

| <b>Application Number</b> | <b>Date of Appln</b> | <b>Committee Date</b> | <b>Ward</b>    |
|---------------------------|----------------------|-----------------------|----------------|
| 088124/FU/2008/N2         | 5th May 2009         | 23rd Jul 2009         | Longsight Ward |

**Proposal** Retrospective application for the continued use of the site as a coach and mini bus operation and change of use of annexe building to form , store, office, and drivers rest facilities in connection with the operation , of the site

**Location** 140 Kirkmanshulme Lane, Longsight

**Applicant** M Travel Mini Buses Ltd , Mr Riaz Butt, 25 Cornbrook Park Road, Old Trafford, Manchester, M15 4EH

**Agent** GB Associates Ltd, GB Associates Ltd, 18 Peel Moat Road, Heaton Moor, Stockport, SK4 4PL

### **Description**

The application site lies within the grounds of the Longsight Sports and Social Club, which is sited adjacent to St Peters High School (to the east) and separated from residential uses (to the west) by an alleyway and small car parking area. The site comprises of the social club and detached former changing rooms, to which the application relates. The two buildings are separated by a gated passageway. Car parking is located in front of the building and accessed from a central access from Kirkmanshulme Lane. The car parking continues to the side of the changing rooms adjacent to the eastern and southern boundary. Residential uses are also located directly opposite the site. The site was previously the subject of the following planning application:

Application No: 30313 - Revised application for the erection of a single storey building to form a new clubhouse including bar, function room and changing rooms. Approved: 3rd December 1987.

The development comprises of the division of the former changing rooms into an office; rest/prayer room, 5 store rooms, wc and a separate accessible wc. Alterations are not proposed to the external fabric of the building. The applicants have indicated the demarcation of 4 coach spaces and 2 mini bus/small coach parking. A total of 21 car parking spaces (2 for disabled drivers) are provided in support of the entire site.

### **Consultations**

Local Residents - 2 letters of objection have been received and are summarised below:

- i. The use is inappropriate in a residential area and should be located within an industrial estate.
- ii. The use operates from 6.00 am resulting in noise disturbance from the revving of engines and associated disturbance which adversely affects residential amenity and disturbs sleep;

- iii. Noise is also attributed the repair and maintenance of vehicles within the site;
- iv. Residential amenity is also affected by fumes from vehicles;
- v. The displacement of vehicles occurs on neighbouring streets due to the parking of buses around the site, which is said to restrict vehicular access to neighbouring properties.
- vi. The movement of buses is considered to be hazardous to children travelling to nearby schools;
- vii. The use represents a fire hazard due to the potential risks presented by the storage of fuel laden vehicles within the site;
- viii. The use of the annex building reduces the facilities available to the sports club.

Head of Highway Services - Any comments will be reported.

South Manchester Regeneration Team - Any comments will be reported.

Director of Regulatory and Enforcement Services - Any approval should be conditioned in relation to the following:

- i. Opening Hours should be restricted to: Monday to Friday: 7.00 am to 6.00 pm and 2.00 pm to 6.00 pm:
- ii. Deliveries, servicing, and collections, including waste collections shall not take place outside the hours of 7.30 am to 8.00 pm. No deliveries or waste collections shall take place on Sundays and Bank Holidays.

### **Issues**

Unitary Development Plan - The following comments are considered to be relevant:

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

- a) ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas;
- b) designing landscaping schemes so as to minimise the risk of attack;
- c) that community facilities are located where they are easy and safe to get to;
- d) providing safe places for children to play;
- e) improving road safety.

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

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

a. the effect of new development proposals which are likely to be generators of noise; and

b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

DC26.5 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Guide to Development in Manchester: 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.

The following policies are of particular relevance:

Policy 2.57 - States that the waste storage areas should be of a sufficient size to accommodate the different containers to allow for segregated refuse and waste storage and recycling and should be sensitively sited to avoid a detrimental visual impact and poor residential amenity.

Policies 4.10 and 4.11 Outlines the requirements for waste management.

Policy 8 - Promotes community safety and crime prevention.

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) - Encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. In addition to this PPS1 clearly outlines the importance of creating sustainable communities.

Planning Policy Guidance 24 - Planning and Noise (PPG24) - Guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities, which generate noise.

It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

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.

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.

The following principles are considered to be relevant to the proposals:

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 - The applicants have indicated that the unauthorised use commenced in March 2008 and involved the relocation of staff from another site in the Manchester area. The vehicles used by the applicants are predominantly involved in the delivery and collection of children to schools in the Manchester area. The applicant has indicated that the premises would only be used occasionally at weekends.

The applicant does not appear to have undertaken any substantial alterations to the external fabric of the former changing rooms to facilitate the use of the building for office and welfare purposes. The internal reconfiguration of the building does not raise particular concerns and it is noted that a disabled WC has been provided.

It is understood that the adjacent building is solely used as a social club. The former changing rooms are no required as access has not been retained to sports pitches within the grounds of the neighbouring St Peter's High School.

Whilst the Head of Regulatory and Enforcement Services has not raised concerns regarding noise, concerns remain regarding disturbance, which may be attributable to the movement and maintenance of coaches and mini-buses. The following analysis considers existing and potential impact of the use together and considers the extent to which any negative effects may be mitigated against by condition.

Storage of vehicles - The applicant has indicated that the use involves the operation of 4 x 40 seater buses and 2 x 10 to 16 seater minibuses. The applicants have not provided details of the number of vehicle movements to and from the site at various times of the day including weekends. However, it is considered that the limited number of vehicles and the regularity of their use, i.e. in association with 'school runs', gives an insight into the intensity of the development and its impact of the immediate locality. A condition is recommended, which restricts the number of vehicles, which may be stored and operated from the site, thereby controlling the level of activity generated by these vehicles in and around the site.

Servicing and repair of vehicles - In order to avoid undue disturbance to neighbouring residents, a condition is recommended which prohibits the servicing and repair of vehicles within the site. A condition is also recommended which requires the submission of a scheme to restrict the times when vehicles can be cleaned and valeted vehicles.

Hours - The applicants have indicated that the use is undertaken between the following hours:

Monday to Friday: 7.00 am to 6.00 pm;  
Saturday, Sunday and Bank Holidays: 2.00 pm to 6.00 pm.

Whilst the authorised social club use is not restricted by an hours condition, it is likely that it will be at its busiest in the evening period (with a potential overlap with the social club use at weekends). A condition controlling operating hours is recommended to further regulate the level of activity undertaken within the site and thereby safeguard residential amenity.

Deliveries - The original planning permission, relating to the social club, was not conditioned in relation to delivery and servicing hours. However, it is considered that the cumulative impact of the mix of uses on neighbouring housing needs to be addressed. It is therefore recommended that the coach and mini bus use be conditioned to restrict servicing and deliveries

Car Parking - The applicants have indicated that 1 full-time and 8 part-time staff are to be employed at the site. Whilst dedicated staff car parking has not been identified within the curtilage of the site, there may be scope for some car parking within the retained social club car park. It should be noted that any demand for staff car parking is likely to be experienced during the day and outside the social clubs busiest times. There is also a small public car parking area bay situated immediately adjacent to the site on Kirkmanshulme Lane which does not appear to be extensively used in the daytime period. The coach business is currently in operation and it is not apparent that a significant level of on-street car parking (in the area) can be attributed to it. It is also considered that a condition restricting the number of vehicles will limit the intensity of the use and the resultant demand for car parking.

Vehicular Access - The applicant has indicated that the existing vehicular access from Kirkmanshulme Lane will be utilised. The arrangement for manoeuvring vehicles around the site, in order to secure appropriate access and egress are complex and are being considered by the Head of Highway Services. Notwithstanding the comments of the above, it is considered that a condition should be applied relating to the management of vehicles within the site, as well as their access and egress.

Waste Management - The applicants have submitted a waste management scheme in support of the planning application, which relies on the use of existing bins to the social club. It is considered that the use should be self-supporting in terms of waste management and there is scope for the provision of a formalised bin storage area to the rear of the office building. A condition has therefore been recommended relating to the provision of a scheme for the storage of waste and recyclable material.

Conclusion - The proximity of the premises to residential use is recognised and it is recommended that the use should be permitted for a period of 1 year to allow its impact to be assessed to determine whether the impact of the development has been successfully mitigated against through the implementation of the attached conditions. At the end of the specified period, there will be an opportunity to review conditions and the recommendation itself. This approach is dependent upon the resolution of

any issues, which may emerge as result of the comments of the Head of Highway Services.

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

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

### **Recommendation    TEMPORARY APPROVAL**

on the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policies E3.3; H2.2; T2.6; DC7.1 and DC26.5 and other material considerations of weight, including: A Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance policies 2.57; 4.10; 4.11 and 8; RSS policy DP1; DP2; PPS1 and PPG24, in that the development positively contributes the local economy and the provision of local transportation which is beneficial the broader social and economic sustainability of the surrounding community thereby promoting the continuing regeneration of the locality.

### **Conditions and/or Reasons**

1) The permission hereby granted is for a limited period only, expiring on 23rd July 2010; the use comprising the development for which permission is hereby granted shall be discontinued.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 and in the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

2) The development hereby approved relates to the following drawings and documents and shall be undertaken in accordance with these details unless otherwise agreed in writing by the City Council as Local Planning Authority:

Drawings numbered: M155/2/1 (Rev. A) and M155/4/1 (Rev. A) received 29 April 2009 and letter dated 29 April 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Friday: 7.00 am to 6.00 pm;

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

4) Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours:

Mondays to Saturdays: 7.30 am to 8.00 pm.

No deliveries, servicing and collections, including waste collections, shall take place on Sundays or Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development Plan for the City of Manchester.

5) The planning permission hereby granted permits the storage of 4 coaches and 2 mini buses within the dedicated car parking spaces as indicated on the approved drawings referenced M155/2/1 (Rev. A) and M155/4/1 (Rev. A) which shall be demarcated and available for use throughout the period of the temporary use hereby approved.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

6) The planning permission hereby granted does not confer consent for the hiring or operation of private hire cars or mini-buses and shall not provide any waiting facilities for visiting members of the public.

Reason - In the interests of residential amenity pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

7) This planning permission relates only to the storage of buses and mini buses and no repair, maintenance of these vehicles shall take place at any time.

Reason - In the interests of residential amenity pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

8) Within 2 months of the date of this planning permission, a scheme shall be submitted to and approved in writing by the City Council as local planning authority

relating to the storage and collection of waste. The scheme shall include a timescale for its implementation and shall be undertaken in full unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan and policies 2.57 and 4.11 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

9) Within 2 months of the date of this planning permission, a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the marshalling of vehicles as they access and egress the site and manoeuvre within it. The scheme shall include a timescale for its implementation and shall be undertaken in full unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan and policies 2.57 and 4.11 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

10) Within 2 months of the date of this planning permission, a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the cleaning and valeting of vehicles whose storage is authorised as part of the authorised development. The scheme shall include a timescale for its implementation and shall be undertaken in full unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan and policies 2.57 and 4.11 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

### **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: 088124/FU/2008/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:**

Engineering Services  
Environmental Health  
South Manchester Regeneration  
Flat 1-6, 28-30, Peel Grove, Manchester, M12 4WE  
The Longsight & District Sports & Social Club, 140 Kirkmanshulme Lane,  
Manchester, M12 4WB  
Belle Vue Leisure Centre, Kirkmanshulme Lane, Manchester, M12 4TF  
St. Peters RC High School, 142 Kirkmanshulme Lane, Manchester, M12 4WB  
1 – 7 Collington Close, Manchester, M12 4UJ

2 – 6 Pencombe Close, Manchester, M12 4TA  
1 –7 Oadby Close, Manchester, M12 4WJ  
136 – 138 Kirkmanshulme Lane, Manchester, M12 4WB  
25 – 29 Peel Grove, Manchester, M12 4WE

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

Head of Regulatory and Enforcement Services (Environmental Health)  
29 Peel Grove, Manchester , M12 4WE  
136 Kirkmanshulme Lane, Manchester, M12 4WB

**Relevant Contact Officer :** Carl Glennon  
**Telephone number :** 0161 234 4530  
**Email :** c.glennon@manchester.gov.uk