

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137549/VO/2023

Date registered valid: 13 July 2023

Proposal: City Council Development - Installation of steel shipping container to be used as a cafe with adjoining unit to be used as accessible W.C and associated screening.

Address: Cringle Park, Crossley Road, Manchester, M19 1JW

Ward(s): Levenshulme Ward

Applicant: Mr Philip Schofield, Manchester City Council

Agent (if any): Mr Philip Schofield, Manchester City Council

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

Recommendation: Approve

Date of recommendation: 7 September 2023

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Standard consultations:

Printed: 19 July 2023 Expired: 9 August 2023

Neighbour notifications

Printed: 19 July 2023 Expired: 9 August 2023

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: Not applicable

Tree Preservation Order: Not applicable

This application relates to part of Cringle Park, which covers an extensive area and contains a significant amount of greenery, located in an otherwise largely residential area in Levenshulme, and which is managed by Manchester City Council. As well as offering an extensive area for walking, the park contains a children's play area, multi-use games area (MUGA), tennis courts and a boxing club. Cringle Park also has an active 'Friends Of' group who support community events. At present there is a small mobile coffee shop, on a bicycle, which operates in the park and which serves drinks and snacks.

In close proximity to the Errwood Road boundary of the site, and near to the park entrance, which lies opposite the junction of Errwood Road and Crompton Road, it is proposed to site a used steel shipping container, which would be used as a cafe and take-away facility. The unit has a flat roof and dimensions of approximately 12 metres long x 2.4 metres wide x 2.3 metres high. The facility would be run and managed by a private company providing hot drinks and food with an indoor seating area for 14 people.

It is also proposed to attach a WC unit, to the main container, also with a flat roof, and with dimensions of 3 metres long x 2.4 metres wide x 2.3 metres high. The WC unit would be accessible for a disabled person and would be available to all customers and visitors to the park. Also, it is proposed to install a wider door, to the existing unit, to allow access for disabled people. In addition, attached to the WC, it is proposed to create a bin store surrounded by a 1.2 metre high timber picket fence.

The main container, and WC unit, would receive a treated timber trellis surround to cover the whole of the external elevations, with the exception of the windows and doors. The trellis would

be finished with a green preservative treatment and climbing plants would be planted to the base of the trellis. In addition, the roof would receive a planted living roof.

It is proposed that the unit would open, between 8am and 8pm, 7 days a week.

Consultations & Notification Responses

Local residents - 203 local residents have indicated their support for the scheme. They feel that the development would be a great addition to the park that would complement existing facilities and add to the enjoyment of the park, for local residents.

There have also been 2 objections, from local residents, for the following reasons:

- As they understand it, the proposed shipping container to be used as a café is the almost derelict remains of a previously used container which is currently being stored at Wythenshawe Park.
- The proposed site for this container in Cringle Park is adjacent to the children's play area and highly visible to users of the park and residents of Errwood Road. It will be an eyesore placed in a location that blocks views and detracts from the existing green environment.
- There is already an example in Cringle Park where the council have sited a shipping container in a corner of the park, which is barely used and has now become an eyesore covered in graffiti.
- Cafés in Manchester parks have been tried previously, and unfortunately, they have failed. It is likely that this 'business' will also fail and local residents and park users will be left with another container in the park which over time will deteriorate in appearance.
- Investment would be better placed in other park improvements, such as sport facilities.
- There are concerns about potential long hours of operation, take-away sales, the sale of alcohol and hygiene arrangements, given that a new WC is proposed.

In addition, a further response was received from a resident who welcomed the proposal generally, but who feels that it will be at the cost of increasing heavy vehicular movements into and out of the park with waste vehicles required to pick up the café's waste containers.

Strategic Area and Citywide Support Manager - Recommend that a condition is attached, to any permission, in relation to the approval of the submitted waste management arrangements.

Neighbourhood Officer (Arboriculture) - Makes the following comments:

Their main interest is the protection of the tree roots; however, the Arboricultural Impact Assessment is very clear on the fact that the structure will have no impact on the tree's root protection zone.

They would expect the protective fencing to be erected in the correct location and not moved until the development is complete.

There should be no storage of machinery or materials within the root protection zones of surrounding trees and any temporary cabins will need to be positioned on existing hard standing or we will require an additional impact assessment for these temporary structures.

We would expect all works to be carried out in accordance with BS:5837.

These measures are contained within the submitted Arboricultural Impact Assessment and they can confirm that they would have no objection to the proposed installation, subject to the correct protection measure being in place.

Greater Manchester Police - Have no significant concerns, about the proposal. The proposed visuals show trellis to the elevations of the container which will reduce the potential for graffiti, which would generally be a concern. They would highly recommend that no cash is kept on site and that this is displayed on external signage. Where possible any doors/window should be to a burglary resistant standard and an intruder alarm would be recommended. These recommendations have been provided to the applicant as an informative.

Issues

National Planning Policy Framework (July 2021) - 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. paragraph 127).

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 EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Policy EN 10 - Safeguarding Open Space, Sport and Recreation Facilities

Policy EN10 indicates that the Council will seek to retain and improve existing open spaces, sport and recreation facilities to the standards set out on the Core Strategy and provide a network of diverse, multi-functional open spaces. Proposals will be supported that:

- improve the quality and quantity of accessible open space, sport and recreation in the local area provide innovative solutions to improving the network of existing open spaces, increase accessibility to green corridors, and enhance biodiversity improve access to open space for disabled people.

Proposals on existing open spaces and sport and recreation facilities will only be permitted where:

- Equivalent or better replacement open space, sport or recreation facilities will be provided in the local area;

or

- The site has been demonstrated to be surplus for its current open space, sport or recreation function and the City wide standards set out above are maintained, and it could not fulfil other unsatisfied open space, sport or recreation needs, and a proposed replacement will remedy a deficiency in another type of open space, sport or recreation facility in the local area;

or

- The development will be ancillary to the open space, sport or recreation facility and complement the use or character.

Policy EN12 - Area priorities for Open Space, Sport and Recreation

Policy EN12 states that the priorities for open space, sport and recreation in the City set out in Manchester's Strategic Open Space, Sport and Recreation Study and within the regeneration areas include the following:-

Central area: improve accessibility to nearby open space and facilities as well as address deficiencies.

Policy EN19 Waste - Requires consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

- Both construction and demolition waste will be minimised and recycled on site wherever possible;
- How the sustainable waste management needs of the end user will be met.

As discussed below, appropriate waste management can be achieved to secure compliance with policy EN19.

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.

Saved policy DC10 relates to food and drink uses

DC10.1 In determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises (whether or not other activities, such as a nightclub, are included), the Council will have regard to:

- a. the general location of the proposed development, including any reference to the area in other policies in the Plan;
- b. the effect on the amenity of neighbouring residents;
- c. the availability of safe and convenient arrangements for car parking and servicing;
- d. ease of access for all, including disabled people; and
- e. the storage and collection of refuse and litter.

DC10.2 The Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices.

DC10.3 Development will not normally be permitted where:

- a. it is proposed outside the general locations mentioned above, or
- b. there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

DC10.4 Where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

DC10.5 The Council will consider on their individual merits proposals for larger, free-standing restaurants, public houses, clubs etc. which require a main road location and do not clearly meet the locational criteria set out in policy.

Saved policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise.

Manchester Green and Blue Infrastructure Strategy 2015

The Manchester Green and Blue Infrastructure Strategy (G&BIS) sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

Principle of use - A small area of grassland would be lost, as a result of the proposal, but Cringle Park covers a vast area of land, and it is considered that the benefits to the community, of providing a cafe facility, within the park, would outweigh the loss of this small area of grassland. Whilst the proposed development lies outside locations where uses of this nature are generally allowed, as indicated in saved UDP policy 10.2, it is a location which warrants assessment on its own merits. It lies within extensive park grounds and would be approximately 80 metres from the nearest residential properties, being shielded from those properties by extensive tree planting. It is proposed specifically to provide an additional facility for park users, rather than being a general take-away facility, and it is considered that this warrants an exception to the locational criteria for the more common type of take-away facilities. On balance, it is therefore considered that the proposed development is acceptable in principle.

Appearance - It is considered that the green coloured containers, and the attached green coloured timber trellis, and planted living roof, will blend in with the park's surroundings. Also, it is expected that the associated climbing plants proposed would, in time, establish a green natural living wall to soften the impact of the container on its surroundings and blend into the natural environment of the park.

The applicant was originally urged to consider siting a new container on the site, but a used container is proposed. However, it is considered that the applicant has proposed significant measures to ensure that the appearance of the container would be compatible, with the surrounding park environment.

Residential amenity - In terms of the neighbour consultation exercise, overwhelming support has been indicated for the proposed development, although there have been a small number of objections, in comparison, to the letters of support received. The use does provide a take-away facility, but this is aimed primarily for people who are visiting the park and want to take a drink or snack to consume in the park, rather than for residents to purchase take-away meals, and no late night opening is proposed.

As indicated above, this is a used container, but significant efforts have been made to improve its appearance. It will be highly visible, but it will sit close to existing structures in the park (e.g. the nearby pavilion building), rather than being seen as a totally isolated unit in the park. It is not considered that the structure would be an eyesore and Greater Manchester Police have specifically indicated that the proposed visuals show trellis to the elevations of the container will reduce the potential for graffiti, which would have otherwise been their main concern. In terms of the potential for the unit to become vacant and/or deteriorate in appearance, conditions are proposed regarding the ongoing maintenance of its appearance, and potential removal if the unit becomes vacant.

Ultimately this is a facility which appears to be welcomed by the majority of local residents, who see this as a positive addition to the park, and it is not considered that the expressed concerns, would outweigh the benefits that the use would bring to users of the park and the general community.

Security - GMP have commented that the trellis to the elevations of the container which will reduce the potential for graffiti, and other security improvements are recommended, including the provision of an intruder alarm, which the applicants state will be provided.

Waste - It is indicated that there will be two waste collections per week, with waste vehicles entering the park grounds. This will be on existing areas of hard surfacing which are wide enough and which are currently able to accommodate vehicular traffic. Also, the applicant has indicated that the waste collection vehicles will follow the normal parks risk assessments for vehicles in parks including adhering to speed limits. Environmental Health have indicated that they are satisfied with the proposed waste management arrangements, although a condition is proposed to confirm the final arrangements for collection vehicles.

Tree and Ecology – The development has an acceptable impact on trees subject to compliance with the information submitted. The development will not have any adverse impact on ecology.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Early discussions took place regarding various aspects of the scheme including community use, and appearance of the development. The proposal is considered to be acceptable and therefore determined within a timely manner.

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

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:

Drawings numbered CFP-MCC-LP-45501-DR-A-0001, CFP-MCC-LP-45501-DR-A-0002, CFP-MCC-LP-45501-DR-A-0003 and CFP-MCC-LP-45501-DR-A-0004

Design and Access Statement dated July 2023

Arboricultural Impact Assessment dated June 2023

Waste Management Strategy dated 6 July 2023

All stamped as received by the City Council, as Local Planning Authority, on 13 July 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The development shall not be operational outside the hours of:

Monday to Sunday, 08:00 to 20:00.

Reason -To safeguard the amenities of the occupiers of nearby residential accommodation once the development is operational, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

4) Notwithstanding the details indicated in the Waste Management Strategy dated 6 July, 2023 and stamped as received by the City Council, as Local Planning Authority, on 13 July 2023, prior to first use of the development, final details of the waste collection arrangements shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The approved measures 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 policies DM1, EN19 and SP1 of the Manchester Core Strategy.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars (Arboricultural Impact Assessment dated June 2023 and stamped as received by the City Council, as Local Planning Authority, on 13 July 2023), before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

6) All tree work should be carried out by a competent contractor in accordance with British Standard BS 5837 "Trees in Relation to Construction"

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

7) Within one month, of the use first becoming operational a planting/landscape management plan, shall be submitted to, and approved in writing by the City Council as Local Planning Authority. The content of the plan should include ongoing maintenance proposals for the maintenance of the planting/landscaping measures proposed, including the trellis and associated climbing plants and the planted living roof, and detailing how the appearance of the structure will be maintained, whilst it remains in operation. The development shall then be maintained in accordance with these approved details.

Reason - To ensure that a satisfactory appearance, for the development, is maintained through its presence and operation on site, pursuant to policies SP1, EN9 and DM1 of Manchester's Core Strategy.

8) Should the authorised use cease, within 3 months of the development becoming vacant, all containers, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued and the land shall be reinstated to its former condition.

Reason - As the permission hereby granted is for a temporary period only, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) It is recommended that no cash is kept on site and that this is displayed on external signage. Where possible any doors/window should be to a burglary resistant standard and an intruder alarm would be recommended.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Police

38 Woodland Road, Levenshulme, Manchester, M19 2QP
34 Woodland Road, Levenshulme, Manchester, M19 2QP
68 Errwood Road, Manchester, M19 2QH
42 Woodland Road, Levenshulme, Manchester, M19 2QP
36 Woodland Road, Levenshulme, Manchester, M19 2QP
44 Woodland Road, Levenshulme, Manchester, M19 2QP
40 Woodland Road, Levenshulme, Manchester, M19 2QP
70 Errwood Road, Manchester, M19 2QH
72 Errwood Road, Manchester, M19 2QH

Appendix 2 – Planning constraints

Article 4 Direction – Removal of PD Rights Change of Use from Class C3 to Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA