

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 18/01/2021	Ref: 66135/FUL
Registration: 28/10/2020	LDfC: 24/11/2020	Expiry Date: 23/12/2020
Site Visit: 19/11/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey rear extension to existing dental surgery

Location: 110 Ainsworth Road, Bury, BL8 2RS

Description

The site relates to an existing dental practice which operates from a terraced property which fronts a main road. The practice is located in a Neighbourhood Shopping Centre but the area is predominantly residential in character. The property is a 2 storey end terrace with the surrounding properties occupied as dwellinghouses.

There is on street parking along this stretch of Ainsworth Road and in front of the property and 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.

The application seeks the erection of a single storey extension to the existing dental surgery to provide an additional surgery and waiting room.

The extension would project 6m from the existing 2 storey outrigger and be 4m wide and have a pitched roof up to 3.6m in height. Within the yard would be storage for bins and there would be an access into the yard and the extension at the rear.
The existing garage which would be removed to facilitate the extension.

Relevant Planning History

02463/E - Partial change of use of building from dentist to hot food takeaway - Enquiry completed 03/09/2020

44443 - Change of use from shop to office (Class B1) - Approve with Conditions 31/05/2005

59616 - Change of use from office (Class B1) to dental surgery (Class D1) - Approve with Conditions 20/04/2016

Publicity

Letters sent on 4/11/20 to 16 adjacent properties on Ramsey Grove and Ainsworth Road.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No objection

United Utilities (Water and waste) - No response received.

Pre-start Conditions - Not relevant

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.

The proposed development would facilitate an additional surgery to the existing practice. Located in a neighbourhood centre and predominantly residential in character, the proposed development would serve the needs of the local community and area. The proposal for a single story additional room would be a relatively small scale development at the property and practice.

As such, the proposed development is considered to be acceptable and comply with CF1/1 and S1/5.

Impact on the surrounding area

Use - The property is a well-established dental practice which serves the local community and the proposed development would facilitate a separate waiting area and additional surgery to serve the practice and needs of the area.

Whilst there would be additional footfall and traffic which would be generated as a result of the extra dental surgery, the development would only facilitate one patient at a time and as such it is considered that the scale of the development would not be significant to cause disturbances to local residents.

Proposed extension - The proposed extension would be single storey with a pitched roof up to 3.6m in height and extend 6m from the existing two storey outrigger at the rear. It would project along the western boundary with Ramsey Grove with a gap of 1.3m to the attached property, 108 Ainsworth Road. It would be approximately 9.7m from the side gable wall of No 2 Ramsey Grove. There would be no overlooking from the extension and given it would be single storey in height and separated from these neighbouring properties by intervening boundary walls, it is considered there would not be a significant impact from the built development.

The future patients to the surgery could access the new facility either via a rear entrance off the back street and doorway into the surgery or internally from the existing dental practice. It is considered that due to the scale of the development for one additional treatment room, the number of patients which could be accommodated would not be significant to cause undue disturbances to surrounding residents.

As such, given the scale of the development and the size and position of the proposed extension, it is considered there would not be a detrimental impact to residential amenity and as such would comply with CF1/1 and EC4/1.

Highways - The existing single storey garage would be removed to facilitate the extension. Although there would be a loss of one dedicated space, the position of the garage is not ideal, being accessed directly off the back edge of pavement of Ramsey Grove and following visits to the site, cars park directly in front of the garage in any event.

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 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 for one additional treatment room, it is considered that the scale of development would not generate significantly more traffic to the practice than currently experienced.

There would be sufficient room within the rear yard to facilitate bin storage which would alleviate the problem of bins on the highway.

The Highway Section have raised no objections to the proposed development and as such considered to be acceptable and 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 - IPS/R/110/BL82RS - Sheet 1 of 2 - Existing; Sheet 2 of 2 Rev A dated 25/11/20 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 proposed extension shall incorporate foundations that do not encroach under the adjacent adopted highway at any point as indicated on approved plan reference IPS/R/110/BL82RS SHT 2 OF 2 Revision A and the existing footway adjacent to the proposed extension shall be reinstated to its former condition within 1 month of the proposed development being brought into use. The scope and specification for the ground reinstatement if required as a direct result of the construction of the extension shall be submitted to and approved by the Local Planning Authority prior to the proposed development being brought into use and carried out in accordance with the approved details.
Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EC4/1 - Small Businesses and HT6/2 - Pedestrian/Vehicular Conflict.
- 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 and HT2/4 - Car Parking and New Development.

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<u>Case Officer</u> JT 18/1/21	<u>Date</u>	<u>Sign off Officer</u> DM	<u>Date</u> 18/01/2021
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