

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
099753/FO/2012/N2	1st Aug 2012	25th Oct 2012	Longsight Ward

**Proposal** Installation of four pump fully automated petrol filling station with associated 5.0m high canopy, control room and underground storage tanks within existing superstore car park

**Location** Asda Stores Ltd , Stanley Grove, Longsight, Manchester, M12 4NH

**Applicant** ASDA Stores, ASDA House , Great Wilson Street, Leeds, Yorkshire, LS11 5AD, England

**Agent** Mr Julian Simpson, C & A Design, 15-17 Baslow Road, Sheffield, South Yorkshire, S17 4DL, England

### **Description**

This application relates to part of the Longsight shopping centre car park, which was approved on 6th July 1977, under application referenced: F06665 - Shopping and commercial development with car parking facilities on vacant land bounded by Stockport Road, Kirkmanshulme Lane, Railway Line and Brook Terrace, Longsight. The substantive site lies within the Longsight District Centre and is accessed via a narrow access road, which services the main shopping centre car park and a separate car park to Longsight Library and the adjacent Greater Manchester Probation Service offices (both of which lies to the west of the site and front Stockport Road). This service road provides both the access and the egress to the above sites.

Two rows of 2-storey, red-brick terraced houses, lie to each side of the vehicular access road. These houses are separated from Kirkmanshulme Lane by shallow walled front gardens and long linear rear gardens. These houses do not have off-street car parking, resulting in residents parking along Kirkmanshulme Lane. The main shopping centre, including the ASDA supermarket are situated at the southern end of the car park and extend to the site boundaries with Stanley Grove. A main railway line runs adjacent to the eastern site boundary. A light controlled pedestrian crossing is situated between the access of the site and the junction of Kirkmanshulme Lane and Stockport Road.

The proposed petrol station (PFS) and access road is situated in the north-west corner of the site. The siting of the PFS would result in the loss of 52 existing car parking spaces and the reconfiguration of the existing access route through the car park from Kirkmanshulme Lane. These amendments include the widening of the access route to allow the formation of a right-turn lane into the PFS and demarcated lanes to and from the substantive car park.

The proposal involves the formation of four dual sided dispensers situated on individual 'islands' set out in a 2 x 2 'domino' layout with fuel hose delivery to both sides of the dispenser thereby providing 8 fill positions within a concrete forecourt area. The development will involve associated excavation to accommodate underground fuel storage tanks and pipe lines to the pump dispensers. The pumps

will be fully automated involving a self service operation with customers using credit cards to authorise sales only, i.e., there will be no cash sales. The PFS will solely relate to the sale of fuel with no provision for retail kiosks.

The proposed dispensing pumps are covered by a canopy over the forecourt with dimensions of 5.16 metres (high) x 12.69 metres (long) x 12.25 (wide). The canopy incorporates a 0.66 metre deep fascia to allow the incorporation of signage and providing a ground to ceiling clearance of 4.5metres. The canopy is supported by columns situated in the dispenser `islands'. Lighting is provided through bisymmetric fittings to the central forecourt with asymmetric lights to the outer lanes minimising light. Although advertisement permission is not sought at this stage, the applicant has indicated that night time illumination will take the form of down-lighters supported from gantry brackets projecting from the canopy structure.

A control unit with (2.31 metres (high) x 2.15 metres (length) x 1.95 metres (wide) is a glass reinforced plastic (GRP) secure structure housing the forecourt management equipment This is positioned to the south of the proposed canopy. An associated kiosk and separate emergency box is situated adjacent to the northern elevation of the control unit.

The proposed access route requires vehicles to approach northwards through the car park or via a dedicated right turn lane. The routing strategy along the arc of the service road and requiring a left turn on to the main access route on to Kirkmanshulme Lane. Air and water equipment is to be sited on the northern side of the junction formed with the main access route. Three new lamp posts and CCTV cameras are proposed adjacent to the perimeter of the proposed PFS service road. The applicant maintains that the road layout beneath the canopy would allow tanker deliveries to be undertaken without affecting vehicle movements within the wider car park.

The following opening hours are proposed:

Monday to Saturday: 7.00 am and 9.00 pm;  
Sunday and Bank Holidays: 10.30 am to 4.30 pm.

### **Consultations**

Local Residents - 9 emails of objection have been received, including one email submitted on behalf of 4 individual objectors.

- i. The proposal does not satisfactorily acknowledge the need to address the existing difficulties within the existing junction arrangements, which are considered to inadequately serve the car park. The generation of traffic specifically accessing and egressing the site for petrol will inhibit the flow of traffic travelling to and from the ASDA store;
- ii. Residents report that road traffic accidents within the adjacent section of Kirkmanshulme Lane are frequent. Whilst traffic lights have been installed close to the car park entrance on Kirkmanshulme Lane, vehicles approach too quickly causing a danger to pedestrians on the crossing. Furthermore, drivers approaching Longsight District Centre inadvertently move into a right

turn land into the ASDA car parking, which is attributed to frequent near and actual collisions, which not only potentially result in injury but also cause traffic congestion. Furthermore, drivers are reported to drive through red lights when turning left from the existing car park, which is hazardous to pedestrians, particularly the users of pushchairs and wheelchairs. The existing junction arrangements would not be improved by the proposals. It is considered the existing dangers to pedestrian and highway safety can only be exacerbated by the proposed development. The additional risks associated with the development have not been appropriately assessed;

- iii. The levels of congestion along Kirkmanshulme Lane severely delay buses travelling toward Longsight District Centre. It is considered that the proposals will exacerbate these existing difficulties. It is understood that consideration has been previously given to the formation of new vehicular access to the car park from Stanley Grove in recognition of the existing vehicular access difficulties;
- iv. The increased movement of traffic will be hazardous to the safety of pedestrians and cyclists when accessing the ASDA store via the car park;
- v. There is concern that increased activity within the car park at night will increase the risk of theft, robberies and assault. As the PFS would be unstaffed it would be vulnerable to vandalism;
- vi. The proposed structure will be visually obtrusive and will detract from the character of the area;
- vii. The area is well served by petrol filling stations and another one is therefore not required. It is noted that if cheaper fuel is available within the application site it will draw trade away from existing businesses and thereby increase localised traffic movements and congestion around the adjacent section of Kirkmanshulme Lane.

Head of Highway Services - The following initial comments were received in respect of the proposed development:

- i. The reduction in parking capacity is unlikely to affect the parking availability throughout most of the year;
- ii. However, the additional movements at the site access and Kirkmanshulme Lane have not been adequately addressed. A base scenario and a base plus development is expected as a minimum plus further justification of the 70% linked trips to the existing store (likely to be comparable figures from existing facilities). Without this information it is not possible to provide a clear recommendation on the highway network impacts.

The applicant has been advised of and responded to the above comments. The following further comments of the Head of Highways Services have been received:

- i. Parking - The submitted parking accumulation surveys for the ASDA car park have been conducted during weekday and weekend peak periods. The results show significant spare parking capacity both with and without the proposed PFS for an average week. There is potential that during seasonal peaks there may be greater demand for the available parking. However for the majority of the year, the loss of parking spaces appears unlikely to affect the overall operation of the car park;

- ii. Access Geometry - The access into the ASDA car park is proposed to remain unchanged and the existing priority controlled junction with yellow box markings is to be retained;
- iii. The internal layout provides a right hand turn lane which allows unhindered access to the wider car park, preventing queuing back to the interface with the adopted highway. The forecourt of the PFS appears to be wide to accommodate a single sweep of a tanker. This could be 'tightened up' depending on how the tanker unloads and exits;
- iv. Highway Capacity - The queue to the A6 on Kirkmanshulme Lane regularly extends beyond the site access for Asda. During the peak periods this queue causes significant problems with right turning traffic into the site. Although a PICADY model has been supplied after a request for additional information from the applicant, it is not felt that it adequately covers the issue of queuing traffic from the nearby signal junction. The model considers the traffic flow in isolation without factors such as blocked routes and adjacent signals. Based on observations, we recommend that the applicant should carry out an operational assessment at the Kirkmanshulme Lane / Stockport Road (A6) / St. Johns Road junction to check whether queuing on Kirkmanshulme Lane from this junction has any impact at the store access and to assess the potential impact of changes to turning flows as a result of additional pass-by trips using the PFS. Any capacity assessment of this junction should include a sensitivity test based on the higher count data compiled by Transport for Greater Manchester (TfGM);
- v. It is recognised that the junction is constrained by the land available within the highway envelope and the proximity of adjacent properties. It would be very difficult, for example, to signalise the junction, which has been investigated in the past. However, the proposals will create additional traffic, especially during the peak hour when there is projected to be an uplift of 18.5% or more of the trips to the store with the addition of the new PFS (according to the addendum report);
- vi. Highway Safety - The submitted Transport Statement (TS) does not include an analysis of the available accident data at the access. On checking highways records there have been three reported incidents in the past three years each resulting in slight injury. Given that there is a perception that the junction is unsafe and that the TS submitted indicates that there is an increase in traffic, the TS needs to include an analysis of the accident data for the most recent five-year period;
- vii. It is considered that without any intervention at the site access, the development will add traffic on to a junction which is struggling as a result of congestive impacts from the nearby junction with the A6, therefore exacerbating the existing situation. The increase in congestion and the number of vehicular movements has the potential to increase the risk to highway safety at this junction. For these reasons we are unable to support the application from a highways perspective based on the information currently provided.

Strategic Area and Citywide Support Manager (Environmental Health) - The conditions are recommended should planning permission be granted to achieve the following requirements:

- i. Deliveries of fuel shall not take place outside the following hours: 7.30 am to 8.00 pm Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays;
- ii. Opening Hours as applied for, ie,  
  
Monday to Saturday: 7.00 am to 9.00 pm;  
Sunday and Bank Holidays: 10.30 am to 4.30 pm;
- iii. Any external lighting shall be designed and installed so as to control glare and overspill onto nearby residential properties;
- iv. Any externally mounted ancillary equipment shall be acoustically insulated in accordance with a scheme to be submitted and approved to secure a reduction in the level of noise emanating from the site/property;
- v. There shall be no use of a tannoy or other forms of public address systems used on site.

Head of Regulatory Services (Contaminated Land) - Has indicated the possible presence of significant levels of contamination in the site. A condition is recommended to ensure that land contamination issues are addressed should planning permission.

South Manchester Regeneration Team - Consider that the proposed four pump petrol filling station within the car park of the Longsight ASDA would not deliver significant regeneration benefit for the area. The proposed petrol filling station (PFS) will be automated and will therefore not create any new jobs opportunities in the local area. Serious concerns are expressed regarding the impact of the development on the site junction with Kirkmanshulme Lane, which acts as the entrance to the store car park, is extremely congested and has no traffic lights associated with it. Discussions regarding the provision of a second entrance at the Stanley Grove have failed to be delivered. The reliance of a single access exacerbates concerns regarding traffic generation and congestion. Assurances are therefore sought regarding the capacity of the existing highways network to accommodate the development and the provision of any necessary mitigation measures.

GMP Design for Access - Given the nature of the filling station and the proposed hours of opening, there are no objections to the proposal subject to two conditions relating to:

- i. The submission of details relating to the installation of ANPR CCTV system, the details of which should be agreed in writing and installed as agreed prior to the opening of the development. The system should be maintained in full working order thereafter;
- ii. Restrictions to the hours of opening to those proposed on the planning application form.

## **Issues**

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local

Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of 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 and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. 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.

Policy C 2 - States that development should support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. This policy states that development will be supported provides employment opportunities for local people and promotes the efficient use of land. It states that new development should positively contribute to the reuse and regeneration of land and premises and contributes positively to the diversity and mix of uses within centres without undermining their primary retail function. Furthermore, this policy states that development should also promote a range of retailers and shop formats and remedy deficiencies in areas with poor access to facilities. More generally, new development should respect and enhance the character of existing centres and deliver improvements to the quality and accessibility of the centre environment, with due regard to the adoption of sustainable building design and practises to assist in adapting to climate change.

Policy C 5 - Relates to Central Manchester District Centres of Hulme, Longsight and Rusholme and states that there is further capacity for approximately 3,000 square metres of convenience and 1,500 square metres comparison retail development in the area up to 2027. It is anticipated that additional floorspace will be delivered in Hulme and Longsight, whilst more moderate provision is expected in Rusholme. Within Longsight the priority will be to direct opportunities for growth to improve the links between the existing food store and the rest of the centre. The improvement of the quality of the environment Longsight is a priority to help retain and attract shoppers and visitors.

Policy DM1 - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- c. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health.

Policy EN8 - Adaptation to Climate Change - States that all new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces.

Policy EN 18 - Relates to contaminated land and ground stability and states that the Council will give priority for the remediation of contaminated land to strategic locations as identified within this document. Any proposal for development of contaminated land must be accompanied by a health risk assessment

Policy T1 - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. The policy states that the Council will support proposals that, amongst other things:

- i. Improve choice by developing alternatives to the car;
- ii. Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;
- iii. Improve pedestrian routes and the pedestrian environment;
- iv. Reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties.

Furthermore, development should take account of the needs of road users according to a broad hierarchy consisting of (in the following priority):

- i. Pedestrians and disabled people
- ii. Cyclists, public transport,
- iii. Commercial access,
- iv. General off peak traffic,
- v. General peak time traffic.

The following saved policies from the Unitary Development Plan are also considered to be relevant:

Policy DC26.1 - Has been related to the proposals contribution to the local noise environment and the impact of existing noise sources on the development has been assessed, particularly in relation to the proposed residential units.

Policy DC26.4 - Requires that where an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, consideration is given to measures to deal with it satisfactorily. This particularly relevant given the proximity of the site to established warehouse use.

Policy DC26.5 - Has been related to the assessment of the development, in terms of measures to control noise, including the provision of noise insulation.

Guide to Development in Manchester - States that throughout the City, the Council will encourage development that complements Supplementary Planning Document and Planning Guidance. The Guide aims to support and enhance the on going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 14 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

National Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision-taking.

The following specific policies are considered to be particularly relevant to the proposed development:



- i. Policy 1: Building a strong, competitive economy - By securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
- ii. Policy 7: Requiring good design - Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.
- iii. Policy 8: Promoting healthy communities - States that the planning system can play an important role in: facilitating social interaction and creating healthy, inclusive communities, in forming safe and accessible environments where crime, disorder and the fear of crime, do not undermine quality of life or community cohesion and securing safe and accessible developments.
- iv. Policy 10: Meeting the challenge of climate change, flooding and coastal change - States that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change.
- v. Policy 11: Conserving and enhancing the natural environment - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. This policy is relevant given the identified land conditions.

Paragraph 131 of the NPPF states that, in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of new development making a positive contribution to local character and distinctiveness.

The Regional Spatial Strategy (RSS) for North West England - The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. The following principles are considered to be relevant to the proposals:

Policy DP 1 - Spatial Principles - Identifies the principles underpinning RSS (incorporating RTS). All may be applicable to development management in particular circumstances: promote sustainable communities; promote sustainable economic development; make the best use of existing resources and infrastructure; manage travel demand, reduce the need to travel, and increase accessibility; marry opportunity and need; promote environmental quality; mainstreaming rural issues; reduce emissions and adapt to climate change.

Policy DP 2 - Promote Sustainable Communities - Building sustainable communities - places where people want to live and work - is a regional priority in both urban and rural areas. Sustainable Communities should, amongst other things, meet the diverse needs of existing and future residents, promote community cohesion and equality and diversity, be sensitive to the environment, and contribute to a high quality of life.

Principle - It is recognised that many supermarkets in the City, have petrol filling stations (PFS) within or adjacent to associated car parking areas. In this case, however, particular consideration has been given to the extent to which the development can be accommodated into the site, which has an access that is physically constrained by the siting of neighbouring houses and there is very limited scope to alter the junction to address recognised difficulties, relating to the site junction with Kirkmanshulme Lane. Paramount to the consideration of the application is the potential impact to pedestrian and highway safety.

Consideration has also been given to the siting of the proposed canopy, its design and height in relation to neighbouring houses has the potential additional noise and disturbance associated with the operation of the PFS. This assessment has been related to the nature of the surrounding area and existing levels of activity.

Highways impact and traffic generation - The applicant has been advised of the further comments of the Head of Highways Services. Any further comments submitted on behalf of the applicant will be reported to committee.

It is considered that the operation of the existing car park and its ability to satisfactorily support the ASDA store and the wider Longsight District Centre would not be unduly affected by the loss of parking spaces associated with the proposed development. However, whilst noting that the existing car park rarely operates to its full capacity, it is considered that the proposals have the potential to increase the transitory use of the car park as drivers enter the site with the sole purpose of purchasing fuel. It is considered that the occurrence of incidentally yet frequent visits to the site will increase pressure on the junction, particularly at peak times.

It is considered that the site is situated within very close proximity of a busy section of Kirkmanshulme Lane, which serves as a route to and from the Longsight District Centre. Given the existing highway conditions, any increase in traffic generation is likely to adversely affect access to the car park and congestion close to the nearby light controlled pedestrian crossing. In such circumstances highway safety would be undermined by the proposed development.

The configuration of the existing highway impacts upon visibility along Kirkmanshulme Lane. Currently, as vehicles move away from the nearby railway bridge to the east of the site, there is a tendency for movement towards the right turn lane providing access to the car park from Kirkmanshulme Lane. This a response to the occurrence of on-street car parking on Kirkmanshulme Lane as it approaches the junction with Stockport Road. Such vehicle movements are an existing source of vehicular conflict, which could be exacerbated by additional vehicle movements associated with the proposed use.

In the light of the above it is considered that the proposed development would have a negative impact on pedestrian and highway safety and would thereby be contrary to Core Strategy policies SP1, DM1, C2 and T1 and the principles contained within the National Planning Policy Framework.

Residential amenity - Issues relating to noise are discussed below. The proposal would potentially increase activity around the site and this may increase the likelihood of crime and anti-social behaviour. However, it is considered that such concerns could, to an extent, be alleviated through conditions limiting opening hours and the implementation of measures relating to site management and security should an appropriate development be brought forward. However, it is considered that the levels of vehicular activity and the impact on highway safety would adversely impact upon residential amenity and the development would therefore be contrary to Core Strategy policies SP1 and DM1.

Noise and activity – It is likely that the proposal would have some impact on neighbouring residential, since it would increase activity in part of the site, which is not currently extensively used. However, the impact of noise needs to be related to the nature of the surrounding noise environment, which is affected by the operation of a railway line, the volume of traffic travelling along Kirkmanshulme Lane and the proximity of the site to Longsight District Centre. It is noted that the proposed PFS would only operate up to 9.00 pm and it is likely that the number of visits would diminish in the later evening period; although the activity commencing at 7.00 am may have an additional impact. However, any additional noise and disturbance would need to be related to the nature of the surrounding area and existing levels of local activity. In these circumstances the proposed opening hours are not considered to be contentious.

Siting – The perimeter of the application site is approximately 23.5 metres from the boundary with the nearest residential gardens to the north of the site, with the nearest houses a further 27 metres away; reflecting the length of the garden areas. The siting, when related to the screening afforded by mature landscaping and tree cover, is considered to significantly reduce the impact of the development. Similarly, gardens to the north-west of the site benefit from the length of rear garden areas, tree planting and mature landscaping. The non-residential uses to the west of the site would not be significantly affected by the siting to the PFS and its servicing areas, in terms of access arrangements or visual impact.

Height, scale and massing - The scale of the proposed PFS canopy is consistent with many similar structures through to the City and the open nature of the canopy would reduce its visual impact in relation to neighbouring residential uses.

Design – As stated the appearance of the proposed canopy is similar to many others within the City. The visual impact of the canopy would be closely related to the design of associated illuminated signage, which would need to be assessed as part of an advertisement application.

Landscaping - The applicants have indicated the intention to provide a landscaping scheme to improve the setting of the proposed canopy.

Land contamination - Measures to address land contamination and its remediation are capable of being secured through a suitable condition.

Impact on existing trees - The applicant does not propose to remove or otherwise affect any trees within or adjacent to the application. It is considered that the existing trees are the perimeter of the site which would help to screen the proposed development and the potential impact on these trees would need to be assessed as part of any appropriate scheme that may be potentially brought forward in the future.

Conclusion – The constraints of the site access, in relation to the proximity of neighbouring residential uses, leave very little scope for junction improvements to the site entrance. It is apparent that the existing highways conditions along Kirkmanshulme Lane are sensitive to any increase in traffic volumes and movement around the site entrance. In these circumstances, the potential impact of the development on pedestrian and highway safety is considered to be so significant that it cannot be supported. The proposed development is therefore considered to be contrary to Core Strategy policies SP1, DM1, T1 and C2 and the principles contained within the National Planning Policy Framework.

**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 policies of the Unitary Development Plan, the Head of Planning 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**

### **Reason for recommendation**

1) The proposed development has not been adequately supported with evidence to demonstrate that the additional vehicular movements associated with the use of part of the existing car park as a petrol filling station, in order to demonstrate that the proposal would not adversely impact upon the capacity on the existing site junction with Kirkmanshulme Lane nor has a scheme been provided that provides comprehensive arrangements to improve this junction to ensure that the development can be satisfactorily accommodated without unduly affecting pedestrian or highway safety. The development is therefore considered unacceptable

and contrary to Core Strategy policies SP1, DM1, T1 and C2 and the principles contained within the National Planning Policy Framework.

### **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: 099753/FO/2012/N2 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  
Corporate Property  
Environmental Health  
Contaminated Land Section  
South Manchester Regeneration - South SRF  
Greater Manchester Police  
58 Kirkmanshulme Lane, Manchester, Manchester, M12 4WA  
10 – 12 Kirkmanshulme Lane, Manchester, M12 4WA  
Flat 1, 14 Kirkmanshulme Lane, Manchester, M12 4WA  
16 Kirkmanshulme Lane, Manchester, M12 4WA  
Flat 1, 18 Kirkmanshulme Lane, Manchester, M12 4WA  
22 -36 Kirkmanshulme Lane, Manchester, M12 4WA  
44 – 64 Kirkmanshulme Lane, Manchester, M12 4WA  
308 New Bank Street, Manchester, M12 4HW  
313 New Bank Street, Manchester, M12 4HW  
549 Stockport Road, Manchester, M12 4JA  
523 - 525 Stockport Road, Manchester, M12 4LL  
Flat 2 – 4 (all), 14 Kirkmanshulme Lane, Manchester, M12 4WA  
Flat 2 – 4 (all), 18 Kirkmanshulme Lane, Manchester, M12 4WA  
539 - 545 (odd) Stockport Road, Manchester, M12 4JH  
555 Stockport Road, Manchester, M12 4JH  
537A Stockport Road, Manchester, M12 4JH  
537 Stockport Road, Manchester, M12 4JH  
531 -535 Stockport Road, Manchester, M12 4JH  
547 Stockport Road, Manchester, M12 4JH  
527 Stockport Road, Manchester, M12 4JH  
Dales, Stockport Road, Manchester, M12 4JH  
Longsight District Library, Stockport Road, Manchester, M12 4NE  
Longsight District Centre, Stockport Road, Manchester, M12 4NE  
Ground Floor, 521 Stockport Road, Manchester, M12 4NE  
Shop Rear Of 537, Stockport Road, Manchester, M12 4JH  
Yard C, New Bank Street, Manchester, M12 4HW  
Yard D, New Bank Street, Manchester, M12 4HW  
296A New Bank Street, Manchester, M12 4HW  
551 - 553 Stockport Road, Manchester, M12 4JH

521 Stockport Road, Manchester, M12 4NE  
1 Stanley Grove, Longsight, Manchester, M12 4AA  
20A Kirkmanshulme Lane, Manchester, M12 4WA  
20B Kirkmanshulme Lane, Manchester, M12 4WA  
32A Kirkmanshulme Lane, Manchester, M12 4WA  
Asda Stores, Stanley Grove, Longsight, Manchester, M12 4NH

**Representations were received from the following third parties:**

Contaminated Land Section

7 Bower Street, Higher Broughton, Salford, M7 4JQ  
58 Kirkmanshulme Lane, Manchester, Manchester, M12 4WA  
9 Kayswood Road, Marple, Stockport, Sk6 6EW  
39 Greg Street, Stockport, SK5 7LB  
50 Kirkmanshulme Lane, Manchester, M12 4WA  
58 Kirkmanshulme Lane, Manchester, M12 4WA  
62 Kirkmanshulme Lane, Manchester, M12 4WA

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