



RW/200040/L0002

30th January 2025

VIA PLANNING PORTAL

Planning
Manchester City Council
PO Box 532
Manchester
M60 2LA

Dear Sir/Madam

On behalf of Toolstation Ltd:

**An application to vary Condition 3 of planning approval 131614/FO/2021 at Unit 2,
244- 246 Moseley Road, Fallowfield, Manchester, M14 6PD**

PLANNING PORTAL REF: PP-12869351

On behalf of Toolstation, please find enclosed a planning application for the variation of Condition 3 of planning application 131614/FO/2021 that was approved 20th June 2022.

The application is submitted via the Planning Portal and comprises the following:

- Application Forms and Certificate B, duly completed and signed; and
- Draft conditions provided by the LPA (dated 19th May 2022).

The requisite application fee of £293 (plus PP service charge) will be paid via online transaction.

Background

The application relates to a warehouse unit located on Moseley Road, within a cluster of commercial units at the eastern edge of the Fallowfield district, Manchester. This is a recognised business and commercial area that provides services and job opportunities for the local population. Both the commercial and residential uses are well established at this location, this arrangement is typical along routes into district centres. The surrounding businesses include Kwik Fit, Kitchen Project Solutions, The Car Centre and Fallowfield Retail Park is located across Moseley Road to the north of the site.

The unit is accessed directly from Moseley Road and has its own demised car parking spaces within the yard to the west of the unit. The unit is currently vacant.

Toolstation submitted an application on the 4th of November 2021 for the:

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“Change of use to Class B8 (Storage or Distribution) with associated external alterations including provision of disabled persons access ramp to front elevation.”

Within the cover letter (Ref: RW/200040/L0001) that formed part of the submission, it specifically stated that:

“Each unit stocks approximately 10,000 plus catalogue products and serves predominantly the building industry, although Toolstation do accept trade from private customers.” (My emphasis)

The LPA approved the application and the decision (LPA Ref: 131614/FO/2021) was issued 20th June 2022. Before issuing the decision, myself as agent requested a list of draft conditions from the case officer to ensure all of them could be compiled with, see enclosed correspondence. These conditions were acceptable and we agreed to them, however the LPA included an additional condition within the issued decision notice without prior discussion, negotiation or warning. Condition 3 of the decision notice states:

“The authorised development shall be operated at all times as one Class B8 (Storage and distribution) unit with ancillary first floor storage and a ground floor counter for trade sales only.” (My emphasis)

The reason for imposing the condition was:

“In the interest of pedestrian and highways safety and residential amenity pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.”

Further to this, the officer report described the proposed development as follows:

“The development be predominantly used for the storage and distribution of tools and building supplies with and ancillary trade counter accessed from the front of the building via a new access ramp. Retail sales from the premises to the public would not be permitted. The internal space with the building would be used stock storage with ancillary staff welfare, administration areas and cycle storage. It has been confirmed that the first floor would be used as ancillary storage” (My emphasis)

It's unclear why the LPA have stated within the officer report that the proposed development would restrict any retail sales from the unit when the submitted cover letter, as referred above, states that private sales are part of the Class B8 Toolstation use.

Since the approval was issued, the unit has remained vacant and the permission as it currently stands is not implementable for Toolstation. No other businesses have shown interest in the unit.

Proposal

The proposal seeks to vary the wording of Condition 3 to ensure that private sales are allowed at the unit, this will allow Toolstation to occupy this currently vacant unit.

The application proposal would require the modification of Condition 3 of application 131614/FO/2021 to read:

“The authorised development shall be operated at all times as one Class B8 (Storage and distribution) unit with ancillary first floor storage and a ground floor for storage and ancillary trade counter.”

As a result of this slight variation to the wording of Condition 3, Toolstation have confirmed that they can trade from the unit it will employ between 5 and 8 full time equivalent staff at the currently vacant unit.

Assessment

Firstly, I note that Toolstation have approximately 450 of these format units across England and Wales, with all of these operating within Class B8 of the use classes order. No local authority has sought to impose a restriction on trade sales only and Toolstation could not operate with such restriction in place, even though the majority of their customers are of course trade customers they do also accept private sales. The trade counter element of each unit to be fully ancillary to the Class B8 use.

The counter area only equates to approximately 7% of the total floorspace of the building, with the remaining floorspace being used for storage. It's clear that the counter area is ancillary to the Class B8 use. In terms of the trade counter itself, this is an area for catalogues to allow customers to order over the counter or to pick up goods that have been ordered online. Click and collect is a major aspect of the Toolstation operation, where trade and private customers order and pay for the goods online, they only access the unit to pick up any pre-paid goods that are stored at the unit.

I note that the reason for imposing the condition was based on residential amenity and pedestrian/highways safety. The officer report includes the consultation responses from Environmental Health and Highways Services, these comments were based on the proposed development (i.e a Class B8 use with ancillary trade counter for trade and private sales). Subject to conditions, which have been included within the decision notice, the consultees supported the proposal.

They did not seek to impose an additional condition trying to restrict the unit to trade sales only, therefore it's unclear where the evidential basis was to impose such restriction. The technical experts supported the proposal, which has specifically included private sales from day one.

Further to this, it has been mentioned in email correspondence that the LPA have sought to include such restriction to manage the potential number of customers, but this reasoning has not been included within any decision notice. As set out from day one within the application submission, Toolstation serve predominantly the building industry and these are the majority of their customers therefore the LPA have no issue about controlling the number of trade customers, these can be unlimited and in the LPA's view they do not impact on residential amenity or highways safety but are seeking to restrict private sales completely.

The reasoning behind imposing the condition here is vague and is not based on any technical evidence, with the statutory consultees fully supporting the Class B8 with ancillary trade counter use that allows sales to trade and private customers.

Conclusions

The key planning policy consideration in this case is the acceptability of the Class B8 use with ancillary trade counter that allows trade and private sales at the application unit. The adopted development plan supports economic development employment uses across the city, this of course includes Class B8.

The reason for imposing the condition was due to residential amenity and highways concerns, however Environmental Health and Highways Services had no objection to the application and did not seek to restrict private sales. Therefore, there is no evidential basis of keeping the wording of Condition 3 as it is now. We respectfully request the wording to of Condition 3 to be varied as set out above.

Granting this proposal to amend Condition 3 will result initially in the creation of between 5 and 8 full time equivalent jobs, the majority of which we anticipate will be recruited locally. Accordingly, we believe that the proposal should be welcomed and the Section 73 application approved. The unit is currently vacant and will remain vacant until such restriction is removed.

I trust the above is in order and will enable the prompt registration of the application. In the meantime, should you have any queries, please do not hesitate to contact me using the details below.

Kind Regards

Yours faithfully,

Rhodri Williams
Associate

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