

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142174/FO/2025
Date registered valid: 6 March 2025
Proposal: Retrospective application to use part of the site for car sales
Address: 370 Kingsway, Manchester, M19 1PL
Ward(s): Didsbury East Ward

Applicant: Mr Shahzaib Hussain
Agent (if any): Mr V Alyas, Architek
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 8 July 2025



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 25 April 2025

Standard consultations:

Printed: 12 March 2025 Expired: 2 April 2025

Neighbour notifications

Printed: 12 March 2025 Expired: 2 April 2025

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

370 Kingsway, a former petrol filling station site, is located at the junction of Kingsway and Fog Lane. Planning permission to use it as a car wash and vehicle hire business was approved in December 2017 (ref: 114874/FO/2016). After the hire business ceased operation that part of the site has been used as a car sales lot, though without the benefit of planning permission.

To the south of the site there is a commercial parade, while to the west stands an apartment block and a terrace of modern dwellings. 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.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is seeking to regularise the car sales business, hence the description of

Retrospective application to use part of the site for car sales

Access to the site is via Kingsway, while the exit is onto a short minor road that runs to the south of Fog Lane.

Consultations & Notification Responses

Local Residents – No comments received.

Cadent Gas Ltd – No objection and recommends the imposition of an informative.

Environmental Health – Suggest a number of conditions designed to protect residential amenity and public health.

Highway Services – Have made the following comments:

- The level of trips generated by the proposed site is anticipated to be minimal and as such no highways concerns are expected.
- Plans indicate that 24no. parking spaces are to be provided within the site to accommodate vehicles. This is acceptable subject to appropriate management.
- Parking spaces are to be demarcated with minimum dimensions of 2.4m x 4.8m in line with MCC's guidelines. This is acceptable in principle.
- Refuse bin store is located within the red-line site boundary. It is understood that waste collection will take place from kerbside along Fog Lane. This is acceptable in principle.
- Refuse bins should be relocated immediately back to the site following collection.
- Highways requests that refuse servicing takes place outside of the AM and PM peak hours.

Greater Manchester Police (GMP) – Recommend the following in order to improve site security:

- a) An alarm and CCTV system should be installed in the office, to be used in times that the building and site are unoccupied.
- b) The site itself should be illuminated so it can be used safely in the hours of darkness.
- c) It is also recommended that the applicant use a secure room or safe for the keys and important documents when not in use.

Policies

The National Planning Policy Framework (December 2024) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear strong reason for refusing the development proposed; or
 - ii. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

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, of which the following are of most relevance:-

- 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.
- Community safety and crime prevention.
- Design for health.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Saved UDP Policy DC26, "Development and Noise" – Policy DC26.1 states that 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.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

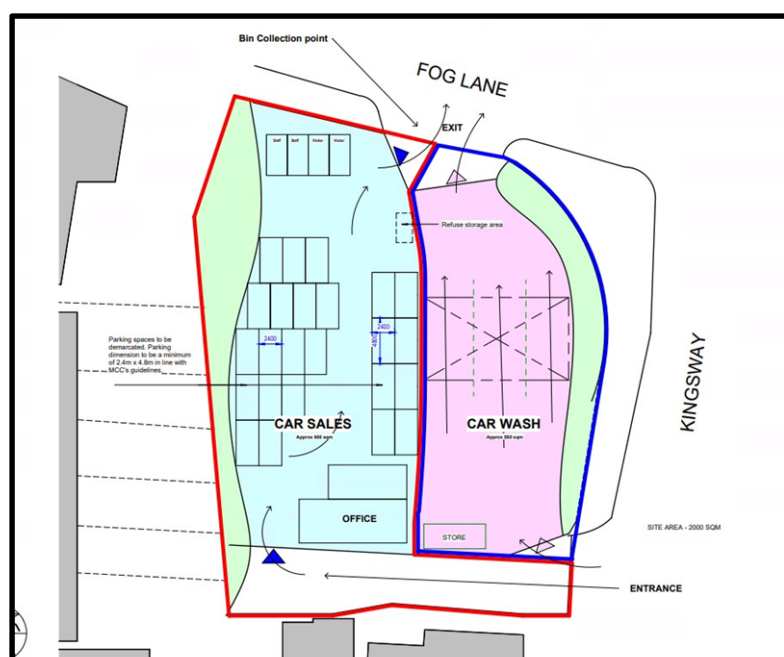
Principle of the Proposal – Given the existing and previous vehicle related uses on the site, i.e. the car wash, vehicle storage/hire business, there is no objection in principle to the car sales use. Notwithstanding this, any impact upon existing levels of residential and visual amenity, as well as upon existing levels of pedestrian and highway safety, must be assessed.

Residential Amenity – Given the proposed hours of use (1000hrs to 1830hrs) and the fact the proposal does not raise any overlooking issues, it is not considered that the car sales operation would have detrimental impact upon the levels of residential amenity enjoyed within the vicinity of the site. However, it is still considered prudent to attach the conditions suggested by Environmental Health to ensure that residential amenity is protected.

Siting and Design – The office accommodation consists of a portable building located at the southern end of the site. The design and siting of the unit is considered acceptable in this instance.

Visual Amenity – The proposal does not raise any visual amenity concerns.

Pedestrian and Highway Safety – Vehicular access to both the existing car wash and car sales business is taken from Kingsway, while the egress is to Fog Lane. Highway Services have confirmed that this arrangement is acceptable. In addition, Highway Services have confirmed that as the traffic movements associated with the use would be minimal they do not anticipate any highway safety concerns. The access and egress arrangements can be seen below:



Given the above, it is not considered that the proposal gives rise to any pedestrian or highway safety concerns.

Car Parking – The size and number of car parking spaces is considered acceptable.

Waste Management – The submitted Waste Management Strategy is considered acceptable and Environmental Health have requested that its implementation be subject to a condition, namely condition no. 5 below.

Security – The recommendations of GMP have been included in a condition (condition no. 6) to ensure that security for the car sales use is enhanced for the duration of its operation.

Site Safety – As requested by Cadent Gas, their informative would be attached to any consent granted.

Other Legislative Requirements

Equality Act 2010 – Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 based on seeking solutions to issues arising from the consideration of this 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) Drawing no. A101 Rev P2 (as built and proposed), received on 9 June 2025.

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) The premises shall not be open outside the following hours:-

a) Mondays to Sundays - 1000hrs to 1830hrs.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved Policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

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

a) 07:30 to 20:00 on Mondays to Saturdays,

b) no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, in accordance with saved Policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

5) The storage and disposal of waste shall be undertaken in accordance with the Waste Management Strategy stamped as received on 6 March 2025 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

6) Within two months of the date of this decision, the following security and safety measures shall be implemented on site and retained thereafter while the use is in operation:

a) A fully operational alarm and CCTV system shall be installed within the office building. The system shall be configured to operate during all periods when the building and site are unoccupied.

b) External lighting shall be installed across the site to ensure safe access and use during hours of darkness. The lighting scheme shall be designed to avoid light spill onto neighbouring properties and the public highway.

c) A secure room or safe shall be provided within the office for the storage of keys and important documents when not in use.

Reason - To ensure the safety and security of the site, its users, and its contents, and to promote safe working conditions during hours of darkness, pursuant to Policy DM1 in the Manchester Core Strategy.

Informatives

1) Cadent Gas Informative - Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Appendix 1 – List of consultees & neighbours notified

Cadent Gas Ltd
Highway Services
Environmental Health
Greater Manchester Police
United Utilities Water PLC

Flat 96, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Flat 94, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Flat 99, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
276A Fog Lane, Manchester, M19 1EQ
276 Fog Lane, Manchester, M19 1EQ
Flat 113, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 123, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 15, 300 Fog Lane, Manchester, M19 1SE
Flat 14, 300 Fog Lane, Manchester, M19 1SE
Flat 4, 302 Fog Lane, Manchester, M19 1SE
Flat 97, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
384A Kingsway, Manchester, M19 1PL
382A Kingsway, Manchester, M19 1PL
Flat 121, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 111, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 13, 302 Fog Lane, Manchester, M19 1SE
Flat 5, 302 Fog Lane, Manchester, M19 1SE

Flat 25, 300 Fog Lane, Manchester, M19 1SE
Flat 23, 302 Fog Lane, Manchester, M19 1SE
215 Fog Lane, Manchester, M19 1SS
380 Kingsway, Manchester, M19 1PL
384 Kingsway, Manchester, M19 1PL
388 Kingsway, Manchester, M19 1PL
272A Fog Lane, Manchester, M19 1EQ
Flat 110, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 107, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Flat 20, 302 Fog Lane, Manchester, M19 1SE
Flat 19, 302 Fog Lane, Manchester, M19 1SE
Flat 10, 302 Fog Lane, Manchester, M19 1SE
Flat 2, 300 Fog Lane, Manchester, M19 1SE
302 Fog Lane, Manchester, M19 1SE
Flat 104, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Flat 108, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Flat 117, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 17, 302 Fog Lane, Manchester, M19 1SE
366 Kingsway, Manchester, M19 1PW
268 Fog Lane, Manchester, M19 1EQ
270 Fog Lane, Manchester, M19 1EQ
Flat 124, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 101, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Flat 122, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 98, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
473A Kingsway, Manchester, M19 1NR
Flat 21, 300 Fog Lane, Manchester, M19 1SE
Flat 11, 302 Fog Lane, Manchester, M19 1SE
Flat 16, 300 Fog Lane, Manchester, M19 1SE
Flat 1, 300 Fog Lane, Manchester, M19 1SE
Flat 18, 302 Fog Lane, Manchester, M19 1SE
368 Kingsway, Manchester, M19 1PW
Flat 106, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Flat 95, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
382 Kingsway, Manchester, M19 1PL
Flat 119, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 114, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 120, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Pharmacy World Ltd, 2A Lane End Road, Manchester, M19 1WA
Flat 8, 300 Fog Lane, Manchester, M19 1SE
Flat 3, 302 Fog Lane, Manchester, M19 1SE
Flat 9, 300 Fog Lane, Manchester, M19 1SE
213 Fog Lane, Manchester, M19 1SS
Flat 93, Merlin House, 280 Fog Lane, Manchester, M19 1UF
Flat At, 380 Kingsway, Manchester, M19 1PL
386 Kingsway, Manchester, M19 1PL
274A Fog Lane, Manchester, M19 1EQ
Flat 118, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 112, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 102, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Flat 115, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 103, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Shell Kingdburn, Kingsway, Manchester, M19 1RA
473 Kingsway, Manchester, M19 1NR
Flat 7, 300 Fog Lane, Manchester, M19 1SE

Flat 12, 302 Fog Lane, Manchester, M19 1SE
211 Fog Lane, Manchester, M19 1SS
209 Fog Lane, Manchester, M19 1SS
Flat 100, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
Flat 105, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UF
272 Fog Lane, Manchester, M19 1EQ
274 Fog Lane, Manchester, M19 1EQ
Flat 116, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 109, Merlin House, 278 - 280 Fog Lane, Manchester, M19 1UD
Flat 24, 300 Fog Lane, Manchester, M19 1SE
Flat 6, 302 Fog Lane, Manchester, M19 1SE
471 Kingsway, Manchester, M19 1NR
300 Fog Lane, Manchester, M19 1SE
Flat 22, 302 Fog Lane, Manchester, M19 1SE

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA