

DELEGATED REPORT

Report by Helen Pressley	Date of report: 17/01/2024	Ref: 70285/FUL
Registration: 04/12/2023	LDfC: 28/12/2023	Expiry Date: 29/01/2024
Site Visit: 14/12/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey rear extension

Location: 191 Bury Old Road, Prestwich, Manchester, M25 1JF

Description

The application relates to an end terraced property located on Bury Old Road. The premises is currently in use as a dentist. The property fronts directly onto Bury Old Road and has a yard area located to the rear.

Planning permission is sought for the construction of a single storey rear extension that projects approximately 4820mm. The proposed extension would be utilised to facilitate a ground floor consultation room. The first floor consultation room would be retained as existing.

The application is a resubmission of 64937 which has now lapsed.

Relevant Planning History

64937 - Single storey rear extension - Approve with Conditions 26/02/2020

Publicity

Neighbour letters sent 5/12/2023. No representations received

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to conditions in relation to foundation details and bin storage.

Borough Engineer - Drainage Section - No comments

Environmental Health - Contaminated Land - No objections raised

Property & Technical Services - Estates Consultancy - No comments

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EC4/1	Small Businesses
CF1/1	Location of New Community Facilities
CF4	Healthcare Facilities
EN1	Built Environment
EN1/2	Townscape and Built Design
HT6/1	Pedestrian and Cyclist Movement

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Principle

UDP Policy EC4/1 states that proposals for small businesses will be acceptable where the scale of development is appropriate to, and the use is environmentally compatible with the area in which is located. In addition to this Policy CF1/1 - Location of New Community Facilities generally looks favourably on proposals for additional or improved community facilities where these do not conflict with amenity or the local environment and Policy CF4 - Healthcare facilities states that improvements to existing and proposals for new facilities will

generally be considered favourable.

The proposal would not see the change of use of the building, but would increase the amount of consultations rooms on site from one, to two. The proposal would therefore provide additional health care facilities for the benefit of the local community. It is therefore considered that the proposal would support the policy considerations for improvements to health care facilities, and small businesses and would therefore comply with UDP Policy EC4/1, CF1/1 and CF4.

Layout

UDP Policies EN1/1 and EN1/2 seek to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area.

The upper floor consultation room would still be accessed internally, via existing stairs and the existing waiting room, WC and reception would be retained. The kitchen area for staff would be decreased in size to allow access to the rear consultation room. The proposed layout in relation to the attached residential property would not fundamentally alter from the existing arrangement and could readily be incorporated within the building without an adverse impact on the existing layout or building and as such would comply with EN1/2.

The proposed rear extension is of a simple and unobtrusive design, and would not look out of place within the row of terraced residential properties located to the south. Whilst the proposal would utilise a flat roof, this would help to lessen the impact of the proposal in terms of residential amenity and is considered to be acceptable in the context of the row. In this instance it is considered that the proposed extension would not detract from the character of the site, adjacent buildings or street scene and as such complies with UDP Policies EN1/1 and EN1/2.

Residential Amenity

There are no adopted aspect standards between residential and commercial however, SPD 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The proposed internal layout, within the main building would not fundamentally alter from the existing arrangement and as such would not impact on the residential amenity of the attached residential property. The new consultation room would project along the shared boundary with No. 189. This property has an existing single storey extension to the rear that is set off the shared boundary, and a window within the ground floor of the original rear elevation adjacent to the boundary with the site. The proposed extension would project more than 3 metres beyond the rear of No. 189 however no objections have been raised by the occupant of this property in relation to the projection of the proposal.

If the end terrace were in residential use the applicant would be able to extend to this extent under the larger homes notification scheme. The proposed extension projects no further than the existing intervening 2 metre wall between the two properties. A storage area has been incorporated within the extension to allow for storage of bins without the need to extend the enclosed yard area. As such, the projection of the proposed extension is considered to be acceptable.

There are no proposed windows facing towards No. 189. A door to the bin storey is proposed on the rear elevation. A single window is proposed within the side elevation facing towards the highway to the side, and an open yard area associated within the commercial premises at No. 193. As such no loss of privacy is foreseen.

Highways

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. UDP Policy HT6/2 - Pedestrian/Vehicular Conflict requires developments to reduce pedestrian/vehicular conflict.

No objections have been received from the Traffic Section in relation to the location of the proposed extension subject to the provision of conditions in relation to implementation of the bin storage area and the location of the foundations and windows.

The issues in relation to foundation encroachment will be dealt with via an informative as this is already a provision within the Highways Act. As with the previous consent provision of a non-outward opening window has been conditioned.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
 Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 713.000, 713.001 D, 713.002 D and the development shall not be carried out except in accordance with the drawings hereby approved.
 Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
 Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Before the first occupation of the extension hereby permitted the proposed side window shall be fitted with a window that does not open outwards onto the adopted highway and permanently retained in that condition thereafter.
 Reason. In the interests of highway safety pursuant to Bury Unitary Development Plan Policies HT6/1 - Pedestrian and Cyclist Movement and Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 5 The bin storage arrangements indicated on the approved plans shall be implemented prior to the the extension hereby approved being brought into use.
 Reason. To ensure adequate bin storage arrangements within the curtilage of the site in the interests of pedestrian and road safety pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

<u>Case Officer</u> HP 17/01/2024	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
--------------------------------------	-------------	-------------------------	-------------

