

Application Number/s: 131212/FO/2021

Applicant: Six Italian Food t/a Antica Pizzeria De Michele Ltd

Agent: Hannah Race at Pegasus Group, London

Location: GF Lloyds Bank Buildings, 53 King Street

Proposal: Change of Use to Outdoor Seating Area

Ward: Deansgate

Description of Site and Surrounding Area

The application relates to the pavement area immediately adjacent to no.53 King Street. The area of land affected is adopted highway, consisting of the footway to the north side of King Street (adjacent to the south elevation of the listed building).

Background Information/Planning History

The application is accompanied by a Listed Building Consent application for internal and external alterations to the listed building, as well as an Advertisement Consent application for a new signage scheme.

Description of Proposal

The application seeks permission for the change of use of adopted highway to an outdoor seating area. The outdoor seating area is to be enclosed by box planters.

Publicity

Site Notice/s Posted and Dates: Displayed 09/09/21 Expires 30/09/21

Press Adverts Published and Dates: Published 07/09/21 Expires 28/09/21

Neighbour Notification: As per Appendix

Representations Received: None

Consultations

Environmental Health:

Environmental Health provided no objection to the principle of the outdoor seating area. However, requires a schedule of days and hours be submitted for the operation of the outdoor space and that no amplified sound or music will be played in the external areas.

Greater Manchester Police:

GMP provided no objection to the principle of the outdoor seating area. GMP informed the LPA that clear views over the external seating area should be achievable from within the premises, allowing staff to monitor customer/use of the area. In addition, as the equipment is not fixed, the equipment, chairs and tables should be stored securely

in the building out of hours (this is demonstrated within submitted plans and information)

Highways:

Highway Services have stated that, due to the proposed outdoor seating's position on an adopted highway, a tables and chairs license will need to be obtained from Environment by calling 0161 234 5004. This can be added as an informative to any permission granted.

The proposed seating area retains a footway clearance of 2.28m from the back of the seating area to the kerbside. HS consider this distance to be enough to accommodate pedestrian demands in the location. In addition, it is indicated within submitted plans and documents that the furniture will be appropriately stored indoors outside of operational hours.

Conservation:

No comment on this particular element of the proposal.

Save Unitary Development Plan Policies:

- 10 Food and Drink Uses
- 18 Conservation Areas
- 19 Listed Buildings
- 26 Development and Noise

Core Strategy Policies:

- SP1 Spatial Principles
- EN3 Heritage
- CC9 Design & Heritage
- DM1 Development Management

National Planning Policy Framework Policies:

- 12 Achieving Well-Designed Places
- 16 Conserving and Enhancing the Historic Environment

ASSESSMENT

Design & Conservation

The proposed change of use of the footway adjacent to the application property would not be expected to cause undue impact to its appearance or setting, thus having no discernible impact on the character or appearance of the designated heritage asset. The LPA's Conservation Officer offered no comment on the outdoor eating area itself. It is considered that the proposed, modest outdoor eating area would complement the overall setting and feel of the surrounding city centre location.

Amenity

Outdoor eating areas have the potential to cause undue impact to neighbouring uses etc. by way of noise generation in particular. As such, it is necessary to impose conditions to control this. The Authority's Environmental Health team have requested that, before the outdoor

eating area is brought into use, a schedule of use is provided which can then implemented. In addition, a general condition prohibiting outdoor music shall be added.

Highways, Accessibility and Parking

The Authority's Highways Services department have provided no objection to the proposal. However, have provided informatives.

Conclusion

The proposed development is considered sustainable development, with no planning issues identified that cannot be controlled by use of appropriate conditions. As such, the proposal represents sustainable development as per Section 2 of the NPPF and thus should be approved without delay.

RECOMMENDATION:

That planning permission be granted subject to the following planning conditions:

1. *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:*

- *Location Plan of Pavement Area (Undated, untitled) - Received 30 July 2021*
- *Proposed Pavement Layout (Drawing Number PV 001 dated June 2021) - Received 30 July 2021*
- *Proposed Furniture Layout (Drawing Number PV 002 dated June 2021) - Received 30 July 2021*
- *Existing and Proposed Exterior Elevations showing Outdoor Seating 1 of 2 (Drawing Number PV 003 dated June 2021) - Received 30 July 2021*
- *Existing and Proposed Exterior Elevations showing Outdoor Seating 2 of 2 (Drawing Number PV 004 dated June 2021) - Received 30 July 2021*
- *Proposed Furniture Storage Arrangement (Drawing Number PV 005 dated June 2021) - Received 30 July 2021*

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. *Prior to the implementation or first use of the outdoor seating area hereby approved, a management scheme shall be submitted to the Local Planning Authority for review. The management scheme shall include the proposed hours and days of operation, the maximum capacity of the outdoor seating area and details as to how users of the outdoor seating will be managed with regards to noise and behaviour. The agreed scheme shall then be implemented for the lifetime of the development hereby approved.*

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 policy DM1 of the Core Strategy.

4. *Outside of the hours of opening of the premises, all external furniture including tables, chairs and barriers shall be moved to the inside of the premises.*

Reason - In the interests of amenity in order to reduce noise and general disturbance in accordance with policy DM1 of the Manchester Core Strategy.

5. *There shall be no playing of any music, recordings or similar within the outdoor seating area hereby approved at any time*

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 policy DM1 of the Core Strategy.