

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134388/FO/2022

Date registered valid: 15 July 2022

Proposal: Retention of double stacked containers for a dark kitchen (Use Class B2) with ancillary external flue, external seating area, a servicing area and boundary treatment for a temporary period of 3 years

Address: Park Place Car Park, Cheetham Hill, Manchester, M4 4EY

Ward(s): Cheetham Ward

Applicant: AWMC Restaurants Ltd

Agent (if any): Miss Victoria Welch WSP

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19 September 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 4 August 2022 Expired: 25 August 2022

Neighbour notifications

Printed: 4 August 2022 Expired: 25 August 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:

Tree Preservation Order:

Description of area

The area relates to Cheetham Hill, adjacent to the A556 Cheetham Hill Road, which links to the Manchester Ring Road to the South. The character of the area comprises many different uses, including commercial, dining, warehousing, retail, drinking, residential and penitential.

The site relates to a private car park just off Cheetham Hill Road on Park Place. There is a structure consisting of 2 4x12m and 1x6m containers which operates as a kitchen, with associated external seating, awning, external flue and servicing area.

Description of development

The development relates to the retention of the above kitchen and associated features.

Consultations & Notification Responses

Highway Services - No objections, no conditions requested

Environmental Health – No objections

Flood Risk – No objections

GMP – no objections

Issues

Principle

The application seeks the retention of a dark kitchen, ancillary outdoor seating and servicing area in a carpark off Cheetham Hill Road for a temporary period of 3 years. The area in which

the development is located has been earmarked for employment space focused on industry, warehousing and distribution under policy EC4 of the MCS (2012) and saved policy EC10 of the UDP. EC4 promotes Light industrial-led mixed-use development.

Pursuant to these policies, the proposed development would ordinarily not be acceptable as the use would be inconsistent with the allocation in the Manchester Core Strategy. However, since the adoption of the Core Strategy in 2012, the City Council adopted the Great Ducie Street Strategic Regeneration Framework in 2018 which has allocated an area west of Cheetham Hill Road for other uses in accordance with the aspirations of the framework.

In this context of planned long-term change and renewal, the temporary use of part of the carpark is considered to be acceptable for a temporary period prior to the long term redevelopment of the site.

Given the above, the principle of the development is considered acceptable.

Visual amenity

The site is located within a surface car park with little aesthetic value and is located within an area of commercial and light industrial uses housed in poorly maintained and modified buildings of various ages. The site is not located within a conservation area and is not within the setting of any listed buildings. The carpark is bounded by metal palisade fencing and the surrounds are characterised by side/end walls to various light industrial buildings.

As part of the development, the palisade fencing has been repainted black, which helps create a feeling that the site is well maintained. The main structure, consisting of matching black shipping containers, has an industrial aesthetic which is in keeping with the character of the area. The presence of the kitchen and outdoor seating improves the appearance of the site by adding activity to an otherwise lifeless street scene.

Noise

Environmental Health accepted the findings of the acoustic assessment and verification report supplied by the applicant. A condition is attached to this approval to ensure continued compliance with the findings of these reports.

The operating strategy states opening hours for the business and outdoor area which were deemed acceptable by Environmental Health and will be controlled by condition.

The operating strategy also confirms delivery will be carried out by e-bike, thereby reducing the amount of noise associated with deliveries from the premises owing to the silent nature of electric engines.

Given the above it is considered that the development would not create a level of additional noise which would be unduly harmful to the amenity of other surrounding occupiers and is therefore acceptable pursuant to policies SP1 and DM1 of the MCS and saved policy DC26 of the Unitary Development Plan.

Fumes

The application was assessed by Environmental Health, who felt that the combination of the equipment installed, as well as a robust cleaning schedule of said equipment, would ensure that there would be no amenity impacts created by the fumes created by the kitchen. A condition is attached to this approval to ensure adherence to this fume-limitation scheme.

The application was assessed by the Lead Local Flood Authority, who advised that the existing surface water drainage in place for the carpark was adequate to recommend an approval of the scheme. An informative was recommended, and is attached to this approval, that the applicant should design a drainage system to help ensure better flood mitigation.

Servicing and Waste

The applicant has submitted a waste proforma (Waste Management SITE WASTE MANAGEMENT PLAN received by the City Council, as Local Planning Authority, on 27/10/2023) that has been accepted by Environmental Health.

Servicing hours have been agreed with the agent and these will be controlled by condition to 07:30 to 20:00 Mon-Sat, with none taking place on Sundays and Bank Holidays.

Therefore, there are no concerns regarding servicing and waste that would warrant a refusal.

Security

By creating an active use in the car park, with an outdoor seating area which will draw customers to the site, the security of the surrounding street will be improved by providing natural surveillance. The presence of delivery riders and customers will therefore help to create a greater feeling of safety at the location, which would otherwise see relatively little pedestrian traffic outside of workers making their way to nearby employment uses.

The Design for Security at Greater Manchester Police team had no objections to the development and no conditions were recommended. Several recommendations to help ensure good security at the site were made and have been provided to the applicant.

Highways/Transport

MCC Highways Services were consulted on the development. As the development is located within a carpark and therefore not on adopted highway, there were no objections or conditions requested. There is on-site parking available for delivery vehicles and the carpark provides reversing space for servicing vehicles. Highways did not anticipate a significant increase in trip generation that would create an undue burden on network capacity. The location close by to the City Centre also puts the development in a sustainable location, with plentiful public transport nearby and opportunities for walking and cycling. Therefore, the development is acceptable on Highways grounds.

Accessibility

There is level access into the site from the Highways. However, once inside of the site, the structure which houses the kitchen, toilets and inside seating area has a c.25cm step change, including into the accessible toilet. This is currently managed by the use of a temporary ramp which can be moved into place by staff as and when needed.

The applicant has provided an options appraisal regarding the use of the temporary ramp against a permanently installed one. This demonstrates that due to the impracticability of installing a permanent ramp that would correctly manage the step change, due to length and as a trip hazard, with the confines of the site that the temporary ramp is their preferred option.

Whilst such an arrangement would not be acceptable on a permanent basis, owing to the temporary nature of the development, which is on a development site and hence has a defined period of operation, the City Council accepts this access arrangement. The nature of the

development precludes a more holistic, long term design approach which would provide better quality access. On balance, it is considered that this otherwise less-than-ideal access arrangement can be accepted at this temporary development.

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: Approve

Article 35 Declaration

The local planning authority, in making its decision, has had due regard to the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and recommends approval of the application for the reasons outlined in this report. Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to flood risk issues and lighting. The scheme is considered to be in accordance with the guidance contained within policies SP1 and DM1 of the Core Strategy.

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

1) The permission hereby granted is for a limited period only, expiring on 21/08/2026

Reason - The use hereby granted is for a temporary period only to help meet the short-term demand for compound facilities associated with refurbishment work in the area pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

2) The use hereby permitted shall be discontinued no later than the 21/08/2026 and the works and structures comprising the development are required to be removed no later than one month from the use ceasing.

Reason - The use is required to cease within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Two months prior to the expiration of the temporary period, a scheme to restore the land shall be submitted for approved in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity of the site pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

4) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Drawing - Proposed 01 PLAN AND ELEVATIONS
- Drawing - Proposed 02 DETAIL PLAN
- Drawing - Proposed 03 LEVEL 2 PLAN
- Drawing - Proposed 04 ELEVATION DETAILS 1
- Drawing - Proposed 05 ELEVATION - 2
- Drawing - Proposed 06 BUILDING ELEVATIONS
- Drawing - Proposed 12 SIGNAGE DETAILS
- Drawing - Proposed 13 SITE AND BLOCK PLAN

received by the City Council, as Local Planning Authority, on 05/07/2022

-Drawing - Proposed DUCT AND FANS DRAWING received by the City Council, as Local Planning Authority, on 08/11/2022

-Supporting Information PRODUCT DETAILS/FAN received by the City Council, as Local Planning Authority, on 15/07/2022

-Supporting Information CANOPY , EXTRACT AND FRESH AIR AUDIT

-Supporting Information MAINTENANCE AND CLEANING NOTE

received by the City Council, as Local Planning Authority, on 08/11/2022

-Supporting Information FIRE RISK MANAGEMENT OF GREASE ACCUMULATION WITHIN KITCHEN EXTRACTION SYSTEM

-Supporting Information KITCHEN GREASE EXTRACT SYSTEM CLEANING

received by the City Council, as Local Planning Authority, on 02/03/2023

-Correspondence NOTE FROM PURIFIED AIR LIMITED

-Supporting Information UV-O ODOUR CONTROL UNITS received by the City Council, as Local Planning Authority, on 11/04/2023

-Waste Management SITE WASTE MANAGEMENT PLAN received by the City Council, as Local Planning Authority, on 27/10/2023.

-Supporting Information OPERATING STATEMENT received by the City Council, as local planning authority, on 19/09/2023

-Noise assessment or information AA0402 REVA NOISE IMPACT ASSESSMENT received by the City Council, as Local Planning Authority, on 15/07/2023

-Noise assessment or information AA0422.1 NOISE VERIFICATION REPORT received by the City Council, as Local Planning Authority, on 27/10/2023

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.

5) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the following:

-Supporting Information PRODUCT DETAILS/FAN received by the City Council, as Local Planning Authority, on 15/07/2022

-Supporting Information CANOPY , EXTRACT AND FRESH AIR AUDIT

-Supporting Information MAINTENANCE AND CLEANING NOTE

-Drawing - Proposed DUCT AND FANS DRAWING

received by the City Council, as Local Planning Authority, on 08/11/2022

-Supporting Information FIRE RISK MANAGEMENT OF GREASE ACCUMULATION WITHIN KITCHEN EXTRACTION SYSTEM

-Supporting Information KITCHEN GREASE EXTRACT SYSTEM CLEANING

received by the City Council, as Local Planning Authority, on 02/03/2023

-Correspondence NOTE FROM PURIFIED AIR LIMITED

-Supporting Information UV-O ODOUR CONTROL UNITS received by the City Council, as Local Planning Authority, on 11/04/2023

The fume extraction shall be implemented and operated in full and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policies SP1 and DM1 of the MCS

6) 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 Sunday 08:00 to 23:00

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan (1995)

7) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

8) The external areas within the application site shall only be used in accordance with the Management Plan (Supporting Information OPERATING STATEMENT received by the City Council, as local planning authority, on 27/10/2022)

No amplified sound or any music shall be produced or played in these external areas at any time.

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

9) Externally mounted ancillary plant, equipment and servicing shall be installed and acoustically treated in accordance with the following:

-Noise assessment or information AA0402 REVA NOISE IMPACT ASSESSMENT received by the City Council, as Local Planning Authority, on 15/07/2023

-Noise assessment or information AA0422.1 NOISE VERIFICATION REPORT received by the City Council, as Local Planning Authority, on 27/10/2023

The acoustic treatment shall be implemented and operated in full and shall remain in situ whilst the use or development is in operation.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and DC26 of the Unitary Development Plan (1995).

10) The development hereby approved shall be operated in accordance with the operating strategy (Supporting Information OPERATING STATEMENT received by the City Council, as local planning authority, on 27/10/2022). The scheme shall be implemented and operated in full and shall remain in situ whilst the use or development is in operation.

Reason - To safeguard the amenities of the occupiers of nearby residential properties pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for Manchester (1995).

11) The waste management arrangements shall be carried out in accordance with the following:

-Waste Management SITE WASTE MANAGEMENT PLAN received by the City Council, as Local Planning Authority, on 27/10/2023.

The waste management arrangements shall be implemented and operated in full and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

Informatives

1) The applicant should design and construct the surface water drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN14 & EN17 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

Flat 5, 4 Park Place, Manchester, M4 4EY
Flat 4, 4 Park Place, Manchester, M4 4EY
Flat 3, 4 Park Place, Manchester, M4 4EY
Flat 2, 4 Park Place, Manchester, M4 4EY
Flat 1, 4 Park Place, Manchester, M4 4EY
3A Park Place, Manchester, M4 4EZ
Christhouse Bible Church, 3 Park Place, Manchester, M4 4EZ
Basement, 3 Cowburn Street, Manchester, M3 1FS
1 Park Place, Manchester, M4 4EZ
D And P Data Systems Ltd, 15 Carnarvon Street, Manchester, M3 1HJ
9 Carnarvon Street, Manchester, M3 1EZ
Ground Floor, 12 Park Place, Manchester, M4 4EY
12 Park Place, Manchester, M4 4EY
6 Park Place, Manchester, M4 4EY
First Floor, 3 Cowburn Street, Manchester, M3 1FS
3 Cowburn Street, Manchester, M3 1FS
10 - 12 Park Place, Manchester, M4 4EY
8 Park Place, Manchester, M4 4EY
Ground Floor, 3 Cowburn Street, Manchester, M3 1FS
25 Cheetham Hill Road, Manchester, M4 4FY

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL