

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 01/03/2023	Ref: 68122/FUL
Registration: 06/01/2023	LDfC: 31/01/2023	Expiry Date: 03/03/2023
Site Visit: 24/02/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Extension of car park for 19 new parking spaces

Location: Elms Bank Specialist Arts College, Ripon Avenue, Whitefield, Manchester, M45 8PJ

Description

The application relates to a specialist secondary school which primarily caters for the needs of children with mental and physical health disabilities. The school is located within a predominantly residential area, flanked on all boundaries by houses on Apollo Avenue, Sandown Road, Heathfield Road and Ripon Avenue.

Pedestrian and vehicular access is off Ripon Avenue and is formed in a one-way system round the school car park which is located to the front of the main building. The 'in' route is from the eastern side next to No 27 Ripon Avenue and the exit from the western side of the car park onto Ripon Avenue. This was granted planning consent in 2015 (ref 56564). The consent also included segregated pedestrian routes at both access points from Ripon Avenue, accessed via a gate.

The application seeks an extension to the school car park to provide 19 spaces.

The proposed parking would be provided in 2 areas of the school grounds -

- A row of 8 spaces which would utilise a length of grassed verge and the pedestrian route into the school which is directly next to the eastern access off Ripon Avenue. The spaces would be formed in a linear row, nose-in to the boundary to No 27 Ripon Avenue.
- The remaining 11 spaces - including 1 disabled space - would be formed on an existing tarmac hardstanding area which is located to the rear of Nos 21 - 27 Ripon Avenue. 3 spaces would be located parallel to the boundary with these houses and 8 spaces in an echelon formation opposite. There is an existing 2m high boundary fence which separates this area from the houses on Ripon Avenue.

Relevant Planning History

02017/E - Additional/relocated open air car parking hardstanding - Enquiry completed 16/08/2017

43308 - Extension to form drama studio - Approve with Conditions 14/10/2004

51222 - Covered seating area/shelter; storage area and wall panels - Approve with Conditions 16/06/2009

56257 - Variation of condition no. 11 (lifetime homes checklist) of planning permission 55383 for demolition of existing garages and erection of 5 no. dwellings with amendments to vehicular access - Approve with Conditions 12/06/2013

56791 - New two storey classroom block with single storey link corridor to main school building; Construction of paved patio area with retaining walls and installation of multi use games area with path access from adjacent new building; Installation of land drainage

system in the remaining area of the playing field and marking out of grass football pitch on existing playing field; 9 additional parking spaces; a temporary access off Ripon Avenue for the construction period. - Approve with Conditions 18/12/2013

58564 - Creation of new vehicular and pedestrian access from Ripon Avenue; Extension to existing car park; Replacement of existing canopy to main school entrance; Erection of a 3M high fence to football pitch; Erection of a 2.4M high boundary fence - Approve with Conditions 03/06/2015

62051 - Creation of hardstanding car park for 7 no. spaces, (to rear of 97-107 Heathfield Road and 21-27 Ripon Avenue) and erection of 2.2 metres high boundary fence - Approve with Conditions 11/12/2017

62519 - Construction of new hydrotherapy pool and changing rooms and demolition of existing hydrotherapy pool, drama studio, sensory room, changing rooms and garage. - Approve with Conditions 03/05/2018

Publicity

Letters sent to 10 properties on 9/1/23.

One objection received.

- Additional vehicles may contribute to air pollution and affect family members health

Statutory/Non-Statutory Consultations

Traffic Section - Object on grounds of pedestrian/vehicular conflict and poor access/parking arrangements.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
HT2/4	Car Parking and New Development
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
SPD11	Parking Standards in Bury

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Layout and highways issues - The proposed development would be focused in the southern area of the school grounds close to the entrance off Ripon Avenue. A row of 8 parking spaces are proposed to the western side of the site entrance, running parallel to the vehicular access route. The proposed spaces would be formed on the existing grass verge and the pedestrian access route and the railings which currently separates this area and the vehicle access would be removed. The proposed parking arrangement would not only require cars having to reverse out the spaces into the access route which would cause conflicts with cars entering the site, but could also cause conflicts on the highway due to cars waiting to enter the site whilst the manoeuvres out of the spaces would be performed. In addition, the proposed development would result in the loss of the pedestrian access which would force pedestrians to walk in the path of the vehicular route into the site. The proposed plans make no provision for pedestrian access into this part of the site.

It should also be noted that the development which has been built out does not accord with the plans which were approved to create the new access arrangements to the school in terms of the 'in out' system (ref 58564). The proposed plans for this application showed a new kerb edge and pavement were to be formed at the pedestrian entrance to tie into the footway and therefore facilitate safe pedestrian access into and out of the site so as to negate pedestrians stepping into the road and vehicular route. These works have not been carried out.

In terms of the 11 spaces proposed to the rear of Nos 21-27 Ripon Avenue, this area already comprises a tarmac surfacing and could be used for parking without requiring planning permission, albeit the area is not formally demarcated for parking. It would appear part implementation of planning ref 62051 has been carried out to provide a hardstanding car park for 7 no. spaces. That said, the proposed parking bays for the current application would be unworkable and some spaces inaccessible, requiring cars to perform manoeuvres which would be unsafe. Whilst arguably these manoeuvres would be within the school site, the arrangement of the proposed parking is not good planning.

The D&A statement submitted with the application states this area is used as part of the

play area for the school and therefore would result in a loss of play facilities for the pupils.

The Highway Section have objected to the application due to the loss of segregated pedestrian facilities and vehicular conflicts at the site entrance which would be detrimental to highway safety.

It is therefore considered the proposed development would be unacceptable and contrary to policies EN1/2, HT2/4 and HT6/2.

Impact on residential amenity -

Taking the two car park areas in turn, and firstly the proposed row of 8 spaces, this area of parking would be located directly adjacent to No 27 Ripon Avenue with cars parked nose-in to the boundary of this house. There are no habitable room windows in the side elevation of No 27 which would overlook the parking and there is also a wooden fence which has been erected by the neighbour which runs along the side boundary of the house and which would screen views of the parked cars and mitigate against some noise.

That said, the row of spaces would continue past the side elevation and along the side of their rear garden and whilst the existing fence would provide a divide and screen of the cars, the proximity of the parking and that the row would run the entire length of garden is considered not to be particularly neighbourly to No 27. This particular property would enjoy no relief from vehicular activity and their plot would be surrounded by highway/vehicular movements from the car park. This would make the enjoyment of their garden area worse and without any strong case to support the proposals. As such this element is considered to be unacceptable.

The houses most affected by the 11 space car park would be Nos 21-27 Ripon Avenue and 97-107 Heathfield Road whose rear boundaries would back onto the car park. These houses are slightly elevated above the site and are separated by a 2m high close boarded timber fence. At the nearest point there would be a distance of approx 10.6m from the rear elevation to the car park.

Whilst the car park would be visible from these houses and there would be a degree of activity and noise to this area, the site is separated by a 2m high close boarded timber fence which would mitigate some noise and screen parts of the site from views. In addition, it is considered that 11 spaces in total to this particular area is considered to be relatively minor and of a scale not to cause excessive nuisance to the neighbours.

As a car park to a school, the majority of the use would be daytime and movement of vehicles likely to be infrequent.

The site area is already a tarmac hardstanding area which could be used for parking/overflow parking subject to the previous grant of consent ref 62051. It is therefore considered that this element of the development would not be significantly harmful and be acceptable.

It is therefore considered the proposed development would have a detrimental impact on the residential amenity of No 27 Ripon Avenue and as such contrary to policies EN1/2 and HT2/4.

Other matters

The D&A states that the proposed car park would utilise part of the existing play area. This being the case, it is not particularly ideal for a school to lose part of their pupil play area.

Conflicting and insufficient information

It is also stated that '*all existing pedestrian access will be maintained in the proposed scheme*' which is clearly incorrect as the development would result in the loss of the pedestrian access and gate next to No 27 Ripon Avenue.

It is also stated that *all new pedestrian gates would be fully accessible*. The proposed plans do not show any new gates.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in the removal of existing segregated pedestrian facilities from the adopted highway, which would be detrimental to pedestrian safety. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 2 The proposed parking arrangements are sub-standard and likely to lead to conflicts between manoeuvring vehicles and vehicles entering the site at the junction with the adopted highway and within the site, which would be detrimental to highway safety and maintaining the free flow of traffic on Ripon Avenue. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 3 The proposed development by virtue of the position of the 8 parking spaces and proximity to No 27 Ripon Avenue would have a detrimental impact on the amenity of the occupiers of this property. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT2/4 - Car Parking and New Development.
- 4 The application and submitted plans contain insufficient and inaccurate information and plans to enable them to be properly assessed in terms of the existing use of the proposed site area and provision of pedestrian access and access gates. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 1/3/23		DM 01/03/23	