

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131971/FO/2021

Date registered valid: 18 November 2021

Proposal: Use of external pavement on Oxford Street for the siting of tables and chairs and ancillary equipment associated with and ancillary to the A4 use within the ground floor of 33-35 Oxford Street

Address: The Paramount, 33 - 35 Oxford Street, Manchester, M1 4BH

Ward(s): Deansgate Ward

Applicant: J D Wetherspoon Plc Reeds Crescent, Watford, WD24 4QL

Agent (if any): Natasha Champ K D Paine & Associates Ltd Adur Business Centre, Little High Street, Shoreham By Sea, BN43 5EG

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 March 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 24 November 2021

Expired: 15 December 2021

Neighbour notifications

Printed: 24 November 2021

Expired: 15 December 2021

Site notice

Posted: Expired:

Press advert

Published: 30 November 2021

Expired: 21 December 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: George Street Conservation Area 1985

Tree Preservation Order:

Description of Site/Area

The application relates to an area of pavement on Oxford Street that is adjacent to a modern mixed-use building located at 33-35 Oxford Street. There is a bar (A4) within the ground floor of the property that is currently named The Paramount.

The site is within the George Street Conservation Area and is seen in context with Grade II listed buildings at 18-32 Oxford Street and 131-133 Portland Street.

Surrounding uses include shops, hotels, offices, bars, restaurants, and a car park.

Description of Development

The submitted application seeks planning permission for the use of external pavement on Oxford Street for the siting of tables and chairs and ancillary equipment associated with and ancillary to the A4 use within the ground floor of 33-35 Oxford Street.

Consultations & Notification Responses

Local residents were notified, and a site notice was posted for 21 days however not responses were received.

Environmental Health - Hours as applied for are acceptable, recommend that a condition is applied to ensure that no live or amplified music is played in the outside seating area.

Highways - Given the heavy footfall in this area, we require that pedestrians can pass either side of the street trees and therefore we consider the tables and chairs area to be too large.

We also have concerns in relation to the proximity of tables and chairs to the designated fire exits.

Following receipt of revised plans highways confirm the scheme is now acceptable.

Design for Security at Greater Manchester Police - no concerns with the revised plans.

Policies

The main issues for consideration relate to the impact of the proposals on visual amenity, crime and disorder, residential amenity and the availability of disabled access. The main policies that relate to the proposal are Section 7 (Requiring Good Design) and Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework, Policies SP1 (Spatial Principles), EN3 (Heritage), CC9 (Design and Heritage), EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management), CC10 (A Place for Everyone), T1 (Sustainable Transport) and T2 (Accessible Areas of Opportunity and Need) of the Adopted Core Strategy for the City of Manchester and saved policies DC10 (Food and Drink Uses), DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

Visual Amenity

The proposals would add interest and activity to the street scene without detracting from the setting of nearby listed buildings or the surrounding conservation area.

Given the above, it is considered that the proposals are acceptable in terms of visual amenity in accordance with policies EN3, CC9, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC18.1 and DC19.1 Development Plan for the City of Manchester and Sections 7 and 12 of the National Planning Policy Framework.

Residential Amenity

The closest residential properties are to the rear of the site on Dickenson Street and there is a need to consider the impact on these residents. In terms of operation the application is supported by a management strategy that includes measures to prevent disturbance and secure the external seating area.

The conditions recommended by the City Council's Environmental Health service would be applied to the application. The submitted management strategies would also be required to be implemented by condition.

Given the above, it is considered that the proposals remain acceptable in terms of residential amenity in accordance with policies SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

Crime and Disorder

Design for Security at Greater Manchester Police were consulted and did not raise any concerns with the revised scheme. The applicant has submitted a management strategy and confirmed that CCTV cameras will operate in the outside area, and footage from these cameras will be retained for 30 days and will be made available to the Police upon request. Given this, the proposals are considered to be in accordance with policies SP1 and DM1 of the adopted Core Strategy for the City of Manchester.

Access

Level access is available into and throughout the seating area and measures would be in place to ensure that the seating area would be fully accessible for disabled people.

Adequate clear and unobstructed pavement of 5 metres between the edge of the external seating area and the edge of the pavement and a minimum of 1.5 metres between the edge of the seating area and the nearby street trees which is acceptable to highways.
The remaining pavement width would be adequate for this location and the area and location of the seating area would be restricted by the imposition of conditions.

Given the above, the proposals are acceptable in terms of disabled access in accordance with policies CC10, T1, T2, SP1 and DM1 of the adopted Core Strategy for the City of Manchester.

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application and negotiation of improvements to allow the application to be approved.

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 have been carried out in accordance with the following drawings and documents:

Received by the City Council as local planning authority on 19 October 2021:

- Location Plan ref. PL-100
- Existing Pavement Cafe ref. PL-102

Received by the City Council as local planning authority on 09 November 2021:

- Management Plan

Received by the City Council as local planning authority on 06 December 2021:

- Proposed Pavement Cafe ref. PL-103 revision A

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, CC9, EN3, EN1, DM1, T1, T2 and CC10 of the Core Strategy and saved policies DC10, DC18.1 and DC19.1 of the Unitary Development Plan.

3) The external seating area hereby approved shall not be operated outside the following hours:-

08.00 - 23.00 Monday to Sunday

Amplified sounds including amplified music shall not be played within this area at any time.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

4) All furniture including tables, chairs, parasols and barriers shall be entirely removed from the public highway/pavement and placed in secure storage outside of the agreed operating hours of the external seating area hereby approved.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

5) The area and location of the external seating area and barriers hereby approved shall be maintained as shown on the drawing referenced PL-103 revision A received by the City Council as Local Planning Authority on 06 December 2021 all times during the hours of operation.

Reason - To ensure that satisfactory disabled access is maintained and sufficient width of pavement is maintained for use by pedestrians by reference to the provisions of the Adopted Core Strategy for the City of Manchester, in particular policies CC10, T1, T2, DM1 and SP1.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

34 Oxford Street, Manchester, M1 5EL
Eden & Co Solicitors, 26 Oxford Court, Manchester, M2 3WQ
SIR ROBERT MCALPINE LTD, Third Floor, 15 Oxford Court, Manchester, M2 3WQ
Car Spaces, 15 Oxford Court, Manchester, M2 3WQ
47 Oxford Street, Manchester, M1 6EQ
Ground Floor And Basement Elemental, 47 Oxford Street, Manchester, M1 6EQ
31 Oxford Street, Manchester, M1 4BH
The Circus, Oxford Street, Manchester, M1 4BH
131 Portland Street, Manchester, M1 4PY
Unit 3A, 116 Portland Street, Manchester, M1 4RL
Basement And Ground Floor, 131 Portland Street, Manchester, M1 4PY
116 Portland Street, Manchester, M1 4RL
Manchester Travel Inn Metro, 112 - 114 Portland Street, Manchester, M1 4WB
Column 11 Opposite Portland Hotel, Portland Street, Manchester, M1 3ZZ
15 Oxford Court, Manchester, M2 3WQ
133 Portland Street, Manchester, M1 4PY

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - George Street Conservation Area 1985
Area Team Boundary - Name: CITY2