

List No. 6

Baguley Ward	Application Number	Date of Appln	Committee Date
	081866/FU/2007/S2	17th Jan 2007	12th Apr 2007
Proposal	Change of use of ground floor of vacant retail shop to private hire booking office operating between 8.00am to 6.00pm Monday to Saturday and 9.00am to 3.00pm on Sundays		
Location	138 Royal Oak Road, Baguley, Manchester, M23 1FB,		
Applicant	Naveeda Chaudri 17-19 Veerer Street, Brierfield, Lancs, BB9 5QQ		
Agent	Bridge House Draughting Services 36 Cross Lee Road, Todmorden , Lancs, OL14 8EH		

Description

This application was considered by the Wythenshawe Area Committee (WAC) at its meeting on 22nd March 2007. The WAC recommended the refusal of the application due to its potentially detrimental impact on residential amenity in terms of additional noise disturbance, activity around the site and traffic generation.

The application site lies within the western half of a two storey shopping parade adjacent to the junction of Royal Oak Road and Spark Road. The surrounding area is predominantly residential.

The site has previously been the subject of the following planning applications:

- i. 078827/FU/2006/S2 -Change of use from shop to 24 Hour Private Hire Booking Office. Refused 3rd May 2006;
- ii. 0808730/FU/2006/S2 - Change of use of ground floor to form private hire taxi base operating between 8.30 a.m. to 8.30 p.m. Monday to Sunday. Refused 6th November 2006

These previously applications were both refused on the grounds of their impact on residential amenity and pedestrian safety; increased traffic movements and localised parking of private hire vehicles resulting in traffic congestion.

The applicant has sought to address these issues by proposing to operate the premises as private hire booking office only. It is not proposed that the private cars would form a "rank" outside the premises. The applicant has indicated that drivers will be instructed from to refrain returning to the office during quiet periods. The applicants do not propose to install signage to the premises or encourage customers to visit the premises to order private hire cars. It is intended that the business should primarily rely on telephone bookings.

Consultations

Local Residents - The applicant has submitted a petition signed by 49 local residents, 47 of the residents support the proposals.

Two individual letters of objection have been received and are summarised below:

List No. 6

- i. The business will be located in very close proximity to neighbouring uses and will result in additional noise, traffic and air pollution;
- ii. The proposal will result in additional traffic congestion to the detriment of pedestrian and highway safety;
- iii. There is concern that the premises will operate outside the proposed hours;
- iv. The public consultation undertaken by the applicant is considered to be limited;
- v. It is considered that private hire vehicles will return to and operate from the site.

Manchester Residents Association - Object to the proposal on the grounds that the premises will operate outside the proposed hours and that, in practice, a 24 hour operation will be undertaken at the ground and first floor. The use would cause additional noise in a residential area. The generation of additional traffic would result in highway safety difficulties

Issues

Unitary Development Plan - The following policies are relevant to the consideration of the proposed development.

H2.2 - States that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider, amongst other things, the scale and appearance of the development, traffic generation and road safety

DC24 - States that in considering proposals for taxi and private hire businesses, the Council will have regard to:

- i. The effect on the amenity of residents;
- ii. The availability of adequate, safe and convenient arrangements for car parking and servicing;
- iii. The adequacy of the local traffic circulation system and prevailing local traffic conditions.

The policy also states that such development will not normally be permitted within predominantly residential areas. However, the policy states that if the Council considers the location to be acceptable, conditions may 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.

Regional Spatial Strategy for the North West - Formerly RPG13, this provides planning guidance for the North West region. Since 2004, the RSS has formed part of the development plans; as such, the weight to be attached to its policies has increased. It contains policies that address core principles of development including the following:

DP1 Economy in the use of land and buildings.

List No. 6

DP2: Enhancing the Quality of life - Ensuring development provides a high quality of life for this and future generations.

DP3 Quality in New Development - Ensuring that new development demonstrates good design and respect for its setting.

The North West Plan, Draft Regional Spatial Strategy (RSS) - Publicised in January 2006, this draft RSS document provides a framework for the physical development of the region over the next 15 to 20 years. Policy DP1 is relevant in its requirements to "make more sustainable, transparent decisions" and "ensure quality in development".

Wythenshawe Strategic Regeneration Framework - This document provides a strong vision for Wythenshawe over the next 10 - 15 years, guiding the improvement of public services for Wythenshawe residents and shaping future development. At the heart of the Strategic Regeneration Framework (SRF) is a vision for Wythenshawe as Manchester's Garden City, based both on Wythenshawe's uniqueness and the opportunities in the area. This brings together the positive aspects of Wythenshawes housing and green space with the continued growth of the areas economy and potential for further job creation, better quality shops and lifestyle facilities.

It is acknowledged that the SRF is not part of the adopted UDP for Manchester, but it is Council policy for Wythenshawe. The framework clearly follows the adopted UDP and is a much more current and specific document for the Wythenshawe area. The Wythenshawe SRF document will inform the Local Development Framework for the City of Manchester i.e. the replacement to the existing UDP.

In general terms it is considered that the proposal is generally consistent with the Wythenshawe SRF document in terms of its aspirations for business development. Consideration needs to be given to the relationship of the development in respect of neighbourhood regeneration.

Principle of the use - It is considered, on the face of it, that the current proposal differs from those previously considered as it primarily relates to a booking office and relies on business from telephone bookings. The premises are not located in an area with local amenities e.g. public houses or restaurants. It is unlikely, therefore, that large numbers of people would visit the site to order a private hire car. However, there is concern that the provision of a public waiting area will encourage people to visit the site and draw vehicles to the premises. Experience elsewhere in the City is that drivers do return to base during "quiet" periods. Measures to address these concerns are outlined below.

It is considered that the proposed use may affect the local area if it is not satisfactorily controlled by conditions. It is considered that the granting of a temporary planning permission, i.e. would allow the effectiveness of these conditions to be considered.

Hours of Operation - A condition is recommended to restrict the operation of the premises to the following hours: 8.00am to 6.00pm Monday to Saturday and 9.00am to 3.00pm on Sundays and Bank Holidays. It is considered that operation of the premises beyond these hours would have a potentially detrimental impact upon residential amenity.

List No. 6

Public waiting facilities - In order to limit activity around the site and to discourage vehicles from returning to the booking office to collect customers, a condition is recommended to prevent the provision of a public waiting area.

Noise - A condition is recommended to ensure that the application premises insulated against noise to prevent undue noise disturbance to the occupants of the upper floor residential accommodation during the booking office opening hours.

Conclusion

It is recommended that the proposed use should be granted for a temporary period of one year and subject of conditions to mitigate against the impact of the development on residential amenity. The suitability of the use in this location will be considered 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.

Head of Planning Recommendation TEMPORARY APPROVAL

of one year and on the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policies H2.2 and DC24 and other material considerations of material weight including particular RPG policies: DP1; DP2; DP3; DP4, RSS policy DP1, PPS1 and The Wythenshawe Strategic Regeneration Framework.

Wythenshawe Area Committee: REFUSE

on the grounds that the development would have a potentially detrimental impact on residential amenity in terms of additional noise disturbance, activity around the site and traffic generation.

Conditions and/or Reasons

1) The permission hereby granted is for a limited period only, expiring on 22nd March 2008 and the use comprising the development for which permission is

List No. 6

hereby granted is discontinued before this permission expires on 22nd March 2007.

Reason - The development is of a temporary nature only and in the interest of residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

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 accommodation pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

3) The planning permission hereby granted does not confer consent for the provision of public waiting facilities within the premises unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of residential amenity pursuant to policies H2.2 and DC24 of the Unitary Development Plan for the City of Manchester.

4) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

* Monday to Saturday 8:00 am to 6.00 pm

* Sunday and Bank Holidays 9:00 am to 3:00pm.

Deliveries, servicing and vehicle/equipment movements on the premises or outdoor parking/amenity areas shall be restricted to the above opening hours.

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.

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: 081866/FU/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 on the application:

First Floor, 136 Royal Oak Road, Manchester, M23 1FB

Spice House Take Away, 27 Spark Road, Manchester, M23 1DQ

List No. 6

Acorn Centre, Royal Oak Road, Manchester, M23 1DY
Royal Oak & Baguley Residents Association, Royal Oak Road, Manchester,
M23 1DY
Mini Market, 136-140, Royal Oak Road, Manchester, M23 1FB
37 Royal Oak Road, Manchester, M23 1BE
39 Royal Oak Road, Manchester, M23 1BE
1 Longcroft Grove, Manchester, M23 1DG
2 Longcroft Grove, Manchester, M23 1DG
17 Spark Road, Manchester, M23 1DQ
19 Spark Road, Manchester, M23 1DQ
21 Spark Road, Manchester, M23 1DQ
23 Spark Road, Manchester, M23 1DQ
27 Spark Road, Manchester, M23 1DQ
30 Spark Road, Manchester, M23 1DR
32 Spark Road, Manchester, M23 1DR
34 Spark Road, Manchester, M23 1DR
36 Spark Road, Manchester, M23 1DR
38 Spark Road, Manchester, M23 1DR
40 Spark Road, Manchester, M23 1DR
42 Spark Road, Manchester, M23 1DR
44 Spark Road, Manchester, M23 1DR
46 Spark Road, Manchester, M23 1DR
48 Spark Road, Manchester, M23 1DR
79 Brookcot Road, Manchester, M23 1DS
81 Brookcot Road, Manchester, M23 1DS
83 Brookcot Road, Manchester, M23 1DS
85 Brookcot Road, Manchester, M23 1DS
87 Brookcot Road, Manchester, M23 1DS
89 Brookcot Road, Manchester, M23 1DS
91 Brookcot Road, Manchester, M23 1DS
93 Brookcot Road, Manchester, M23 1DS
95 Brookcot Road, Manchester, M23 1DS
60 Brookcot Road, Manchester, M23 1DU
62 Brookcot Road, Manchester, M23 1DU
64 Brookcot Road, Manchester, M23 1DU
1 Burwell Grove, Manchester, M23 1FA
2 Burwell Grove, Manchester, M23 1FA
3 Burwell Grove, Manchester, M23 1FA
4 Burwell Grove, Manchester, M23 1FA
146 Royal Oak Road, Manchester, M23 1DY
148 Royal Oak Road, Manchester, M23 1DY
150 Royal Oak Road, Manchester, M23 1DY
57 Royal Oak Road, Manchester, M23 1DZ
59 Royal Oak Road, Manchester, M23 1DZ
61 Royal Oak Road, Manchester, M23 1DZ
134 Royal Oak Road, Manchester, M23 1FB
142 Royal Oak Road, Manchester, M23 1FB
41 Royal Oak Road, Manchester, M23 1FD
43 Royal Oak Road, Manchester, M23 1FD
45 Royal Oak Road, Manchester, M23 1FD
47 Royal Oak Road, Manchester, M23 1FD
49 Royal Oak Road, Manchester, M23 1FD
51 Royal Oak Road, Manchester, M23 1FD
53 Royal Oak Road, Manchester, M23 1FD

List No. 6

55 Royal Oak Road, Manchester, M23 1FD
25 Spark Road, Manchester, M23 1DQ
132 Royal Oak Road, Manchester, M23 1FB
136 Royal Oak Road, Manchester, M23 1FB
138 Royal Oak Road, Manchester, M23 1FB
140 Royal Oak Road, Manchester, M23 1FB
1 Ryecroft Grove, Manchester, M23 1EB
2 Ryecroft Grove, Manchester, M23 1EB
3 Ryecroft Grove, Manchester, M23 1EB
4 Ryecroft Grove, Manchester, M23 1EB
6 Ryecroft Grove, Manchester, M23 1EB
120 Royal Oak Road, Manchester, M23 1FB
122 Royal Oak Road, Manchester, M23 1FB
124 Royal Oak Road, Manchester, M23 1FB
126 Royal Oak Road, Manchester, M23 1FB
128 Royal Oak Road, Manchester, M23 1FB
130 Royal Oak Road, Manchester, M23 1FB

Representations were received from the following third parties:

D Hague, 23 Spark Road, Manchester, M23 1DQ
J Hill, 95 Brookcot Road, Manchester, M23 1DS

Relevant Contact Officer: : Carl Glennon
Telephone No. : (0161) 234 4544
Email : c.glennon@manchester.gov.uk