

List No. 9

Didsbury Ward	East	Application Number 083882/FO/2007/S2	Date of Appln 17th Jul 2007	Committee Date 13th Sep 2007
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Proposal Change of use of first floor office (B1) to 24 hour private hire taxi booking office (sui generis)

Location 725 Wilmslow Road, Didsbury, Manchester, M20 6WF

Applicant Glenn Nelson 1 Norview Drive, East Didsbury, Manchester, M20 5QF

Agent

Description

The application site is situated within a two-storey building towards the south of Didsbury District Centre and fronts onto Wilmslow Road. The premises is currently a vacant office unit with access to the premises taken from the rear through a narrow alleyway.

The surrounding area is predominately characterised with retail and commercial premises associated with the District Centre. On the ground floor of the application site is a newsagent. The upper floor of the premises, either side of the application site, is a hairdressers and a vacant office unit. The side street off Wilmslow Road is a residential street with terraced housing and flats.

This application seeks permanent planning permission for the change of use of the first floor office to a 24-hour private hire taxi booking office. The applicants have indicated that the taxi office will be for pre-book taxis only and will not be used for the patrons waiting for taxis.

Consultations

Local Residents/ Businesses - 1 letters of objection have been received for this application. The comments can be summarised as follows:

1. The proposed use will lead to an increase in anti-social behaviour in what is predominately a retail/residential area. Problems are most likely to occur in the late evenings/early mornings, particularly at weekends.
2. The proposal will create an increase in the number of traffic movements in the area. Whilst this alone is unlikely to have a major impact on the surrounding road network, it should be borne in mind that the vast majority of the 'new trips' will start and finish at the address. There is currently an insufficient car parking provision in the vicinity and it is inevitable that this will lead to increased congestion.

Didsbury Civic Society – Object to the proposal. Taxi offices lead to comings and goings throughout 24 hours, lead to unacceptable parking and generally are out of keeping in the village centre. All other taxi services in our area have found less problematic locations and incidentally better location for the antenna used in these operations.

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Greater Manchester Police Architectural Liaison Officer – No problem with the change of use.

Greater Manchester Police Crime Reduction – No comments at the time of writing this report. Any comments will be reported to the Committee.

Head of Environmental Health – Conditions should be imposed on any consent restricting the use of the premises to a private hire booking office only.

Issues

The Unitary Development Plan for the City of Manchester (1995) - The application site is allocated within the UDP as falling within the District Centre of Didsbury. In addition, when dealing with applications of this nature, regard is given to policies H2.2 and E3.5, contained within part one of the UDP. Development Control Policy Number 24 "Taxi and Private Hire Businesses" contained within Part two of the UDP is also applicable.

Policy H2.2 states that the City Council will not allow development that will have an unacceptable impact on residential areas. The matters which the Council will take into consideration include the scale and appearance of the development and its impact in terms of noise, vibration traffic generation, road safety and air pollution.

Policy E3.5 wishes to promote measures which will lead to a safer environment for all people living in and using the City. These measures will include:

- a) Ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas;

Policy DC24.1, contained within Part Two, relates specifically to Private hire taxi businesses. The policy states that in considering proposals for taxi and private hire businesses, the Council will have regard to:

- I. The general location of the proposed development;
- II. The effect on the amenity of residents;
- III. The availability of adequate, safe and convenient arrangements for car parking and servicing;
- IV. The adequacy of the local traffic circulation system and prevailing local traffic conditions.

Policy DC24.2 goes onto indicate that the principle of such uses will normally be permitted in District Centres so long as the additional comings and goings would have no significant adverse effect on the occupiers of nearby properties or on highway safety.

Where the Council considers the location to be acceptable, Policy DC24.3 states that conditions will be imposed to:-

- I. Limit the hours of operation;
- II. Restricting the use to a radio control base only, with vehicles being prohibited from returning to the base within prescribed hours;
- III. Secure measures for the avoidance of noise and disturbance;
- IV. Restrictions on the provision or use of customer waiting facilities.

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Regional Spatial Strategy for the North West (RSS) - Formerly RPG13- provides planning guidance for the North West Region. Since 2004, the RSS has formed part of the statutory development plan as such the weight to be attached to its policies has increased.

Policy DP2 seeks to ensure that there is an enhancement in the overall quality of life experienced in the region. In particular, the provision of a high quality of life for this and future generations is encouraged.

Guide to Development in Manchester –The City Council will positively promote District Centres as destinations, each with its own unique character and range of services. Development proposal will need to help enhance the character and quality of life of centres.

Planning Considerations

Principle - The application site is currently a vacant office unit to the south of Didsbury District Centre. Numerous commercial and retail premises, associated with the District Centre, surround the proposed unit. There are residential properties in the immediate area; however, they are mainly confined to the residential side streets that sit behind Wilmslow Road.

It is therefore considered that the proposal is consistent with the rationale of DC24.2, due to the sites District Centre location, and is thus considered to be acceptable in principle. However, consideration has been given to how to successfully control the use of the premises to just a taxi office, whether the hours of operation are acceptable, noise and traffic and highway implications.

Public waiting facilities – The premises will not be used for customer waiting. As such, issues such as noise and general comings and goings from the patrons entering and leaving the premises at anti-social hours will not be characteristic of this proposal. In addition, it is worthy of note that this premises would be inadequate for public use due to the isolated access at the rear of the premises.

At the recommendation of the Head of Environmental Health, a condition should be imposed on any planning permission which prevents the space being used for the public in the future. This will ensure that the area will not be used by visiting members of the public late at night thus assisting in limiting the level of activity in and around the site. Furthermore, it will assist in discouraging vehicles from returning to the booking office to collect customers.

Hours of operation – The application seek to gain permission to use the premises on a 24 hour basis. Given the sites District Centre location and the fact that there is no residential accommodation immediately adjacent to the application site, it is not considered that the use of the premises on a 24 hour basis will have a detrimental impact, particularly on residential amenity.

Access to the premises will be taken from the rear, off Old Oak Street. Although this is a primarily residential street, it is not considered that the comings and goings of a limited number of staff will have a detrimental impact.

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Noise – It is recommended that a condition is imposed on any permission to ensure that the premises is insulated against noise to prevent undue noise disturbance to the occupants of the upper floor accommodation.

Traffic and Highway implications – An objection has been received in respect of traffic and parking implications as a result of the proposal. As the proposal is simply for a booking office only, no cars should be congregating in and around the application site. A condition has been imposed which would ensure that no cars, associated with the booking office, do not park on any of the adjoining streets or within 100 metres of the site.

Erection of the Aerial – The applicant intends to erect a 4.20 metre aerial at the rear of the premises. Given the restricted access to the rear, the aerial will not be highly visible. However, it will be marginally visible from the street scene (Wilmslow Road) as it projects slightly above the ridge of the roof (by 1 metre). This is not considered to be detrimental to the appearance of the building given the slender appearance of the aerial, however, prior to the erection of the aerial the application has been conditioned to ensure that final details are submitted and approved by the City Council.

Conclusion

The proposal is located in the District Centre of Didsbury which is the preferred location of such uses. The premises will be for a booking office only and there will be no provision for a waiting area for members of the public. As such, the level of activity in and around the site should be kept to a minimum.

However, the Head of Planning recommends that planning permission is only granted for a temporary period of 12 months and subject to conditions to mitigate against the impact of the development on residential amenity. The suitability of the use in this location and compliance with conditions can then be monitored and assessed during this period.

Human Rights Act 1998 considerations - This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

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Reason for Recommendation – The application is for the change of use of a vacant office to a private hire booking office. The proposal sits within the District Centre of Didsbury where there is a range of commercial and retail premises. The application is granted on the basis of a temporary consent for 12 months to assess if there are any issues in respect of car parking, noise and misuse of the premises.

The proposal accords with the Council's UDP in particular policies H2.2, E3.5, and DC24 of the Unitary Development Plan for the City of Manchester (Adopted 1995), Regional Spatial Strategy for the North West in particular DP2 and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) The use hereby permitted shall be discontinued on or before 13th September 2008.

Reason - In order to allow a period to assess whether the permitted use is detrimental to existing uses nearby and in the interest of residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

2) Before the building hereby approved is first occupied it shall be insulated in accordance with a scheme submitted to and approved in writing by the City Council as Local Planning Authority in order to secure a reduction in the level of noise emanating from the property.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

3) The premises shall not be open to the public for the purpose of booking or waiting for private hire vehicles. No private hire vehicles operating in association with the premises shall wait or part at the premises, on Wilmslow Road, Old Oak Street, William Street and Albert Hill street or within 100 metres of the premises.

Reason - To safeguard the amenity of the occupants of nearby residential accommodation pursuant to policies H2.2 and DC24 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

4) Prior to the erection of the aerial, details of the design and specification of the aerial shall be submitted and approved in writing by the City Council as Local Planning Authority.

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Reason – To ensure that the aerial is of an appropriate design and height to the property pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 083882/FO/2007/S2 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Environmental Health

Greater Manchester Police

Didsbury Civic Society

Lifestyle Events, Hill House 1-7, Albert Hill Street, Manchester, M20 6RF

Flat 1, 726a, Wilmslow Road, Manchester, M20 2DW

Flat 2, 726a, Wilmslow Road, Manchester, M20 2DW

Flat 3, 726a, Wilmslow Road, Manchester, M20 2DW

Flat 4, 726a, Wilmslow Road, Manchester, M20 2DW

Flat 5, 726a, Wilmslow Road, Manchester, M20 2DW

Flat 6, 726a, Wilmslow Road, Manchester, M20 2DW

Flat 7, 726a, Wilmslow Road, Manchester, M20 2DW

Flat 8, 726a, Wilmslow Road, Manchester, M20 2DW

Flat 9, 726a, Wilmslow Road, Manchester, M20 2DW

Flat 10, 726a, Wilmslow Road, Manchester, M20 2DW

Delta Legal, Didsbury House 748-754, Wilmslow Road, Manchester, M20 2DW

719a, Wilmslow Road, Manchester, M20 6WF

732-736, Wilmslow Road, Manchester, M20 2DW

Didsbury Village Store, 746 Wilmslow Road, Manchester, M20 2DW

J P & Brimelow, 748a, Wilmslow Road, Manchester, M20 2DW

Greater Manchester Police, Didsbury Police Station 738-744, Wilmslow Road, Manchester, M20 2DW

Est Est Est, 756-758, Wilmslow Road, Manchester, M20 2DW

Post Office, Didsbury Village Post Office 1-7, Albert Hill Street, Manchester, M20 6RJ

711a, Wilmslow Road, Manchester, M20 6RE

10 Albert Hill Street, Manchester, M20 6RF

11 Albert Hill Street, Manchester, M20 6RF

12 Albert Hill Street, Manchester, M20 6RF

14 Albert Hill Street, Manchester, M20 6RF

2 Albert Hill Street, Manchester, M20 6RF

4 Albert Hill Street, Manchester, M20 6RF

6 Albert Hill Street, Manchester, M20 6RF

8 Albert Hill Street, Manchester, M20 6RF

9 Albert Hill Street, Manchester, M20 6RF

11 Old Oak Street, Manchester, M20 6RH

13 Old Oak Street, Manchester, M20 6RH

15 Old Oak Street, Manchester, M20 6RH

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3 Old Oak Street, Manchester, M20 6RH
4 Old Oak Street, Manchester, M20 6RH
6 Old Oak Street, Manchester, M20 6RH
9 Old Oak Street, Manchester, M20 6RH
J C Guy, 717 Wilmslow Road, Manchester, M20 6WF
Elaina, 719 Wilmslow Road, Manchester, M20 6WF
Albion Green Independent Estate Agent, 721 Wilmslow Road, Manchester, M20 6WF
United Norwest Co-operatives Ltd, 727 Wilmslow Road, Manchester, M20 6WF
Royal Oak Hotel, 729 Wilmslow Road, Manchester, M20 6WF
715a, Wilmslow Road, Manchester, M20 6WF
5 Old Oak Street, Manchester, M20 6RH
2 Old Oak Street, Manchester, M20 6RH
8 Old Oak Street, Manchester, M20 6RH
Bridgfords, 731 Wilmslow Road, Manchester, M20 6WF
Club 2000, Hill House 1-7, Albert Hill Street, Manchester, M20 6RF
Savjani, 711 Wilmslow Road, Manchester, M20 6RE
A & M Rhead, 725 Wilmslow Road, Manchester, M20 6WF
Self Video, 715 Wilmslow Road, Manchester, M20 6WF
Johnson Cleaners Uk Ltd, 707-709, Wilmslow Road, Manchester, M20 6RE
Reeds Rains, 713 Wilmslow Road, Manchester, M20 6RE
717a, Wilmslow Road, Manchester, M20 6WF
10 Old Oak Street, Manchester, M20 6RH
12 Old Oak Street, Manchester, M20 6RH
Barrards Hairdressing, 723 Wilmslow Road, Manchester, M20 6WF
Image Intertrade, Didsbury House 748-754, Wilmslow Road, Manchester, M20 2DW
Richard Saleh & Co, Didsbury House 748-754, Wilmslow Road, Manchester, M20 2DW
Marks & Spencer Plc, 726-732, Wilmslow Road, Manchester, M20 2DW
Fisk Priest & Swan Ltd, Didsbury House 748-754, Wilmslow Road, Manchester, M20 2DW

Representations were received from the following third parties:

Marks And Spencer, The Point, 37 North Wharf Road, London, W2 1AF

Relevant Contact Officer: : Jennifer Atkinson
Telephone No. : (0161) 234 4517
Email : j.atkinson@manchester.gov.uk