

Application Number:	20/00977/FUL
Proposal:	Change of use from domestic dwelling to consulting rooms for the provision of medical and health services.
Site:	Siren House, 437 Stockport Road, Hyde, SK14 5ET
Applicant:	Mr & Mrs Knowles
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because, in accordance with the Panel's Terms of reference, the Head of Service considers that the application raises issues about which a member of the public has requested the opportunity to address the Panel before a decision is made. Accordingly, the applicant, or their agent, has also been given the opportunity to speak.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 Formerly forming a flat-roofed, single-storey annex at the side of a what was a detached house, known as Overdale, the property known now as Siren House, to which the application relates, was formed following the grant of planning permission (ref. 13/00850/FUL) allowing for the sub-division of the original house to form flats. The same permission then allowed for the construction of a pitched roof on the annex so as to allow for accommodation to be provided on 2 floors, utilizing the roofspace.
- 1.2 The building occupies a corner plot at the junction of Stockport Road and Rosemary Drive in the Gee Cross area of Hyde. Approximately 40m to the west of this junction Stockport Road adjoins Dowson Road (A627) and continues south-westward towards Stockport and is the main road between Hyde and Stockport. Rosemary Drive is a narrow, unadopted, no-through road that serves nine detached houses. The location is within an established residential area.

2. PROPOSAL

- 2.1 The proposal seeks planning permission retrospectively for the change the use from a dwellinghouse to consulting rooms for the provision of medical and health services. The consulting rooms would occupy the ground-floor, whilst the upper floor would provide ancillary accommodation for practitioners.

3. PLANNING HISTORY

- 3.1 13/00850/FUL - Alterations and extension of existing annex to form a 2 bedroomed apartment - Approved 23.01.2014

4. PLANNING POLICY

National Planning Policy Framework (NPPF)

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).
- 4.5 Tameside Unitary Development Plan (2004)

Part 1 Policies

- 1.3 Creating a Cleaner Greener Environment
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.6 Part 2 Policies

- H2: Unallocated Sites.
- H4: Type, Size and Affordability of Dwellings.
- H10: Detailed Design of Housing Developments.
- T10: Parking.
- C1: Townscape and Urban Form
- N5: Trees Within Development Sites
- MW11: Contaminated Land

Other relevant policies

- 4.7 Employment Land Supplementary Planning Document
- 4.8 It is not considered there are any local finance considerations that are material to the application.

Places for Everyone

- 4.9 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.
- 4.10 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there

are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

- 4.11 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

Other Considerations

- 4.12 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect to private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.13 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been publicised by neighbour notification letters.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 Representations have been received from four neighbouring households, and one other third party, and these object on the grounds that:
- the lack of off-street parking provision is causing congestion, restricting access for residents, and so creates a road traffic hazard near to the main road junction;
 - that the application is retrospective, and that advertisements are already being displayed, shows a lack of respect for due process;
 - the commercial use of the property is unconducive to the character of the residential area; and,
 - there is a covenant restricting the use to a dwellinghouse only.
 - it is alleged that certain neighbours did not receive notification letters.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority (LHA) has raised no objections.
- 7.2 The Head of Environmental Services (Public Protection) has raised no objection and suggested that conditions: restricting the hours of construction/conversion work, and use thereafter and, requiring all fixed plant and machinery shall be acoustically treated/designed, be attached to any permission.

8. ANALYSIS

8.1 The application being for the change of use only, the issues to be considered in the determination of the application are:

- the principle of the change of use, and its impact on existing amenities; and,
- the impact on highway safety and the road network.

9. PRINCIPLE OF THE CHANGE OF USE

9.1 Support for the principle of the application proposal is found in paragraph 93 of the NPPF, which states that:

“Planning policies and decisions should...plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”

9.2 The proposed use, falling within Use Class E, comprises a commercial, business or service use. The Employment Land SPD then recognises that:

“Many businesses can be carried on in...residential areas without causing unacceptable disturbance through increased traffic, noise, pollution or other adverse affects (and) that it may not be appropriate to separate industry and commerce (especially small-scale developments) from the communities for whom they are a source of employment and services. There are a number of employment uses that are, by definition, acceptable in residential areas.”

9.3 The application does not state the proposed hours of use. As is suggested by the Head of Environmental Services (Public Protection), a condition it is recommended be attached to any permission is to restrict the hours of use to between 08.00am and 06.00pm. Given the characteristics of the proposed use as consulting rooms for the provision of medical and health services it is accepted that such activity can be carried on in the residential area, at these times, without causing unacceptable disturbance to any existing amenities.

10. HIGHWAY SAFETY AND THE ROAD NETWORK

10.1 The single consulting room comprises approximately 14 square metres of floor space. The services offered, in the main, relate to people that have musculoskeletal issues and clients are dealt with singly, individually and by appointment. The LHA are satisfied that there is sufficient capacity within the immediate vicinity to accommodate any potential on street parking resulting from the development.

10.2 There is space enough to park two cars off-street at the side of building alongside Rosemary Drive and so, despite the absence of any discrete cycle storage provision, it is considered that there would not be an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe

11. OTHER ISSUES

11.1 A number of other issues have been raised by third parties that can be addressed as follows.

11.2 It is acknowledged that the application is retrospective, but such applications can be submitted under section 73A of the Town and Country Planning Act 1990 (as amended).

Whilst the concerns about this are acknowledged, the law allows for this to happen. The fact that the application is retrospective is not material to the decision.

- 11.3 It is stated that there is a covenant restricting the use of the property to a dwellinghouse. The local planning authority cannot enforce this private right. The courts have held this is not material to a planning decision.

12. CONCLUSION

- 12.1 The principle of the development being acceptable, without impinging unduly on any existing amenities, it is considered that the proposed change of use conforms to the relevant requirements of the UDP and the NPPF, and, there being no other material considerations to indicate otherwise, the recommendation is for approval.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out in full accordance with the following plan:

- the Location and Site Plans – Con 001 received on 05.04.2022.

Reason: For the avoidance of doubt

- 3) The premises shall be used for the provision of medical or health services, principally to visiting members of the public and for no other purpose (including any other purpose in Class E of Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In the interests of the amenities of local residents