

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126510/FO/2020

Date registered valid: 16 March 2020

Proposal: Use of part of pavement for outdoor seating area in connection with takeaway/restaurant use within unit together with associated demarcation barriers

Address: Dominos , Unit 4, 403 - 419 Oxford Road, Manchester, M13 9WG

Ward(s): Ardwick Ward

Applicant: DPSK Limited Fortune House, Crabtree Office Village, Egham, Surrey, TW20 8RY

Agent (if any): Mr Rathore Licensing Law Consultancy 3 The Triangle, NG2 Business Park, Queens Drive, Nottingham, NG2 1AE

Case officer: Carolyn Parry
Tel: 0161 234 4022
Email: c.parry@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 4 June 2020

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 5 May 2020 Expired: 26 May 2020

Neighbour notifications

Printed: 19 March 2020 Expired: 9 April 2020

Site notice

Posted: 7 May 2020 Expired: 28 May 2020

Press advert

Published: 12 May 2020 Expired: 2 June 2020

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

This application relates to an existing Dominos takeaway located in a local shopping centre, on Wilmslow Road in the Manchester University area of the City Centre fringe. There are some listed buildings nearby but none lie adjacent to the application site. The closest listed building is the Grade II* listed Grove House building on the opposite side of Oxford Road. The area surrounding the application site is educational/commercial/residential in nature with many shops, university buildings, food and drink uses and student residential buildings in the immediate vicinity. Dominos is one of many food and drink units along this stretch of the road. The upper floors of the building are occupied by a multi storey car park.

The Proposal - Planning permission is sought for use of part of the pavement in front of the Dominos unit in the ground floor of the building for an external seating area to incorporate 4 tables and 8 chairs, together with 3 no. removable demarcation barriers.

The seating area is proposed to be used from 11am to 10pm 7 days a week.

In support of the application the applicant has submitted information about security and a detailed operating statement. The application has confirmed that in line with the comments received from Design for Security, the tables would be fitted with property clips.

No outdoor speakers are existing or proposed within the seating area so no amplified music/sound would be played.

Waste would be collected in a timely manner and the external seating area would be kept clean and tidy.

No furniture or barriers would be left outside the premises overnight as it would be stored at the back of the premises.

The submitted plans show that the seating area would extend from the shopfront by 2m which would leave a clear pavement width area just over 3m for pedestrians to carry on using the pavement.

Consultations & Notification Responses

Publicity - The application was advertised in the local press and on site as one affecting a right of way and one affecting listed buildings. No representations have been received as a result of this publicity.

Neighbours - Occupiers of properties surrounding the application site were notified of the proposal. No representations have been received.

Greater Manchester Police - I recently provided a consultation for the client regarding this proposal and looking at the plans submitted, we would be satisfied with the applicants proposals.

Greater Manchester Pedestrians Society - No representations received

Highway Services - The proposed seating area extends to a maximum distance of 2m from the façade of the building. Given that this section of footway forms part of the adopted highway network, a Tables and Chairs License will be required from the applicant, obtainable via Contact Manchester on 0161 234 5004.

It is understood from plans that the proposed seating area allows for a footway provision of 3.235m to be retained from the barriers to the edge of the footway. However, it is noted that there are a number of items of street furniture in place in this location including a Post Box, directional signage and street lighting columns and therefore the extent of the footway that will remain fully unobstructed is noted to be 2m. This is considered acceptable by Highways for the location of the site, given that this length of Oxford Road is noted to be subject to an exceptionally high level of footfall in conjunction with the location close to the universities and hospital.

In line with MCC guidelines, the applicant has stated that all furniture will be stored internally outside of operational hours which is accepted by Highways.

In light of the above, Highways have no objections to the proposals in principle.

Environmental Health - No objections. The seating area is acceptable to operate until 10pm at night as it is far enough away from residential and Oxford Rd is a busy trafficked Road for it to not be an issue.

Issues

Amenity and Security - It is acknowledged that having an external seating area outside a food and drink unit has the potential to cause amenity issues in the immediate area. However, given the busy city centre location of the application site, the fact that the site is on a busy road into the City Centre, there is no residential accommodation adjacent to the premises and the fact

that the adjacent units (McDonalds and Subway) already have seating areas, it is considered that the external seating area is acceptable. The seating area would only consist of 4 tables and 8 chairs so would not be able to accommodate a large group of people. It is not considered that the seating area would be unacceptable in terms of its impact on amenity.

The premises has put forward an acceptable operating and management strategy for the running of the area and this has been conditioned. The hours of operation for the external seating area are acceptable to both the Police and Environmental Health and are consistent with other external seating areas within the City Centre. The external seating area would be used from 11am to 10pm daily. Outside of these hours, all tables, chairs and barriers would be stored within the premises.

No amplified sound or music would be played within the external seating area. This has been conditioned.

The scheme has been amended to adhere to the comments made by GMP so from a security point of view the proposal is considered to be acceptable.

The demarcation barriers and visual amenity - The barriers that would demarcate the seating area are necessary in order to provide a more secure environment for the users of the seating area. It is also considered that the barriers are acceptable in terms of their appearance so they would not adversely affect visual amenity within the area or the setting of heritage assets, including the Grade II* listed building opposite. The furniture proposed within the seating area and the demarcation barriers are not permanent as they would be stored within the premises overnight. Nothing would be permanently fixed to the ground.

Access - The external seating areas would be fully accessible.

Licence - The permission hereby granted relates to planning permission only. A separate tables and chairs licence is required for the external seating area from the relevant department within the City Council.

Manchester Core Strategy - The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11 July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan 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.

For the above reasons, the proposal is considered to be acceptable and consistent with policies SP1, CC9, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

Negotiations - Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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

C5182-LP12

C5182-BP13

C5182-P06 Rev A

all stamped as received by the Local Planning Authority on 16 March 2020

The Outdoor Seating Management Statement and Plan, dated March 2020, received via email on 5 June 2020

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 seating area hereby approved shall not be used outside of the following hours:

11.00 to 22.00 Monday to Sunday

Outside of these hours, no chairs, tables or barriers shall remain in the external seating area. They shall be stored inside the premises in accordance with the submitted Management Statement.

No amplified music or sound shall be played in the external seating area.

Reason - To ensure an acceptable development, and in the interests of residential amenity and security, pursuant to the submitted Management Strategy for the external seating area and policy DM1 of the Core Strategy.

4) The location for the external tables, chairs and barriers hereby permitted shall be limited to that shown on the approved plan stated in condition 2. For the avoidance of doubt, the seating area shall contain no more than 4 tables, with each table sitting a maximum of 2 people.

Reason - In the interests of residential amenity, pursuant to policy DM1 of the Core Strategy.

5) The development hereby approved shall incorporate the following security measures:

- All tables shall be fitted with property clips
- The external seating area shall be covered by CCTV

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

Informatives

1) The proposed seating area extends to a maximum distance of 2m from the façade of the building. Given that this section of footway forms part of the adopted highway network, a Tables and Chairs License will be required from the applicant, obtainable via Contact Manchester on 0161 234 5004.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Police
Greater Manchester Pedestrians Society
Highway Services
Environmental Health

Whitworth Park Student Housing, 316 Oxford Road, Manchester, M13 9NG
310 Oxford Road, Manchester, M13 9NS
Bus Shelters Junction Nelson Street, Oxford Road, Manchester, M13 9ZZ
RED CHILLI, 403 - 419 Oxford Road, Manchester, M13 9WL
Mcdonalds, 403 - 419 Oxford Road, Manchester, M13 9WG
Ground Floor Subway Sandwich Bar, 413 - 419 Oxford Road, Manchester, M13 9WG
Unit 5, 403 - 409 Oxford Road, Manchester, M13 9WG
413 - 419 Oxford Road, Manchester, M13 9WG
Flat 1, 2 Dilworth Street, Manchester, M15 6EY
Grove House, Oxford Road, Manchester, M13 9NG
Turing Tap, 421 - 423 Oxford Road, Manchester, M13 9WG
Flat 2, 2 Dilworth Street, Manchester, M15 6EY

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CITY1