

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

Views (Holdings) Ltd
C/o Agent

Agent (if used)

Mr Joseph Smith
Avison Young
Norfolk House
7 Norfolk Street
Manchester
M2 1DW

Part 1 – Particulars of the application/development

Proposal: Creation of a dark kitchen (Use Class B2) with associated car parking, cycle provision and other associated works for a temporary period of 5 years

Location: 22 Park Street, Manchester, M3 1ET

Date of application: 29 July 2022

Application number: 134548/FO/2022

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Temporarily 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 in order to guide the Application through all stages of the Planning process, and have resolved issues that have arisen whilst dealing with the Application.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period only, expiring on 20 September 2027; and the advertising and associated parking area comprising the development for which permission is hereby granted are required to be respectively removed and discontinued. The land shall be reinstated within 3 months of the expiration of this consent.

Reason - The development is of a temporary nature, and to safeguard visual and residential amenities of occupiers of adjoining properties, in accordance with policy DM1 of the emerging Core Strategy for Manchester.

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

75001-P02

K-2.010_Rev A

K-2.100_Rev A*

K-2.100_Rev A

K-2.200_Rev A

K-2.200_Rev-A

Location Plan

Design and Access Statement

Waste Management Strategy

Odour Impact Assessment by Redmore Environmental

Plant Sound Assessment Report by Lighthouse Acoustics

Transport Statement Interim Travel Plan and the Transport Statement by CCurtins, stamped as received on the 29 July 2022.

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.

3) The external facing materials to be used on the alteration works hereby permitted shall match those of the existing building in terms of type, colour, texture and scale.

Reason - To ensure that the appearance of the development is not adversely affected by the materials to be used in the construction of the development, pursuant to Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

4) 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 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 before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as 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 - 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.

5) a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policy DM1 of the Manchester Core Strategy.

6) The premises shall not be open outside the following hours:-

Monday to Sundays and Bank Holidays 08:00 hrs till 02:30 hrs.

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.

7) The cycle storage facilities indicated on drawing number K-2.100_Rev A, stamped as received by the City Council, as Local Planning Authority, on 29 July 2022, shall be implemented, in accordance with these approved details, as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in order to comply with policies SP1 and DM1 of the Manchester Core Strategy.

8) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

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.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason- In the interests of the amenities of the occupiers of nearby properties pursuant to policies DM1 of the Core Strategy and saved policy DC10

9) The premises shall only be used for food preparation and collection for delivery purposes only and for no other purposes including any other use within Class B2 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 or re-enacting that Order with or without modification.

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 Manchester Core Strategy.

10) Notwithstanding the car parking layout, as indicated on drawing number 2018_002-P1 Rev A, received electronically on the 29 July 2020, by the City Council as Local Planning Authority. Prior to the occupation of the development details of the dimension of the car parking layout, including the dimensioned visibility splay (allowing for any proposed boundary treatment) for vehicles emerging in a forward gear from the proposed site, shall be provided and made available. The car parking layout shall be retained and maintained for as long as the development remains in use.

Reason - To ensure sufficient car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

2018_002-P1 Rev A stamped as received by the City Council, as Local Planning Authority, on the 28th January 2019 shall be surfaced, demarcated and made available for use prior to the use hereby approved being occupied. The car park shall then be available at all times whilst the development is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

11) Prior to first occupation, and notwithstanding the details shown on drawing K-2.200_RevA, stamped as received on the 29 July 2022, details of any external roller shutters to be installed at the building shall be submitted to and approved in writing by the City Council as Local Planning Authority. These details shall include scaled elevational and cross-sectional drawings and manufacturer's specification details. The roller shutters shall then be implemented in accordance with the approved details.

Reason - To ensure an acceptable development, pursuant to policy DM1 of the Manchester Core Strategy.

12) The roller shutters shall remain up between the respective opening hours of the premises.

Reason

In the interests of visual amenity, pursuant to Policy DM1 of the Manchester Core Strategy

13) The development hereby approved, shall be food preparation and associated delivery service only. No part of this building shall be used by customers of the business

for personal collection or ordering of food. No customers using the services of the business shall wait inside or outside of any part of the building.

Reason - For the avoidance of doubt and to safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and saved policy DC26.1 of the Unitary Development Plan for the City of Manchester.

14) Prior to the use hereby approved becoming operational, details of the strategy for the associated customer delivery service and a service management plan, shall be submitted to and approved in writing by the City Council as local planning authority. These details shall include the number of delivery vehicles proposed, and, the procedure for the collection of foods to be delivered including the point of collection. The agreed details will be implemented so long as the business hereby approved is operational.

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.

15) The proposal hereby approved shall be implemented in accordance with the security measures set out in the design and access statement dated 29 July 2022 and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policy DM1 of the Manchester Core Strategy.

16) A Construction Management Plan should be provided prior to any construction works beginning. The Construction Management Plan should detail where the contractors vehicles will park and where deliveries shall take place and how frequently. The management plan shall include the details of the impact of construction and delivery vehicles may have on the adopted highway and details of how many deliveries are anticipated to occur on-site, including swept path drawings are to be submitted the city council as local planning authority to demonstrate construction vehicles can enter, manoeuvre and exit the site safely and in forward gear.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy

Informatives

This permission does not grant approval under Building Regulations.

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 following security measures shall be incorporated into the development:

Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.

Any new glazing in external doors, ground floor or easily accessible windows should include at least one pane of laminated glass rated as P4A under EN 356.

A CCTV system should be included within these premises and should be capable of monitoring the following areas: external doorways, all internal spaces.

Dusk till dawn lighting should be installed above all external doors.

The applicant should design and construct 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 EN17 of the Core Strategy.

Date: 23 September 2022

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

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/planning-inspectorate. 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 their 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.