

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

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Allied London
Suite 1 Bonded Warehouse
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Manchester
M3 4AP

Agent (if used)

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Zerum
Suite 4E South Central
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Manchester
M2 5QR

Part 1 – Particulars of the application/development

Proposal: Temporary erection of seven units for retail and hospitality (Use Classes Ea, Eb, sui generis (p)) for a period of five years

Location: Land At Grape Street, Manchester, M3 3GS

Date of application: 14 May 2024

Application number: 139827/FO/2024

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. All such issues have been resolved due to the discussions within the applicant and the conditions.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period of 3 years expiring on 9th July 2027 and the use comprising the development for which permission is hereby temporarily granted is required to be discontinued on the date of expiry. The site shall be made good within one month of the temporary permission expiring.

Reason - The site and wider area are expected to undergo significant changes as a result of regeneration being promoted by the City Council and it will be necessary to reconsider the suitability and acceptability of the use of this site following this temporary period. This temporary permission will allow the City Council to reconsider the consequences of development on the site which are not foreseeable beyond the expiry

of this temporary permission, pursuant to the Manchester Core Strategy policies SP1, CC1, CC4, CC7, CC10 and DM1 and saved UDP Policies DC10 and DC26

2) The development hereby approved shall be operated in accordance with the following plans and documents:

(a) Dwg GP-EX-01 Existing Site Plan and GP-LP-01 Proposed Location Plan;

(b) Dwgs GP GA 01 Rev P2, GP GA 02 Rev P2, GP GA 03 Rev P3, GP GA 10 Rev P4, GP GE 01 Rev P1 and GP GE 02 Rev P1;

(c) Pages 9, 13 and 14 of the GRAPE STREET CONTAINERS Design & Access Statement - July 2024 - Rev B; and

(d) OPERATIONAL MANAGEMENT PLAN GRAPE STREET - CONTAINER RETAIL SCHEME stamped as received on 02-07-24

Reason - Pursuant to the City of Manchester Core Strategy Policies SP1, CC1, CC7, CC9, EN3, and DM1 and saved Unitary Development Plan policies DC10, DC19 and DC26.

3) The approved use shall operate in accordance with the following hours:

Monday to Friday 07:00 to 23:00 and Saturday 8.00 to 23.00 (with no alcohol to be served between 07.00 and 10.00) and 10:00 to 23:00 on Sunday

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

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

07.30 to 20.00, Monday to Saturday, and
10.00 to 18.00 Sunday / Bank Holidays

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

5) The development hereby approved shall be carried out in accordance with the Waste Proforma stamped as received on 02-07-24.

The details shall be implemented prior to the first use of the development and thereafter remain in place for as long as the unit is in use.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

6) Prior to commencement of the use of any plant and associated equipment associated with the development to ensure that it achieves a background noise level of 5dB below the existing background (La90) at the nearest noise sensitive location 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 equipment. The

approved scheme shall be completed before the premises is occupied and a verification report submitted for approval by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation. The approved scheme shall remain operational thereafter.

Reason - To secure a reduction in noise in order to protect existing residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

7) Final details of the method of extraction of any fumes, vapours and odours from any kitchen within each unit within the development shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of those uses. The details of the approved scheme shall be implemented prior to occupancy of each unit and shall remain in situ whilst the use or development is in operation.

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (withdrawn but still available via an internet search). It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document (particularly Annex B) or other relevant guidance or documents which superseded this guidance. Details should also be provided in relation to replacement air. The applicant will therefore need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval.

The approved details shall be implemented and remain in place for as long as the unit is in use (and any subsequent permitted changes of use under Class E)

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

8) The development shall be implemented and operated in accordance with the management measures and recommendations within the SANDY BROWN, Grape Street Containers, Manchester Acoustic planning report.

The approved noise insulation scheme shall be completed before any of the approved use commences.

(b) Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

The approved details shall be implemented and remain in place for as long as the unit is in use (and any subsequent permitted changes of use under Class E or F)

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

9) The development shall be operated and managed in accordance with the following:

OPERATIONAL MANAGEMENT PLAN GRAPE STREET - CONTAINER RETAIL
SCHEME stamped as received on 02-07-24

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained. The approved details remain in place for as long as the unit is in use (and any subsequent permitted changes of use under Class E or F)

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

10) Consent is granted on the basis that there will be no playing of amplified music within the external areas.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1, C10 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC10 and DC26.

11) No development shall take place until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority

- * Display of an emergency contact number;
- * Compound locations where relevant;
- * Commentary on types and frequency of vehicular demands
- * Routing strategy and swept path analysis;
- * Communication strategy with residents and businesses which shall include details of how there will be engagement, consult and notify residents during the works;
- * Parking of construction vehicles and staff; and

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

The development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, highway safety and air quality, pursuant to policies SP1, EN15, EN16, EN19 and DM1 of the Manchester Core Strategy (July 2012).

12) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development and associated fixtures, fittings and furniture have been submitted to and approved in writing by the City Council as local planning authority. The approved materials shall be used in the construction of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

13) The consent hereby granted is for the use of the Unit 5 as shown on Page 9 of the GRAPE STREET CONTAINERS Design & Access Statement - July 2024 - Rev B for use under Class E (a). All other units as shown on Page 9 of the GRAPE STREET CONTAINERS Design & Access Statement - July 2024 - Rev B (other than the ancillary WC and storage unit) are restricted to use Class E (b) or Sui Generis (p) only and for no other purpose of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring that the services provided by each unit are fully accessible to users pursuant policy DM1 of the Core Strategy for Manchester.

14) The commercial units, as indicated on Page 9 of the GRAPE STREET CONTAINERS Design & Access Statement - July 2024 - Rev B can be occupied as follows Unit 5 Use Classes E(a) and Units 1,2,3,4 and 6 Use Classes E(b) and Sui Generis (p) only and for no other purpose of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

15) Prior to commencement of development a strategy for the design of ramped access for any disabled employee for Units 1,2,3,4 and 6 as shown on Page 9 of the GRAPE STREET CONTAINERS Design & Access Statement - July 2024 - Rev B and to ensure that serving hatches are set at a level accessible to a wheelchair user shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring that the each unit can be made fully accessible as necessary for a disabled employee pursuant policy DM1 of the Core Strategy for Manchester.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

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.

Date: 8 July 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-decision The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A



The Coal Authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024