

Application Number 16/00561/FUL

Proposal Change of use of part of building to a mixed use Class D1 Non-residential institution and Class A1 Retail restricted to Hairdressers and Beautician use only - Retrospective.

Site Location The Old Chapel, Oaken Clough, Ashton

Applicant The Oaken Clough Partnership, Blackley House, Elland

Recommendation Approve

REPORT

1.0 SITE & SURROUNDINGS

- 1.1 The application site is a single storey rectangular building with pitched roof with established office and general industrial use. The building has no off street car parking provision.
- 1.2 To the east of the site is vacant Council owned land with mature trees adjacent to which is Oldham Road. Two storey terraced properties are to the north fronting Oldham Road and to the west fronting Oaken Street. To the south is Oaken Clough beyond which is open land. Oaken Clough and Oaken Street are both un-adopted roads.
- 1.3 Since August 2015, several of the existing units have been used as a hairdressers and beauticians and as a hypnotists and physiotherapists.

2.0 PROPOSAL

- 2.1 This application seeks full planning permission to regularise the change of use of part of the building to mixed use retail (Class A1) for Hairdressers and Beautician only and non-residential institution (Class D1) for use as a Hypnotist and Physiotherapist only. The applicant has confirmed all of the uses being applied for operate on an appointment basis.
- 2.2 The maximum floor areas for the uses being applied for are:

Class A1 Retail:	77 square metres. (Units 10 and 12 to 15)
Class D1 Non-residential institution:	73 square metres. (Units 3 and 16)
- 2.3 The hours of use proposed have been confirmed as 9.00am to 6.00pm Monday to Saturday with no working on Sunday's or bank Holiday's.
- 2.4 There will be no alterations or additions to the external elevation of the building.

3.0 PLANNING HISTORY

3.1 There are no records of any planning applications decided on this site.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated

4.2 Tameside UDP

Part 1 Policies

1.1 Capturing Quality Jobs for Tameside People

1.9 Maintaining Local Access to Employment and Services

1.12 Ensuring an Accessible, Safe and Healthy Environment

Part 2 Policies

H2 Unallocated Sites

S3 New Retail Developments outside Town Centres

S6 New Local Shopping Developments

S9 Detailed Design of Retail and Leisure Developments

4.3 Other Policies

National Planning Policy Framework (NPPF)

Section 2 Ensuring the vitality of town centres

Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 PUBLICITY CARRIED OUT

As part of the assessment of the planning application 36 notification letters were sent out to neighbouring properties on 20th June 2016.

6.0 RESPONSES FROM CONSULTEES

Head of Environmental Services – Highways has no objections and requests a note for applicant is attached to any approval granted regarding the need to consult Engineering Services for street name/postal numbers.

Head of Environmental Services – Environmental Protection Unit has no objections and request a condition is attached to any approval granted limiting the hours of use to those applied for.

7.0 SUMMARY OF 3rd PARTY RESPONSES RECEIVED

7.1 9 letters of objection have been received on the following grounds: -

- brings attention to two incidents where obstruction to existing driveways caused verbal abuse to residents and on one occasion resulted in physical assault with Police being called.
- through traffic has already caused the road to be in a dangerous state, and since use has been operating, there has been an increase in traffic making the condition of the unadopted road worse.
- parking is an issue and there is no parking provided for business use with road being in private ownership.
- concerned about the amount of traffic and the way they have total disregard for safety.
- part of building is to be a crèche and area is not suitable for such a use.
- hours can often range from 8.30am until 11.30pm sometimes seven days per week which is unacceptable in a residential street.
- roller shutter doors are extremely noisy with neon signage also causing disturbance.
- clients stand outside and smoke often discarding cigarette butts in the street.
- no sign of any proper waste collection
- already sufficient hairdressers in area and do not need another one.
- customers do not have appointments and 90% come by car
- the use started in 2014 and not August 2015 as the applicant states.
- worry business will expand and parking situation will get worse. Surely best place for a business is within the town centre.

One letter states if assurance can be given by the Council or applicant that the development will not impact on access to property and repairs to the road would be repaired due to increased traffic by the council or applicant, will not oppose the application.

A letter has been received from an objectors employee concerned their employer has been having difficulty obtaining decent quality sleep. Employer required to work shifts and as work involves 'safety critical' work, this is of serious concern. The employee

strongly recommends everything reasonable be done to allow employee to get a decent rest and sleep in order to carry out work safely and ensure safety of customers.

8.0 ANALYSIS

The key issues in deciding this application are:-

- 1) Principle of development
- 2) Impact on character of the area and neighbours amenity
- 3) Highways and parking

Principle of development

- 8.2 Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF sets out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 8.3 Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses such as retail development that are not in an existing centre and are not in accordance with an up to date Local Plan. UDP policy S3 would only permit such developments outside of town centres where certain criteria can be satisfied. However, UDP policy S3 would not apply to developments of less than 1,400 square metres gross floor space. Policy S6 deals with development intended to primarily serve local needs where local small scale retail outlets serving local needs will be permitted. It is there considered that a sequential test is not necessary for this application.
- 8.5 The development will create approximately 77 square metres of retail floorspace and 73 square metres of non-residential institution floorspace and it is considered the proposed small scale development will comply with both the NPPF and UDP and will not impact on Ashton town centre or the local shopping centres or parades. The principle of the development is therefore considered acceptable with the development being in compliance with UDP policy S6(a).

Impact on character of the area and neighbours amenity

- 8.6 Given the small scale nature of the development in terms of floor area, the use as a Hairdressers, Physiotherapists and Hypnotists is considered not to raise any

significant environmental issues which may impact on the neighbouring residential properties. The uses will not involve any operations likely to result in unacceptable levels of noise or odours and with a restrictive condition on the hours of use applied for by the applicant and suggested by the Head of Environmental Services – Environmental Protection Unit, the proposed use is considered acceptable and would be in compliance with UDP policies S6(b) and S9(d).

- 8.7 The applicant has agreed to further restrictive conditions limiting the scope of uses within the Use Classes A1 and D1 to Hairdressers/Beauticians and Physiotherapists and Hypnotists only and maximum floor areas for these uses. It is therefore considered with suitably worded conditions to this effect, the development would comply with UDP policy S6(b)

Highways and Parking

- 8.8 The applicant has confirmed the remaining units within the building are being used for office and general industrial use which was the previous use of the units subject to this application. It is considered the previous use as office accommodation would have the potential to generate a significant amount of traffic if this use were to continue. The use as local services would reduce the size of vehicles servicing the property to the benefit of the local highway network and highway safety and is considered to be in accordance with UDP policies S6(c) and S9(a).
- 8.9 The Head of Environmental Services – Highways has raised no objections to the proposal despite there being no provision for off street car parking. Based on the floor areas being applied for, it is considered the level of traffic and associated car parking expected from the development operating an appointment system can be accommodated on the local highway without being detrimental to either highway safety or the local highway network.

Other matters

- 8.10 With reference to the point an objector has raised regarding the intention of a crèche facility to be provided within the building, the applicant has confirmed this is not the case. If this use were to be considered by the applicant, then this would need to be the subject of a separate planning application. This would also be the case for any increase in floor area resulting from any expansion of the businesses beyond the restrictive condition limiting floor area.

9.0 CONCLUSION

- 9.1 It is considered the services offered will provide for the local community and should result in more sustainable journey patterns being within a predominantly residential area.

RECOMMENDATION – To grant planning permission subject to the conditions set out below:

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof, the Class A1 and Class D1 uses hereby authorised shall only be used as a Hairdressers and/or Beauticians and Physiotherapists and Hypnotists and for no other purposes within Class A1 and Class D1 of the above Order.
2. The permission relates to the floor plan drawing and location plan received on 9th June 2016
3. The use hereby permitted shall not be operated on Sundays and Bank Holidays and outside the hours of 0900 - 1800 Monday to Saturday.
4. The uses hereby approved shall not exceed the following floor areas;

Class A1 (Hairdressers/beautician):- 77 square metres.
Class D1 (Physiotherapists/Hypnotists) - 73 square metres.