 of TAN4 states that the sequential location of proposals should be considered firstly within the retail and commercial centres identified in the retail hierarchy where suitable sites or buildings for conversion are available. If no suitable sites are available in retail and commercial centres, then out of edge of centre locations should be considered with preference given to brownfield sites which are well connected to the existing centre and accessible by a variety of means of transport. Lastly, when the above is found to be unsuitable then out of centre options within and outside the settlement can be considered. Paragraph 7.2 of TAN4 refers to the suitability of a building and explains that where a developer favours a development site outside a commercial centre, they will need to provide evidence to explain why potential buildings within the centre are unable to accommodate the format, scale and design of a proposed development. As referred to in the supporting information above, the applicant has previously confirmed that there are no vacant units within the local centre (as noted in the ‘*Assessment of Need*’ section of the original committee report) and has now, also explored the possible conversion and extension of the existing Pearn’s Pharmacy. The report submitted in respect of this aspect of the assessment concluded that the extent of works required would be significant, costly and would result in the closure of the pharmacy for a significant period of time. Furthermore, it was also noted that even with the undertaking of significant works, the existing Pearn’s Pharmacy is irregular in size and layout and would therefore not lend itself to providing the dispensing and checking area required to efficiently and successfully operate the growing pharmacy business. Committee should also be aware that the Planning case officer and the Planning Division’s Building Control Group Leader have visited the premises to assess the potential for the building to

be altered to meet the current and future needs of the pharmacy. The conclusion of this visit was that the current premises does not appear to be fit for purpose and major alterations to the ground (and first) floor would have to be undertaken in order to simply provide a more useable and efficient space. Given the variety in floor levels (and therefore head heights) and the existing somewhat ad hoc room layouts there would be a need to carry out major engineering and refurbishment works which would undoubtedly take a considerable length of time to complete. This level of works would clearly lead to the closure of the pharmacy for an unacceptably lengthy and harmful period. Even if these works could be undertaken, it is highly unlikely that the space created would meet the more modern and efficient pharmacy layout which the applicant is proposing in this application. As such, this additional information, combined with the previously submitted and assessed evidence concerning the lack of available retail floorspace in the existing local centre, satisfies the requirements of the sequential test required by TAN 4 and policy AS18 of the LDP.

Although the assessment of need and the sequential test have been found to be satisfactory, Policy AS18 of the LDP states that if these are acceptable then proposals 'will then only be permitted where they avoid causing harm to town/local centre vitality and viability'. Paragraph 8.3 of TAN4 similarly points out that in addition to need and sequential test, an edge of town development (as proposed by this application) should be assessed against a range of impact criteria. The most relevant of these criteria is the impact of the proposal on the vitality and viability of the town centre. Whilst it is appreciated that competition within designated town or local centres is not a planning consideration, the impact of the proposed edge of centre pharmacy (and its co-location with a medical centre) on Dowlais Pharmacy and thus the local centre must be carefully considered.

As Committee is aware, Morlais Medical Centre is located in close proximity to the local centre (approximately 25 metres away). As such, it is possible that linked trips may occur to the local centre from the proposed pharmacy, but only in the event that visitors/customers seek to visit/use other businesses along Victoria Street (one of the closest of which is Dowlais Pharmacy). However, there can be no doubt that the re-location of Pearn's Pharmacy into Morlais Medical Centre would be beneficial, both financially and in terms of footfall, when compared to its existing premises. The patients/visitors to the medical centre, if they require a prescription and/or need comparison goods sold by the pharmacy, would in the vast majority of cases use the proposed on-site services. As such, it is highly unlikely that visitors to the Morlais Medical Centre would, if they need similar goods/services, utilise Dowlais Pharmacy. It is therefore reasonable to conclude that the relocation of Pearn's Pharmacy to Morlais Medical Centre would result in a commercial competitive advantage over the existing Dowlais Pharmacy. The proposal would result in a concentration of customers in an out of local centre premises with a subsequent reduction of footfall within the local centre. The proposal would therefore have an adverse impact on an existing local centre shop which would be harmful to the vitality and viability of the Dowlais Local Centre.

Furthermore, the vacancy of the existing A1 unit remains a concern. Whilst the applicant suggests that this would become quickly occupied given that there are no other vacant retail units in the centre, and is likely to make a more significant retail contribution to the centre if occupied by another retail unit (given that the pharmacy only provides a limited retail service), it has become clear (from the information submitted to support the sequential test) that the existing Pearn's Pharmacy is irregular in shape, does not provide an easily adaptable layout and would require substantial works to bring it up to modern standards. As such, the premises may only be attractive to a limited number of investors without

substantial (potentially unviable) works being carried out. Therefore, there is concern that the existing Pearn's Pharmacy would be vacant for a significant period of time and result in other uses being introduced to guarantee the occupation and upkeep of the building.

Finally, the objector has again raised concerns over highway and pedestrian safety as a result of the location of the entrance into the proposal pharmacy. It is clear that the Engineering and Traffic Group Leader has again fully considered the proposal and has concluded that the application is acceptable. Indeed, it would appear that the 'difficulties and dangers' raised by the objector concerning deliveries and dropping off (and picking up) would not be dissimilar to those which currently occur at the existing Pearn's Pharmacy or for that matter in numerous locations in town centres and urban areas in the South Wales valleys and beyond. As previously pointed out, illegal parking is a matter for the Police and cannot be controlled by the planning system. Therefore, the proposal would not have an adverse impact on highway or pedestrian safety and accords with policies BW12 and TB11 of the LDP.

This is a finely balanced decision, and although an adequate retail assessment has now been submitted to demonstrate need in line with policy AS18 of the LDP, PPW and TAN4, the protection of the vitality, attractiveness and viability of the local centre is paramount.

For the above reasons, it is considered that the proposed development would cause harm to the local centre. As such it is recommended that the application be refused for the following revised reason.

RECOMMENDATION: BE REFUSED

1. The proposal to re-locate a local centre pharmacy to an existing medical centre situated outside the retail area would harm the vitality and viability of the Dowlais local centre. As such the proposal would be contrary to Policy AS18 of the Merthyr Tydfil Local Development Plan and Technical Advice Note 4 – Retail and Commercial Development dated November 2016.

COMMITTEE'S DECISION IS REQUIRED

A copy of the original report to Committee is reproduced below for Committee's convenience.

APPLICATION SITE

The application site relates to Morlais Medical Centre, a detached building located on a corner plot between Berry Square and Victoria Street, Dowlais. The premises operates as a GP surgery, with 14 consulting rooms, as well as a treatment and minor operation facility. Its main entrance is accessed off Berry Square with a secondary rear access in the western elevation and adjacent to the on-site parking area which provides 18 car parking spaces.

The premises lie to the north of a former nursing home and to the south of the Morlais Tavern Public House/Restaurant. It falls within the settlement boundary – Primary Growth Area, but is outside the retail centre boundary.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of part of Morlais Medical Centre (Use Class D1) into a medical centre and pharmacy (Use Class A1). The submitted details indicate the proposed use would accommodate 96m² of floor space which includes 34m² of retail floor space. The proposal would result in the re-location of Pearn's pharmacy, from 30 Victoria Street into the medical centre. It would operate from 08:45 until 18:15 Monday to Fridays and 09:00 until 12:00 on Saturdays. The pharmacy would operate as a separate business to the Morlais Medical Centre.

The information submitted with the application states that the primary function of the pharmacy would relate to the administration and dispensing of medication with a limited retail function of products defined within the Medicines Act 1968, which includes General Sales List Medicine (GSL), Pharmacy Medicines (PM), and Prescription Only Medicine (POM). Furthermore, it has been confirmed that the goods sold from the existing Pearn's Pharmacy would continue to be sold at the proposed pharmacy.

The proposal also involves the creation of a new entrance door with associated canopy and access/pathway (off Victoria Street) and the installation of an air conditioning unit. The proposed new entrance would consist of automatic sliding double doors, finished in dark brown aluminium to match the existing building. A 3 metre wide curved glass canopy, projecting 0.8 metres, would be fixed above the new entrance. The new entrance would be accessed off Victoria Street by a shallow stepped and ramped access with a 1 metre (maximum height) handrail. An air conditioning unit, measuring 0.9 metres, by 0.9 metres with a 0.6 metre depth, would be wall mounted to the eastern elevation, near ground level.

It should be noted that a full planning application, P/16/0001, proposing a single storey extension to the medical centre is also being considered on this Committee agenda.

PLANNING HISTORY

P/16/0001 – Single storey rear extension – This application appears on this Committee agenda.

P/16/0002 – Erection of two illuminated signs – under consideration.

P/08/0139 – Erection of two-storey rear extension, new vehicular parking access and parking – Approved: 3rd July 2008.

CONSULTATION

Engineering and Traffic Group Leader	No objection.
Town Planning Division's Policy and Implementation Group Leader	Objection.
Environmental Health Manager	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, nearby properties have been consulted and a site notice has been displayed in the immediate vicinity of the site. Six letters of representation have been received (from the same objector) as a result of this exercise. The planning related concerns raised in these letters have been summarised below:

1 - The proposed development would have its own entrance and operate on a Saturday. The hours of opening are greater than any nearby pharmacy. It is not an ancillary function of the medical practice but a standalone retail/commercial unit. It lies outside the local centre and no justification has been provided;

2 - The application does not justify a need for a third pharmacy in close proximity to this location. Three pharmacies are unsustainable and could result in unemployment at existing pharmacies. The limited justification given in the revised DAS does not warrant the relocation of the pharmacy outside the local centre. Retail sales and prescriptions figures are provided and the provision of a reduced retail element in the proposed pharmacy (given that some retail will still have to be provided by pharmacy regulations), reduces public choice and is located further from the centre, which is not a benefit especially to those with reduced mobility.

3 – The justification relating to the sharing of software and staff referred to in the DAS is weak given that both situations do not necessitate the pharmacist being located in the same premises as the GPs. Whilst the Welsh Government guidance supports and encourages relocation of pharmacies within surgeries, this refers to new build developments and not existing surgeries. The development would not meet Welsh Government guidance and should therefore not be a material planning consideration in favour of this application;

4 – The two pharmacies are located within the local centre and well served by the existing public car park. The proposed pharmacy would not be served by off road parking and should therefore be refused on highway safety grounds;

5 - The development is contrary to LDP Policy AS18. No sequential test has been applied or submitted. The proposed pharmacy would still have to provide a retail element as part of the service it provides suggesting it is an A1 use, which is supported by appeal decisions (*R v Maldon District Council ex parte Pattani (1998)*). The revised DAS has attempted to justify the proposed use by an “amateur” sequential test and challenges the adopted boundary of the defined local centre in Dowlais, no reasoned justification has been provided that would support a recommendation departing from Policy AS18 in the adopted Development Plan;

6 – The justification submitted for the proposed location of the pharmacy is weak and challengeable. The viability argument is unfounded as the Medical Centre would not require a pharmacy to make it sustainable. The plans of Pearn’s pharmacy show that it is poorly laid out and operated and the option of extending has not been considered;

7 – The proposed plans indicate a smaller storage area for the proposed pharmacy which suggests increased frequency of deliveries, resulting in an impact to highway safety in terms of parking and use of pharmacy entrance;

8 - The footfall argument is unsustainable as part of the building will be used as a pharmacy which will further increase congestion within the building as the loss of medical rooms to accommodate the pharmacy are not shown to be provided elsewhere;

9 - The location of the existing pharmacies in close proximity to each other provides greater opportunity of choice to the public. Locating one pharmacy within the medical practice will most likely provide less choice;

10 – The siting of the proposed pharmacy will take people away from the recognised retail area and linked trips may not materialise unlike at the moment where both pharmacies are located within the local centre;

11 – The proposal goes against planning practice which recognised the importance of a vibrant local centre, which should not be diminished. This use outside the local centre would disadvantage existing businesses as footfall would be taken away from the centre;

12 – Professional staff will need to be employed at the pharmacy (who are not currently employed by the Medical Centre). The number of new staff and parking requirements would add to the already severely constrained, over capacity, parking requirements of the medical practice as a whole;

13 - The DAS states that the development is in accordance with policies BW17 and TB11 referring to inclusivity and disabled access provision. However a disabled access is already provided at the entrance to the existing medical centre. Since, the development does not incorporate a community benefit it conflicts with Policy BW7 and TB11.

14 – The access and air conditioning unit sited on a street frontage are unacceptable in their appearance and are contrary to policies;

15 - The application is contrary to both the adopted plan policies and Planning Policy Wales. The applicant has not demonstrated that there is a need for the development and it will cause a risk to highway safety which Members should not approve lightly. Should Members be minded to grant planning permission then the access should be solely from within the Medical Practice not via a standalone pharmacy. The access proposed is wholly unnecessary and an incongruous feature in the landscape. The applications will not support the community business.

POLICY CONTEXT

National Planning Policy

- Planning Policy Wales (PPW) (Edition 8, January 2016)

Paragraph 2.1.2 refers to the consideration of planning applications and states that these must be '*...determined in accordance with the adopted plan unless material considerations indicate otherwise...the LDP should show how places are expected to change in land-use terms to accommodate development needs over the plan period in order to provide certainty for developers and the public about the type of development that will be permitted at a particular location....*'

Paragraph 4.11.9 refers to the appearance of new development and states that *'...the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs...'*

Paragraphs 10.1.1 and 10.1.2 refer to retailing and town centres and states that *'... The Welsh Government's objectives for retailing and town centres are: to secure accessible, efficient, competitive and innovative retail provision for all the communities of Wales, in both urban and rural areas; promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions; enhance the vitality, attractiveness and viability of town, district, local and village centres; and to promote access to these centres by public transport, walking and cycling. Wherever possible this provision should be located in proximity to other commercial businesses, facilities for leisure, community facilities and employment. Town, district, local and village centres are the best locations for such provision at an appropriate scale. Such co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to use means of transport other than the car, will provide the greatest benefit to communities. This complementary mix of uses should also sustain and enhance the vitality, attractiveness and viability of those centres as well as contributing to a reduction of travel demand...'*

Paragraph 10.1.3 defines vitality and businesses outside established centre. *'...Vitality is reflected in how busy a centre is at different times and in different parts, and attractiveness in the facilities and character which draw in trade. Viability, on the other hand, refers to the ability of the centre to attract investment, not only to maintain the fabric but also to allow for improvement and adaptation to changing needs.'*

Paragraphs 10.3.1 and 10.3.2 refer to Local Planning Authority considerations when determining such applications. *'...When determining a planning application for retail, leisure or other uses best located in a town centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account: compatibility with any community strategy or up-to-date development plan strategy; need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan; the sequential approach to site selection; impact on existing centres; net gains in floorspace where redevelopment is involved, and whether or not it is like-for-like in terms of comparison or convenience; rate of take-up of allocations in any adopted development plan; accessibility by a variety of modes of travel; improvements to public transport; impact on overall travel patterns; and best use of land close to any transport hub, in terms of density and mixed use. This approach reinforces the role of centres as the best location for most retail/leisure activities. In contrast to the way in which locations outside existing centres are dealt with, consideration of the need for additional provision is not a matter that should be taken into account when proposals for uses best located in centres come forward. It is not the role of the planning system to restrict competition between retailers within centres...'*

Paragraphs 10.2.10 and 10.3.3 refer to the identification of retail sites. *'...In deciding whether to identify sites for retail and leisure developments, local planning authorities should in the first instance consider whether there is a need for additional provision for these uses. Such need may be quantitative so as to address a provable unmet demand for the provision concerned. Precedence should be given to establishing quantitative need for*

both convenience and comparison floorspace, particularly as a basis for development plan allocations before qualitative factors are brought into play. Qualitative assessment should cover both positive and negative implications...where need is a consideration, precedence should be accorded to establishing quantitative need. It will be for the decision-maker to determine and justify the weight to be given to any qualitative assessment, as outlined in paragraph 10.2.10.

- Technical Advice Note 4: Retailing and Town Centres (November, 1996)

Paragraph 8 refers to changes of use and states that ‘...sustaining the vitality of town centres depends on flexibility in the use of floor space...’

Technical Advice Notes (TAN):

Paragraph 1.6 states that the purpose of the TAN ‘is to equip all those involved in the design of development with advice on how ‘Promoting sustainability through good design’ and Planning for sustainable building’ may be facilitated through the planning system’.

Local Planning Policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021

BW4: Settlement boundaries/locational constraints.

AS4: Historic landscape.

BW15: Community facilities.

BW7: Sustainable design and place making.

BW8: Development and the water environment.

BW12: Development proposals and transport.

AS18: Retail hierarchy

TB11: Access, parking and accessibility.

- Supplementary Planning Guidance (SPG)

SPG Note 4 Sustainable Design (July 2013)

Paragraphs 6.1, 6.2 and 6.3 refers to layout and connectivity and states that ‘...as Merthyr Tydfil’s built environment changes through development and regeneration, there continues to be opportunities to plan and design areas in ways that reduce the need to travel and ensure the effective use of more sustainable modes of transport...people’s travel choices are significantly influenced by the layout of a development and its links with surrounding street networks...the chosen layout and connection points of a new development should be informed by the findings of a contextual appraisal which considers the range of facilities and services in the neighbourhood; existing public transport services; it is important to consider how to create an inclusive built environment which meets the needs of all people regardless of age or ability. New developments should provide equal and convenient access for all potential users, including disabled people, older people, children and families. Routes should be kept as near to level as possible along their length and width as this will benefit wheelchair and pram users. A legible layout will also make it easier for people with sensory or cognitive impairment to work out where they are and where they are going...’

PLANNING CONSIDERATIONS

The issues to consider under this application relate to whether the proposed change of use of part of the Morlais Medical Centre for the provision of a pharmacy would be acceptable in this location and whether the associated new entrance (with canopy above), access/pathway off Victoria Street and the air conditioning unit would be acceptable with regards to their impact upon the character and appearance of the area. The impact of the proposal on residential amenity and highway and pedestrian safety are also important considerations.

The proposed pharmacy would be located within the settlement boundary but outside the local retail centre as defined by the LDP. LDP Policy AS18 seeks to protect the vitality and viability of the local centre for the plan period 2011-2021 and requires an assessment of need to be undertaken for retail proposals that fall outside the Town Centre or local centres. Whilst the assessment should consider both quantitative and qualitative need, Planning Policy Wales (Edition 8, January 2016) is clear in that precedence should be given to establishing quantitative need. A quantitative need is an assessment of, amongst other things, available consumer expenditure to support the proposed floorspace. Qualitative need is a subjective consideration of how well existing facilities meet consumer demands, choice and locational preferences.

The primary function of the proposed pharmacy would be administering and dispensing medicines. The Design and Access Statement (DAS) sets out and defines the three different categories of pharmacy sales (GSL, PM and POM) operating from the existing pharmacy and confirms that these categories of sales would operate from the proposed pharmacy. A recent visit to the existing pharmacy concluded that the goods sold amount to those noted in the above categories. The floor plan of the proposed pharmacy indicates that although the dispensing section would occupy a larger floor area, the designated retail area would be larger than that of the existing pharmacy, and has been calculated as having a retail area of approximately 34m² amounting to 35% of the total floor area of the proposed pharmacy. The DAS states that the retail sales associated with the existing Pearn's pharmacy amount to less than 2% of its total business. However, no evidence has been submitted to substantiate this figure and it is reasonable to assume that the retail sales at the proposed pharmacy would increase due to the larger retail area.

In accordance with LDP Policy AS18, an assessment of need and sequential test was requested and submitted on 22nd April 2016 (as part of the amended DAS). A quantitative assessment of need was requested and a response was submitted on 16th May 2016. The agent also submitted additional information in support of the application on 7th June 2016. This additional information is summarised below.

The amended DAS (received on 22nd April 2016)

In considering the 'need' for the development the agent points out that Pearn's Pharmacy (at no. 30, Victoria Street) is in poor condition and has a limited floor space of 51m². As such, the agent argues that the premises is failing to meet current demand and is struggling to provide an efficient customer service due to the current volume of business. The agent also confirms that pharmacies are contractually not able to close periodically to allow for refurbishment works. As such, it is stated that the re-location to a larger unit would be necessary in this instance to allow the pharmacy to continue to function. The DAS also

provides further justification for the proposed development by stating that an integrated healthcare system is encouraged by Welsh Government (as highlighted in a 2001 report '*Improving Health in Wales*').

The DAS also confirms that a site visit by the agent on the 20th April 2016 identified that there are currently no existing retail premises in the local centre available to let or purchase. Furthermore, the applicant contends that regardless of the suitability of other sites in the local centre, the aim of this development is to provide an integrated pharmacy within the Morlais Medical Centre in accordance with the above Welsh Government guidance. It concludes that there are no sequentially preferable sites within the boundary of the local centre and that the proposed location of the pharmacy is a suitable and viable option at the edge of the local centre.

Additional information received on 16th May 2016.

The agent points out that a quantitative assessment was not carried out in this instance due to the nature of the proposal and the fact that the customer facing/retail area of the replacement pharmacy would only be 5m² larger than the existing pharmacy (increasing from 29m² to 34m²). The agent has also confirmed that less than 2% of transactions involve a money transfer and as such a detailed breakdown of expenditure of pharmaceuticals was not required because the wider issues are of more significance (e.g. the sustainability of the current pharmacy (Pearn's) should it not relocate and the long term viability of the medical centre without the relocation of the pharmacy). The agent concludes by stating that the viability and vitality of the retail centre would not be harmed as this proposal would result in a more attractive site near the local centre and encourage more development into the area. It is also suggested that as well as retaining footfall, the proposal would encourage linked trips and provide additional choice and competition as well as encouraging an alternative retail use to occupy the existing site (Pearn's Pharmacy).

Additional information received on 7th June 2016.

The agent has pointed out that the anticipated growth in prescriptions would require additional dispensing staff to be employed in order to support the growth of the business and receive practice payment (which all pharmacies are entitled to receive provided they meet minimum dispensing staff levels), which could not be accommodated in the existing building. As such, the agent concludes that '*...prescription volumes in Wales are growing at a rate of 0.8% each year...the pharmacy is therefore limited by the size of the premises and the number of staff they can physically fit into the premises at any one time, and within 5 years, given a growth of 0.8% per annum prescriptions dispensed, they will not be able to provide the staff to receive the full practice payment remuneration they are due. Continued use of unsuitable premises is not a sustainable solution...*' The agent also confirms that the existing pharmacy cannot (due to its size) accommodate the furniture required for dispensary purposes and emphasises (by comparing Pearn's Pharmacy and its relocation into the Morlais Medical Centre) that the dispensing function dominates the use of the proposed pharmacy.

Assessment of Need

It is acknowledged that the 2001 report, '*Improving Health in Wales*' prepared by the then Welsh Assembly's Health and Well Being Team, encourages the '*... development of a*

partnership approach to medicines management between the patient, GP's and the pharmacist, a closer working between GP's and community pharmacist to ensure that skills are used in a complementary and synergistic way and develop pharmacy premises to enable the provision of a wider range of services in a confidential way... Although this report encourages closer working relationships between pharmacies and GP's, it does not state that they have to co-locate to make the connections work successfully. Furthermore, it would appear to be somewhat outdated as it was published in 2001.

Policy AS18, states that since the pharmacy would be outside the local centre a strict application of a sequential test is required to support the application. The application of the sequential test in this instance would mean going through a sequence of 'tests' for site selection to determine the most appropriate location for this retail development. Essentially, this would first require that the retail use is located in the local centre. If this is not possible, the sequential test should demonstrate this, and the retail use should be directed towards an edge of centre location. This aims to ensure that trade is not drawn away from the local centre and therefore that the vitality and viability of the town centre is not adversely affected as a result of this proposal. As noted above, the agent states that the existing site is limited and there are no other suitable sites in the designated local centre for the expected growth, as such, the agent is heavily reliant on the relocation of the pharmacy. However, the agent does not refer to the potential opportunities available for the re-arrangement of the internal layout of the existing pharmacy to create a larger and enhanced layout. In addition, no evidence has been submitted to explore what opportunities, if any, are available for extending the premises. Indeed, a re-configured (internal layout) Pearn's pharmacy is a sequential alternative which exists within the local centre, however, other than this existing site (Pearn's pharmacy), it is accepted (following consideration of the most recent retail survey in October 2015 and a recent site visit) that there are no other vacant units within the local centre. It is therefore considered that a sequential test, albeit weak, has been carried out in respect of this proposal. As such, the proposed development complies, in part, with LDP Policy AS18.

As noted above a quantitative assessment of retail need has not been undertaken as the agent stressed that such an assessment is not considered appropriate due to the small scale and limited retail nature of the proposal. The main consideration in demonstrating qualitative need relates to whether the proposal addresses a current deficiency in the distribution and range of retail stores which meets the needs of the community. The applicant has demonstrated this given that the community is currently served by two existing pharmacies (Pearn's Pharmacy and Dowlais Pharmacy) within the local area. The benefits of relocating the pharmacy to Morlais Medical Centre are not therefore considered to be qualitative need factors in retail policy terms, although are material considerations in making a decision on the planning application. As such, the proposal has not been supported by an assessment of need and therefore fails to comply with of LDP Policy AS18.

Policy AS18, in addition to requiring an assessment of need and sequential test, also states that *'...proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability...'* The proposed pharmacy would lie at the edge of the local centre, approximately 25 metres from the local centre boundary and 40 metres from the existing Pearn's Pharmacy. The proposed retail element of the pharmacy would be approximately 5m² larger than the retail element of the existing pharmacy and the relocation of the pharmacy would lead to the vacancy of a retail unit within the Dowlais local centre. It is considered that the additional retail space within the proposed pharmacy alone is unlikely

to harm the vitality and viability of the local centre. However, it is noted that the relocation of the pharmacy would gain a competitive advantage over the existing pharmacy, given its co-location to Morlais Medical Centre. The use of the proposed pharmacy is therefore considered to result in a concentration of customers outside the local centre. As a result, it is considered that footfall entering the local centre would be reduced and therefore would not result in linked trips due to the combined doctors, prescriptions and retail services which would be available at Morlais Medical Centre.

Concerns have also been raised regarding the vacancy of an A1 unit in the local centre. Whilst there are no other vacant units in the local area, it would seem likely that the unit could be quickly occupied by an alternative business. However this is not guaranteed, particularly given its location on the extreme boundary of the designated local centre. The vacancy of this unit could prevent the upkeep of the building and potentially lead to the decline of the premises overtime, making it less desirable and therefore more difficult to let/sell in the future. It may also lead to applications for residential development to guarantee the upkeep of the building, which if permitted would result in the permanent loss of this retail unit. As a result, the proposed development could result in a vacant retail unit and reduced footfall in the local centre, which would harm the vitality, attractiveness and viability of the Dowlais local centre and therefore fails to comply with LDP Policy AS18.

Character and Appearance

The design and materials of the sliding entrance door would match the existing fenestration and would therefore adhere to the appearance of the existing premises. This separate entrance would be framed by a curved glass canopy, which would add interest to this elevation and complement the existing building. Although the stepped and ramped access would result in the loss of some landscaping, it would not dominate this part of the building and would be visually acceptable. With regards to the air conditioning unit, this would comprise a standard size unit which would be wall mounted close to ground level. Although proposed to be fixed to a primary fanade, this would be screened by the existing landscaping adjacent this eastern elevation and would therefore not adversely impact upon the appearance of the premises.

The proposed development would therefore comply with LDP Policies BW7 and TB11.

Residential Amenity

Given its location within an existing building and distance from surrounding residential properties, the proposal would not give rise to any significant disturbance or nuisances to residential occupiers. It is noted that there have been no objections in this respect and the Environmental Health Manager has not raised an objection to this application. Thus, the proposed development would not adversely impact upon the private amenities of nearby residents and would comply with LDP Policy BW7.

Parking and Highway Safety

The proposed change of use would result in an independent pharmacy business operating from part of the Morlais Medical Centre. An on-site parking area is provided to the southwest of the premises, comprising 18 parking spaces (two of which are disabled spaces). This facility would be adequate to cater for the needs of the medical centre and proposed pharmacy. In addition, the application site lies within a sustainable location and

within close proximity to modes of transport other than the private car (e.g. bus routes). The Engineering and Traffic Group Leader has considered the parking and highway safety implications of the proposal, and although the concerns of the objector relating to indiscriminate parking on Victoria Street (by the public, staff and delivery lorries) and its impact on congestion and visibility to other road users are noted, he has raised no objection to the proposal. As such, it is not considered that the proposed change of use and associated works would give rise to highway/pedestrian safety concerns or impinge the free flow of traffic in the area. It would therefore comply with LDP Policies BW12 and TB11.

Response to Representations

Many of the concerns raised by the objector have been considered above. With regard to the other issues raised, these are addressed below:

With regard to point 2 of the objectors concerns, this proposed development does not necessarily result in the creation of a third pharmacy. The existing pharmacy (Pearn's) could be used for any shop which falls within Use Class A1 without the need for planning permission.

The internal reconfiguration (point 8 above of the objectors concerns) of Morlais Medical Centre (for medical centre use), would not require planning permission.

Conclusion

It is considered that the proposed external alterations are acceptable in terms of their scale, design and finishes. However, it is considered that the proposed co-location of the pharmacy outside of the Dowlais retail centre boundary, whilst not having raised any significant concerns in terms of highway safety, could have a significant adverse impact on the vitality and viability of local centre and would therefore fail to comply with LDP Policy AS18.

RECOMMENDATION: BE REFUSED

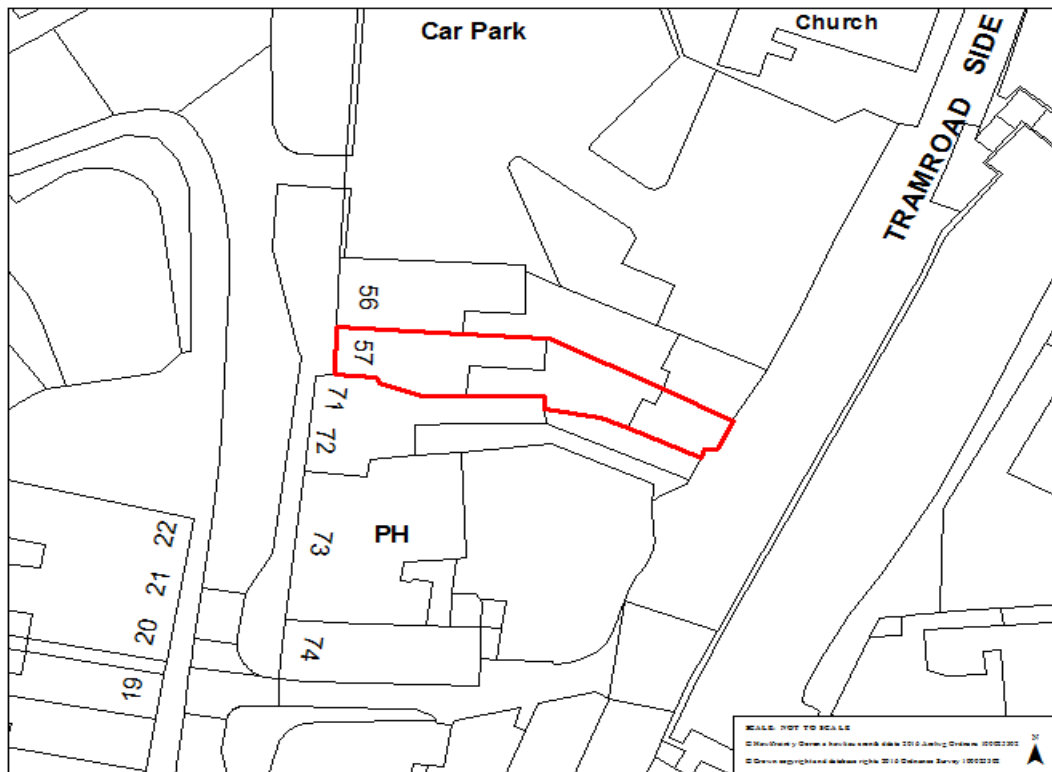
1. The applicant has failed to provide an adequate retail assessment to demonstrate a need for the provision of a pharmacy outside of the Dowlais local centre. As such, the proposed change of use is contrary to Policy AS18 of the Merthyr Tydfil Local Development Plan as it could cause harm to the vitality and viability of the local centre.

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FOR INFORMATION – APPEAL DECISION

DATE WRITTEN	17 January 2017
REPORT AUTHOR	Judith Jones
CASE OFFICER	Rebecca Owens
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	1 February 2017

Application No. P/16/0222	Date 18.07.2016	Determining Authority MTCBC
Proposed Development Change of use of ground floor from hairdressers (A1 use class) to a takeaway (A3 use class) and installation of external flue to building	Location 57 Pontmorlais High Street Merthyr Tydfil CF47 8UN	Name & Address of Applicant/Agent Mrs Sara Lloyd C/o Agent 3dcadwales Limited 5 Ashlea Drive Thomastown Merthyr Tydfil CF47 0NY



TYPE OF APPEAL:	AGAINST REFUSAL
APPEAL REFERENCE NO.:	APP/U6925/A/16/316524
DATE DECISION RECEIVED:	3 JANUARY 2017
DECISION:	DISMISSED

ELLIS COOPER
DEPUTY CHIEF EXECUTIVE

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Agenda Item 5

FOR INFORMATION

DATE WRITTEN	18 January 2017
REPORT AUTHOR	Judith Jones
CASE OFFICER	Various
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	1 February 2017

DELEGATED DECISION REPORT LIST: 1 – 30 DECEMBER 2016

App No	Site	Proposal	Decision	Date of Decision
P/16/0134	Plot 3 Rear Of Edwards Close Penyard Merthyr Tydfil	Renewal of planning permission P/10/0232 for the construction of a dormer bungalow	Approval	20/12/2016
P/16/0299	2A Winchfawr Heolgerrig Merthyr Tydfil CF48 1RD	Retention and completion of outbuilding/store on associated raised platform containing paving and planting beds	Approval	12/12/2016
P/16/0301	115 High Street Merthyr Tydfil CF47 8AP	Refurbishment of elevations and internal alterations to existing ground and first floor offices and creation of a dwelling within the basement and within the second and third floors	Listed Building Approval	01/12/2016
P/16/0320	12 Church Street And 28/29 Lower Thomas Street Merthyr Tydfil CF47 0AY	Conversion of offices to 3 No. houses and 2 No. flats, including the renovation of the building, demolition of a rear annexe, erection of storage units and associated landscaping works	Approval	01/12/2016
P/16/0323	11 Heol Rhyd-Y-Bedd Pant Merthyr Tydfil CF48 2DR	Change of use from private garage to a car repair garage (retrospective)	Refusal	07/12/2016
P/16/0330	123 High Street Merthyr Tydfil CF47 8BL	Conversion of first floor into two self contained flats and associated external alterations	Approval	07/12/2016

App No	Site	Proposal	Decision	Date of Decision
P/16/0335	18 Railway Street Trelewis Treharris CF46 6AG	Two storey kitchen and bedroom extension and rear decking	Approval	19/12/2016
P/16/0338	Unit F5 Maesgwynne Industrial Estate Cefn Coed Merthyr Tydfil CF48 2SD	Retrospective planning application for change of use of undeveloped land to yard area to serve unit F5 Maesgwynne Industrial Estate	Approval	09/12/2016
P/16/0339	Unit 4 Merthyr Tydfil Industrial Park Pentrebach Merthyr Tydfil CF48 4DR	Erection of single storey canopy structure to store waste material	Approval	07/12/2016
P/16/0341	Unit 3 New Market Walk Merthyr Tydfil CF47 8ED	Advertisement application for the erection of 2 signs (a fascia and a projecting sign)	Advertisement Approval	02/12/2016
P/16/0343	Heathlands Coedmeyrick Close Swansea Road Merthyr Tydfil CF48 1NZ	Single storey rear extension	Approval	07/12/2016
P/16/0345	127 - 128 High Street Merthyr Tydfil CF47 8DN	Advertisement application for new signage (3 fascia signs, 3 projecting signs and other signs)	Advertisement Approval	22/12/2016
P/16/0346	Bus Station Castle Street Merthyr Tydfil	Temporary change of use of the first floor of the building adjacent to and to the east of the Bus Station to provide a homeless shelter between January 2017 and March 2017	Approval	28/12/2016

App No	Site	Proposal	Decision	Date of Decision
P/16/0347	16 St Tydfils Avenue Twynrodyn Merthyr Tydfil CF47 0NN	Demolish existing single storey rear extension and construct a two storey rear extension and a single storey porch to front elevation	Approval	13/12/2016
P/16/0348	Ty Myfanwy 29 The Hollies Quakers Yard Treharris CF46 5PL	Proposed garage conversion, single storey rear extension and construction of detached garage	Refusal	15/12/2016
P/16/0354	Unit 11 Cyfarthfa Retail Park Swansea Road Merthyr Tydfil CF48 1HY	Removal of existing glazed canopy and entrance lobby and construction of a new shop front	Approval	28/12/2016
P/16/0355	Unit 11 Cyfarthfa Retail Park Swansea Road Merthyr Tydfil CF48 1HY	Illuminated fascia sign	Advertisement Approval	28/12/2016

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