

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132341/FO/2021
Date registered valid: 26 November 2021
Proposal: Enclosed seating area on the forecourt of 161 and 159 Dickenson Road
Address: 161 Dickenson Road, Manchester, M14 5HZ
Ward(s): Rusholme Ward

Applicant: Mr Mohammed Issa
Agent (if any): Mr Nasar Ishfaq, JAAN Architects Ltd
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 17 July 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 31st December 2021

Standard consultations:

Printed: 2 December 2021 Expired: 23 December 2021

Neighbour notifications

Printed: 26 August 2022 Expired: 5 September 2022 (second round)

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The property that is the subject of this application is part of a decorative 2 storey red brick terrace. It was constructed in 1925 as part of Anson Parade. It is identified as 159-161 Dickenson Road and sits at the junction of Dickenson Road and Anson Road in the Rusholme ward of the City. There is a large forecourt to the front of the premises with a wide footpath beyond. To the rear is a yard area, which is accessed off the alleyway to the rear. Presently there is a large open seating area.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The immediate area is commercial, with commercial properties continuing across the junction and around the corner on Anson Road. The remainder of the area is residential.

Description of development

The proposal is for the erection of a single storey unit of steel and glazed construction with a staggered flat roof and double doors to create an enclosed seating area as supplementary seating provision for the existing restaurant. The unit would be on the forecourt running across both 159 and 161 Dickenson Road. The original submission extended across both properties to the back of pavement, however following negotiations this has been reduced by approximately 50% in its projection into the forecourt. There is an advertisement application being assessed separately under application ref:132342

Consultations & Notification Responses

Local residents and businesses were informed- there have been 151 representations made in support and the comments are predominantly that the business is a good business and whilst

there is an external seating area, the people using the service would appreciate there being a place under cover to be able to enjoy the food rather than sitting in their cars to consume it. Given the issues arising out of the pandemic, this would enable a good business to grow which is of a positive benefit to the community and would give vitality to the area and versatility with regards to options for places to eat.

3 letters of concern have been received, the main points of which were: There is an issue with litter, fly tipping and pest infestations. Providing more outdoor customer eating space will increase the problem. The structure could set a precedent for other businesses. If there is a structure there it will make it more difficult for vehicles using the parking spaces. The parking also causes problems for people using the footpath. The branding of neighbouring businesses would be hidden by the unit.

There would also be a loss of privacy for people living in the residential properties above the commercial uses, as there would be people eating, drinking and smoking outside the access doors. There is already revving of cars the sound of horns and loud music when customers arrive and leave. That also causes issues for clients of the other businesses.

Highways -

The proposed tables and chairs will not be located on the adopted highway and therefore a tables and chairs licence will not be required. The existing area of outdoor seating at the front of the property is to be retained. It is understood that no part of the adopted highway will be impacted by the development.

The proposed development is located on a length of footway, subject to a high volume of pedestrian movement. In this location, street furniture in the form of bollards is located on the adopted footway.

The proposed seating area retains a footway clearance of 2.3m from the back of the seating area to the kerbside and is located on the unadopted highway. Therefore, the adopted highway will not be impacted. This is considered sufficient to accommodate pedestrian demands in this location.

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.

It is requested that a minimum headway clearance of 2.3m is in place for the pergola. The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

The existing waste storage and collection will be retained which is considered acceptable

Construction Management

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester.

Environmental Health-If the structure is fully enclosed and has no opening windows, then the proposal is acceptable. In addition, there should be no alcohol served in the proposed unit, nor amplified music played.

Issues

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policies E3.3, DC10 and DC26 of the Unitary Development Plan;
- Policies DM1, EC2, C5 and SP1 of the Manchester Core Strategy;
- Guide to Development in Manchester (SPD);
- National Planning Policy Framework.

Principle

The use and enclosure of the premises for outdoor seating is consistent with other similar uses within the area. The proposal seeks to enclose part of the forecourt which would prevent spillage of patrons onto the adjoining sites and would provide for weatherproof seating. There is currently a large area of external seating (approximately 50% greater than the enclosed area) that is open to the weather which does not require planning permission. It is therefore only the structure which requires planning permission. In principle the proposed works are considered to be acceptable, subject to the use of satisfactory materials and considerations of the residential and visual amenity currently enjoyed by the neighbouring properties. As such, the proposal complies with the aforementioned policy and guidance.

The specific planning issues are outlined further below.

Residential Amenity

As the forecourt area forms part of the planning unit and can already legitimately be used for outside seating, it is not considered that the proposed development would impact further on the amenity of the area. If anything, the noise would be contained within a physical structure, rather than be open enabling the noise to travel. Consideration has been given to the fact that the area could be used during all weathers, and on balance enclosing the area of business would be an improvement on the open area being used and the noise this could generate. As the structure comprises of large areas of glazing, it has been agreed that the glazing will be tinted to reduce the impacts of the lighting within.

There would be a condition relating to hours of use, amplified sounds restriction and level of tinting to the glazing attached to any consent granted as a safeguard.

Design and Visual Amenity

The proposed design of the enclosed unit is considered acceptable. It would be in a coated aluminium finish with glazed panels. It would be more attractive aesthetically compared to the open tables and benches enclosed by a timber knee rail which is the current situation.

It is considered that provided the proposed materials are of a high quality and treated/coloured appropriately, the overall design and impact to the visual amenity is acceptable and is comparable to other types of enclosed seating areas around the area. A materials condition would be attached to any consent granted.

Access

As the proposed tables and chairs are to be located on an area of privately owned forecourt between the edge of the adopted highway and the property, access along the public footway will not be impeded.

In terms of access to the premises, the existing premises already incorporates a small stepped access from the unaltered shop front. The floor level of the enclosed seating area will be of a level access.

Parking

Whilst it is acknowledged that there is no additional parking brought with the proposal, that is the existing situation. The business relies on the availability of on street parking, as do most of the businesses within this location. Some of the businesses have a couple of parking spaces within their own forecourts, these are mainly occupied by the staff they employ. As such the creation of the covered seating area would not exacerbate the current parking situation.

Conclusion

It is considered that subject to the attachment of appropriate conditions relating to hours of opening, servicing, noise, waste management, lighting, the proposed covered seating area is considered acceptable. It is similar to other extensions on units within the area, and is

considered an aesthetic improvement when compared to the open seating area currently occupying the forecourt.

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

Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The application has been determined in accordance with national policies and the policies within the Development Plan.

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:

JAAN Architects drawing ref: 161DIC REVD dated 11th July 2023 showing:
Proposed site plan

Proposed Elevations.
Proposed Floor Plan

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 above ground works commencing, details of the level of tint to the glazing shall be submitted to and approved in writing by the City Council as local planning authority, the approved materials shall thereafter be implemented in the construction of the unit hereby approved.

Reason- To reduce the impacts of potential light pollution on nearby residential accommodation pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4) No part of the building hereby approved shall be occupied / in use outside the approved hours of 09:00 am to 22:00 pm.

Reason - In order to protect the amenity of local residents in accordance with saved policy DC 26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) There shall be no live music within the unit hereby approved, any recorded music must not exceed 65db between the hours of 09:00 am and 21:00 pm and 55dbA between 21:00 pm and 22:00 pm. There shall be no music between the hours of 22:00 pm and 09:00 am.

Reason- In order that the local planning authority can achieve the objective of protecting the amenity of local residents in accordance with saved policy DC 26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

6) The proposed unit shall be for the purposes of consumption of food only and not for the consumption of alcohol.

Reason

In the interests of residential amenity within the vicinity of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

147A Dickenson Road, Manchester, M14 5HZ
Flat 1, 49A Anson Road, Manchester, M14 5DE
161A Dickenson Road, Manchester, M14 5HZ
151 Dickenson Road, Manchester, M14 5HZ
149 Dickenson Road, Manchester, M14 5HZ
Ground Floor, 163 - 165 Dickenson Road, Manchester, M13 0YN
34 Anson Road, Manchester, M14 5BQ
Office, 159A Dickenson Road, Manchester, M14 5HZ
159A Dickenson Road, Manchester, M14 5HZ
Birchfields Park Lodge, Dickenson Road, Manchester, M14 5HY
163 - 165 Dickenson Road, Manchester, M13 0YN
45A Anson Road, Manchester, M14 5DE
Ground Floor, 167 Dickenson Road, Manchester, M13 0YN
Flat Above, 49 Anson Road, Manchester, M14 5DE
Top Flat, 145B Dickenson Road, Manchester, M14 5HZ
Flat 2, 161 Dickenson Road, Manchester, M14 5HZ
Flat 1, 161 Dickenson Road, Manchester, M14 5HZ
167 Dickenson Road, Manchester, M13 0YN
Ground Floor Rear, 145A Dickenson Road, Manchester, M14 5HZ
Ground Floor Front, 145A Dickenson Road, Manchester, M14 5HZ
Flat 5, 145 Dickenson Road, Manchester, M14 5HZ
Flat 3, 145 Dickenson Road, Manchester, M14 5HZ
Flat 19, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 16, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 14, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 12, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 8, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 6, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 3, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 1, David Navin Court, 32 Anson Road, Manchester, M14 5BP
1 Birchfields Road, Manchester, M13 0XP
157 Dickenson Road, Manchester, M14 5HZ
147 Dickenson Road, Manchester, M14 5HZ
145 Dickenson Road, Manchester, M14 5HZ
49A Anson Road, Manchester, M14 5DE
157A Dickenson Road, Manchester, M14 5HZ
Flat 2, 49A Anson Road, Manchester, M14 5DE
Flat 6, 145 Dickenson Road, Manchester, M14 5HZ
Flat 20, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 4, 145 Dickenson Road, Manchester, M14 5HZ
Flat 2, 145 Dickenson Road, Manchester, M14 5HZ
Flat 1, 145 Dickenson Road, Manchester, M14 5HZ
Flat 18, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 13, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 17, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 15, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 11, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 10, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 9, David Navin Court, 32 Anson Road, Manchester, M14 5BP

Flat 7, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 5, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 4, David Navin Court, 32 Anson Road, Manchester, M14 5BP
Flat 2, David Navin Court, 32 Anson Road, Manchester, M14 5BP
45 - 49 Anson Road, Manchester, M14 5DE
159 Dickenson Road, Manchester, M14 5HZ
155 Dickenson Road, Manchester, M14 5HZ
155A Dickenson Road, Manchester, M14 5HZ
153A Dickenson Road, Manchester, M14 5HZ
153 Dickenson Road, Manchester, M14 5HZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: SOUTH