

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137208/FO/2023		
Date registered valid:	7 June 2023		
Proposal:	Creation of an outside seating area within pavement		
Address:	66-68 Cross Street, Manchester, M2 4JQ		
Ward(s):	Deansgate		Ward
Applicant:	Dunbar Knoops Holdings Ltd		
Agent (if any):	Miss Sue Jones CJS (NW) Ltd		
Case officer:	Jack		Naven
	Tel: 0161 219		2095
	Email: jack.naven@manchester.gov.uk		
Recommendation:	Approved		
Date of recommendation:	20/07/2023		

Application Details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 19 June 2023

Standard consultations:

Printed: 16 June 2023 Expired: 7 July 2023

Neighbour notifications

Printed: 16 June 2023 Expired: 7 July 2023

Site notice

Posted: 19 June 2023 Expired: 10 July 2023

Press advert

Published: 20 June 2023 Expired: 4 July 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of Site/Area

The application relates to an area of pavement on Cross Street that is adjacent to a historic listed building located at 66-68 Cross Street. This unit is currently being occupied by Knoops, a hot chocolate speciality shop that also services various other hot and cold non-alcoholic beverages.

The site is within St Anns Square Conservation Area and is seen in context with Grade II listed buildings at 62 Cross Street, 64 Cross Street, 41 Cross Street, 39 Cross Street, 37 Cross Street and 74 King Street.

Surrounding uses include shops, hotels, offices, cafes, bars, takeaways, restaurants, and a bank.

Description of Development

The submitted application seeks the placement of 3 tables and 12 chairs on the pavement on Cross Street for customers, directly outside 66-68 Cross Street.

Related Applications

115569/FO/2017 - Placement of 3 tables, 6 chairs and canvas barriers on the pavement in front of the existing shop.

Consultations & Notification Responses

Highway Services - Determined that the remaining footway clearance of 3.7m is considered sufficient to accommodate pedestrian demands in this location. They advised that all furniture is to be stored internally within the premises outside of operational hours. This is considered appropriate in preventing unnecessary obstruction of the adjacent highway.

Environmental Health - Have confirmed that they can accept the proposed hours of Monday to Saturday 08:00 to 21:00 and Sunday 09:00 to 21:00.

Greater Manchester Police - Have no concerns with the proposed development.

TFGM - Although the remaining footway width is shown as in excess of 3 metres, given the City Centre location which results in significant footfall along this route, and the close proximity to the pedestrian crossing, there is a risk that pedestrians could be forced into the carriageway and tramway to the detriment of pedestrian safety.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received due to this publicity.

Policy

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.

Issues

Principle

When considering an application for the placement of tables and chairs outside a premises, the issues of visual amenity, residential amenity, crime and disorder, and access must be considered.

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.

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 to local residents and secure the external seating area.

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

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.

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.

There is 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 will be restricted by the imposition of conditions.

Conclusion

This location also had the placement of 3 tables, 6 chairs and canvas barriers on the pavement in front of the existing shop under Planning Permission 115569/FO/2017 when the site was occupied by Chop'd, so there is precedent that an exterior tables and chairs area can work in this location without causing too many issues.

Given all of the above, it is considered that the proposals are acceptable in accordance with policies DM1, EN3, CC9, CC10, SP1, T1, T2, of the Adopted Core Strategy for the City of Manchester and saved policies DC10, DC18.1, DC19, DC26 of the Unitary Development Plan for the City of Manchester and Sections 7 and 12 of the National Planning Policy Framework.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Approved

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.

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 07 June 2023:

- Location Plan
- Site Plan
- Proposed Area for External Tables and Chairs 5555_PROP_L002
- Crime Impact Statement
- Design and Access Statement
- Tables and Chairs Staff Management Plan
- Chair Description
- Table Description

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 - 21.00 Monday to Saturday

09.00 - 21.00 Sundays and Bank Holidays

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, as outlined in the Tables and Chairs Staff Management Plan received by the City Council on 07 June 2023.

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 Area for External Table and Chairs referenced 5555_PROP_L002 received by the City Council as Local Planning Authority on 07 June 2023 for 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.

Informatives

1) As the proposed tables and chairs are to be located on the adopted highway, a tables and chairs licence should be obtained via contacting premises.licensing@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Third Floor, 37 King Street, Manchester, M2 7AT

Flat 21, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 20, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 19, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 18, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 17, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 16, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 15, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 14, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 13, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 12, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 11, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 10, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 9, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 8, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 7, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 6, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 5, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 4, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 3, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 2, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 1, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 24, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 23, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Flat 22, Kingsgate House, 51 South King Street, Manchester, M2 6DE

Ground Floor, 39 - 43 King Street, Manchester, M2 7AT

Flat 301, 56 Cross Street, Manchester, M2 7AR

Flat 205, 56 Cross Street, Manchester, M2 7AR

Flat 204, 56 Cross Street, Manchester, M2 7AR

Flat 203, 56 Cross Street, Manchester, M2 7AR

Flat 202, 56 Cross Street, Manchester, M2 7AR

Flat 201, 56 Cross Street, Manchester, M2 7AR

Flat 305, 56 Cross Street, Manchester, M2 7AR

Flat 304, 56 Cross Street, Manchester, M2 7AR

Flat 303, 56 Cross Street, Manchester, M2 7AR

Flat 302, 56 Cross Street, Manchester, M2 7AR

39 - 43 King Street, Manchester, M2 7AT

Basement And Ground Floor, 64 - 66 King Street, Manchester, M2 4ND

REED PERSONNEL SERVICES, Basement, 37 King Street, Manchester, M2 7AT

Fourth Floor, 49 King Street, Manchester, M2 7AY

Third Floor Front, 49 King Street, Manchester, M2 7AY

Third Floor Rear, 49 King Street, Manchester, M2 7AY

Second Floor, 64 Cross Street, Manchester, M2 4JQ

62 King Street, Manchester, M2 4ND

62 Cross Street, Manchester, M2 4JQ

64 - 66 King Street, Manchester, M2 4ND

37 King Street, Manchester, M2 7AT

64 Cross Street, Manchester, M2 4JQ

49 King Street, Manchester, M2 7AY
Sixth Floor, 49 King Street, Manchester, M2 7AY
Fifth Floor, 49 King Street, Manchester, M2 7AY
Second Floor, 49 King Street, Manchester, M2 7AY
First Floor, 49 King Street, Manchester, M2 7AY
Third Floor, 64 Cross Street, Manchester, M2 4JQ
First Floor, 64 Cross Street, Manchester, M2 4JQ
Third Floor Front, 64 Cross Street, Manchester, M2 4JQ
Third Floor Rear, 64 Cross Street, Manchester, M2 4JQ
51 King Street, Manchester, M2 7AZ
47 King Street, Manchester, M2 7AY

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
Conservation Area - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRAL