

<u>APPLICATION NO:</u>	24/00229/COU	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Whitefield	<u>PARISH:</u>	
<u>LOCATION:</u>	Unit 8, Telegraph Way, Kirkby Town Centre, Knowsley, L32 8US		
<u>PROPOSAL:</u>	CHANGE OF USE FROM USE CLASS A1 (USE CLASS E(A/B)) TO USE CLASS E(E) TO FACILITATE A DENTAL PRACTICE TOGETHER WITH ERECTION OF FENCING TO HOUSE CLINICAL WASTE ENCLOSURE		

Site Description

The application site is a retail unit within Kirkby Town Centre. The unit faces to the north west and fronts onto Telegraph Way.

Proposal

The proposal is for the change of use from use class E (a) (shop) to use class E (e) (Dentist and erection of fencing to house clinical waste enclosure).

Consultations

Environmental Health – No Objection subject to a fixed plant noise condition. No issues with the waste enclosure, the waste enclosure is secure and the bins are secure bins.

Representations

This application has been publicised by letters sent to 20 neighbours. No representations have been received.

Planning History

A previous application at the site (17/00559/FUL), was approved subject to a condition that required the use classes to be specified. Unit 8 was specified as class A1 and therefore any change from this requires planning permission.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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
CS6 - Town Centres and Retail Strategy
CS10 - Principal Regeneration Area – Kirkby Town Centre
CS19 - Design Quality and Accessibility in New Development

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

N/A

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Principle of Development

The application site is situated within a Town Centre. The change would not require planning permission except that it was restricted by planning condition. A dentist is considered to be an appropriate use for the Town Centre. The development of the site for Class E use as a dentist is therefore acceptable in principle.

Character of area

The external changes (including the fence) would be relatively minor and would be at the rear of the building which is used as a service yard. As a result, there would be no harm to the character of the area.

Amenity

Policy CS19 requires that to maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

The proposal would not significantly harm the amenity of neighbouring units in relation to noise and disturbance. This is supported by Environmental Health who have no objection to the development. In relation to a fixed plant noise condition, given its busy town centre location (and distance from any residential properties) a fixed plant noise condition would not be reasonable or proportionate.

Contamination

There would be no contamination impacts from the proposal. The waste and bins enclosure are secure and would not create risk of contamination. This is supported by the views of environmental health who have no objection to the proposal.

Conclusion

The proposal would be acceptable in principle and in relation to Neighbour amenity and contamination. The application complies with local planning policies and is recommended for approval.

Recommendation

That planning permission be granted subject to the following conditions.

- 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 following approved plans and documents :-
 - a. Proposed Elevations - 456/04.A - (07/05/2024)
 - b. Proposed Plans - 456/02.B - (07/05/2024)
 - c. Location Plan - (03/05/2024)

Reason: For the avoidance of doubt.

Signed Case Officer¹: **Andrew Hunt**

**Signed Authorising
Officer²:** **K Foster**

Date: **10 June 2024**

Informatives

N/A

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

2 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