

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128843/FO/2020
Date registered valid: 10 December 2020
Proposal: Application for permanent consent for the use of the site as a car wash (sui generis)
Address: 370 Kingsway, Manchester, M19 1PL
Ward(s): Didsbury East Ward

Applicant: Mr Alam Khan 370 Kingsway, Manchester, M19 1PL
Agent (if any): Mr Mohammed Khan Ash 4 Homes Pure Offices Ltd, Brooks Drive, Cheadle Royal Business Park, SK8 3TD
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 3 February 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 15 December 2020 Expired: 5 January 2021

Neighbour notifications

Printed: 15 December 2020 Expired: 5 January 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Former petrol filling station at the corner of Kingsway and Fog Lane, currently in use as a vehicle hire centre/hand car-wash business. To the south of the site there is a commercial parade, while to the west stands a number of apartment blocks. To the north, on the opposite side of Fog Lane, there are further dwellinghouses, while to the east, on the opposite side of Kingsway, there is a petrol station and an apartment block.

Temporary permission to use the site as a hand car-wash was granted in April 2011 under reference 095510/FO/2011/S2. Temporary permission for the vehicle hire business was granted until 31st August 2017 under reference 112106/FO/2016/S2. Temporary permission to combine both businesses was granted in December 2017 under reference 114874/FO/2016, that permission expired on 6th December 2019.

Listed building: no
Conservation Area: no
Tree Preservation Order: no

Description of development

The applicant is now applying for permanent permission to use the site as a hand car wash business only.

Consultations & Notification Responses

Local Residents – Correspondence has been received from five households, the comments are summarised below:

- The use should only be made permanent on the proviso the site is cleared of litter, no loud music is played through the tannoy system and the site is not open late at night.
- The use of floodlights on the site at night inhibits sleep quality.

Ward Councillors – The three ward councillors have commented as follows:

- As it stands, this application would have a negative impact on the residential amenity of the neighbouring properties (Merlin House and the houses backing onto the site on Fog Lane).
- The current site is strewn with litter to the extent that rodents are a concern for neighbours and this implies that the waste management plan is not sufficient.
- There are also complaints from neighbours about floodlights. There should be conditions on the outside lighting that it should be pointed away from the neighbouring properties so they do not suffer light pollution and that the lighting should be turned off outside the car wash's hours of operation (e.g. so it should be turned off at 8pm on weekdays and 6:30pm on Sundays).
- We would object to this application unless strict conditions were attached to it which addresses these two issues.

Environmental Health – Suggests the imposition of conditions designed to protect residential amenity.

Policies

Core Strategy Development Plan Document – 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. Relevant policies in the Core Strategy are detailed below

Policy SP1, *Spatial Principles* – 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 and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, the most relevant of which are detailed below:

- 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, odours, litter, vermin, birds, 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.
- Refuse storage and collection.
- Vehicular access and car parking.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Issues

Principle of the Proposal – The principle of the site's use as car wash is considered acceptable given the previous consent. Notwithstanding this, it is acknowledged that the current operation has raised a number of concerns with local residents, particularly the state of the site (litter), current operational practices (noise and light) and late night operation.

Residential Amenity – Given the existing level of vehicle movements up and down Kingsway, it is not considered that traffic movements to and from the site will have an adverse impact upon the levels of residential amenity enjoyed within the vicinity of the site. In addition, it is not considered that the proposal will lead to unduly large increases in fumes, noise, smells, dirt and dampness in the vicinity of the site.

A number of residents have raised concerns about the problems they have experienced with the lighting in use on the site. To ensure that this is not a continuing problem a condition will be imposed which states that any glare or light spillage must be eliminated. This condition, and one limiting the hours of operation, should ensure that issues associated with the lighting do not reoccur.

Though a number of concerns have been raised about current practices it is considered that the imposition of a number of conditions will help to protect existing levels of residential amenity. Such conditions will restrict the use of the tannoy system, the hours of operation, when cleaning

apparatus can be used, along with a conditions limiting dB levels from external equipment to 5dB below the typical background (LA90) level at the nearest noise sensitive location.

Given the above, it is not considered that the proposal will have a detrimental impact on the current levels of residential amenity enjoyed within the vicinity of the site.

Visual Amenity – The site was previously used as a car hire business in conjunction with the hand car operation, this has resulted in a number of vehicles being left on the site following the cessation of the car hire operation. It is proposed to impose a condition requiring the applicant to remove the stored vehicles.

The other concern raised by local residents is the litter that has collected on the site. The applicant has been informed of the need to clear the site of the litter and that failing that the Council may have to result to Section 215 notice to resolve the matter.

It is considered that removal of the cars and litter will improve the appearance of the site.

Pedestrian and Highway Safety – Given the previous use of the site as a petrol filling station the proposed use as a car wash and vehicle hire site will result in a large reduction of vehicle trips during both the AM and PM peaks. Therefore traffic impacts on the surrounding highway are expected to be accommodated within the existing highway network.

Design – The design of the canopy and admin building is considered acceptable.

Crime and Anti-Social Behaviour – Fencing and gates of a suitable type and height have already been installed around the perimeter of the site and lighting has been installed in connection with the existing car hire business.

Waste Storage – A condition requiring that the storage of refuse be undertaken in accordance with the submitted management plan is suggested in this instance.

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 a right to a fair hearing and to this end the local planning authority 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 Director 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 recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to the planning application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- a) Location plan, stamped as received on 10 December 2020
- b) Drawings 1 to 4, stamped as received on 10 December 2020

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) Within 1 month of the date of this planning permission, a timetable for the removal of vehicles stored on the site shall be submitted to and be approved by the City Council as local planning authority. The removal of the stored vehicles shall then be undertaken in accordance with the approved timetable.

Reason - In the interests of residential amenity and pedestrian and highway safety, pursuant to policy DM1 in the Manchester Core Strategy.

4) Externally mounted ancillary plant and equipment (including valeting equipment) and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

The scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The development shall be carried out in accordance with the approved scheme.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 in the Manchester Core Strategy.

5) Car washing/vacuuming facilities shall not be operated outside the following hours:

Mondays to Saturdays 0900hrs to 2000hrs,
Sundays 1000hrs to 1830hrs

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 in the Manchester Core Strategy.

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

Mondays to Saturdays: 0730hrs to 2000hrs

Sundays/Bank Holidays: no deliveries/waste collections.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 in the Manchester Core Strategy.

7) The use of a tannoy system shall only be used in the event of an emergency and there is to be no amplified sound or music played outside.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 in the Manchester Core Strategy.

8) The storage and disposal of waste shall be undertaken in accordance with the Waste Management Strategy stamped as received on dated 10 December 2020 and shall remain in situ whilst the development is in operation.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy.

9) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

10) Foul and surface water shall be drained on separate systems.

Reason - To secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

211 Fog Lane, Manchester, M19 1SS
274 Fog Lane, Manchester, M19 1EQ
276A Fog Lane, Manchester, M19 1EQ
274A Fog Lane, Manchester, M19 1EQ
266 Fog Lane, Manchester, M19 1EQ
276 Fog Lane, Manchester, M19 1EQ
272A Fog Lane, Manchester, M19 1EQ
380 Kingsway, Manchester, M19 1PL
Flat At, 380 Kingsway, Manchester, M19 1PL
382 Kingsway, Manchester, M19 1PL
382A Kingsway, Manchester, M19 1PL
384A Kingsway, Manchester, M19 1PL
Flat 8, 300 Fog Lane, Manchester, M19 1SE
Flat 19, 302 Fog Lane, Manchester, M19 1SE
302 Fog Lane, Manchester, M19 1SE
300 Fog Lane, Manchester, M19 1SE

[illegible]

Flat 101, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
272 Fog Lane, Manchester, M19 1EQ
270 Fog Lane, Manchester, M19 1EQ
268 Fog Lane, Manchester, M19 1EQ
215 Fog Lane, Manchester, M19 1SS
Pharmacy World Ltd, 2A Lane End Road, Manchester, M19 1WA
384 Kingsway, Manchester, M19 1PL
213 Fog Lane, Manchester, M19 1SS
209 Fog Lane, Manchester, M19 1SS
368 Kingsway, Manchester, M19 1PW

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH