

<u>APPLICATION NO:</u>	22/00242/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Page Moss	<u>PARISH:</u>	
<u>LOCATION:</u>	110-112 Tops Pharmacy, Dinas Lane, Roby		
<u>PROPOSAL:</u>	CHANGE OF USE FROM FIRST FLOOR RESIDENTIAL FLAT (USE CLASS C3) TO OFFICE (USE CLASS E g i)) TOGETHER WITH ERECTION OF A TWO STOREY SIDE EXTENSION AND THE ERECTION OF A SINGLE STOREY FRONT EXTENSION		

Site Description

A pair of shop units with flats above operating as one pharmacy on Dinas Lane adjacent the junction with Charnwood Road. To the rear of the site is a hard surfaced area that provides car parking and rear servicing access, access is gained from Charnwood Road; there is a secondary access/egress from Dinas Lane, although this is not used and part of that had a cabin on when a site visit was undertaken (and as stated in the support statement). Opposite the site is Dinas Lane Medical Centre.

Proposal

The proposal is for a change of use of a first floor residential flat to office accommodation. It is also proposed to erect a two-storey extension to the side of the property and a single storey front extension.

At first floor level the western part of the existing building comprises one room operating as an office at the front with one bedroom flat behind. The proposal is to convert the one-bedroom flat to provide two office rooms, retaining the kitchen and W.C. and linking with the office accommodation adjacent.

The two-storey extension to the side would have a depth of 12.3m, the same as the existing building, and a width of 5m extending to adjacent the boundary with 108 Dinas Lane, a house. The roof would be hipped and tied into the hipped roof of the existing building, with the upper horizontal ridge of the existing roof being extended to accommodate the extension roof. The first floor would comprise three offices, and link into the existing building at first floor level, so that all offices are accessible across the extended first floor. The ground floor would comprise three consulting rooms.

The single storey front extension would have a width 14.8m and a depth of 4m. The extension would extend across the front of the two-storey extension and 9.5m of the existing building, which is 14m wide. The single storey extension would comprise a waiting room and a consulting room.

Consultations

Environmental Health - No objection but request a hour of construction, a condition advising if contamination is found and a soil testing importation condition.
Highway Authority - No objections but request a condition to surface and lay out the car park area in accordance with an agreed scheme.

Representations

This application has been publicised by letters sent to 11 neighbours. No representations have been received.

Planning History

K/APP/12607 - PROPOSED ERECTION OF PHARMACY AND OPTICIANS WITH FLAT ABOVE. Granted: 13.08.1990. (110 Dinas Lane).

K/APP/12956 - ERECTION OF PHARMACY AND OPTICIANS WITH FLAT ABOVE. Granted: 13.05.1991 (112 Dinas Lane).

10/00424/FUL - ERECTION OF TWO STOREY BUILDING TO FORM WHOLESALE PHARMACY. Refused: 14.09.2010.

14/00651/FUL - ERECTION OF SECURE CYCLE SHELTER TO REAR OF PROPERTY AND INSTALLATION OF CYCLE RACK TO SIDE. Granted: 11.11.2014.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides 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 the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

H5 - Development within Primarily Residential Areas

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

The principle of development is established by virtue of the existing established pharmacy building with linked first floor accommodation above. The issues to consider therefore are design and visual amenity considerations, highways and parking, and residential amenity considerations.

Design and Visual Amenity Considerations

The proposed extensions would be broadly in line with the existing building. At present there is a central pike at first floor ridging into the main roof. Due to the side extension and the extension of the central ridge of the roof to the proposed hip of the extension roof the pike on its own would appear off-centre. To compensate for this and to balance the building a further central pike is proposed. The single storey extension is considered acceptable in design and scale both in terms of the context of the site and the street scene in general. The proposals would not be detrimental to the visual amenity of the neighbouring properties or the locality in general.

The application complies with Policies CS2 and CS19 of the Core Strategy and saved Policy H5 of the UDP.

Highways and Parking Considerations

Whilst the pharmacy accommodation is proposed to be extended the proposed layout would in effect allow enhanced services to be offered to existing patients. The new consulting rooms would replace existing, smaller consulting rooms providing additional space, rather than significantly increasing capacity. This is in line with the Government drive to integrate pharmacies into the health care and support framework much more than they currently are. In addition many of the customers of the pharmacy would have been in the medical centre opposite previously and would therefore be parked in the car park of that facility.

Where the proposed side extension is to be situated there was a cabin unit that was used for various uses including securing stock for medicines, temporary office, Covid vaccine hub, temporary surgery. The upper floor rooms are used for storage, whilst the applicant states that this will remain the case for most of this area one of the office's would be used by member(s) of staff responsible for the administrative duties, such as purchasing/sourcing of medicines and managing of associated invoices and paperwork, date entry, filing and so on. The noted cabin has therefore been used variously for uses that the conversion and extension would be used for.

Taking into account the proposed operations of the pharmacy and previous cabin use within the curtilage it is considered that provided that the hardstanding area was formalized it is considered that the proposal would not have unacceptable impacts on highway safety (NPPF para.115).

The Council Highways Engineer has no objection to the application but does request a condition that a scheme to formalise the car park area is submitted and approved, and the agreed scheme implemented prior to the first use of the approved extensions.

The application complies with Policies CS2, CS7 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Residential Amenity

Windows on the rear elevation of the proposed side extension would be approximately 15m windows on the rear elevation of 12 Halebank Avenue at the rear of the site to the south-east. This distance is not directly linear but on an angle; this together with the proposed first floor extension being office use (or storage) it is considered that the proposed extension and conversion of the flat would not cause loss of privacy to an extent that would be significantly detrimental to the privacy of neighbouring properties. The application would provide larger enhanced consulting rooms than existing, and an appropriate waiting area, rather than significant intensification of use and as such would not increase movement to and from the premises to an unacceptable level.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Conclusion

The proposal would improve office space accommodation to the first floor and improve the consulting rooms from the cramped facilities currently offered. The design is acceptable, and the proposal would not be detrimental to the visual and residential amenities of the area and is acceptable with regards car parking. The proposal complies with planning policies and is recommended for approval.

Recommendation

That Planning Permission be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Reason: For the avoidance of doubt.

- 3) Prior to first use of any part of the development hereby permitted a scheme to formalise area(s) of parking shall be submitted to and approved in writing by the Local Planning Authority, and the areas identified hard surfaced, drained within the site and permanently marked out or demarcated all in

accordance with the agreed scheme. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 4) No construction work for the development hereby permitted, including deliveries to and from the site, shall take place except between the hours:

08.00 - 18.00 Monday to Friday;
08.00 - 13.00 on Saturdays; and
not at all on Sundays or officially recognised public holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

Reason: In the interests of public safety and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 6) No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: To ensure that the soil is safe and suitable for use on the site in the interests of public safety and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 7) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture.

Reason: In the interests of visual amenity and to comply with Saved Policy H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

- 8) No part of the extension hereby permitted shall be used as a separate unit from the existing pharmacy (including any use within Class E of the Town and Country Planning Use Classes Order 1987 as amended) unless planning permission for such has been sought and granted previously.

Reason: To assess that there would be adequate parking provision and that there would be no detrimental impact on the residential amenities of neighbouring properties should the extension hereby permitted be proposed to be used as a separate unit, and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
21.04.2022	004	-	LOCATION PLAN AND PROPOSED BLOCK PLAN
21.04.2022	002	-	PROPOSED FLOOR PLANS
21.04.2022	003	-	PROPOSED ELEVATIONS

Signed Case Officer¹: Lee Osborne

Signed Authorising Officer²: K Foster

Date: 9 July 2024

Informatives

Based on the information available to this division we are not aware of any contamination on this site. However, the responsibility to properly address contaminated land issues lies with the owner/developer of the site, irrespective of any involvement by this Authority. The applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should contamination be encountered during the development of the site.

If contaminated material is encountered the applicant/developer is required to dispose of the contaminated arisings appropriately. They should also be aware of their health and safety responsibilities to workers in respect of handling such materials. The developer should also ensure that no pathways are created by which any contamination may either migrate off-site or affect site users.

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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The applicant should have regard to the following statement in Planning Policy Statement 23 (section 2.51) "As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990."

