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Save the environment - think before you print.

From: [REDACTED]
Sent: 23 May 2017 18:33
To: Simon Davis
Cc: Planning
Subject: Eastergate Surgery

Simon

Please see attached letter in relation to the application which is due for determination tomorrow. Please can you ensure that the Committee is notified of the content of it?

Regards

Jonathan Best MRTPI
Partner - Planning

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23 May 2017

Simon Davies
Planning Services
Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Dear Mr Davies

**ESTERGATE – LAND ADJACENT TO THE CROFT PRACTICE, BARNHAM ROAD
EG/57/16/PL**

I refer to the above application which is scheduled to be determined at the Development Control Committee tomorrow. We welcome the recommendation of Officers to approve the application subject to conditions.

Our client has now had an opportunity to review the conditions. One condition, No.19, causes difficulties to our client and, on their behalf, we set out below why it is not necessary in its current form and suggest an alternative approach.

Condition 19

As set out in the Committee Report, this would state:-

The surgery shall only be open between the hours of 7am and 8pm daily on Mondays to Fridays and 8.30am and 12 noon on Saturdays and the pharmacy shall only open between 9am and 6pm daily on Mondays to Fridays and 9am and 4pm on Saturdays inclusive. There shall be no opening of either the pharmacy or the surgery on Sundays or Public Holidays.

The reason given for the proposed condition is:-

To ensure that the proposed development does not prejudice the amenities of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

Guidance on Planning Conditions

Paragraph 206 of the NPPF states

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Assessment

In our view, in respect of proposed condition 19, the key word is “*necessary*”. Planning conditions should only be imposed where they are necessary. In our view, it is not necessary to restrict the hours of operation of the proposed surgery for the following reasons:-

1. There are no restrictions on the hours of operation of the existing Croft Surgery. We are not aware that the operation of it has affected the amenity of adjacent properties. It is currently necessary, on occasions, for the practice to see patients outside the hours set out in the proposed condition.
2. Question 20 of the planning application forms asks details of the intended hours of operation, not the maximum hours that the applicant considers that the proposed development could operate without prejudicing the amenity of neighbours.
3. At no stage was a noise assessment required to assess the effect of the proposed development on the amenity of residents.
4. No representations have been made by the public, or from the Council's Environmental Health Officer, regarding noise from the proposed use.
5. The Government is strongly promoting a 7 day a week NHS which means that the hours of operation of surgery's and other facilities will, in the future need to widen. Therefore there is a need to build in from the outset of this surgery more flexible operating hours. Restricting openings on Saturday afternoons, Sundays and Bank Holidays is of particular concern.

Conclusion

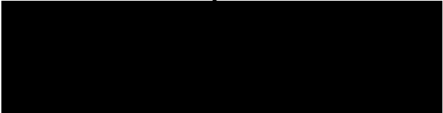
The application forms sets out the intended hours of operation, but this does not mean that it is necessary to condition the permission to limit the use to such hours of use. It is highly likely that longer hours will be required in the future. To justify the investment in the development now, the practice needs flexibility of future operation. There are no representations which indicate that such a condition is necessary.

Notwithstanding the above, we recognise that it would be a significant step to simply remove the condition. Accordingly, we would suggest that the condition allows for use of the property (i.e. the surgery and pharmacy) during "*daytime hours*" (7am-11pm) and restricts such use during "*night-time hours*" (11pm- 7am). We also suggest that the word "normally" is included in the condition to allow for emergencies.

The development hereby approved shall not normally be used for patients other than between the hours of 7am and 11pm.

Please can you advise the Committee of this request?

Yours sincerely



Jonathan Best MRTPI
Partner
Montagu Evans LLP