

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

LCP Retail Ltd
C/o Agent

Agent (if used)

Miss Emily Thorne
Pegasus Group
21 Ganton Street
London
W1F 9BN

Part 1 – Particulars of the application/development

Proposal: Change of use from a live escape rooms gaming experience (Class E) to an entertainment facility, serving food and drinks (mixed Class E / Sui Generis), plus associated rooftop flue.

Location: Unit 21 Upper, The Printworks, Withy Grove, Manchester, M4 2BS

Date of application: 4 July 2024

Application number: 140321/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

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this particular case, any outstanding details that are required can be dealt with via the way of conditions and so have been conditioned accordingly in order to determine the application on time.

Condition(s) attached to this decision

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:

Received by Manchester City Council as the Local Planning Authority on 19 June 2024:

- Location Plan DCN-2311-PL-001 Rev A
- Site Plan DCN-2311-PL-002
- Proposed Ground, 1st & Mezzanine Floor Plan DCN-2311-PL-005
- Proposed Section A-A DCN-2311-PL-013 Rev A
- Proposed Section B-B DCN-2311-PL-014 Rev A
- Roof Plan DCN-2311-PL-012 B
- Operating Schedule and Management Strategy
- Waste Management Proforma
- Waste Strategy
- Assessment of operational noise transmission from a proposed themed bar

Received by Manchester City Council as the Local Planning Authority on 04 July 2024:

- Odour Risk Assessment
- Planning and Access Statement

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy and saved policies DC14 and DC18.1.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development (Unit 21) hereby approved shall be used for any purpose other than the purpose of entertainment facility, serving food and drinks (mixed Class E / Sui Generis) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1.

4) Notwithstanding the details as set out in condition 2 above, prior to the commencement of use of the unit as an entertainment facility, serving food and drinks (mixed Class E / Sui Generis), the full and final details of the proposed rooftop flue shall be submitted in writing to and be approved in writing by the City Council as the Local Planning Authority.

The flue shall sit in the area outlined in 'Roof Plan DCN-2311-PL-012 B' and shall not exceed the height of the allocated roof plant area shown in 'Proposed Section A-A DCN-2311-PL-013 REV A' and 'Proposed Section B-B DCN-2311-PL-014 REV A'.

The approved details shall then be implemented prior to the commencement of use of the unit as entertainment facility, serving food and drinks (mixed Class E / Sui Generis).

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 EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan.

5) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with 'Assessment of operational noise transmission from a proposed themed bar Report Reference: 240513-R002' produced by ACA Acoustics, dated 30th May 2024, that was received by the City Council as the Local Planning Authority on 19 June 2024. The scheme shall be implemented in full before the use commences.

b) Prior to occupation of the use hereby approved, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - In interests of the amenities of the occupiers of the building and occupiers of nearby properties, in order to reduce noise and general disturbance, in accordance with policy DM1 of Manchester's Core Strategy, and policies DC26 and DC10 of the saved Unitary Development Plan for the City of Manchester.

6) The details of the approved Waste Management scheme, as outlined in 'Site Waste Strategy', shall be implemented as part of the development and shall remain in situ as long as the use of development is in operation.

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.

7) a) Prior to the commencement of the use hereby approved, fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme that shall be submitted to in writing to and approved in writing by the City Council as the Local Planning Authority.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

The approved details shall then be implemented as part of the development.

b) Prior to the commencement of the use hereby approved, confirmation that the approved scheme has been implemented shall be submitted in writing to and approved in writing by City Council as the Local Planning Authority

Reason - To ensure an adequate fume and odour extraction system is installed in the interest of visual and residential amenity pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy and saved policies DC26 and DC10 of the Unitary Development Plan for the City of Manchester.

8) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as the Local

Planning Authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full prior to the use commencing.

b) Prior to the operation of the scheme, a verification report shall be submitted to and approved in writing by the City Council as the Local Planning Authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard residential amenity by minimising the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1, H1 and DM1 of the Core Strategy for the City of Manchester and Unitary Development Plan saved policy DC26.

9) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday to Saturday - 10:00 to 02:30

Sunday and Bank Holidays - 10:00 to 00:30

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 Core Strategy.

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

Monday to Saturday - 07:00 to 20:00

Sunday and Bank Holidays - 10:00 to 18:00.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

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.

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with MCC Highways Applications and Network Resilience teams via email - highwaylicences@manchester.gov.uk or highwaynetworkmanagement@manchester.gov.uk

Manchester City Council's Environmental Health department reviewed the Spiritus fume and odour assessment, which includes a risk assessment and has rated the proposed kitchen use at Low to Medium risk category, which they can accept. The proposals for the control of fume and odour include grease pre filter, ESP unit, and ozone odour neutralising unit, which they can also accept.

In terms of discharging the fume extraction condition, it is advised that the applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

Also required will be a diagram of only the kitchen extraction system, which identifies all the fans, filters, fume and odour abatement equipment and access hatches in the ductwork along with a diagram identifying the extraction terminal and its location in relation to any openable windows and air intakes on the site building or neighbouring buildings.

A maintenance strategy identifying the daily, weekly, monthly and annual maintenance and cleaning requirements along with replacement frequencies for the filters, fans, ductwork and fume and odour abatement equipment will also be required to be submitted in order to discharge this condition.

Date: 23 August 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