

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

John Rogers
Derelict toilet block
Northenden Riverside Park
Mill Lane
Manchester
M22 4HJ

Agent (if used)

Miss Sharon-lee Bow
Studio Charrette
The Clubhouse
50 Grosvenor Hill
London
W1K 3QT

Part 1 – Particulars of the application/development

Proposal: Change of use to Class E (cafe) together with single storey rear extension and outdoor seating area.

Location: Derelict Toilet Block By Northenden Riverside Park, Mill Lane, Manchester , M22 4HJ

Date of application: 22 December 2021

Application number: 132038/FO/2021

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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the delegated report. The revised proposal was re-notified to 36no. neighbours; no comments were received.

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 on the 26th of October 2021 or as stated:

Application Form

Location Plan P1 received on the 11th of May 2022

Existing and Proposed Site Plan P2 received on the 11th of May 2022

Existing and Proposed Ground Floor Plan P3 received on the 11th of May 2022

Existing and Proposed Elevations 1 P4 received on the 11th of May 2022

Existing and Proposed Elevations 2 P5 received on the 11th of May 2022

Existing and Proposed 3D view - Front Elevation P6 received on the 11th of May 2022

Flood Risk Assessment Ref: QFRA 2087, Version: 1.0 Date: 07/12/2021 and

Appendices A, B, C and D prepared by UK Flood Risk Consultants received on the 15th of December 2021

Waste Proforma received on the 15th of December 2021

Design and Access Statement prepared by Studio Charrette received on the 26th of October 2021

Planning Statement prepared by Studio Charrette received on the 26th of October 2021

Email from Sharon-Lee Bow of Studio Charrette dated the 20th of May 2022 confirming the closing time of 6pm daily.

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

3) Prior to first use of the building hereby approved commencing, samples and specifications of the elevational treatment to colour-coat the building shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason - In the interests of the visual amenities of the area in which the site is located and to protect the character of the nearby Northenden Conservation Area, pursuant to Core Strategy policies DM1, EN3 and SP1.

4) Notwithstanding the hours stated on the submitted application form, the cafe hereby approved shall not operate outside the hours of:

Monday to Sunday (including Bank Holidays): 07.00am to 18.00pm

Reason - In the interests of the amenity of nearby residential properties, pursuant to policy DM1 of the Core Strategy and saved Unitary Development Plan policy DC26.

5) 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 pursuant to policy DM1 of the Core Strategy.

6) 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.

b) Prior to commencement of the use hereby permitted 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 occupiers of nearby properties pursuant to policy DM1 of the Core Strategy.

7) 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 Core Strategy policies SP1 and DM1.

8) The external seating area shall not allow for the use of amplified sound or any music in these external areas at any time.

Reason - To safeguard the amenities of the occupiers of nearby residential properties pursuant to saved UDP policy DC26.1

9) 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 - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to saved UDP policy DC26.1 and Core Strategy policy DM1.

10) The hard and soft landscaping scheme as shown on drawing Nos: shall be implemented within 12 months of the first use of the development hereby approved. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place. Notwithstanding the details hereby approved the age, size and species of all proposed trees to be planted shall be first

agreed in writing with the local planning authority, development shall only be carried out in accordance with the agreed details.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

11) 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 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 Core Strategy.

12) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

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 Core Strategy.

13) No development shall commence until a flood risk assessment has been submitted to and approved in writing by the local planning authority. This may take the abbreviated form of a desktop-study flood risk statement (FRS). For the avoidance of doubt, as per the government standing advice, the assessment must include the following:

- Provide the estimated flood level for your development (the estimated flood level is a river flood level with a 1 in 100 or greater annual probability, plus an allowance for climate change). The estimated flood level may be obtained freely from the Environment Agency.

- FFLs should take into consideration predicted flood levels and should be set to an appropriate level, this may be either no lower than existing internal FFLs of the adjoining dwelling or 300 millimetres (mm) above the estimated flood level. All levels should be in mAOD.

- If you cannot raise FFLs 300 mm above the estimated flood level, you should demonstrate flood resilience and resistance measures in your design. Use the following guidance: <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#extra-flood-resistance-and-resilience-measures>

Reason: To ensure that the development is not at an increased risk of flooding (from various sources) and that the appropriate flood resilience and resistance measures have been implemented on site where required, in accordance with Core Strategy policy EN14.

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

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. We recommend considering green SuDS components to mitigate for any loss of permeable area.

The applicant is advised to sign up to the Environment Agency's Flood Warning Service. This requirement can be fully achieved by the site users contacting/ registering with Floodline - calling 0345 988 1188 or by visiting:

<https://www.gov.uk/sign-up-for-flood-warnings> .

The applicant must provide details of the provision for pulvable waste recycling and the size of the bins they intend on using.

Information for Developers guidance documents can be downloaded using the following link:
http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

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.

External Doors

All external doors must be compliant with and certified to BS PAS 24, STS 202 or LPS 1175 SR2. It is crucial that the door ironmongery to any external escape-only doors is permitted under the security certification of the product. Escape-only doors should be alarmed (audible upon opening) and designed without visible external ironmongery.

Windows

All windows should be compliant with and certified to BS PAS 24 where possible. All other window designs/dimensions should take account of the requirements of the above standards, as certified products can carry dimensional restrictions.

Any opening lights (escape requirements permitting) must be lockable and have fixed/lockable opening restrictors (not releasable from the outside) limited to 100mm. Drive-through windows should be fitted with restrictors to prevent people climbing or reaching in.

Any curtain walling panels should include laminated glazing (see below) and should be securely fixed and non-opening.

Internal Security

All back-of-house/staff areas should not be publicly accessible and there should be a secure area for staff to store their belongings whilst at work.

Alarm

An intruder alarm should cover the proposed restaurant and should be linked to contacts on all external doors and PIR detectors. The alarm signal should terminate at a recognised Alarm Receiving Centre. The system should comply with the current version of the EN 50131-1 standard and be eligible for a Police response as defined by the ACPO Policy on Police Response to Security Systems, Level 1 status.

External Seating Area

There should be clear views over the external seating area from within the premises, allowing staff to monitor customer use/behaviour. It should also be covered by CCTV.

Tables and chairs should be fixed to prevent mis-use or theft. Any removable barriers, canopies or heaters, as well as any non-fixed tables and chairs, should be stored securely within the building out-of-hours to prevent damage, theft and mis-use.

Lighting

Dusk 'til dawn lights, operated by photoelectric cell/daylight sensor, should be installed to all external doors/shutters.

Fittings should produce 'white' light, as opposed to yellow/orange light. Metal halide (or bulbs with a comparable output) should be used, as these offer superior colour rendition over alternatives such as high and low pressure sodium bulbs.

Lighting fixtures must not be positioned to provide climbing aids over boundary treatments. Electrical and architectural layouts should be developed together to avoid this.

CCTV

Any CCTV system that may be used within this proposal will require certain specifications and intelligent placement of cameras to compliment the design of the development. Designers should consider the following points when planning a CCTV strategy:

CCTV systems (and lighting that support them) require regular cleaning and maintenance to remain effective.

Where necessary cameras that are vulnerable to damage should be protected from attack either by relocation to a higher level and using a bigger lens to achieve the view required or through the fitting of a vandal resistant housing.

With regards to the retention of footage, the police prefer quality over quantity. The overall retention period should be dictated by what the system is designed to achieve, though it would be better to have good quality images over a 14-day period than poor ones over a 30-day period.

Procedures for recovery of recordings are recommended to be established (e.g. trained staff / the CCTV system instruction manual to be readily available). This is to ensure that the images produced will be of an acceptable standard that will allow for identification of an individual which will stand up to scrutiny in court.

Acceptable Standard - this generally requires a resolution of 720x576 pixels at a real time frame rate of 25 frames per second. (N.B. Both the camera and DVR must be capable of this - if the camera will only send low resolution images then it does not matter how high the resolution of the recording unit is).

Identification - One of three levels of field of view. To identify an individual, the image must capture no less than 120% of the field of view (at least from the top of the individuals head to their knees). The remaining two levels of field of view are 'Overview' and 'Recognition', which whilst effective for observational purposes, are less likely to result in the identification of a person/offender.

The intelligent placement of cameras helps to provide clear facial identification of individuals. Suitable locations would be: the main entrances to the premises, all service counters/pay-points, all seating areas (external and internal), toilet lobbies and all parking areas (including the drive-thru lane).

Other

Any external bin store should be a secure, lockable and fire-resistant enclosure. A strategy should be defined to ensure waste collection can take place whilst retaining a secure development and servicing activities should also not require any service doors to remain open and unattended for prolonged periods.

Layout Guidance

The layout of the premises should be carefully considered, so as to maximise surveillance over customers and reduce the opportunities for criminals to exploit. Design for Security understands that the designers and clients may not always know who will be occupying their units once complete, and therefore, the end-users requirements. It is highly recommended that the following good practice principles are adopted where applicable, so as not to undermine the security of the building shell.

Restaurants can, if poorly managed, generate crime for the following reasons:

Opportunities - Large numbers of people congregating in cafes/coffee shops generates opportunities for crime. Unlike on-street populations, patrons are stationary for long periods of time, making them easier to target.

Lack of attention - The movement of people, noise, social interaction and other factors mean patrons can be easily distracted.

Cohesion - Particularly during busy periods, the large numbers and wide variety of groups of people that tend to frequent cafes/coffee shops means that such a venue would lack 'community territoriality' (i.e. regular customers displaying an awareness of and care for the environment around them). This can limit any self-policing that might otherwise occur.

Customer turnover - High turnover with high levels of customer movement within an establishment, are more likely to allow offenders to go unnoticed.

Valuable goods - Often available and possibly on show, a particular problem in external seating areas. Patrons are likely to carry small, valuable, concealable goods - such as mobile phones, purses, wallets, keys etc.

Stealth - Busy venues provide the anonymity necessary to commit offences.

In order to minimise these issues, it is recommended that the following good practice principles are adhered to:

The area in front of the service counter should be clearly defined to provide an easy queuing system to help prevent against queue jumping, which can lead to conflict. Consideration should be given to Internal floor demarcations (such as different coloured floor tiles) to direct people and encourage efficient circulation within the premises (i.e. defining separate queuing/waiting and seating areas). Sufficient levels of service staff should be provided at busy periods to reduce waiting times and the potential for frustration, aggression and conflict.

There should be high/wide service counters, which increase the distance between staff and any potentially aggressive patrons and aid surveillance of all parts of the premises. Tills should be positioned away from customers' reach, but preferably fronting towards customers. Casual access to the rear of any service counters should be prevented (e.g. with lockable hatches that cannot be easily scaled).

Alarms

It is strongly recommended that a monitored alarm system is provided, with a response facility (be that an alert to the key holder, or to a security patrol team). Contacts should be provided on all external doors and PIR detectors should cover all rooms.

Access Control

Access control systems should be operable by swipe card or fob, and not numeric key pads. The following doors should operate on access control:

Staff only external doors
Doors into areas restricted to staff
Storage rooms

Date: 15 June 2022

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/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 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.