

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 23/01280/PDC **CASE OFFICER:** Andrew Hunt
WARD: Swanside **PARISH:** N/A
LOCATION: 70 - 72 Pilch Lane East, Roby, Knowsley, L36 4NP
PROPOSAL: PRIOR APPROVAL FOR CHANGE OF USE OF MEDICAL SURGERY
TO FORM 2 NO. DWELLINGHOUSES

Site Description

The site is a rectangular site consisting of existing doctors surgery and garden area at 70 -72 Pilch Lane East. The building faces onto a busy main road (Pilch Lane East). The site is located within a residential area was previously two residential units prior to amalgamation and conversion into a doctors surgery. There are residential properties immediately to the north west, south east and north east and residential units on the opposite side of Pilch Lane East.

Proposal

The proposal is a prior approval for change of use of medical surgery to form 2 no dwellinghouses. There is an existing rear conservatory which has been demolished (this demolition does not require planning permission).

Work has commenced at the site, however, as the unit is not occupied as a residential unit, the change of use has not officially started.

Consultations

Environmental Health – No Objection.

Highways - Highways has no objection to the proposed development

Representations

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

Planning History

None Relevant

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning

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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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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
CS21 - Greenspaces and Trees

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

H5 - Primarily Residential Area

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.

ISSUES AND ASSESSMENT:

PROPOSAL

The proposal is a prior approval for change of use of medical surgery to form 2 no dwellinghouses.

PRIOR APPROVAL CLASS MA

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The application is a prior approval application under Class MA of the 2015 General Permitted Development Order (As Amended).

“MA.Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the UseClasses Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order”.

Part MA 2 sets out the prior approval criteria which any proposal will be judged against.

*“MA.2.—(1) Development under Class MA is permitted subject to the following conditions.
(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
(a) transport impacts of the development, particularly to ensure safe site access;
(b)contamination risks in relation to the building;
(c)flooding risks in relation to the building;
(d) impacts of noise from commercial premises on the intended occupiers of the development;
(e) where—
(i) the building is located in a conservation area, and
(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; F2...
(h) where the development involves the loss of services provided by—
(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act2006, the impact on the local provision of the type of services lost [F3; and
2 (i)where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building”*

PRINCIPLE OF DEVELOPMENT

The application site has been vacant for a minimum of 3 months and was previously used as a doctors surgery (within Class E) for over two years. The floorspace also is less than 1500 sq metres, therefore the proposal complies with Class MA and is acceptable in principle.

RESIDENTIAL AMENITY

Policy CS19 in the Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings by avoiding unacceptable impacts on existing residents and future occupiers.

Part M.A 2 f) enables the local planning authority to consider *“the provision of adequate natural light in all habitable rooms of the dwellinghouses”*;

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All of the proposed habitable rooms would be served by at least one window which would ensure sufficient light and outlook for the properties. Therefore, there would be adequate natural light in all habitable rooms.

There would be no noise impact from commercial premises on the future occupiers of the building.

TRANSPORT

NPPF para 109 states that a development should only be refused on highways grounds if *“there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

There would be 2 parking spaces at each property which complies with council parking standards for 3 bed dwellings.

In relation to the proposed access, this is considered appropriate with sufficient visibility to ensure safe access to the site. The site was previously used for residential use and is surrounded by residential uses, therefore the use of the site as dwelling would not cause any significant transport impacts.

Overall, there would not be significant harm to highway safety. This view is supported by the councils' highways department who have no objection.

Overall, the application complies with Core Strategy Policy CS7. Electrical vehicle charging points are required and can be secured via a condition.

CONTAMINATION

It is considered that the application will not cause unacceptable contamination risks. This is supported by the views of Environmental Health who have no objection. The site was previously used as 2 residential units. The proposed development therefore complies with UDP Policy ENV5.

OTHER CONSIDERATION

It is considered that there is no evidence of a local need for a doctors facility which would justify not granting permission for the application, particularly given the previous use of the site as residential.

The application site is not within a high flood risk area and there is no built development. Therefore, there are no flooding issues associated with the development.

CONCLUSION

The applicant be informed that under the terms of Class MA (Schedule 2 Part 3) of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) prior approval is required and approved subject to the following conditions.

1) Plans

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The development hereby permitted shall be carried out in accordance with the following approved plans and documents :-

- a. Proposed Elevations (received 13/06/2023).
- b. Proposed Plans (received 13/06/2023).
- c. Proposed Site Plan - (received 13/06/2023).
- d. Location Plan - (received 13/06/2023).

Reason: For the avoidance of doubt.

2) Electric Vehicle Charging Point

No dwelling shall be occupied until an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space has been provided for the dwelling.

The chargepoint shall be:

- a) A minimum of 7KW, and
- b) at Least Mode 3 or equivalent,
- c) located in order to comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

The EV charging point shall be clearly marked as such and their purpose explained to new occupants in any home welcome pack.

Reason: In the interests of promoting sustainable transport and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and NPPF Para 112.

<u>Signed Case Officer¹:</u>	<u>Andrew Hunt</u>
<u>Signed Authorising Officer²:</u>	<u>K Foster</u>
<u>Date:</u>	<u>21 July2023</u>

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

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Appendix 1 – Site Photographs

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