

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137302/FO/2023
Date registered valid:	15 June 2023
Proposal:	Use of car park as a hand carwash facility and erection of associated single storey buildings
Address:	812 Kingsway, Manchester, M20 5WY
Ward(s):	Didsbury East Ward
Applicant:	Mr Roshman Azad
Agent (if any):	Mr Ahmed Choudhry, Nada Architects
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	14 September 2023



Application details

Type of application:	Full Application Consent
Development type:	Minor Other
Date of site visit:	21 July 2023

Standard consultations

Printed: 26 June 2023 Expired: 17 July 2023

Neighbour notifications

Printed: 26 June 2023 Expired: 17 July 2023

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

The application site is approximately 922m² in size and located between nos. 812 and 826 Kingsway. It is currently in use as a car park, providing an element of the parking and servicing facilities for the Khandoker Restaurant which occupies no. 812 Kingsway. To the north of the site stands the Khandoker Restaurant's, the southernmost property in a parade of five commercial properties, the other uses in the parade consist of a hairdressers, a hot food take-away and two gyms. To the south of the site lies a pair of semi-detached dwellinghouses, namely nos. 826 and 828 Kingsway.

To the west of the site there is a landscaped embankment which rises up to Citipeak 1 and 2, a residential apartment development accessed off Station Approach via Wilmslow Road. Immediately to the east of the appeal site there is a pedestrian footbridge over Kingsway, while on the opposite side of Kingsway stands the Gateway Hotel public house. Beyond that stands the Parrswood Entertainment Complex followed by Parrs Wood High School. The site and its context is shown below:



Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

The applicant is proposing to use the site as a hand carwash facility. In addition, a single storey brick building would be erected to provide a customer waiting area and storage facility for cleaning products and equipment.

Consultations & Notification Responses

Local Residents – Three letters of objection have been received, the comments are summarised as follows:

- The use of the site as a hand carwash will have a detrimental impact on nearby residents due to the noise and general disturbance associated with use, e.g. jet wash machines, vacuums, engines running, car doors slamming.
- This is already a busy junction, increased vehicle movements will impact highway safety. The exit point from the car wash is between sets of traffic lights and there will be increased risk of accidents.
- The pedestrian bridge over Kingsway is used many children going to and from the school, allow a busy hand car wash in this location would impact upon pedestrian safety given the location of the entry and exit points in relation to the footbridge.
- The proposal would lead to a loss of privacy as people would be able to look into the adjoining gardens.
- Water from the use might flood adjoining gardens and properties. Furthermore, chemicals in the water might lead to water pollution.
- This plot of land is presently used by clientele of the Khandoker restaurant and there is already noise caused by customers late at night shouting, slamming car doors, revving engines and playing loud music. This proposal would exacerbate the problem.

Highway Services – Highway Services object to the proposal for the following reasons:

- The car park has two access points directly from a classified dual carriageway (A34) with a posted speed limit of 40mph. It is located at a signalled "Y" shape junction (orientated such that the leg of the Y points north towards the City centre). The proposed access is approximately 16m before the junction and can only be used by traffic heading north (approaching from the motorway or Gatley).
- The proposed exit is in the middle of a complex signal junction. But is not controlled (no signal). It is not restricted to egress and is the only access for traffic approaching from the east (from Cheadle). It is also physically possible to turn right into it (approaching from the north) but this is not lawful.
- The constrained access and proposed one way would encourage unlawful and unsafe manoeuvres, as well as unsafe yet lawful manoeuvres (entering lawfully via what is being proposed to be the exit, but has no legal or physical restrictions).
- Regardless of the potential for unlawful or unwanted movements, the proposed routing would result in intensification of use of the uncontrolled arm of the junction (the proposed exit). This is considered to raise safety concerns where there are 4 streams of traffic approaching and pedestrian crossing on all arms. It should also be noted that traffic heading through this junction gets a green arrow (as opposed to a full green aspect) indicating that it can proceed unopposed; movements across their path will not be anticipated.

- The restaurant traffic emerges uncontrolled into the junction but the movements are infrequent and off-peak. The peak time for a car wash operation would be the peak time for passing traffic.
- In addition, the internal layout does not provide sufficient stacking space to ensure that vehicles waiting do not queue back onto a classified road. The queue would be located immediately before a complex signal that is currently served by speed cameras, suggesting that excess speed is an issue on this section of road.

Environmental Health – Have made the following comments:

- The proposed will lead to noise disamenity for the local residents. The car wash proposes to be open 7 days a week and will have numerous noise sources from the premises operation. These can include noise from car engines, car doors slamming, radios, jet washers and industrial vacuum cleaners and possible other noise sources. The on off nature of the equipment could lead to frequent single noise impacts and frequent cumulative noise impacts depending on when they are operating throughout the day.
- It will be unlikely that any noise mitigation would effectively reduce the noise disamenity as the operations are outside. The proposed site is adjacent to the residential receptors of 826 Kingsway and to the rear apartment blocks at 874 Wilmslow Road.
- It is for these reasons that a recommendation of refusal is made in this instance.

Policies

The National Planning Policy Framework July 2021 (NPPF) – 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:

- approving development proposals that accord with an up-to-date development plan without delay; or
- 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 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.

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 in this instance are:

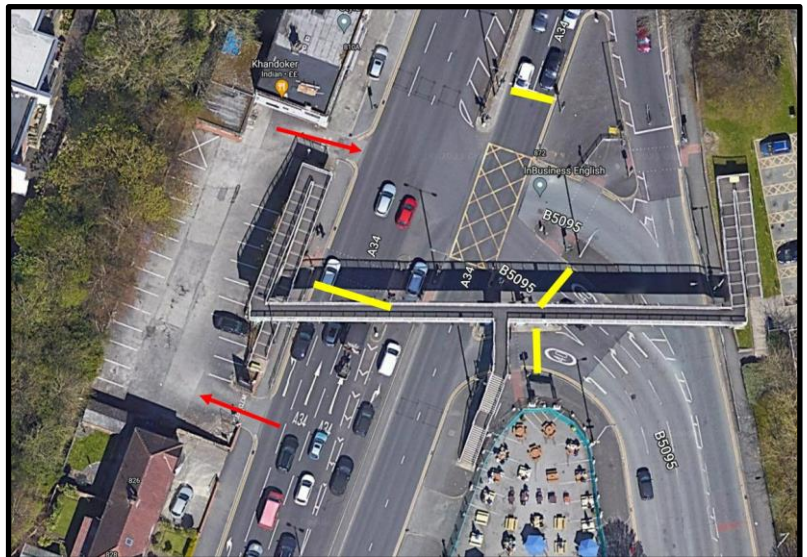
- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, 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.
- Vehicular access and car parking.

Issues

Principle of the Proposal – Given the detrimental impact upon residential amenity and pedestrian/highway safety, which will be expanded upon below, the principle of using the site as a hand carwash facility is not considered acceptable.

Residential Amenity – Hand carwash facilities are inherently noise generating uses, whether it be the sound of the machinery associated with the process, e.g. jet washes and vacuums, or that associated with customers' vehicles, e.g. car doors slamming, engines starting and music from car radios. Given the close proximity of the nearby dwellings on Kingsway and apartments on Wilmslow Road, it is considered that the proposed use would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of this accommodation.

Pedestrian and Highway Safety – The comments of Highway Services in the *Issues* section have detailed the numerous highway and pedestrian safety issues associated with the proposed use in this location. The exit point (red arrow) from the site is located after a number of traffic lights (yellow line) and it is believed that this has the potential to cause conflict with cars travelling north to south, south to north and east to west as the exit would operate outside of the existing traffic light cycle. This conflict would have a detrimental impact upon both pedestrian and highway safety.



Design – The design of the proposed single storey building is considered acceptable.

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:

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document (2012) and the guidance contained within the National Planning Policy Framework (2021). The applicant was advised that the proposal would have a detrimental impact upon the existing levels of highway safety enjoyed along Kingsway and the levels of residential amenity enjoyed within the vicinity of the site. As the nature of the proposal is considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

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

1) The use of the site as a hand carwash facility would have a detrimental impact upon the current levels of pedestrian and highway safety enjoyed along this section of Kingsway, due to the increased traffic movements associated with the use, the access and egress arrangements close to a complex signalled junction and the lack of sufficient stacking space for queueing vehicles. As such the proposal is contrary to Policy DM1 in the Manchester Core Strategy.

2) The use of the site as a hand carwash facility would have a detrimental effect on the residential amenity of the occupiers of residential properties on Kingsway and Wilmslow Road by reason of the noise, disturbance and the general comings and goings associated with such a use. The development is therefore contrary to Policy DM1 in the Manchester Core Strategy and saved UDP Policy DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

Flat 67, 874 Wilmslow Road, Manchester, M20 5AB

Flat At, Gateway Hotel, 882 Wilmslow Road, Manchester, M20 5PG

Flat 63, 874 Wilmslow Road, Manchester, M20 5AB

Flat 59, 874 Wilmslow Road, Manchester, M20 5AB

Flat 56, 874 Wilmslow Road, Manchester, M20 5AB

Flat 53, 874 Wilmslow Road, Manchester, M20 5AB

Flat 51, 874 Wilmslow Road, Manchester, M20 5AB

Flat 47, 874 Wilmslow Road, Manchester, M20 5AB

Flat 42, 874 Wilmslow Road, Manchester, M20 5AB

Flat 39, 874 Wilmslow Road, Manchester, M20 5AB

Flat 37, 874 Wilmslow Road, Manchester, M20 5AB

Flat 30, 874 Wilmslow Road, Manchester, M20 5AB

Flat 26, 874 Wilmslow Road, Manchester, M20 5AB

Flat 23, 874 Wilmslow Road, Manchester, M20 5AB

Flat 72, 874 Wilmslow Road, Manchester, M20 5AB

Flat 79, 874 Wilmslow Road, Manchester, M20 5AB

Flat 19, 874 Wilmslow Road, Manchester, M20 5AB

Flat 70, 874 Wilmslow Road, Manchester, M20 5AB

Flat 68, 874 Wilmslow Road, Manchester, M20 5AB

Flat 34, 874 Wilmslow Road, Manchester, M20 5AB

Flat 33, 874 Wilmslow Road, Manchester, M20 5AB

808A Kingsway, Manchester, M20 5WY

Flat 76, 874 Wilmslow Road, Manchester, M20 5AB

Flat 75, 874 Wilmslow Road, Manchester, M20 5AB

Flat 74, 874 Wilmslow Road, Manchester, M20 5AB

Flat 73, 874 Wilmslow Road, Manchester, M20 5AB

Flat 65, 874 Wilmslow Road, Manchester, M20 5AB

Flat 64, 874 Wilmslow Road, Manchester, M20 5AB

Flat 62, 874 Wilmslow Road, Manchester, M20 5AB

Flat 48, 874 Wilmslow Road, Manchester, M20 5AB

Flat 45, 874 Wilmslow Road, Manchester, M20 5AB

Flat 44, 874 Wilmslow Road, Manchester, M20 5AB

Flat 35, 874 Wilmslow Road, Manchester, M20 5AB

Flat 32, 874 Wilmslow Road, Manchester, M20 5AB

Flat 27, 874 Wilmslow Road, Manchester, M20 5AB

Flat 21, 874 Wilmslow Road, Manchester, M20 5AB

Flat 20, 874 Wilmslow Road, Manchester, M20 5AB

Flat 18, 874 Wilmslow Road, Manchester, M20 5AB

Flat 14, 874 Wilmslow Road, Manchester, M20 5AB

Flat 11, 874 Wilmslow Road, Manchester, M20 5AB

Flat 9, 874 Wilmslow Road, Manchester, M20 5AB

First Floor, 806A Kingsway, Manchester, M20 5WY

832 Kingsway, Manchester, M20 5WQ

Flat Above, 810 Kingsway, Manchester, M20 5WY

Grosvenor G Casino Didsbury, Parrswood Entertainment Centre, Wilmslow Road, Manchester, M20 5PG

Flat 36, 874 Wilmslow Road, Manchester, M20 5AB

Flat 31, 874 Wilmslow Road, Manchester, M20 5AB

Flat 29, 874 Wilmslow Road, Manchester, M20 5AB

Flat 28, 874 Wilmslow Road, Manchester, M20 5AB
Flat 25, 874 Wilmslow Road, Manchester, M20 5AB
Flat 24, 874 Wilmslow Road, Manchester, M20 5AB
Flat 22, 874 Wilmslow Road, Manchester, M20 5AB
Flat 17, 874 Wilmslow Road, Manchester, M20 5AB
Flat 16, 874 Wilmslow Road, Manchester, M20 5AB
Flat 15, 874 Wilmslow Road, Manchester, M20 5AB
Flat 13, 874 Wilmslow Road, Manchester, M20 5AB
Flat 12, 874 Wilmslow Road, Manchester, M20 5AB
Flat 10, 874 Wilmslow Road, Manchester, M20 5AB
806A Kingsway, Manchester, M20 5WY
810 Kingsway, Manchester, M20 5WY
Flat 71, 874 Wilmslow Road, Manchester, M20 5AB
Flat 69, 874 Wilmslow Road, Manchester, M20 5AB
Flat 66, 874 Wilmslow Road, Manchester, M20 5AB
Flat 61, 874 Wilmslow Road, Manchester, M20 5AB
Flat 60, 874 Wilmslow Road, Manchester, M20 5AB
Flat 58, 874 Wilmslow Road, Manchester, M20 5AB
Flat 57, 874 Wilmslow Road, Manchester, M20 5AB
Flat 55, 874 Wilmslow Road, Manchester, M20 5AB
Flat 54, 874 Wilmslow Road, Manchester, M20 5AB
Flat 52, 874 Wilmslow Road, Manchester, M20 5AB
Flat 50, 874 Wilmslow Road, Manchester, M20 5AB
Flat 49, 874 Wilmslow Road, Manchester, M20 5AB
Flat 46, 874 Wilmslow Road, Manchester, M20 5AB
Flat 43, 874 Wilmslow Road, Manchester, M20 5AB
Flat 41, 874 Wilmslow Road, Manchester, M20 5AB
Flat 40, 874 Wilmslow Road, Manchester, M20 5AB
Flat 38, 874 Wilmslow Road, Manchester, M20 5AB
Flat 80, 874 Wilmslow Road, Manchester, M20 5AB
Flat 78, 874 Wilmslow Road, Manchester, M20 5AB
Flat 77, 874 Wilmslow Road, Manchester, M20 5AB
Gateway Hotel, 882 Wilmslow Road, Manchester, M20 5PG
830 Kingsway, Manchester, M20 5WQ
828 Kingsway, Manchester, M20 5WQ
826 Kingsway, Manchester, M20 5WQ
808 - 810 Kingsway, Manchester, M20 5WY
804 Kingsway, Manchester, M20 5WY
804A Kingsway, Manchester, M20 5WY
806 Kingsway, Manchester, M20 5WY
Pizza Hut, Parrswood Entertainment Centre, Kingsway, Manchester, M20 5PG

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA