

**DELEGATED REPORT**

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|----------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 21/06/2022 | <b>Ref:</b> 68300/FUL          |
| <b>Registration:</b> 05/04/2022  | <b>LDFC:</b> 24/05/2022           | <b>Expiry Date:</b> 31/05/2022 |
| <b>Site Visit:</b> 10/05/2022    | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0             | <b>Con Area:</b> N/A              | <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; 4 new parking bays at rear

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

**Description**

The application relates to an existing dental practice which operates from an end terraced property which fronts a main 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 also on the adjacent side street, Ramsey Grove.

The property itself is an established dental practice which operates over the 2 floors. The entrance is located at the front and at the rear is a back yard and integral garage accessed directly off Ramsey Grove.

Planning permission was recently granted (January 2021) for a single storey rear extension to the dental surgery to provide an additional surgery and waiting room. This permission has not been implemented.

The application seeks to expand the business into the attached property, No 108 Ainsworth Road, currently a residential dwelling, by merging the 2 properties to create a single dental practice.

At the ground floor would be 2 clinic rooms with a patient's waiting area and at first floor, a further 2 clinic rooms and office. Part of an internal intervening wall would be opened to facilitate movement between the 2 practices.

There are 2 garages at the rear which would be removed to provide an area at the rear of the properties for 3 parking spaces. The boundary wall between the rear yard areas would be demolished to combine the outside space and provide a bin store area.

**Relevant Planning History**

66135 - Single storey rear extension to existing dental surgery - Approved 18/1/21

**Publicity**

Letters sent on 3/5/22 to 10 adjacent properties.  
No responses received.

**Statutory/Non-Statutory Consultations**

Traffic Section - No objection subject to condition  
Pollution Control - No response received.  
Waste Management - No response received

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

### **Unitary 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       |
| HT6/2 | Pedestrian/Vehicular Conflict         |
| CF1/1 | Location of New Community Facilities  |
| S1/5  | Neighbourhood Centres and Local Shops |

### **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. 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.

**Policies**

Policy S1/5 - Neighbourhood centres and Local shops - The council will seek to retain retailing as the predominant use in small centres to cater primarily for the day to day needs of residents and businesses.

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.

CF1 and CF1/1 - Location of Community Facilities states that proposals for new and improved services should be provided in local catchment areas and located close to end users.

Whilst the practice would be expanded, 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.

In terms of the principles of policy CF1 , the proposed development is considered to be acceptable.

In terms of intensification of the use of the facility and the resulting impacts on the surrounding area from additional activity and pressures on parking in the area, these issues are discussed below

**Impacts on the surrounding area -**

**Activity and intensification of use**

The proposed development would add 4 additional treatment to the current practice with potentially a few patients waiting for treatment. However, the type of treatment received at such practices can tend to result in staggered appointment times and with only the facility to treat an additional 4 people at one time, it is considered the introduction of the additional practice would not significantly intensify the use to the detriment of local residents.

It may also be the case that not all the clinics in the new practice would be used daily at the same time, as dental surgeons/hygienists can sometimes tend to work at different times, depending on the needs of the practice and different types of treatments required/dispensed.

It should also be acknowledged that the function as a 2 bed terraced dwelling house could accommodate up to 4 people which itself would have associated noises/disturbances from a certain amount of comings and goings.

The practice is well established within the area and local residents are aware of how it currently operates and is managed.

It is to be noted that there have been no objections to the application from residents who live directly adjacent and were notified by letter.

It is therefore considered that on balance, the proposed development would not significantly intensify the use of the property to the degree that would be harmful to local residents.

**Trips and parking -**

Two single garages would be removed, though it is unlikely these are being used given their current state and poor access arrangements. Instead, 3 parking spaces would be located at the rear and 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 essentially there is currently none.

The property is located on a main road and public transport route. There is on-street

parking to the front along this stretch of Ainsworth Road and also at the side on Ramsey Grove and patients who drive to the surgery can park on the side street or the main road. Whilst the proposed development could add to the number of vehicles parking in the area, as a facility in a sustainable area which would serve local needs and catchment area, it is considered that the scale of development would not generate significantly more traffic to the practice than is currently experienced or put significant additional pressure on parking in the area.

There would be sufficient room within the rear yard to facilitate 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 considered to be acceptable and would comply with EC4/1 and HT2/4.

**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 -  
Existing floor plans and elevations Sheet 1 of 5; Existing floor plan and site plan Sheet 2 of 5; Existing elevations Sheet 3 of 5; Proposed floor plan and site plan Sheet 4 of 5 rev A dated 3/6/22; Proposed elevations Sheet 5 of 5; Proposed site incl surrounding roads Sheet 5a of 5 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 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 and HT2/4 - Car Parking and New Development.
- 4 Notwithstanding the details shown indicatively on approved plan references SHT 4 of 5 and SHT 5a of 5, 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

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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 with the Local Planning Authority.

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 bury Unitary development Plan Policies EC4/1 - Small Businesses, HT2/4 - Car Parking and New Development and Ht6/2 - Pedestrian/Vehicular Conflict.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| JT                  | 21/6/22     |                         |             |