

Knowsley Metropolitan Borough Council
Planning Services
Municipal Buildings
Huyton
Knowsley
L36 9UX

Our ref: 24-01122
Date: 1 May 2024

Dear Planning Department,

Re: Full Planning Permission for the Change of Use from Use Class A1 (Use Class E(a/b)) to Use Class E(e) to facilitate a dental practice at Unit 8, Telegraph Way, Kirkby Retail Park, Kirkby Town Centre, L32 8RD.

Rapleys LLP has been instructed on behalf of {my}dentist ('My Dentist') to submit a full planning application for change of use at the abovementioned property.

We enclose the following documents relevant to the planning application, which is submitted via the Planning Portal (PP-13008764) on 1 May 2024.

- Completed Planning Application Forms;
- Covering Letter (this letter) dated 24 April 2024;
- Site Location Plan (produced on Planning Portal);
- Existing Floor Plan (Drawing No. 456.01);
- Proposed Floor Plan (Drawing No. 456.02/A);
- Existing Elevations Plan (Drawing No. 456/03); and
- Proposed Elevations Plan (Drawing No. 456/04)

In addition to the above enclosures, we would be grateful if you could consider the contents of this letter in determining the application.

Site and Surroundings

The property is located at Unit 8, Telegraph Way, Kirkby Retail Park, Kirkby Town Centre, L32 8RD.

The property is situated within a commercial area within Kirkby Retail Park in Kirkby Town Centre, with commercial properties/units located to the north, south and west of the property. To the east (rear) of the property lies a service yard which serves Unit 8, as well as Unit 1 (Morrisons), 5, 6, 7 and 9 of Kirkby Retail Park. This gated service yard is accessed by vehicles from North Parade.

The property is accessible via a pedestrianised street (Telegraph Way) within Kirkby Retail Park. Kirkby Bus Station is located approximately 130m to the south of the site, and the nearest National Rail station, Kirkby, is located approximately 1km to the west. Car parking provision is available within the vicinity of the property, with Kirkby Retail Park Car Park, Hall Lane Car Park, and Kirkby Multi Storey Car Park (currently under refurbishment) located within 70m of the property.

This property is not located within or near a Conservation Area. The property is not a listed building or located in close proximity to any listed buildings.

The property is located in Flood Zone 1 (low probability of flooding) and is not at risk to surface water flooding.

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Relevant Site History

A search of Knowsley Council's online planning application portal reveals several planning applications relating to property. A summary of the relevant applications is detailed in the below table.

Planning Application Reference	Description of Development	Decision	Date of Decision
19/00228/FUL	Variation of Conditions No. 2 (Approved Plans), 12 (CCTB) and 21 (Ventilation) attached to Planning Permission 17/00559/FUL – to allow for elevation changes to food store, Units 2, 5-9, 14 and 15, merging of units 3 and 4 to form one larger unit; alterations to layout and design of petrol filling station, alterations to car parking and service areas.	Approved	12 th November 2019
17/00559/FUL	Erection of a mixed-use development, comprising a food store and non-food retail shops (Use Class A1), food & drink and leisure uses (Use Classes A3/A5/D2), petrol filling station, car parking, landscaping, highway improvements and other associated works (including 3no. electricity substations) on land bound by Norwich Way, Hall Lane, Country Road and Irlam Drive, and the construction of a car park together with associated works on land off Cherryfield Drive and Cherryfield Crescent	Approved	20 th November 2017
10/00505/OUT	Outline application for a comprehensive phased re-development of the site to provide a mixed use development comprising a food store, retail shops (Use Class A1), food & drink uses (Use Class A3), professional & financial services (Use Class A2), pubs/bars (Use Class A4), hot food take aways (Use Class A5), replacement health centre & library (Use Class D1), leisure uses (Use Class D2) & petrol filling station together with modifications to bus station and taxi ranks. Highway improvements (including a new southern access road), servicing, car parking, pedestrian/cycle routes,	Approved	17 th June 2011

public realm, landscaping, and other related works.

Relevant to this application, Unit 8 is designated as Use Class A1 (now Use Class E(a/b)) through the submission of a 'Breakdown of Proposed Uses' document which was submitted with the original application for the retail park (planning ref. 17/00559/FUL).

The 'Breakdown of Proposed Uses' document is listed within Schedule 1 attached to 17/00559/FUL. As stated within Condition 2 of the decision notice for 17/00559/FUL, the Use Class for each unit must comply with the designated Use Class stated within this document.

The Proposal

Planning permission is sought for the Change of Use from Use Class A1 (Use Class E(a/b)) (as designated under the Breakdown of Proposed Uses document attached to Condition 2 of planning permission ref. 17/00559/FUL) to Use Class E(e) to facilitate a dental practice for My Dentist at Unit 8, Telegraph Way, Kirkby Retail Park, Kirkby Town Centre, L32 8RD.

It should be noted that The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) took effect on 1 September 2020. The Regulations introduce three new use classes: Class E (Commercial, business and service), Class F.1 (Learning and non-residential institution) and Class F.2 (Local Community).

Use Class E incorporates existing classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business) as well as parts of classes D1 (non-residential institutions) and D2 (assembly and leisure) into one single Class to allow for changes of use without the need of planning permission.

The 'Breakdown of Proposed Uses' document is listed within Schedule 1 attached to 17/00559/FUL. As stated within Condition 2 of the decision notice for 17/00559/FUL, the Use Class for each unit must comply with the designated Use Class stated within this document.

Condition 2 states:

"The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1."

The proposed development, should it be permitted through the approval of this planning application, will include a dental practice consisting of six surgery rooms and other internal alterations to facilitate the operation of the practice. The proposed dental practice will not modify the external elevations of Unit 8. Signage and other advertisement proposals will be submitted in a separate advertisement consent application.

For full details of the proposed development, please refer to the submitted drawings.

National and Local Planning Policy

National Planning Policy

The National Planning Policy Framework (NPPF) was most recently updated in December 2023. It sets out the purpose of the planning system of achieving sustainable development and how these are expected to be applied.

National planning policy is set out within the National Planning Policy Framework (2023) (NPPF), which is supplemented by the National Planning Practice Guidance (NPPG).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay, or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - The application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Section 4 of the Framework (Decision-making) confirms that local planning authorities should approach decisions on proposed development in a positive and creative way by working proactively with applicants to secure developments that will improve the economic conditions of the area.

Section 6 of the Framework (Building a strong, competitive economy) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Section 12 of the Framework (Achieving well-designed and beautiful places) confirms that good design is a key aspect of sustainable development and creates better places in which to live and work. Good design also helps make development acceptable to communities.

Section 16 of the Framework (Conserving and enhancing the historic environment) outlines that heritage assets as an irreplaceable resource, and that they should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Local Planning Policy

The Development Plan for Knowsley Council comprises the following:

- Knowsley Local Plan Core Strategy (adopted January 2016); and
- Saved policies of the Knowsley Replacement Unitary Development Plan (adopted June 2006).

The relevant policies are outlined below.

Knowsley Local Plan Core Strategy (2016)

Policy SD1 (Sustainable Development) states that when considering development proposals, a positive approach will be taken, which reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Work will be undertaken pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy CS1 (Spatial Strategy for Knowsley) promotes opportunity for regeneration and development within Principles Regeneration Areas, which includes Kirkby Town Centre.

Policy CS2 (Development Principles) states the five key principles for new development in Knowsley within the plan period.

Under Principle 1, sustainable economic development will be promoted, meeting the needs for employment, retail and other service provision. Principle 1 also mentions the importance of providing opportunities for positive lifestyle choices and health improvement for people of all ages.

Under Principle 5, development which does not require major investment in new infrastructure, including transport, water supply and sewerage, will be promoted.

Policy CS6 (Town Centres and Retail Strategy) states that “Huyton, Kirkby and Prescot Town Centres will enhance their equal role in providing comparison and convenience shopping. This will be supplemented by a complementary mix of leisure, health, residential, education, cultural, employment, service uses and complementary evening and night time uses.” The site is located within Kirkby Town Centre.

Policy CS10 (Principal Regeneration Area – Kirkby Town Centre) encourages a wider mix of town centre uses, services and facilities, to enhance the viability and vitality of Kirkby Town Centre. The site is located within Kirkby Town Centre Action Area.

Policy CS19 (Design Quality and Accessibility in New Development) states the importance of development integrating effectively with existing development and linking to existing shopping services and provision.

Saved policies of the Knowsley Replacement Unitary Development Plan (2006)

Policy S2 (Diversification of Uses within Existing Centres) states that “Proposals for new buildings, or for the change of use or alteration of existing buildings, to provide town centre uses within existing town and district centres will be permitted provided that the following criteria are met:

- a) The proposal would be compatible with the scale and role of the centre and would not have a detrimental impact on the retail function of the centre;
- b) The proposal would not result in a grouping of uses which would have a negative impact on the character of the centre;
- c) The use would not (by reason of smells, noise, visual intrusion or general disturbance) have a detrimental impact on the environment of the surrounding area; or on the amenity of any neighbouring residents; and
- d) The proposal would not cause or exacerbate on-street parking, traffic or amenity problems.”

Policy S1 (Retail and Town Centre Development Strategy), and Policy S4 (Kirkby Town Centre Action Plan), which would have been relevant to this proposal, have been replaced by Local Plan Core Strategy (2016) Policy CS6 (Town Centre and Retail Strategy), and CS10 (Principle Regeneration Area – Kirkby Town Centre), respectfully.

Planning Assessment

This section assesses whether the proposal is policy compliant at both national and local level. As previously set out, this application seeks the Change of Use from Use Class A1 (Use Class E(a/b)) (as designated under the Breakdown of Proposed Uses document attached to Condition 2 of planning permission ref. 17/00559/FUL) to Use Class E(e) to facilitate a dental practice.

From reviewing the property and its surroundings, it is evident that from the quantity of vacant units, Kirkby Town Centre, similar to many other town centres within Knowsley Council and across the country, needs a diverse range of uses beyond retail to adapt to the changing dynamics of urban life and foster sustainability and vitality. Evidence for a diversification of uses within Knowsley Town Centre is backed by the findings of the Knowsley Town Centres and Shopping Study (2009), and is promoted under Knowsley Local Plan Core Strategy (2016) Policy CS6 and CS10.

The decline of traditional retail, which has been accelerated by Covid-19, online shopping, and economic challenges, necessitates a shift towards mixed-use developments. As highlighted in the 'Build Back Better High Streets' document published by the Ministry of Housing, Communities and Local Government in 2021, the incorporation of multiple functions such as residential properties, leisure and entertainment facilities, healthcare services, and office spaces is essential to reimagine town centres as thriving hubs. This multifaceted approach aligns with the goals of the 'Planning for the Future' white paper (2020), emphasising the need for adaptable and vibrant town centres to meet the evolving needs of communities and stimulate economic growth. By diversifying land use, town centres can become more resilient, attractive, and accessible, contributing to their long-term sustainability and relevance in the modern urban landscape.

Given the minor nature of the development, and as the proposal does not include any external alterations, the proposal is not considered to detrimentally harm the surrounding context and is considered complementary to the existing built form.

Furthermore, the proposed use falls within the same Use Class as the existing use (Use Class E). Therefore, the development is considered acceptable in principle.

It must be considered how the proposed development will impact amenity, particularly properties situated along the property's boundaries.

MyDentist's opening hours are set below (please note these hours may vary week to week, but the practice will not open earlier, or later, than the listed times):

- Monday – 08:00 – 20:00
- Tuesday – 08:00 – 20:00
- Wednesday – 08:00 – 20:00
- Thursday – 08:00 – 20:00
- Friday – 08:00 – 20:00
- Saturday – 08:00 – 20:00
- Sunday – 08:00 – 16:00

In this regard, all activities on the property will be restricted to operational hours. In addition, MyDentist's day-to-day operations are contained within the building itself. It is therefore considered that the proposed development would not result in a material change to impact the property or the amenities of neighbouring uses within Kirkby Town Centre.

It also must be taken into consideration that adequate parking is currently provided at Kirkby Retail Park and in close proximity to the property, and the property is easily accessible via public transport.

There are also a number of residential properties within close proximity to the property and there is therefore a significant number of dwellings within walking and cycling distance. A number of customers and staff members can therefore access the site via non car transport modes, eliminating the need for car parking.

For these reasons outlined, it is therefore considered that the proposal is acceptable and in accordance with Policy SD1, CS1, CS2, CS6, CS10 and CS19 of the Knowsley Local Plan Core Strategy (2016), and saved Policy S2 of the Knowsley Replacement Unitary Development Plan (2006), and the NPPF (2023).

Conclusion

The application seeks the Change of Use from Use Class A1 (Use Class E(a/b)) (as designated under the Breakdown of Proposed Uses document attached to Condition 2 of planning permission ref. 17/00559/FUL) to Use Class E(e) to facilitate a dental practice at Unit 8, Telegraph Way, Kirkby Retail Park, Kirkby Town Centre, L32 8RD.

This proposed development will help contribute to My Dentist's nationwide operational requirements, which would be in line with NPPF's aspiration to support economic growth.

After consideration of relevant national and local planning policies, it is considered that this application is policy compliant and will help enhance the vitality and viability of Kirkby Retail Park and Kirkby Town Centre. The application is therefore considered acceptable in planning terms and there is a compelling case for the granting of permission without delay.

We trust that the enclosed information is sufficient to enable you to validate the application. We look forward to receiving confirmation of receipt of this submission. However, in the meantime if you require any further information or have any queries in respect of the submitted documentation, please contact me.

Yours faithfully,


Jonah Carty (May 1, 2024 15:35 GMT+1)

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