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Your ref: 103114/FO/2013/S2
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Date: 13/11/19

Head of Planning
Manchester City Council
PO Box 463
Town Hall Extension
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Dear Sir/Madam,

Proposed variation to condition 3 of planning permission 103114/FO/2013/S2 to allow hours of use of the outside seating area from 0800-2300 daily at Pizza Express, 95 Lapwing Lane, Manchester, M20 6UR.

We enclose an application for full planning permission for the above proposed development, along with the requisite fee for £234.00.

The planning application proposes the continued use of the forecourt highway land along the Lapwing Lane elevation of the building for the placing of tables and chairs with barriers, with hours of use of 0800-2300 daily.

The outdoor tables and chairs have been in place since 2013 and there have been no known issues or incidents associated with their use since that time.

Use of this outside area has added vitality and character to the locality and has significantly enhanced customer choice.

The restaurant at 95 Lapwing Lane is owned and operated by Pizza Express Restaurants and is a premium brand that appeals to a wide age range of customers.

Pizza Express takes great care to ensure that their operations are run in a carefully controlled and considerate manner. A copy of the company's Pavement Licence Management Plan for *al fresco* dining areas is included with the supporting planning application documents.

Pizza Express has also produced a policy document on smoking to assist company staff to manage smoking areas and reduce the risk of exposure to second-hand smoke. The company's policy is to ensure that the 2007 smoking regulations are strictly adhered to and to ensure that any smoking takes place in authorised, designated areas only.

In addition to the use of these parts of the highway forecourt as *al fresco* dining and drinking areas, the proposed use also affords the operators to designate an easily identifiable smoking area for customers, which can be easily and effectively monitored, supervised and managed.

In the absence of a specific, identified area for smokers, customers wishing to smoke may spill out into the wider pavement area and there is a potential for the free-flow of passing pedestrians to be impeded. It is

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widely accepted in the industry that customers will remain in a designated area and will not spill out beyond that area.

The defined areas enable the licensee to exercise proper control over customers' behaviour and to observe, monitor and manage any activity. Danger to customers, pedestrians and road users is minimised, pedestrian footways are maintained, and the impact upon other occupiers and visitors to the area is reduced. Added to this are the benefits of public scrutiny and appraisal of such a proposed area through planning, street trading and licensing regimes. The behaviour of customers is generally much better when in a properly defined area, even when this area is busy. This does not relate merely to consideration of noise and disturbance, but also encompasses aspects such as road safety and litter.

The planning application relates to activities taking place at a central commercial leisure facility. This will result in a noticeable enhancement of the leisure operation, to the benefit of the local economy and the local community. The enhancement of the central commercial activity is sustainable by definition. At the heart of the National Planning Policy Framework (NPPF) is a strong presumption in favour of sustainable development. Indeed, NPPF strongly supports the proposed development, in particular paragraphs 7, 38, 47, 54, 55 and 80.

The National Planning Practice Guidance (NPPG) advises that Local Planning Authorities should plan positively, to support town centres to generate local employment and promote beneficial competition within town centres.

The applicant is also comfortable with the LPA imposing a temporary planning permission for the proposed extended hours of operation, to act as a 'trial period' to test the actual and genuine impacts and implications of the proposed extended hours of operation on the ground and in reality. In terms of potential wider impacts on the general amenities of the local area, the grant of a temporary consent period could be used to allow the applicant to demonstrate on the ground and in reality, that the management of the application site and the controls imposed by Manchester City Council as the Licensing Authority are sufficient to prevent demonstrable harm being caused to the general amenity of the local area. It is suggested that an appropriate period for the trial period should be 12 months, but the applicant would accept a shorter time period, of, say, 6 months, if the LPA deemed this to be necessary. During any trial period, local residents within the wider local area (who might be affected by the proposal) would keep a close, watchful eye on the operations at the site and can provide objective feedback on the situation prior to any grant of permanent planning permission or, indeed, refusal of permission. Such an approach would be fully consistent with the advice in Planning Practice Guidance.

During the trial period, it is also important to be mindful that the controls of the Licensing Authority would remain in place as an additional safeguard. The application site would be managed in accordance with the controls imposed by the Licensing Authority, which has significant enforcement powers in order to ensure compliance with these controls. Potential noise and disturbance from customers would be the subject of on-going control and potential recourse at any time, through the licensing regime, to ensure that local amenities were not detrimentally affected. In addition, there would remain the powers of the environmental protection legislation to take action against any statutory nuisance caused. The LPA should also be mindful that the controls of both the licensing and environmental protection legislation are material planning considerations and these controls would also remain in place if a permanent planning permission for the proposed extended opening hours were granted.

In the above circumstances, it is hoped that officers can support the modest development proposed. If you need any clarification of the proposal or require any further information, please do not hesitate to contact me.

Yours faithfully

Bidwells LLP

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