

Description

The site relates to a pharmacy which is located in a Neighbourhood Shopping Centre. The pharmacy is a double fronted premises which are located within a row of 4 other shops. There are residential flats at the first floors above the shops which are accessed via a set of steps on the western elevation and open corridor at the rear.

The application seeks the installation of an automated within part of the glazed shop frontage.

Part of the shop front would be removed and the machine fitted within the resulting gap. It would be approx H 2.01m, W1.49m and D 0.98m would sit on adjustable feet which can be bolted to the floor. The machine would fit flush to the side walls and the small gaps sealed. There is a roller shutter to secure the shop at closing times, part of which would be removed to facilitate the installation.

A panel would be fitted across the machine to match the existing shop fascia. The machine would be similar to that of a vending machine, with a touch screen, credit card reader and dispensing flap. The front panel would be grey and would self illuminate.

The machine would be available to use 24/7 and the dispensing flap would be automatically locked when patients are not collecting their prescriptions. The machines have a capacity of up to 150 dispensing bags.

The prescription dispensing machine would allow customers to collect prescriptions outside of normal pharmacy opening times.

Relevant Planning History

N/a

Publicity

Letters sent to 8 adjacent properties on 20/7/23.

One representation received with the following comments -

- Is this going to be available 24hrs and will this cause additional noise to my flat? When is work going to be done to install this, will this be at reasonable hours?

Statutory/Non-Statutory Consultations

GMP Design for Security - Recommend conditions to implement security measures for CCTV, lighting, defensible marking space and risk assessments for the machine's replenishment.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Use - The application relates to an existing pharmacy business. The proposal is to install an automated prescription-collection service which would allow patients to pick up their prescriptions out of the pharmacy shop hours.

The proposed development would introduce an additional service which would reduce queuing time and offer a convenient alternative to customers.

The site is located in a row of established shops with residential flats above and where there are comings and goings and activity in the area during the daytime and up to 10pm at night when the adjacent convenience store closes and as such it is considered to be located in an appropriate area.

As such the proposed development is considered acceptable in terms of its location and providing a local service.

Visual amenity - The proposed machine would be located within an existing glazed opening in the pharmacy frontage, similar to that of an ATM machine found in shop fronts which dispense money. There would be a panel which attached to the top of the machine to

form a 'fascia', similar to the existing shop front.

The roller shutter would be taken out where the machine is to be installed but would still remain in place for the rest of the shop front.

It is therefore considered the proposed development would be acceptable and not cause visual harm to the area and would comply with EN1/2.

Security

The Design for Security team have been consulted on the proposals and raise no objection but recommended the following measures are considered essential to secure the vending machine, as well as protect its users/replenishers and it is recommended that they are conditioned as part of any approval:

- Lighting should be provided to the area around the proposed vending machine to an adequate and uniform level, so as not to allow any areas of pooling/shadowing.
- Defensible space ground markings (e.g. 1m² painted area, change in surface texture, metal studs within paving etc.) should be employed and maintained at the front of the vending machine to indicate that only one user at a time may enter the space.
- The proposed vending machine should be protected by a closed circuit television system that should view the area and the users of the vending machine.
- Risk assessments should be undertaken for the replenishment of the vending machine.

In summary, it is essential that the above matters are addressed in order to gain the full support of the DfS Team.

The dispensing machine would be fitted securely into the shop front, attached by bolts to the floor and sealed at the sides to fill in any gaps.

The collection flap would be automatically locked when patients are not collecting the prescriptions and the proposed plans show that external CCTV and lighting over the machine to monitor the machine and its users would be installed. A 1 sqm painted area with metal studs would be provided as a defensible space to the front of the machine. The applicant has stated that replenishment of the machine would take place within the pharmacy shop and not require staff to leave the premises with a number of prescriptions.

It is therefore considered that the proposals would address the issues of the design for security team subject to a suitable condition.

The premises are located within a row of shops and the parade is well visited with activity from the comings and goings during both the day and night time. There are flats above the shops and residential properties opposite, and as such there is a degree of natural surveillance in the area.

With safety measures to include the defensible space markings, CCTV and lighting it is considered that the proposed development would be acceptable and would comply with EN1/5.