

Application Number	Date of Appln	Committee Date	Ward
117121/JO/2017	27 July 2017	19 Oct 2017	Harpurhey Ward

Proposal Removal of condition 17 (off site highway works) related to planning permission referenced 108871/FO/2015/N1 which allowed for change of use from offices (B1 Use) and residential (C3 Use) to respite accommodation (C2 Use), including the erection of a two-storey side extension to 1071 Rochdale Road

Location 1069 - 1071 Rochdale Road, Manchester, M9 8AJ

Applicant Mr Norman Lowrey , Vestacare Ltd, Westcroft Industrial Estate, Middleton, Manchester, M24 4GJ,

Agent Mr Andrew Burrows, Highways Advice Ltd, 11 Calday Grove, Haydock, St Helens, WA11 9RS,

Description

The application site includes a pair of semi-detached properties located at Nos. 1069 and 1071 Rochdale Road in the Harpurhey area of North Manchester. These are large Victorian properties of two storeys in height with additional accommodation in the basement and loft spaces. The properties have been extended previously and the uses changed and the planning history relating to this can be seen in the site history section below. The properties are set in landscaped gardens surrounded by existing boundary treatments of a brick wall to the front and close boarded fencing to the side and rear.

No.1069 Rochdale Road was until recently in use as offices in association with the Vesta Care Ltd adult day care centre that operates in the adjacent building at No. 1067 Rochdale Road, while No. 1071 Rochdale Road was in use as a single residential house.

The area surrounding the application site is predominantly residential in nature however, there are a mix of shopping, social, educational and recreational activities close by. The existing Vesta Care adult day care centre and the Kennedy's funeral directors are located on the corner of Rochdale Road and Cumberland Road. Rochdale Road is a major arterial route into and out of the city centre.

Site History

There are a number of historic applications logged against the application properties at 1069 and 1071 Rochdale Road. Since 1989, there have been 4 consents granted for residential extensions to 1069 Rochdale Road, including a two storey extension in 1989, an extension to form a swimming pool in January 1991, a two storey extension in April 1991 and a kitchen extension in 1994.

Planning permission was then granted in November 2008 under application 087036/FU/2008/N1 for the change of use of 1069 Rochdale Road from a residential

use to offices (B1) in connection with proposed Adult Day Centre at 1067 Rochdale Road along with the creation of hydrotherapy pool on the ground floor of the property to be used by visitors to the day care centre at 1067 Rochdale Road. This building has been in use as an office with the hydrotherapy pool since this approval.

The adjacent property at 1067 Rochdale Road also has a number of existing consents changing the use of the building from the original residential use. Permission was granted in 1991 to change the use of the building from a convent to an office and this was then followed by permission in 1994 to convert the property into 5 self-contained flats.

Planning permission was then granted in October 2008 under application 087035/FU/2008/N1 for the conversion of 1067 Rochdale Road from apartments to an adult day care centre. This also included the change of use of the garage to rear of 1069 Rochdale Road with associated elevational alterations to form a one to one consulting room in connection with the day care centre. This was granted approval by the Planning & Highways Committee on the 23rd October 2008.

The adult day care centre at No. 1067 is run by a company called Vesta Care. Their services are aimed at adults with learning disabilities and who also may have additional physical needs or complex behaviours. The services provided mainly support people from 18 to 45 years of age. Vesta Care currently has the capacity to provide respite day care for a total of approximately 50 clients at 1067 Rochdale Road. However, of these 50 clients, only 20 are likely to use the centre on a typical day and the absolute maximum number of clients that could be accommodated at the site at one time is 30 clients. Since the original approval in 2008, the current adult day care centre is now fully established and operates between the hours of 7am to 6pm, with the busiest times of day being between 10am and 3pm.

Application 097353/FO/2011/N1 was submitted in November 2011 for the change of use of 1069 and 1071 Rochdale Road from offices (B1 Use) at 1069 Rochdale Road and residential (C3 Use) at 1071 Rochdale Road to respite accommodation (C2 Use) for the adults with learning disabilities using the day care centre at 1067 Rochdale Road. The proposals also included the erection of a two-storey side extension to 1071 Rochdale Road.

This application was presented to the Planning & Highways Committee on the 15th March 2012 and was approved subject to 15 conditions. One of these conditions stated that the development must be begun not later than the expiration of three years beginning with the date of this permission (by the 21st March 2015). Despite the works to provide the foundations for the approved extension being started, certain pre-commencement conditions had not been formally discharged prior to this permission expiration date. Therefore, application 097353/FO/2011/N1 expired and a subsequent planning permission was then required to complete the proposed development on site.

Following the expiry of planning permission 097353/FO/2011/N1 as outlined above, planning permission was sought again under application 108871/FO/2015/N1 to convert Nos. 1069 and 1071 Rochdale Road from offices (B1 Use)/residential (C3 Use) to respite accommodation (C2 Use) for adults with learning disabilities. The

application also requested part retrospective consent for the erection of a two-storey side extension to 1071 Rochdale Road due to the foundations for this extension already being completed on site. Under the proposed works, the hydrotherapy pool would be retained in No. 1069 Rochdale Road for continued use by the adult day care and respite accommodation users. Application 108871/FO/2015/N1 was presented to the Planning & Highways Committee on the 3rd March 2016 and granted approval subject to 17 conditions.

Approved Development under 108871/FO/2015/N1

Vesta Care wished to expand the services offered from their Rochdale Road site by providing respite accommodation for adults with learning difficulties within Nos. 1069 and 1071 Rochdale Road. The accommodation would therefore operate 24 hours a day and would cater for up to 12 clients at a time. The length of stay at the premises would vary from one night up to a fortnight. The respite accommodation proposed would be closely connected to the adult day care services offered at No. 1067 Rochdale Road with some of the facilities such as the hydrotherapy pool and the proposed sensory room being used by the day centre clients as well as those using the respite accommodation.

As part of the respite accommodation proposed, a new 2 storey extension measuring 3.3 metres in width and approximately 13.180 metres in length was proposed to the side elevation of No. 1071 Rochdale Road. This extension was to provide additional space within the two semi-detached properties so that a total of 12 bedrooms would be created within the building. The bedrooms would all be located on the 1st and 2nd floors with the ground floor being used for the hydrotherapy pool, a sensory room, a small office, a bathroom, living room areas and a kitchen. A new lift would be provided within the extension that would give full access to the first floor. As outlined above, the works to provide the foundations for this extension including the necessary removal of a tree had already been completed at the site.

The clients would then have access to the existing landscaped gardens that surround the properties, and additional access to these areas was being provided through patio doors to the living room and sensory room.

In terms of access into the building, the front of Nos.1069 and 1071 has a stepped access, but a new ramp to the front and side of the proposed extension would give level access into the premises through a new side entrance door. There was existing ramped access into the hydrotherapy pool at the rear of the building along with an existing door into the associated plant room.

The applicant stated that the day care centre and the new respite accommodation combined would lead to a maximum of 45 clients using the two facilities during the course of a normal day. The busiest times of the day are between 10am and 3pm and therefore, it was not expected that 45 clients would be present at the wider site at any one time, as some of the clients would attend regular daytime activities off-site. The day care centre employs 14 staff who work on a rota basis. The respite accommodation would require an additional 10 members of staff to provide the necessary 1 to 3 ratio, however again these additional members would work on a rota basis and would not all work on the same days of the week.

The work was currently being completed at the site, with the extension built and the internal conversion works ongoing.

Current Application

As outlined above, application 108871/FO/2015/N1 was presented to the Planning & Highways Committee on the 3rd March 2016 and granted approval subject to 17 conditions. Condition no. 17 read as follows:

“Prior to the first use of the development hereby approved, full detailed designs (including specifications) of any necessary off site highways works (including any necessary Traffic Regulation Orders), shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details, prior to the proposed accommodation first being brought into use.

Reason - In the interests of highway safety, pursuant to policy T1 of the Core Strategy for Manchester.”

This Section 73 application has now been submitted to the Local Planning Authority to gain approval to remove this condition from approval 108871/FO/2015/N1. This would result in the required off site highway works including any necessary Traffic Regulation Orders not being completed at the site.

Consultations

Local Residents / Businesses

3 letters of representation have been received for this application. The comments made can be summarised as follows:

- 1) Strongly object to this application which seeks to remove Condition 17 (imposed for reasons of highway safety).
- 2) Condition 17 was imposed as a condition of planning permission on the advice of the Highways Officer at the Committee meeting (and agreed by members) in the interests of highway safety (pedestrians and drivers). The particular area of concern related to the junction of Cumberland Road and Rochdale Road and Cumberland Road and Ada Street. There is no junction protection (Traffic Regulation Orders) in place at these locations, which means that vehicles can park on the radius of the junction. This adversely affects visibility, and is also clearly a barrier to movement for pedestrians including school children walking to and from the nearby Carmel Mount Primary School.
- 3) Condition 17 was proposed by the Highways Officer in response to paragraph 203 and 206 of National Planning Policy Framework, which states; 203 - “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations”.

204 - "Planning should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".

Condition 17 was considered necessary because without the introduction of Traffic Regulation Orders the impact of development in relation to highway safety, was regarded as unacceptable.

4) Condition 17 was imposed at the request of the Highways Officer at the Planning and Highways Committee meeting of 3 March 2016.

5) The supporting statement suggests that TROs are not required for the following reasons; the development approved does not include a change to the site access, the approved scheme generates less traffic than the previous Class B1 and Class C3 use as presented in the applicant's Transport Statement, the City Council has failed to provide the applicant with information justifying the introduction of TROs as "relevant or necessary", the applicant has carried out a number of car parking surveys of the areas, which indicate that TROs are not required, the applicant has discharged Condition 7 (Car Parking Management Plan), Condition 8 (Travel Plan) and Condition 16 (Cycle Parking), there is no record of accidents at the site, and the applicant objects to the cost of introducing TROs quoted at £12,000 payable to the City Council.

In response to these points:-

- The Highways Authority would have been fully aware that the development proposal did not require any alteration to the existing access and this does not justify removal of Condition 17.
- The Highway Authority would have taken into account traffic generation levels before and after development. Condition 17 was imposed in the setting of information provided in the applicant's Transport Statement. It is self-evident that the same information cannot be used to justify the removal of Condition 17.
- There is an obligation on the applicant, owner or a developer to discharge conditions not on the City Council, as suggested to justify the relevance or necessity of Condition 17.
- Some of the car parking surveys identified by the applicant were undertaken prior to approval. The results of these surveys were taken in to account at the time and cannot justify removal of Condition 17. Surveys carried out after planning approval was granted did not take account of the reduction in on-street car parking capacity following the introduction of TROs and therefore the results of these surveys should be discounted.
- The discharge of Conditions 7, 8 and 9 were relevant and necessary conditions in order to mitigate the impact of an otherwise unacceptable development. The discharge of these conditions is not a justification for

the removal of Condition 17. Any such logic would set an undesirable precedent.

- The introduction of TROs at the junctions of Cumberland Road and Rochdale Road is proposed for reasons of highway safety.
- Point 7 introduces the applicant's actual grounds of objection which is on cost. However, no financial case is provided.

6) The application form is incorrect. Section 5 states that the development has not started, however this development started on the 18th March 2015 under application 097353/FO/2011/N1 without conditions approved and again under retrospective application 108871/FO/2015/N1 without the required conditions approved.

7) The applicant had confirmed through correspondence with the Planning Service that Vestacare were prepared to fund Traffic Regulation Orders in the vicinity of the site, however the submitted information makes no reference to this previous agreement.

8) Parking on pavements and disregard of Rochdale Road parking restrictions are a daily occurrence in this locale.

9) Condition 17 was placed on the application because of the evidence supplied by residents that the way staff and visitors to the Vestacare facility were parking was causing a safety issue to pedestrians and other road users. This view was accepted by the Planning and Highways Committee at the time resulting in Condition 17 being applied to the consent.

10) The letter from 'Highways Advice' is incorrect in several areas;

- It states that no highway network work has been identified by Manchester City Council, however Highway Services officers have visited the site and confirmed that yellow lines are necessary to prevent cars parking with 5m of the junctions, and at the Planning & Highways Committee meeting it was confirmed that Highway Services would be seeking for these works to be carried out.
- It states that the planning application 108871 indicated that there would be a reduction in car parking with the change of use from 16 to 13. However, their original submission states that there would be an increase in parking from 9 to 13 vehicles which contradicts the current submission.
- The traffic surveys undertaken are irrelevant as 3 out of the 5 surveys completed were carried out on a Saturday and Sunday and Vestacare do not operate on a weekend.
- Crashmap only includes accidents that are lodged with the Police. However, residents are aware of accidents that have happened that were settled out of court and didn't involve the Police.

- The discharge of conditions 7, 8 and 16 have made no difference to the parking levels on this street.
- Categorically disagree and refute the comment made by the applicant that Condition 17 is not relevant and it is unnecessary to protect pedestrians and other road users from the dangerous and thoughtless parking that happens every weekday by the staff from Vestacare.

11) This application is yet again an example of the applicant's lack of ownership of the behaviour that their business is having on their local community and their need to be a responsible and conscientious neighbour.

Highway Services

Highways are opposed to the removal of the off-site highway works condition from planning permission 108871/FO/2015/N1. The inclusion of this condition was considered to be appropriate and necessary by Highway Services and formed part of the recommendation presented to the Planning and Highway Committee on 3rd March 2016.

On-street parking takes place on both sides of Cumberland Road between Rochdale Road and Wilson Road and restricts parking opportunities for local residents. Furthermore the extent of the on-street parking also gives rise to a pedestrian safety issue given that some vehicles park partially on the footway, especially affecting children walking to Mount Carmel RC Primary School. It is therefore recommended that a traffic regulation order is promoted through the retention of this condition that will ensure that on-street parking on Cumberland Road and adjacent streets is regulated through the imposition of a traffic regulation order and associated yellow line parking restrictions.

Policy Context

Local Planning Policies

Manchester Core Strategy 2012 – 2027 (adopted July 2012)

The Manchester Core Strategy 2012 - 2027 forms the key Development Plan Document (DPD) in Manchester City Council's Local Development Framework (LDF) and sets out long term strategic policies for Manchester's future development. The Core Strategy identifies five regeneration areas that, along with the city centre, cover the entire city. Each area has different issues, challenges and opportunities.

Specific Core Strategy policies that support the regeneration of this site are as follows:

SP1 'Spatial Principles' - Policy SP1 advises that the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas. Policy SP1 states under Core Development Principles, that Development in all parts of the City should:-

- * Make a positive contribution to neighbourhoods of choice including:-
 - creating well designed places that enhance or create character;
 - making a positive contribution to the health, safety and wellbeing of residents;
 - considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
 - protect and enhance the built and natural environment.

- * Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible; and

- * Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

As this proposal includes the removal of a condition that would improve the safety and wellbeing of residents, it is considered that the proposals would be contrary to Policy SP1.

T1 'Sustainable Transport' - To deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport, the Council will support proposals that improve pedestrian routes and the pedestrian environment and would reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties.

As this proposal includes the removal of a condition that would improve highway safety, would improve pedestrian routes and the pedestrian environment and would reduce the negative impacts of road traffic and road accident casualties, it is considered that the proposals would be contrary to Policy T1.

DM1 'Development Management' - Follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.

- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Developers will be required to demonstrate that new development incorporates sustainable construction techniques.

As this proposal includes the removal of a condition that would have a resulting negative effect on road safety, acceptable car parking, and community safety, it is considered that the proposals would be contrary to Policy DM1.

For the reasons given below, it is considered that the proposal are in conflict with the policies contained within the Core Strategy.

Issues

Principle

The principle of converting the existing offices and residential accommodation at 1069 and 1071 Rochdale Road into respite care accommodation for vulnerable adults adjacent to the existing day care centre and the erection of a two storey side extension was previously approved under application 108871/FO/2015/N1 subject to 17 conditions. However, the potential impact of removing Condition 17 on car parking and highway safety should be assessed.

Removal of Condition 17

Under paragraphs 203 and 204 of the National Planning Policy Framework, it is outlined that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It is also explained that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Under application 108871/FO/2015/N1, it was acknowledged that the existing car park at the adult day care centre at 1067 Rochdale Road only has the capacity for the Vestacare service fleet vehicles and therefore, that this facility does not have spare capacity to accommodate staff car parking. As such, staff park in the streets surrounding the application site, which can cause obstruction if parked half on the footways, or can impact on neighbouring residents' requirements for on-street parking spaces. The photographs submitted by local residents do show that at certain times of the day, the surrounding streets are heavily parked and sometimes onto pavements, which causes a detriment to highway safety.

This was discussed in some detail within the officers report to Committee, where it states that whilst it was considered that there is sufficient capacity to accommodate the current staff levels and those additional cars expected with the new development in the adjacent and surrounding roads, the City Council are mindful that parking associated with the business is having an adverse impact in Cumberland Road. Therefore, it was recommended that measures were required to prevent further

parking occurring in Cumberland Road and for non-residential traffic associated with the Care Home from impacting on the existing parking requirements of residents of Cumberland Road many of whom have no access to off-street facilities and rely on the on-street provision within the road. Through the application submission, the applicant provided information in relation to the informal agreement held with the Alliance public house to allow Vestacare vehicles and staff to park in their car park. However, as this was only an informal agreement and was not located within the application site edge red, it could not be solely relied upon for providing the necessary parking for this scheme.

Therefore, on the basis of the advice from Highway Services, it was deemed to be appropriate and necessary to attach 3 appropriately worded conditions to the planning approval to make the development acceptable in relation to the submission of a Car Parking Management Strategy, the submission of a fully detailed travel plan, and the submission of full detailed designs (including specifications) of any necessary off site highways works (including any necessary Traffic Regulation Orders). These are now explained below.

Condition 7 requests the submission of a fully detailed Car Parking Management Strategy that includes a strategy for the appropriate parking of Vestacare fleet vehicles and appropriate off-site locations for staff and visitor parking away from Cumberland Road to ensure the impact on existing residential properties is minimised. As this would stipulate where staff are to park on a daily basis, this provides additional control over what is currently in place at the site and could be enforced through the development compliance process. In support of this approach, Highway Services have noted that Ada Street has spare capacity along its western carriageway as there is only a grass verge and tree planting adjacent to the road at this location. This would mean that any staff parking in this location would not impact on residential dwellings. As Ada Street is within 50m-100m of the rear ramped access within the car park of the centre, it would provide an appropriate location for staff vehicles to park within short walking distance with minimal impact to residents or to highway safety.

Following the submission of an acceptable Car Parking Management Strategy, this condition was formally discharged on the 13th December 2016.

Condition 8 was also deemed necessary and requesting the completion, submission and implementation of a satisfactory travel plan. This would look at ways to actively encourage the use of more sustainable modes of transport to travel to the site. In connection with this, it should be noted that the site is well located in relation to public transport services, with both northbound and southbound located within 50m. These bus stops are served by 9 bus services that are approximately every 8 minutes during off peak times and approximately every 4 minutes during peak times. As outlined below, the applicant also proposes to provide adequate secure cycle storage and showering facilities for staff to again reduce the reliance on travelling to the site by car.

Following the submission of an acceptable Travel Plan, this condition was formally discharged on the 13th December 2016.

Finally, prior to the consideration of the proposed scheme by the Planning & Highways Committee on the 3rd March 2016, the applicant submitted a further letter in response to the concerns raised by local residents that outlined that it was appreciated that local residents were concerned that any increase in car parking demand would become concentrated on Cumberland Road. It also stated that residents may also have concerns that any increase may result in inappropriate car parking that would be harmful to highway safety for example, parking across / over junctions. It was acknowledged that an example of such parking was recently observed at the junction of Cumberland Road / Wilson Road and was detailed within a Manchester Evening News article relating to car parking at Mount Carmel School.

As the only traffic restrictions currently in place on Cumberland Road are found at its junction with Rochdale Road, where only a small (approx. 1m) length of double yellow line restrictions exist, the applicant suggested that these restrictions were considered to be minimal and would not ensure that two vehicles can always safely pass each other at the junction. It was also outlined that no parking restrictions exist on Cumberland Road and there are no double yellow line restrictions at the junctions of Cumberland Road / Ada Street or at Cumberland Road / Wilson Road.

Therefore, in terms of parking restrictions, the applicant acknowledged that there were currently no measures in place to deter inappropriate car parking across junctions in the vicinity of the site. Therefore, in an attempt to help address these concerns and to improve the situation around the application site, it was confirmed that the applicant accepted that a planning condition in relation to off-site traffic regulation orders was necessary. Highway Services assessed the information and agreed that the introduction of junction protection would be of benefit and should therefore be included to all junctions within Cumberland Road to deter inappropriate parking at these locations.

Furthermore, it was confirmed that the necessary works to introduce the traffic regulation orders to the junctions of Cumberland Road / Rochdale Road, Cumberland Road / Ada Street and Cumberland Road / Wilson Road, including local consultations, statutory press notices and the cost for implementation should be fully met by the applicant. The subsequent works will be required to be taken forward as part of a s278 highway agreement at the developer's expense and at nil cost to the Highway Authority.

Therefore, on this basis, Condition 17 was included that was worded as follows:

“Prior to the first use of the development hereby approved, full detailed designs (including specifications) of any necessary off site highways works (including any necessary Traffic Regulation Orders), shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details, prior to the proposed accommodation first being brought into use.

Reason - In the interests of highway safety, pursuant to policy T1 of the Core Strategy for Manchester.”

Therefore, the officer's report to Committee concluded that it was acknowledged that there are currently problems being experienced by local residents in relation to the car parking on surrounding streets. However, it was considered that there are limited controls over car parking currently associated with the respite care centre and this could be greatly improved by the inclusion of relevant and necessary conditions attached to this permission to make the development proposals acceptable.

Information to discharge this condition was submitted on the 1st August 2016, which outlined that no off-site highway works or Traffic Regulation Orders were necessary as a result of the approved development. Following confirmation from the Council that this response was not acceptable, further correspondence was received from 'Highways Advice' that stated in the interests of helping to alleviate some of the issues regarding inappropriate parking in the wider area, Vestacare were prepared to fund such a Traffic Regulation Order.

However, notwithstanding this, the applicant is now applying to remove Condition 17 in order for them to occupy the approved development without the need to implement the Traffic Regulation Orders as previously required.

Highway Services have been consulted on the application and have confirmed that they are opposed to the removal of the off-site highway works condition from planning permission 108871/FO/2015/N1. It is confirmed that the inclusion of this condition was considered to be appropriate and necessary by Highway Services and formed part of the recommendation presented to the Planning and Highway Committee on 3rd March 2016. On-street parking takes place on both sides of Cumberland Road between Rochdale Road and Wilson Road and restricts parking opportunities for local residents. Furthermore, the extent of the on-street parking also gives rise to a pedestrian safety issue given that some vehicles park partially on the footway, especially affecting children walking to Mount Carmel RC Primary School.

Therefore, Highway Services have recommended that a traffic regulation order is promoted through the retention of this condition that will ensure that on-street parking on Cumberland Road and adjacent streets is regulated through the imposition of a traffic regulation order and associated yellow line parking restrictions. This is backed up by the evidence seen on site during the officer's application site visit and as shown on photographs submitted by local residents in objection to the removal of this condition.

Policy SP1 states that Development in all parts of the City should make a positive contribution to the safety and wellbeing of residents, Policy T1 states that the Council will support proposals that improve pedestrian routes and the pedestrian environment and would reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties, and Policy DM1 outlines that all development should have regard to road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise, community safety and car parking.

As this proposal includes the removal of a condition that would improve the safety and wellbeing of residents, would improve highway safety, would improve pedestrian routes and the pedestrian environment and would reduce the negative impacts of

road traffic and road accident casualties and includes the removal of a condition that would have a resulting negative effect on road safety, acceptable car parking, and community safety, it is considered that the proposal to remove Condition 17 from planning approval 108871/FO/2015/N1 is unacceptable and would be contrary to Policies SP1, T1 and DM1. The condition has been assessed as both necessary and appropriate to ensure that the development delivered under application 108871/FO/2015/N1 is acceptable and does not have an unacceptable impact on the surrounding area.

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 Core Strategy and saved polices of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) 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. She believes that any restriction on these rights posed by the refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation REFUSE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Advice was sought at the pre-application stage and it was stated that the inclusion of the off-site highway works condition formed the basis of the decision to approve the application by the Planning & Highways Committee, and the application to remove this condition may not be supported by the Local Planning Authority. The proposal would not improve ensure highway safety and the protection of residents and parking in the immediate area of the development nor does it comply with the development plan. There are no alternative conditions which could reasonably be imposed, which would have made the development acceptable and it is therefore not possible to approve the application. Therefore, due to the proposal being contrary to planning policy, the Council has sought a solution to the problems, however the intervention has not resulted in a solution.

Reason for recommendation

1) The development approved under application 108871/FO/2015/N1 would generate a demand for vehicle parking facilities that cannot be accommodated within this site

in a satisfactory manner, which will result in vehicles parking on surrounding highways causing on-street car parking congestion to the detriment of highway and pedestrian safety. Therefore, the removal of Condition 17 and the required offsite highway works would result in an unacceptable and detrimental impact on both highway and pedestrian safety contrary to Policies SP1, T1 and DM1 of the Core Strategy.

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: 117121/JO/2017 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 held by the Planning Division.

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

Highway Services

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Mr M Romain, 9 Cambridge Road
Mrs Joan Power, 5 Cumberland Road
E Landor Associates, Town Planning Consultancy Services, PO Box 1983, Liverpool, L69 3FZ

Relevant Contact Officer : Jeni Regan
Telephone number : 0161 234 4164
Email : j.regan@manchester.gov.uk



 Application site boundary  Neighbour notification
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