

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135996/FO/2023		
Date registered valid:	17 January 2023		
Proposal:	Retention of a single storey extension to form seating area and associated works outside Unit 2B at Deansgate Square.		
Address:	Deansgate Square, Owen Street, Manchester, M15 4RT		
Ward(s):	Deansgate		Ward
Applicant:	Renaker Build Ltd		
Agent (if any):	John Cooper Deloitte LLP		
Case officer:	Jack		Naven
	Tel: 0161	219	2095
	Email: jack.naven@manchester.gov.uk		
Recommendation:	Approved		
Date of recommendation:	11/04/2023		

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 2 February 2023

Standard consultations:

Printed: 1 February 2023 Expired: 22 February 2023

Neighbour notifications

Printed: 1 February 2023 Expired: 22 February 2023

Site notice

Posted: 2 February 2023 Expired: 23 February 2023

Press advert

Published: 7 February 2023 Expired: 28 February 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application site is Retail Unit 2B, which is situated at the ground level of Tower D of Deansgate Square. Deansgate Square is mixed use development of four residential towers (Buildings A-D) with an amenity building (Building E) for residents, and 10,950 sq m of public amenity space across the entire site. The entire Deansgate Square site is bounded by Owen Street, Old Deansgate, the River Medlock, and Pond Street.

The retail unit in question currently houses Salvi's, a Italian restaurant and bar with two existing restaurants already operating in Manchester City Centre.

Description of Development

The planning application seeks the retention of an extension for additional seating area and associated works at Retail Unit 2B in Tower D, which is located to the north of the Deansgate Square development. The external seating is situated along the northeast elevation of Unit 2B within the public realm fronting the River Medlock. The proposed extension would deliver 109 sq.m (GEA) of additional floorspace for retail Unit 2B.

The seating area will be used between 9:00 and 23:00 and will operate daily.

Relevant Previous Planning Applications:

111719/FO/2016/C1 - Construction of four residential buildings, ancillary amenity building for residents accommodating a tennis court, swimming pool and gym facilities (Use Class C3), ground floor retail units (Use Classes A1, A2, or A3), amenity space for residents within residential buildings, new public realm and landscaping, basement car parking and related highway, access, servicing, engineering and associated works. APPROVED - JULY 2016

Consultations & Notification Responses

Publicity - Neighbouring Properties were notified by letter, a site notice was displayed on site, and an advertisement was displayed in the Manchester Evening News. No comments were received as a result of this publicity

Highways Services - Do not have concerns that the seating area will cause impact to pedestrian demands in this location.

Environmental Health - Requested that two conditions be added in regard to acoustic assessment and waste management.

Greater Manchester Police - Recommended that CCTV coverage is extended to cover the external seating area and that the entrance and fire escape door should be illuminated. An informative has been added to advise this.

Policy

The application should be considered against the following policies:

The Adopted Core Strategy for the City of Manchester

SP1 (Spatial Principles), CC4 (Visitors, Tourism, Culture and Leisure), CC5 (Transport - Leisure and the Evening Economy), CC10 (A Place for Everyone), T2 (Accessible Areas of Opportunity and Need), and DM1 (Development Management).

Unitary Development Plan for the City of Manchester (UDP)

Saved Policy DC26 (Development and Noise).

The National Planning Policy Framework

Sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role (paragraphs 7 & 8).

The following sections of the NPPF are relevant to the consideration of this application: Section 6 (Building a strong and competitive economy) and Section 12 (Requiring Good Design).

Issues

Principle of Development

The main issues to consider in assessing this application are visual amenity, noise, highway safety, crime and safety and the provision of disabled access.

Visual Amenity

The principle framework to the structure is sprayed in RAL 6011 light green. The windows are motorised sliding glazing systems with toughened laminated low iron glazing, the metalwork of which are also sprayed in RAL 6011 light green. The extended seating area will sit neatly at the base of Tower D, in the space below an overhang, so it does not appear too obtrusive or out of character. The area has been purposefully designed to be read as a complementary design element.



External Seating Area on the Northwest Elevation of Tower D



Internal View of Extended Seating Area

It is not considered that this structure will cause any detrimental harm to the visual amenity of Tower D or the surrounding area. It is considered that this proposal makes a positive contribution to the visual amenity of the wider development by allowing personalisation of the spaces in the Deansgate Square area.

Noise

Environmental Health have confirmed that the proposed hours seem reasonable. However, the addition of 68 extra covers outside is significant and as such an acoustic assessment is required as this is likely to add to the existing background noise in the vicinity of the external seating area, with most of the impact being to residents in the Tower D. A condition has been added on this basis.

It has been confirmed that signage inside and outside the venue will ask customers using the seating area to keep noise to a minimum. Customers using the area will be actively encouraged by staff to keep noise to an appropriate level and will be monitored to ensure that noise is kept to a reasonable level. Customers who disregard requests to keep the noise down will be asked to leave.

It is not considered that there are any serious concerns regarding noise in relation to this development at this stage.

Highway Safety

The development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway. It is located adjacent to a length of footway, subject to a high volume of pedestrian movement. A planter and area of landscape is situated between the edge of seating areas and pedestrianised area. There are no concerns that the seating area will cause impact to pedestrian demands in this location or that it will cause any other highway safety related issues.

Crime and Safety

The extended seating area will be secured outside of operating hours, so seating and tables can remain in place in this area. Greater Manchester Police have advised that CCTV coverage should be extended to cover the extended seating area and the entrance and fire escape door should be illuminated.

Provision of Disabled Access

Access to the extended seating area shall be through the main restaurant entrance itself. The restaurant is on the ground floor, has disabled access facilities, there is disabled access up to the retail unit through the Deansgate Square development, so there are no concerns in regard to the provision of disabled access.

Conclusion

It is considered that the scheme is in accordance with relevant planning policy, as set out above, and should be approved.

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 applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Received by the City Council as Local Planning Authority on 17 January 2023:
Proposed Unit 2B Deansgate Square Ground Floor Plan 20-039-AXI-100 REVISION 0
Proposed Unit 2B Deansgate Square Enclosed Seating Area Plan and Elevations 20-039-AXI-110 REVISION 1
Proposed Cross Section Building E BE-SHP-G200-SE-XX-100
Site Location Plan 7359-BE-SHP-G100-PL-001
Salvi's Outdoor Furniture Specification
Unit 2B Opening Hours
External Enclosure 1
External Enclosure 2
External Enclosure 3

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.

2) Within one month of the date of this planning permission, a strategy to control noise at the development shall be submitted for approval in writing by the City Council. This shall include a schedule of the days and hours of operation. There shall also be no use of amplified sound or music in the development hereby approved at any time and this should be reflected in the strategy.

The approved strategy shall be implemented within one month of approval and thereafter retained as part of the operations of the development.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

3) a) Within one month of the date of this planning permission, a scheme for the storage and disposal of refuse shall be submitted for approval in writing by the City Council as Local Planning Authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The approval details shall be implemented within one month of approval and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (2012).

Informatives

1) Information for Developers guidance documents can be downloaded using the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

2) CCTV coverage should be extended to cover the extended seating area and the entrance and fire escape door should be illuminated.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Greater Manchester Pedestrians Society

Flat D2306, 371 Deansgate, Manchester, M15 4UR
Flat D2602, 371 Deansgate, Manchester, M15 4UR
Flat D2605, 371 Deansgate, Manchester, M15 4UR
Flat D3008, 371 Deansgate, Manchester, M15 4US
Flat D3803, 371 Deansgate, Manchester, M15 4US
Flat D2403, 371 Deansgate, Manchester, M15 4UR
Flat D2704, 371 Deansgate, Manchester, M15 4UR
Flat D3004, 371 Deansgate, Manchester, M15 4US
Flat D2307, 371 Deansgate, Manchester, M15 4UR
Flat D2506, 371 Deansgate, Manchester, M15 4UR
Flat D2804, 371 Deansgate, Manchester, M15 4UR
Flat D2906, 371 Deansgate, Manchester, M15 4UR
Flat D1106, 371 Deansgate, Manchester, M15 4UQ
Flat D1104, 371 Deansgate, Manchester, M15 4UQ
Flat D1008, 371 Deansgate, Manchester, M15 4UQ
Flat D1007, 371 Deansgate, Manchester, M15 4UQ
Flat D1006, 371 Deansgate, Manchester, M15 4UQ
Flat D901, 371 Deansgate, Manchester, M15 4UP
Flat D805, 371 Deansgate, Manchester, M15 4UP
Flat D803, 371 Deansgate, Manchester, M15 4UP
Flat D608, 371 Deansgate, Manchester, M15 4UP
Flat D508, 371 Deansgate, Manchester, M15 4UP
Flat D302, 371 Deansgate, Manchester, M15 4UP
Flat D207, 371 Deansgate, Manchester, M15 4UP
Flat D205, 371 Deansgate, Manchester, M15 4UP
Flat D202, 371 Deansgate, Manchester, M15 4UP
Flat D1308, 371 Deansgate, Manchester, M15 4UQ
Flat D3502, 371 Deansgate, Manchester, M15 4US
Flat D2808, 371 Deansgate, Manchester, M15 4UR
Flat D2606, 371 Deansgate, Manchester, M15 4UR
Flat D1402, 371 Deansgate, Manchester, M15 4UQ
Flat D1408, 371 Deansgate, Manchester, M15 4UQ
Flat D1203, 371 Deansgate, Manchester, M15 4UQ
Flat D1210, 371 Deansgate, Manchester, M15 4UQ
Flat D1303, 371 Deansgate, Manchester, M15 4UQ
Flat D1205, 371 Deansgate, Manchester, M15 4UQ
Flat D1405, 371 Deansgate, Manchester, M15 4UQ
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Flat D1608, 371 Deansgate, Manchester, M15 4UQ
Flat D1706, 371 Deansgate, Manchester, M15 4UQ
Flat D1807, 371 Deansgate, Manchester, M15 4UQ
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Flat D2107, 371 Deansgate, Manchester, M15 4UR
Flat D4002, 371 Deansgate, Manchester, M15 4UT
Flat D1307, 371 Deansgate, Manchester, M15 4UQ
Flat D1805, 371 Deansgate, Manchester, M15 4UQ
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Flat D905, 371 Deansgate, Manchester, M15 4UP
Flat D502, 371 Deansgate, Manchester, M15 4UP
Flat D408, 371 Deansgate, Manchester, M15 4UP
Flat D206, 371 Deansgate, Manchester, M15 4UP
Flat D105, 371 Deansgate, Manchester, M15 4UP
Flat D104, 371 Deansgate, Manchester, M15 4UP
Flat D001, 371 Deansgate, Manchester, M15 4UP
Unit 1, Olympia Trading Estate, Great Jackson Street, Manchester, M15 4NP
5 Owen Street, Manchester, M15 4YB
1 Owen Street, Manchester, M15 4YB
RCP Car Park, Great Jackson Street, Manchester, M15 4NP
Flat D1304, 371 Deansgate, Manchester, M15 4UQ
Flat D1305, 371 Deansgate, Manchester, M15 4UQ
Flat D3001, 371 Deansgate, Manchester, M15 4US
Flat D2006, 371 Deansgate, Manchester, M15 4UR
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Flat D708, 371 Deansgate, Manchester, M15 4UP
Flat D703, 371 Deansgate, Manchester, M15 4UP
Flat D607, 371 Deansgate, Manchester, M15 4UP
Flat D605, 371 Deansgate, Manchester, M15 4UP
Flat D602, 371 Deansgate, Manchester, M15 4UP
Flat D406, 371 Deansgate, Manchester, M15 4UP
Flat D306, 371 Deansgate, Manchester, M15 4UP
Flat D301, 371 Deansgate, Manchester, M15 4UP
Flat D101, 371 Deansgate, Manchester, M15 4UP
Flat D002, 371 Deansgate, Manchester, M15 4UP
Flat D1302, 371 Deansgate, Manchester, M15 4UQ
Flat D1410, 371 Deansgate, Manchester, M15 4UQ
Flat D2004, 371 Deansgate, Manchester, M15 4UR
Flat D2101, 371 Deansgate, Manchester, M15 4UR
Flat D2803, 371 Deansgate, Manchester, M15 4UR
Flat D4004, 371 Deansgate, Manchester, M15 4UT
Flat D2304, 371 Deansgate, Manchester, M15 4UR
Flat D2701, 371 Deansgate, Manchester, M15 4UR
Flat D1407, 371 Deansgate, Manchester, M15 4UQ
Flat D2003, 371 Deansgate, Manchester, M15 4UR
Flat D2001, 371 Deansgate, Manchester, M15 4UR
Flat D2104, 371 Deansgate, Manchester, M15 4UR
Flat D3608, 371 Deansgate, Manchester, M15 4US
Flat D3703, 371 Deansgate, Manchester, M15 4US
Flat D4302, 371 Deansgate, Manchester, M15 4UT
Flat D1708, 371 Deansgate, Manchester, M15 4UQ
Flat D3103, 371 Deansgate, Manchester, M15 4US
Flat D1207, 371 Deansgate, Manchester, M15 4UQ
Flat D1208, 371 Deansgate, Manchester, M15 4UQ
Flat D2501, 371 Deansgate, Manchester, M15 4UR
Flat D3306, 371 Deansgate, Manchester, M15 4US
Flat D3307, 371 Deansgate, Manchester, M15 4US
Flat D3906, 371 Deansgate, Manchester, M15 4US
Flat D1105, 371 Deansgate, Manchester, M15 4UQ

Flat D1010, 371 Deansgate, Manchester, M15 4UQ
Flat D1009, 371 Deansgate, Manchester, M15 4UQ
Flat D1005, 371 Deansgate, Manchester, M15 4UQ
Flat D906, 371 Deansgate, Manchester, M15 4UP
Flat D903, 371 Deansgate, Manchester, M15 4UP
Flat D505, 371 Deansgate, Manchester, M15 4UP
Flat D407, 371 Deansgate, Manchester, M15 4UP
Flat D401, 371 Deansgate, Manchester, M15 4UP
Flat D304, 371 Deansgate, Manchester, M15 4UP
Flat D208, 371 Deansgate, Manchester, M15 4UP
Flat D204, 371 Deansgate, Manchester, M15 4UP
Flat D004, 371 Deansgate, Manchester, M15 4UP
Flat D1309, 371 Deansgate, Manchester, M15 4UQ
Flat D1310, 371 Deansgate, Manchester, M15 4UQ
Flat D1401, 371 Deansgate, Manchester, M15 4UQ
Flat D1406, 371 Deansgate, Manchester, M15 4UQ
Flat D1507, 371 Deansgate, Manchester, M15 4UQ
Flat D1806, 371 Deansgate, Manchester, M15 4UQ
Flat D2204, 371 Deansgate, Manchester, M15 4UR
Flat D2205, 371 Deansgate, Manchester, M15 4UR
Flat D2907, 371 Deansgate, Manchester, M15 4UR
Flat D3002, 371 Deansgate, Manchester, M15 4US
Flat D3402, 371 Deansgate, Manchester, M15 4US
Flat D3403, 371 Deansgate, Manchester, M15 4US
Flat D3406, 371 Deansgate, Manchester, M15 4US
Flat D3607, 371 Deansgate, Manchester, M15 4US
Flat D4403, 371 Deansgate, Manchester, M15 4UT
Flat D1204, 371 Deansgate, Manchester, M15 4UQ
Flat D1901, 371 Deansgate, Manchester, M15 4UQ
Flat D2801, 371 Deansgate, Manchester, M15 4UR
Flat D2903, 371 Deansgate, Manchester, M15 4UR
Flat D3201, 371 Deansgate, Manchester, M15 4US
Flat D3701, 371 Deansgate, Manchester, M15 4US
Flat D3904, 371 Deansgate, Manchester, M15 4US
Flat D4201, 371 Deansgate, Manchester, M15 4UT
Flat D4301, 371 Deansgate, Manchester, M15 4UT
Flat D1702, 371 Deansgate, Manchester, M15 4UQ

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
Flood Zones Type 2 (low to medium risk) -
Area Team Boundary - Name: CENTRAL