

## **DELEGATED REPORT**

|                                  |                                   |                                |
|----------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 03/06/2024 | <b>Ref:</b> 70664/FUL          |
| <b>Registration:</b> 11/04/2024  | <b>LDFC:</b> 10/05/2024           | <b>Expiry Date:</b> 06/06/2024 |
| <b>Site Visit:</b> 03/05/2024    | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0             | <b>Con Area:</b>                  | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA                 |
|                                  |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> COUS        |

**Proposal:** Change of use of No.108 Dwelling (class C3) to dental clinic (class D) merge with existing dental clinic at No.110, Window to front elevation; 3 new parking bays at rear, and single storey rear extension.

**Location:** 108 & 110 Ainsworth Road, Bury, BL8 2RS

### **Description**

The application relates to an existing dental practice which operates out of an end terraced property, No 110 Ainsworth Road. The practice is located in a Neighbourhood Shopping Centre but the area is predominantly residential in character.

There is on street parking along this stretch of Ainsworth Road in front of the property and on the adjacent side street, Ramsey Grove.

The property operates over the two floors and comprises a reception room, WC, storage, staff room and one clinic room at ground floor and two clinics, office and bathroom at first floor.

The main entrance is at the front and at the rear is a backyard and garage accessed directly off Ramsey Grove.

Planning permission has previously been granted for a single storey rear extension to the surgery to provide an additional surgery and waiting room (January 2021). Permission has also be granted to expand the business into the adjacent dwelling, No 108 to create a single dental practice (June 2022). Neither of these permissions have been implemented.

This application similarly seeks the change of use of No 108 from a dwelling to an associated clinic to merge with No 110 with a single storey rear extension and removal of the garages to create 3 parking spaces within the rear yard.

The previously approved scheme did not include a single storey extension and at the time and there was no dormer to the rear of No 108 (which was carried out under residential permitted development rights).

Internally, the accommodation proposed in no 108 and the extension would comprise three clinic rooms and a patients waiting area at ground floor, two clinic rooms, staff room and WC at first floor and an office, storage area and WC in the dormer roofspace.

Combined with the existing surgery at No 110, the total accommodation would consist of - 8 clinic rooms, staff room, two offices, reception and patient's waiting room and WC facilities.

The two garages/outbuildings which are located in the rear yard areas would be removed and 3 parking spaces provided along with an external bin store.

### **Relevant Planning History**

68300 - Change of use of No.108 Dwelling (class C3) to dental clinic (class D) merge with

existing dental clinic at No.110, Window to front elevation; 4 new parking bays at rear -  
Approve with Conditions 24/06/2022  
66135 - Single storey rear extension to existing dental surgery - Approved 18/1/24  
59616 - Change of use from shop to dental surgery - Approved 20/4/2016

### **Publicity**

Letters sent to 10 addresses on 19/4/24.  
No responses received as a result of the publicity.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objection subject to conditions

**Environmental Health - Pollution Control** - No response received.

**Waste Management** - No response received

**Pre-start Conditions** - Applicant/Agent has agreed with pre-start conditions

### **Development Plan and Policies**

|       |                                       |
|-------|---------------------------------------|
| NPPF  | National Planning Policy Framework    |
| EC4/1 | Small Businesses                      |
| EN1/2 | Townscape and Built Design            |
| HT2/4 | Car Parking and New Development       |
| CF1/1 | Location of New Community Facilities  |
| S1/5  | Neighbourhood Centres and Local Shops |
| JP-C5 | Streets For All                       |
| JP-C6 | Walking and Cycling                   |

### **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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

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 and PfE Policies 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**

EC4/1 - Small Businesses - Proposals will be acceptable when the scale of development is appropriate to and the use is environmentally compatible with the surrounding area in which it is to be located.

Policy CF1/1 - Location of Community Facilities considers factors including impact on residential and the local environment, traffic generation and parking, scale and size of development and suitability of the location.

The site is located in a predominantly residential area and would serve the needs of the local community to provide a local service and facility and as such considered to be in a sustainable and accessible area and would be acceptable in principle.

Issues relating to impact on residential amenity and parking are considered in the report below.

### **Impacts on the surrounding area**

The proposed development would add 5 additional treatment rooms to the current practice (8 treatment rooms in total) with potentially patients waiting for treatment and there could be a number of visitors to the practice at any one time.

However, dental practices tend to operate on a one-to-one basis and appointments and patients visiting this type of practice are generally staggered over the period of the day. It may also be the case that each clinic room would not be used daily and dental surgeons/hygienists can also work at different times of the day and different shift patterns depending on the needs of the business and different types of treatments, some of which would take longer to perform than others.

In considering the terraced property as a 4 no bed dwelling, there could be 6 people or possibly more residing at the property, generating in itself a level of activity from a certain amount of comings and goings on a daily basis.

The existing practice has been established for a number of years and it should be noted that there were no objections received to the previous scheme ref 68300 for a similar scale and character of development. No objections from those notified have been received on this application.

In terms of the extension, this would be single storey and essentially fill the gap between

the two existing single storey outriggers and as such it would not cause adverse harm to the neighbouring property at no 106 in terms of outlook or privacy.

It is therefore considered that the proposed development would not cause significant harm to the amenity of those living nearby, either from the use itself or the size and position of the extension and would comply with Policies EC4/1, CF1/1 and EN1/2.

### **Highway issues**

Two single garages would be removed, though it is unlikely these are being used given their current state and poor access arrangements and it is proposed to provide 3 parking spaces at the rear which would be accessed via the back street.

The parking spaces would be accessible and usable and as such considered to improve dedicated parking for the site where at the moment there is currently none.

The property is located on a main road and a public transport route. There is also on-street parking available to the front of the properties on Ainsworth Road and also at the side on Ramsey Grove.

As the practice would serve a local need and catchment area and given the sustainable location and the staggered pattern of trips due to the nature of the business practice, it is considered that the proposed development would not generate significantly more traffic to the practice or put significant additional pressure on parking in the area.

There would be sufficient bin storage for the expanded business which would alleviate the problem of bins on the highway.

Subject to a condition for the submission of details including works to provide the parking and reinstate the footpath, the Highway Section have raised no objections to the proposed development and as such the proposed development is considered to be acceptable and would comply with EC4/1, HT2/4, JP-C5 and JP-C6 .

### **Digital connectivity**

The applicant states that the development would provide digital connections and the electronic systems would be installed to increase efficiency.

The applicant also intends to provide one EV chargepoint which can be conditioned. It is considered the proposed development would comply with Policy JP-C2.

### **Carbon and energy**

The applicant has submitted a statement to confirm energy saving devices and insulations will be incorporated within the proposed development as such would comply with Policy JP-S2.

### **Biodiversity net gain**

The development would be exempt due to the scale of development of less than 25 sqm.

## **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 -  
  
Existing site, block and location plan sheet 1 of 4  
Existing floor plans and elevations sheet 2 of 4  
Proposed site plan sheet 3 of 4  
Proposed floor plans and elevations sheet 4 of 4  
  
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 Notwithstanding the details shown indicatively on approved plan references SHT 3 of 4, no development shall commence unless and until full details of the provision of the 3 No. parking bays at the rear of the property, incorporating the provision of a new access to the parking area from Back Ainsworth Road, measures to prevent access to the parking area from Ramsey Grove, provision of a 5.0m minimum length hardstanding in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adjacent highways, and all associated footway remedial works required to reinstate the footway to its former condition prior to commencement of the development and demolition of the affected garage/boundary alterations, have been submitted to the Local Planning Authority. The details subsequently approved shall be implemented to an agreed programme.  
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the highways that abut the site, all in the interests of highway safety pursuant to Policies EC4/1 - Small Businesses, HT2/4 - Car Parking and New Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 4 The bin storage facilities indicated on the approved plans shall be provided before the use hereby approved commences and shall subsequently be maintained available for use at all times.  
Reason. To ensure adequate off-highway bin storage facilities are provided within the curtilage of the site, in the interests of road safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EC4/1 - Small Businesses
- 5 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.
- 6 Prior to occupation/first use of the development hereby approved, one electric vehicle (EV) charging point (minimum 7kW\*) shall be provided. Certification and photographic evidence of the installation of the electric vehicle charge points shall be submitted.

\*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used.

Further information regarding minimum standards can be found at  
<https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| JT                  | 3/6/24      | DM -                    | 03/06/2024  |