

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132656/FO/2022

Date registered valid: 2 February 2022

Proposal: Retrospective application for change of use from Class B2 industrial premises use class to commercial kitchens and ancillary accommodation associated with hot food deliveries (sui generis use)

Address: 2 Dark Lane, Manchester, M12 6FA

Ward(s): Ardwick Ward

Applicant: Range Virtual Kitchens Ltd

Agent (if any): Mr. Niamat Ali NA Design

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 14 April 2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 7 February 2022 Expired: 28 February 2022

Neighbour notifications

Printed: 7 February 2022 Expired: 28 February 2022

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

This application relates to a single storey flat roof building situated at the corner of Mill Green Street and Dark Lane. The building is positioned at the back of the pavement with an enclosed yard area located adjacent to its eastern elevation with access from Dark Lane. This is not indicated as a parking area and 3 spaces are shown on the paved area adjacent to the western side of the building.

The surrounding area is industrial in nature with a variety of uses being undertaken including car repairs. To the north of the site are major road network, including the Mancunian Way. A main line railway with access to Piccadilly Station is located to the south.

The existing authorised use of the site is not clear, with the latest permission being for car repairs, servicing and MOT testing (110261/FO/2015/N2). The applicant though states that the existing use is a printing business, which was referenced as the use of the site, at the time of the previous permission.

It is proposed to change the use of the site to commercial kitchens (7 are indicated on the proposed floor plan) and ancillary accommodation associated with hot food deliveries (sui generis use). No external changes are proposed.

The application later acknowledged that the use had started, so the application is therefore for retrospective consent.

The proposed hours of opening are 2pm to 2am, 7 days a week.

The site lies in the HS2 Safeguarding Zone

Consultations & Notification Responses

Local residents/adjoining occupiers - No objections received

Highway Services - Made the following initial comments:

TRIP GENERATION AND JUNCTION CAPACITY:

It is accepted that the proposed development is unlikely to generate any significant difference in trip levels when compared to the previous use. Given the city centre location, it is accepted that the number of vehicle trips to the site will be minimal, and therefore no safety or network impact is envisaged.

SITE ACCESSIBILITY:

The site is well accessed by sustainable modes.

PARKING AND ACCESS:

The site has five existing car parking spaces, and these will be retained. The plans suggest that these will be in place on the unadopted forecourt. In order to accommodate access to this parking area a dropped kerb access will need to be installed. It is requested that a car park layout plan showing how the car parking area will be accessed is submitted. The plans should also show that vehicles can manoeuvre safely to/from the parking spaces.

Regarding the dimension of these spaces, these should all accord with MCC's standard minimum requirements. It is recommended that standard parking bay dimensions be a minimum of 2.4m x 4.8m and disabled parking bay dimensions a minimum of 3.6m x 6.0m. This should also include a 6-metre aisle width to allow vehicles to safely manoeuvre within the car park with formal demarcation of all spaces.

A dropped kerb is in place on Dark Lane at its junction with Mill Green Street and will become redundant. The redundant dropped kerb should be reinstated. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access. It is understood that no improvement works are proposed to the existing access. It is requested that dropped kerbs and tactile paving is installed at the access. It is also requested that the footways on Dark Lane and Mill Green Street is resurfaced. All of the above will need to be built in accordance with MCC construction standards under a Section 278/184 agreements.

EV CHARGING

It is required, in line with MCC Guidelines, that the provision of an Electrical Vehicle charging point (minimum 7kW) is made available.

CYCLE PARKING:

In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. Given the use class of the building, this should accommodate a minimum of 2 cycles.

DELIVERIES:

It is understood that the unit has seven commercial kitchen installed with a variety of cooked food available for online/telephone orders. The food will be delivered to customers by Deliveroo and/or uber riders and customers will not be able to collect from the site. It would be useful to understand the projected deliveries per hour and whether deliveries are likely to be made by

vehicles in addition to cyclists. It is requested that information on where vehicles and cyclists will wait to pick-up the food to ensure that cyclists do not block the footway and impinge pedestrian movements.

BOUNDARY TREATMENTS:

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for children and pedestrians. The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

REFUSE AND SERVICING:

A refuse storage area is noted at the rear of the site. Waste will be collected by a commercial waste management company contracted to manage and recycle waste. The plan suggests that the waste will be collected in the yard.

Further clarification is sought regarding:

- o Swept path analysis is required for the largest expected service/delivery vehicle;
- o Frequency of refuse collection;
- o Frequency of deliveries;

It is recommended that a full Servicing Management Plan is provided by the applicant in order to ensure no adverse highway impact is created.

In response, the applicant confirmed the following:

- A bike stand and EV charging point is now proposed
- Space is not available to provide a disabled persons parking space on site, but there will be no public involvement or visitors.
- Expected daily deliveries would be around 200. The drivers and riders will be waiting at reception to collect the food.
- Twice a week deliveries for supplies and once a week refuse collection. Waste to be collected from rear yard on Dark Lane, no manoeuvring will be required from commercial waste vehicle.

These arrangements are considered to be acceptable to Highways

Strategic Area and Citywide Support Manager - On the basis that the use had not started on site, originally it was recommended that conditions are attached, to any permission, in relation to fume extraction, hours of operation (as applied for), the installation of any external equipment, and refuse storage.

As it became evident, that the use had started, the issues of fume extraction and refuse storage were required to be resolved prior to determination of the application.

Numerous negotiations subsequently took place, but the applicant has been unable to satisfy the requirements of Environmental Health, for the following reasons:

- The submitted Defra risk assessment suggests that the premises is small (specifically no more than 30 covers or a small takeaway) but there are eight commercial kitchens in use at the site, this would not equate to a small take away.
- More information is required regarding the use of each kitchen. Will they be leased to individual businesses? What type of cooking equipment will be installed in each unit? What type of food will be prepared in each of the eight kitchens? Layout diagrams of each system must be submitted with details of the odour abatement tools to be installed in them along with details of the ventilation stacks, where they terminate.

- Regardless of the area which the premises is in, there are businesses nearby for which odours from this development could be an issue and therefore appropriate odour abatement should be in place.

The applicant confirmed that an odour abatement system had been installed, and that the following food items were cooked on the premises:

- 1) fried chicken
- 2) Chinese cuisine
- 3) pizza and burgers
- 4) Indian cuisine
- 5) Mediterranean patisserie
- 6) cakes and bakery

Environmental Health responded that the following information was still required:

A new odour risk assessment based on the proposed uses (as listed) and the number of covers per unit (the number of customers) along with a statement from the engineer to say that the system which has been installed is sufficient for the proposed uses (high to very high grease load) and a plan drawing of the extract system.

With regard to the patisserie and bakery units, it may be necessary to limit to the use of those to similar only if the system installed in those units is not sufficient to deal with heavy grease load type cooking.

This information has not been submitted.

Flood Risk Management Unit - State that the drainage of the site can be approved, and they therefore do not recommend that a drainage condition be attached to this application.

Greater Manchester Police - No comments received.

HS2 - Makes the following comments:

It is noted that the applicant has stated in their submission that works have already commenced prior to this consultation request.

They can confirm that the red line boundary falls wholly within land safeguarded for the Western Leg of Phase 2b HS2 and therefore a clear conflict exists.

The proposal is in an area of significant HS2 works associated with the construction phase and satellite compound construction to build the railway.

According to the Western Leg Hybrid Bill, the satellite construction compound would require the land in the 2nd quarter of 2027, however enabling works would be required prior to this date. The applicant should also be advised that as a result of these works the land is likely to be acquired either through a Compulsory Purchase Order (CPO) or through third party agreement.

It is clear that the proposal will conflict with HS2 works in that location, however given that no external change is required to implement the use, HS2 Ltd would be minded to agree to a three year temporary use. With this in mind, they are of the opinion that only a temporary permission would be acceptable in this location and we would recommend the following condition:

The proposed development hereby permitted shall cease on or before [31.12.2025] or such later date as HS2 Ltd at its sole discretion may determine and notify in writing to the Owner and the Developer not later than the [01.06.2025].

If the applicant is not amenable to the above temporary permission, HS2 Ltd would have no alternative other than to object to the application.

Issues

National Planning Policy Framework (December 2024) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
- b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential

for achieving this. So too is effective engagement between applicants. Communities, local planning authorities and other interests throughout the process (paragraph 131).

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.

Policy SP1 identifies the City Council's Core Development Principles and states that 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
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN16 relates to air quality and states that the Council will seek to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes and at Manchester Airport. Developers will be expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself, including from Combined Heat and Power and biomass plant.

When assessing the appropriateness of locations for new development the Council will consider the impacts on air quality, alongside other plan objectives. This includes cumulative impacts, particularly in Air Quality Management Areas.

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- 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 and 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.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Places for Everyone - The approved Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for 9 of the 10 boroughs which make up Greater Manchester.

The Plan identifies the essential aspect of the efficient and effective use of land with the preference to be given to making as much use as possible of suitable previously developed brownfield land and vacant buildings when meeting development needs.

Relevant policies of PfE in this instance are:

JP-S1: Sustainable development

JP-S5: Clean Air

JP-C8: Transport Requirements of New Development

JP-P1: Sustainable Places

JP-S5 promotes a comprehensive range of measures to support improvements in air quality, including restricting developments that would impact upon air quality.

Principle of development - The site is an existing industrial site in a small area of industrial/commercial uses. It is therefore considered to be an appropriate location, in principle, for a development of this nature.

Car parking/servicing - Plans have been submitted which show the provision of 3 dedicated car parking spaces, with a cycle stand and there is also a yard/servicing area to the rear of the site. These arrangements are considered to be acceptable to Highway Services.

Amenity of surrounding occupiers - Whilst there are no residential properties, in the immediate vicinity of the site (the nearest properties are approximately 300 metres away), the surrounding area contains a high number of commercial/business units, and the site sits very close to the junction of two busy routes into and around the City Centre. It is considered that controlling the extraction of fumes, from the site, is an essential element of protecting the air quality of this

location, particularly given the significant number of commercial kitchens that operate from the site.

The aim, of the Council, was to resolve this with the applicant and extensive negotiations have taken place, but this has failed to result in adequate measures being proposed for the control of fume extraction, with the latest required details, from the applicant, being outstanding for 9 months. Given that the applicant has not demonstrated that the extraction of fumes, from the premises, would be adequately controlled, and would not impact upon surrounding occupiers and visitors to the area, a refusal of planning permission is therefore appropriate.

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: Refuse

Article 35 Declaration

Officers have communicated their requirements about this proposal to the applicant during the course of the planning application, and extensive dialogue has been entered into, but this has not resulted in a satisfactory resolution. The proposal is considered to be contrary to the development plan and therefore refused.

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

1) The applicant has failed to demonstrate that the development includes appropriate means of extraction of fumes and vapours to safeguard the amenities of neighbouring occupiers and the air quality of the surrounding area. The development would thereby be contrary to policies SP1, EN16 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

1 Dark Lane, Manchester, M12 6FA
7 William Street, Ardwick, Manchester, M12 5FX
Unit 62, North Western Street, Ardwick, Manchester, M12 6DX
Unit 1, 1 Dark Lane, Manchester, M12 6FA
Warehouse Junction Dark Lane, North Western Street, Ardwick, Manchester, M12 6ZZ
Ideal Printing, Mill Green Street, Manchester, M12 6FB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH