

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134716/FO/2022

Date registered valid: 1 September 2022

Proposal: Erection of single storey extension and creation of external seating area together with external elevational alterations to existing building and other associated works

Address: 15 The Avenue, Manchester, M3 3HF

Ward(s): Deansgate Ward

Applicant: Spinningfields Estate Limited 15 The Avenue, Spinningfields, Manchester, M3 3HF

Agent (if any): Mr Pete Gleave Zerum Consulting Ltd 5th Floor, 36-38 The Calls, Leeds, LS2 7EW

Case officer: Lucy Harrison
Tel: 0161 234 5795
Email: lucy.harrison@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19 October 2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit:

Standard consultations:

Printed: 9 September 2022

Expired: 30 September 2022

Neighbour notifications

Printed: 9 September 2022

Expired: 30 September 2022

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The application relates to a restaurant unit within 3 Hardman Street, which is at the western end of The Avenue in Spinningfields. The building has a number of restaurants at ground floor with external seating areas. The Crown Courts lie to the west and the Magistrates Courts lie to the north east. The Oast House (a restaurant and bar, with a large external seating area) lies to the north.

Description of Development

The proposal is for an extension to the existing unit at 15 The Avenue to provide an enclosed conservatory-style dining area on the west elevation and part of the north elevation, and an external seating area adjacent to it on the north elevation. The structure would be aluminium finished in a matt black colour and there would have opening windows to the extension.

Planning permission was granted on 22 July 2021 (129821/FO/2021) for a similar proposal, with the current scheme having a different footprint.

Consultations & Notification Responses

Publicity – Occupiers of neighbouring properties have been notified of the application. No representations have been received.

Highway Services - No objections. Recommends windows are only opened by staff and fixed to facade when open, headway clearance of 2.3m and all furniture be stored internally outside operating hours.

Environmental Health - Recommends conditions regarding acoustics for internal and external areas. Amplified sound should not be played when the windows/doors are open or within the external seating area.

Greater Manchester Police - Recommends layout, management and security measures.

Issues

The main issues to consider in assessing this application are visual amenity, noise, highway safety, crime and safety and the provision of disabled access. The application should be considered against the following policies: 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) of the Core Strategy; and Saved Policy DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester (UDP).

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). Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan (para 11). Paragraphs 11 and 12 state that:

"For decision-taking this means: approving proposals that accord with an up-to-date development plan without delay" and "where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

The following sections of the NPPF are relevant to the consideration of this application: Section 6 (Building a strong and competitive economy), Section 7 Ensuring the Vitality of Town Centres, Section 9 (Promoting Sustainable Transport) and Section 12 (Requiring Good Design).

Visual Amenity

The proposal would be constructed from black aluminium with a conservatory style roof and windows. There are a number of external seating areas adjacent to the building already, as well as the structures associated with the adjacent Oast House, and it is considered that the proposal would fit in with the building and the street scene.

Noise

Whilst there are no residential uses in the immediate vicinity, there are other noise sensitive uses, such as the Courts and offices, close by. However, given the nature of the area and the other external seating areas within the vicinity, it is considered that the proposal is acceptable so long as it is managed through the imposition of conditions relating to acoustic insulation, a construction management plan and a plan for how the external seating area is managed/used, including hours of operation and the restriction of amplified music.

Highway Safety

The proposal would leave an adequate width of footway for a high footfall area. Windows would open outwards and would be fixed to the façade when open to avoid obstructing the highway. A condition should be attached to ensure appropriate management of the opening of windows.

Crime and Safety

Greater Manchester Police have recommended a number of measures to prevent crime, which the applicant has agreed to.

Access

The proposal would provide level access into and throughout the premises.

Conclusion

The proposal is in a pedestrianised area that has a number of food and drink uses, as well as more sensitive uses such as offices and the Courts. Its appearance would be in keeping with the area and, with appropriate conditions, it is considered that the scheme is in accordance with relevant planning policy, as set out above, and should be approved.

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:

Article 35 Declaration

Officers work with applicants in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with planning applications. No problems arose in the processing of this 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 be carried out in accordance with the following drawings and documents:

AV_EX-01 P2 Existing Location Plan;

AV_SP-01 P2 Proposed Site Plan;

AV_GA-01 P3 General Arrangement Proposed Plan;

AV_GE-01 P2 General Arrangement Proposed Elevations;

AV_GE-02 P3 General Arrangement Proposed Elevations;

Sketch - SK-100 Footway Widths;

Design and Access Statement Revision B dated July 2022 by Allied London;

The email from Greater Manchester Police dated 20 September 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Core Strategy policies DM1 and SP1

3) The internal and external areas within the application site shall only be used in accordance with a Management Plan that shall be submitted to and approved in writing by the City Council as local planning authority before the development is first occupied and shall include:

- a schedule of days and hours of operation;
- number of customers (capacity); and
- an external seating noise management plan;
- table service arrangements;
- security measures;
- control of litter and maintenance;
- arrangements for the storage of outdoor furniture; and
- arrangements to ensure that windows are only opened by members of staff and are secured to the facade when open.

No amplified sound or any music shall be produced or played in any part of the site outside the building, which shall include within the extension when the windows and doors are open.

Reason - To safeguard the amenities of the occupiers of nearby properties, the amenity of the area, highway safety and to reduce the risk of crime, pursuant to policies SP1 and DM1 of the Core Strategy.

4) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority before the development commences. The scheme shall be implemented in full before the development is first occupied.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

The scheme proposed shall normally include measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels.

b) The approved noise insulation scheme shall be completed and a post-completion verification report (including validation that the work undertaken throughout the development conforms to the recommendations and requirements of the acoustic report approved under part (a) above and including the results of post-completion testing to confirm that the internal noise criterion have been met) shall be submitted to and approved in writing by the City Council as local planning authority before the development is first brought into use. Any instances of non-conformity with the approved acoustic report shall be detailed within the post-completion report along with any measures required to ensure compliance with internal noise criteria. Those measures shall be implemented in full before the development is first brought into use.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to Policy DM1 of the Core Strategy and save policy DC26 of the Unitary Development Plan for the City of Manchester.

5) The development shall be carried out in accordance with a Construction Management Plan (CMP) that has been submitted to and approved in writing by the City Council as local planning authority before the development commences. The CMP shall include:

- hours of site opening and operation;
- a community consultation strategy that details how and when the Courts, local businesses and any residents will be consulted on matters such as hours of work, noisy working, road closures and suspension of parking bays;
- the parking of vehicles of site operatives and visitors; and
- the loading and unloading of plant and materials.

Reason - In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

6) The details of an emergency telephone contact number for the construction site shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are completed.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policies SP1 and DM1 of the Core Strategy.

7) Prior to the commencement of the development that is hereby approved, samples and specifications of all materials (including windows specification/frame sizes) to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The approved materials shall then be used in the construction of the development.

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.

Informatives

1) Construction Hours

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council (Environmental Health):

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

2) Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
City Centre Renegeration
Greater Manchester Police
Greater Manchester Pedestrians Society

The Oast House, Crown Square, Manchester, M3 3AY
Ground Floor, 3 Hardman Street, Manchester, M3 3AX
Third Floor, 3 Hardman Street, Manchester, M3 3AW
Second Floor, Deans Court, Crown Square, Manchester, M15 5FU
First Floor, Deans Court, Crown Square, Manchester, M15 5FU
Spinningfields Magistrates Court, Crown Square, Manchester, M3 3EN
Eighth Floor, 3 Hardman Street, Manchester, M3 3HF
Fourth Floor, 3 Hardman Street, Manchester, M3 3HF
Ninth Floor, 3 Hardman Street, Manchester, M3 3HF
Seventh Floor, 3 Hardman Street, Manchester, M3 3HF
Second Floor, 3 Hardman Street, Manchester, M3 3AW
Twelfth Floor, 3 Hardman Street, Manchester, M3 3AU
Sixth Floor, 3 Hardman Street, Manchester, M3 3AT
The Crown Court, Crown Square, Manchester, M3 3FL

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
Area Team Boundary - Name: CENTRAL