

DELEGATED REPORT

Report by Claire Booth **Date of report:** 14/03/2024 **Ref:**70336/FUL
Registration: 20/12/2023 **LDfC:** 16/01/2024 **Expiry Date:** 14/02/2024
Site Visit: 04/03/2024 **Site Notice:** N/A **Press Date:** N/A
14:15:00

Objections: 0 **Con Area:** N/A **Adv Type:** N/A

Reason for Delay:Amendments sought removing the **EIA:** NA

proposed render to the front bay window and description of
development needed to be changed.

Dec Level: DEL

Stat Class: MIOT

Proposal: Single storey rear extension

Location: 406 Bury Old Road, Prestwich, Manchester, M25 1PZ

Description

The application relates to a three storey traditional red brick mid-terrace property located within the terrace block to the west of Park Place and Prestwich Prestbury School opposite the junction of Heys Road, Prestwich. The property is in use as a dental practice. It has a single storey hipped roof extension that attaches to what is a single storey outbuilding to the rear sited against the shared yard boundary with 402 Bury Old Road, part of which is in use for the existing dental practice.

Permission was initially sought for two elements:

- a single storey rear extension, and,
- to render part of the front elevation up to the existing two storey bay window frontage.

The second element relating to rendering part of the front elevation of the property has been removed from the proposal and therefore the description of development has been amended to reflect this.

The proposed single storey rear extension would extend from the side elevation of the single storey outbuildings by approximately 4.3 metres and would have a length/ projection from the rear elevation of the building of approximately 6.3 metres

The proposed extension and reconfiguration of the internal layout of the property would provide two additional consulting rooms for the dental surgery.

The application site borders the boundary of Bury Old Road/ St Margaret's Road Local Shopping Centre (LC13 - Bury Old Road / St Margaret's Road), as defined within the adopted UDP.

Relevant Planning History

No planning history.

Publicity

7 neighbouring property have been consulted by letter so are aware of the proposed development. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - Raises concerns that no off-street parking provision is proposed

Environmental Health - Contaminated Land - No objections

Waste Management - No comments or observations received.

Environmental Health - Pollution Control - No objections.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

EC4	Small and Growing Businesses
EC4/1	Small Businesses
EN1	Built Environment
S1/4	Local Shopping Centres
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
NPPF	National Planning Policy Framework

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.

Assessment

Policies

EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

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

H3/1 - Assessing Non-Conforming Uses - requires the Council to take into account the impact of non-conforming uses in primarily residential areas and will not permit proposals considered to be incompatible.

HT2/4 - Car Parking and New Development - requires all applications for development to make adequate provisions for their car parking and servicing requirements in accordance with the Council's car parking standards.

S1/4 - Local Shopping Centres. The Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve purely local needs. The application site is located outside of the Local Shopping Centre, albeit it is located opposite shops within the Local Shopping Centre.

Supplementary Planning Document 11 - Parking Standards in Bury supports HT2/4 and seeks to provide appropriate levels of parking in line with the standards set out within Section 5 - Table 2.

Use and Principle of Development

The existing dentist use of the application site is regarded as falling within Use Class E of the Town and Country Planning (Use Classes) Order 1987. The proposal site is located opposite properties within the Local Shopping Centres (Bury Old Road / St Margaret's Road), as classified within the Bury UDP, the boundary of which extends up to the front boundary walls of the terrace to which this property forms part.

It is considered that the proposal is modest in scale and would not detract from the vitality of the local shopping centre, and its presence directly opposite properties within the Local Shopping Centre, adds to the vitality and vibrancy of the Local Shopping Centre. The proposed extension is therefore considered to be appropriate for the location and would provide employment for local people. It is therefore considered the proposal is acceptable in principle.

Design and Layout

The immediate street scene is depicted by a terrace of large Victorian bay fronted

traditional brick properties. At the rear of the application site is a range of traditional single storey outbuildings that are attached to the neighbouring properties outbuilding.

The proposed extension would extend from part of the rear elevation of the property and the front elevation of the existing outbuilding, thereby attaching the existing property to the existing outbuilding.

The proposed extension would not be overly sympathetic to the character and appearance of the host building. However, the rear of the property is not highly visible from the public realm due to the rear of the terrace not being a through route. Therefore, there would be minimal views of the proposed extension from the unadopted lane, Park Place that is situated to the side (south-west) of the terrace/ application site.

UDP Policy HT5/1 encourages the provision of satisfactory access to public and private buildings for the mobility impaired and those with special needs. The proposal would enable level access to the Dentist Practice, allowing the ground floor users access to the building without the need for steps. In this instance therefore the proposal complies with UDP Policy HT5/1.

It is considered that the proposal would not have an adverse impact on the character of the locality and as such complies with UDP Policy EN1/2. The proposal would also create a level access into the dentist practice, in accordance with the requirements of UDP Policy HT5/1.

Residential Amenity

There are no adopted aspect standards for business properties/ extensions, however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

The proposed extension would be single storey in height and would be sited against the existing single storey range of buildings and would be no higher than the existing extensions. The amenity of occupiers of no. 408 Bury Old Road would therefore not be harmed.

The existing rear garden and a boundary wall and hedge sits between the proposed extension and thus the occupiers of no. 404 Bury Old Road would not be harmed.

Based on the above, the proposal is considered to be acceptable in this regard.

Parking and Highway Safety

The Highway Authority has raised concerns about the lack of car parking provision for the existing business but have not raised objections to the proposed development.

The proposed extension and reconfiguration of the internal layout of the property would provide two additional consulting rooms for the dental surgery. There is no off-road parking provision for the application site, or the other terraces within the same block. The proposed internal reconfiguration of the property does not require planning permission. The proposed extension itself would therefore create one additional consulting room.

Whilst the LPA note the concerns raised by the Highway Authority, it is considered the property is located within a highly accessible location, directly abutting the Local Shopping Centre, with frequent bus services within close proximity of the site. In addition, there is off street parking to the side of the site/ terrace on the unadopted lane, Park Place, if required. Overall the proposed extension would not result in conditions that would cause demonstrable harm to highway safety.

Conclusion

The proposed rear extension is of a scale of development that would support the expansion of the business occupying the property and would have an acceptable impact on the local environment and conditions. The proposal therefore accords with the aforementioned policies within the Local Plan.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 permission relates to the following plans:

Drawing no. 880-1.01: Location Plan and Existing Block Plan;
Drawing no. 880-1.03: Proposed Site Plan;
Drawing no. 880-1.04 Rev. B: Proposed Site Plan Build Area;
Drawing no. 880-3.04 Rev. A: Proposed Basement Plan;
Drawing no. 880-3.01 Rev. B: Proposed Ground Floor Plan;
Drawing no. 880-3.02 Rev. A: Proposed First Floor Plan;
Drawing no. 880-3.03 Rev. B: Proposed Second Floor Plan
Drawing no. 880-4.01 Rev. B: Proposed Elevations;
Drawing no. 880-4 Rev. B: Proposed Front Elevations;
Drawing no. 880-4-03 Rev. B: Proposed Rear Elevation;
Drawing no. 880-04 Rev. B: Proposed Side Elevations; and,
Drawing no. 880-MAT01 Rev. A: Proposed Materials Schedule, except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan listed.

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and the National Planning Policy Framework.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	14/03/2024	DM	15/03/24