

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137191/FO/2023

Date registered valid: 8 August 2023

Proposal: Use of the external area for placing tables, chairs and barriers in connection with the Bunsik restaurant at Unit 1A The Pavilion, 1 Piccadilly Gardens.

Address: 1 Piccadilly Gardens, Manchester, M1 1RG

Ward(s): Piccadilly Ward

Applicant: Mr Jae Cho K Food London Ltd

Agent (if any): Mr Armin Ganguly-Hiebert Ganguly Architects Ltd.

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 18/09/2023

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit:

Standard consultations:

Printed: 9 August 2023 Expired: 30 August 2023

Neighbour notifications

Printed: 9 August 2023 Expired: 30 August 2023

Site notice

Posted: 11 August 2023 Expired: 1 September 2023

Press advert

Published: 15 August 2023 Expired: 29 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to pavement to the front of the single storey flat roofed commercial unit (Class E) present at 1 Piccadilly Gardens. The commercial unit forms part of the Piccadilly Pavilion, a building that lines the south-eastern side of Piccadilly Gardens that is finished in untreated concrete and features 2no commercial units with glazed front elevations. The application site is subject to a live planning permission for the redevelopment of Piccadilly Gardens, approved under planning permission (132578/FO/2021).

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area surrounding the application site is characterised by the openness of Piccadilly Gardens and the buildings that front onto it, which are of varying design, height and age, and includes the City Tower and the Grade II listed no10 Mosley Street. The area to the south of the application site is characterised by significant public transport infrastructure in the form of Piccadilly Gardens tram stop and Piccadilly Gardens bus station.

Description of development

The application seeks consent for the siting of an external seating area, with associated tables, chairs and barriers, and would span either side of the unit's entrance. The seating area would lie to the front of the commercial unit and have a width of 25m, a depth of 2.5m and provide space for 28no covers.

The barriers that would secure the seating area would have a maximum height of 1.02m. All the tables, chairs and fixings would be packed away and stored within the premises at the end of each business day. The proposed hours that the seating area would be sited on site for each day would be as follows:

- Monday to Thursday 11:00 - 20:00
- Friday to Saturday 11:00 - 21:00
- Sunday 11:00 - 20:00

Planning History

137190/AO/2023 - Installation of 1 x internally illuminated fascia sign, 1 x internally illuminated projecting sign, and barriers to the external seating area. – Application Pending Consideration.

132578/FO/2021 - Application for physical works to the Pavilion and surrounding Public Realm – Approved February 2022.

116923/FO/2017 - Demolition and redevelopment of the current single storey building and retaining wall and erection of two buildings linked by a green roof with central covered walkway from Parker Street to comprise 2 to 3 floors including mezzanine level and roof top terrace area (part of Unit 7) containing 7 commercial units (Use Class A3 (Restaurant and Cafe Use)/ Sui Generis (mixed A1 (Shop Use)/A3 (Restaurant and Cafe Use)) with associated outdoor seating and improvement works to Piccadilly Gardens including formation of raised grass areas, replacement paving, replacement of some existing trees, new lighting, introduction of additional lawned areas and planting, additional of 22 cycle stands (2 spaces per stand) and erection of new maintenance facility. – Withdrawn March 2019.

084479/FO/2007/C2 - Installation of green roof on top of building – Approved September 2007.

Consultations & Notification Responses

Environmental Health – No objection.

Highways – No objection.

Greater Manchester Ecology Unit – No objection received.

Greater Manchester Police – No objection subject to appropriate security and management measures.

Publicity – None received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy CC5 – Transport
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester - The following saved UDP Policies are of relevance to this application:

- Policy 26 – Development and Noise

National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places

Issues

Principle of Development

The proposed development would see the siting of an external seating area that would serve a property in an existing commercial class E restaurant use. As the proposed development would not fundamentally alter the use of the application site but rather supplement and support a use that is encouraged within the City Centre, it is considered the proposal accords with Core Strategy Policies SP1 and DM1 and is therefore acceptable in principle subject to the matters discussed below.

Visual Amenity

As stated previously within this report, the neighbouring area is visually dominated by Piccadilly Gardens, which is characterised by its comparative openness to the rest of the City Centre and its grassed areas. The seating area would be situated on hard paving adjacent to the front of the commercial unit. With a depth of only 2.55m and a width of 25m, the seating area would not appear overly dominant within the street scene, nor would it significantly impact the openness of Piccadilly Gardens. On this basis subject to a condition that would require the tables, chairs, barriers and fixings associated with the seating area to be packed away in line with the proposed hours of siting, it is considered the proposal would have an acceptable impact on visual amenity in accordance with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework.

Residential Amenity

The seating area would be sited in the heart of the City Centre, in an area dominated by commercial properties and significant public transport hubs. Environmental Health do not object to the proposal after confirmation was provided regarding the proposed hours of operation for the proposed seating area. Subject to a condition that would require the seating area to only be in operation in line with the hours applied for, it is considered the proposal would have an acceptable impact on neighbouring amenity in accordance with Core Strategy Policies SP1 and DM1, Saved Unitary Development Plan Policy 26, and the National Planning Policy Framework.

Crime and Public Safety

The proposed seating area would only be in operation during the business hours of the commercial unit. There exists the potential for a poorly designed external seating area to facilitate anti-social behaviour. Greater Manchester Police do not object to the proposal but do advise that a number of design measures are put in place to deter anti-social and criminal behaviour. It is considered necessary that in the event of an approval an informative will be attached notifying the applicant of the recommended measures. Subject to such an informative it is considered that the proposal is acceptable in this regard in accordance with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework.

Highway Safety

The proposed seating area would be situated on private land that does not form part of the public highway. It is also noted that a 3.15m clearance would be retained between the proposed seating area and the public bench to the north of the application site, which is considered to be sufficient in order to allow pedestrian demands in this location. Highways do not object to the proposal. On this basis the proposal is acceptable in this regard and thereby accords with Core Strategy Policies SP1, DM1 and CC5, and the National Planning Policy Framework.

Conclusion

In light of the above it has been found that the proposal would have an acceptable on visual amenity, residential amenity, public safety and highway safety in accordance with Core Strategy Policies SP1, CC5 and DM1, Saved Unitary Development Plan Policy 26 and the National Planning Policy Framework. On this basis the proposal is recommended for approval.

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: 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 that has resolved the issues associated with the proposal.

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:

- o 2023-MPU-PA-01 -04: Proposed External Seating Area (Dated 12/09/2023; Received 12/09/2023)

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) No materials shall be used on the external elevations of the proposed development other than those referred to on the approved plans / supporting documentation.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) The external seating area hereby approved shall only been open to customers inside the following times:

- o Monday - Thursday: 11:00 - 20:00
- o Friday & Saturday: 11:00 - 21:00
- o Sunday and Bank Holidays: 11:00 - 20:00

Reason - In the interest of safeguarding neighbouring residential amenity in accordance with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework.

5) Outside the hours of operation listed within condition 4 all chairs, tables, barriers, fixtures and fittings associated with the external seating area shall be stored inside the premises.

Reason - In the interest of visual amenity and in preventing anti-social behaviour on site in accordance with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework.

Informatives

1) To discourage the anti-social and criminal behaviour on site the applicant should adopt the following measures to ensure the security of the application site:

- Arrange the layout of furniture to reduce opportunities for crime and ensure staff are trained to be alert to all non-customers approaching tables at all times.
- Where natural or street lighting is insufficient, the management of the premises should provide lighting for the area occupied by tables and chairs.
- Frequent inspection and prompt repair of security features (e.g. lighting CCTV, signage, barriers, locks, fencing and rails).
- The tables, chairs and any other moveable items should be removed and stored within a secure storage area when the premises are closed.

- Arrangements should be put in place for clearing and cleaning the area at the end of business.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Greater Manchester Pedestrians Society

35 - 36 Piccadilly Plaza, Manchester, M1 4AJ
Seasonal Events Area, Piccadilly Gardens, Piccadilly, Manchester, M1 1LS
Unit E, 35 - 36 Piccadilly Plaza, Manchester, M1 4AJ
Ask Italian, Ground Floor Unit B, 1 Piccadilly Gardens, Manchester, M1 1RG
BYRON, Ground Floor Unit A, 1 Piccadilly Gardens, Manchester, M1 1RG
Fifth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Ground Floor Unit E2, 1 Piccadilly Gardens, Manchester, M1 1RG
Sixth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit 2, Piccadilly Gardens, Manchester, M1 1AF
BARBURRITO, Ground Floor Unit D1 To D2, 1 Piccadilly Gardens, Manchester, M1 1RG
First And Second Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Piccadilly Bus Station, Piccadilly, Manchester, M1 4AJ
Ground Floor Unit F, 1 Piccadilly Gardens, Manchester, M1 1RG
Fourth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
PIZZAEXPRESS, Ground Floor Units C1 And D3, 1 Piccadilly Gardens, Manchester, M1 1RG
4 Portland Street, Manchester, M1 4GS
Piccadilly Bus Station, Oldham Street, Manchester, M1 1JQ
Ground Floor Unit E1, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G1, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G2 And G3, 1 Piccadilly Gardens, Manchester, M1 1RG
Third Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
SHORYU, Ground Floor Units C2 To C3, 1 Piccadilly Gardens, Manchester, M1 1RG
Second Floor, 4 Portland Street, Manchester, M1 4GS

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL