

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 23/10/2020	Ref: 65926/FUL
Registration: 07/09/2020	LDFC: 05/10/2020	Expiry Date: 02/11/2020
Site Visit: 02/10/2020	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: COUS

Proposal: Change of use of first floor flat to office use (Class E (e)) ancillary to existing dental practice on ground floor

Location: 3 Kings Road, Prestwich, Manchester, M25 0LE

Description

The application relates to an existing dental practice which is located in the Sedgley Park District Shopping Centre. The centre predominantly comprises 2 shopping streets with residential properties formed around this area.

The dental practice currently operates from the ground floor of a 2 storey property fronting Kings Road, one of the main shopping streets. Above the practice are 2 separate units - above the front part of the dentist is a self contained residential flat and to the rear is a commercial office. Each of these units have a separate entrance which is located on the side elevation of the building.

The application seeks the change of use of the first floor flat to provide offices and staff facilities ancillary to the existing dentist practice. There would be no external changes, the only alteration would be to provide an access internally from the ground floor to connect to the upper floor. The separate 1st floor commercial unit at the rear would not be affected and access to this would continue from the existing side entrance door.

There would be no increase in the number of staff as the proposed development is to provide additional facilities for the existing staff members.

Relevant Planning History

47578 - Renewal of planning permission ref 38821/02 for single storey (replacement) storage building - Approve with Conditions 21/03/2007

48417 - Two/single storey extension at rear - Approve with Conditions 29/08/2007

54408 - Two/single storey extension at rear. (Retrospective) - Approve with Conditions 10/10/2011

59403 - Change of use from retail (Class A1) to dental practice (Class D1) with new shop front, alterations to elevations and provision of disabled parking space - Approve with Conditions 10/12/2015

Publicity

Letters sent to 40 properties on 14/9/20 at Kings Road, Bury New Road, Mather Avenue, Rochester Avenue.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
S1/3	Shopping in District Centres
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
CF1/1	Location of New Community Facilities

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.

Principle - The application proposes to use the 1st floor as ancillary to the existing ground floor dental surgery and to provide staff facilities and offices. The requirement for additional space has been accelerated by the current working conditions and practices. The proposed use would aid with the efficient running of the business and support the needs of the staff employed at the practice.

Located in a District Shopping Centre, the proposed development would support the role of the District Shopping Centre and the loss of a single residential unit would not have a significant impact in this location.

As such, the proposed development is considered to comply with S1/3 and EC4/1.

Layout - Internally, the change would involve converting the existing rooms at the first floor to a staff room, kitchen, bathroom facilities and 2 offices. The upper floor would be accessed internally via a new opening formed from the ground floor dentist practice to the internal staircase. The side entrance which currently accesses the first floor flat would no longer be required.

In terms of the first floor commercial office which is attached to the property at the rear, this unit is separate from the dentist practice and accessed by a separate entrance door, and would be unaffected by the proposed development.

The proposed development would result in very little changes to the current layout and would not have an impact on the adjacent units or properties and as such would comply with UDP Policies EC4/1 and CF1/1.

Residential impact - The proposed development would be used in conjunction with, and ancillary to an existing dentist practice and would require minimal alterations or interventions. There would be no additional staff employed and no changes to the working practices or facilities offered by the service. Fronting the main shopping street in the District Centre and separated from the houses on Rochester Avenue by a commercial office unit, it is considered there would not be a significant impact on residential amenity in the area.

The attached property fronting Kings Road is currently a cafe at ground floor although it is not clear if the upper floor is ancillary or residential. The unit attached at the rear is also a commercial businesses.

As the proposed use would be open during the daytime, and as it would provide offices/staff welfare facilities, it is considered the proposed use would not cause undue disturbances to the adjacent occupiers within this Distinct Centre.

The proposed development is therefore considered acceptable and would comply with EC4/1, EN1/2 and CF1/1.

Parking - There are no proposed increases to staffing levels at the practice and therefore no requirement for any additional parking.

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 Site - Location and Block plan DA20064.001; Existing and proposed plan DA20064.002 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 23/10/20		DM	28/10/2020