

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133866/FO/2022
Date registered valid: 25 May 2022
Proposal: Continuation of use of land at rear of Koffee Pot as external seating area for a further 12 month period
Address: 84-86 Oldham Street, Manchester, M4 1LF
Ward(s): Piccadilly Ward
Applicant: Mr Raymond Boyle The Koffee Pot Ltd 84-86 Oldham Street, Manchester, M4 1LF
Agent (if any):
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Temporarily approved
Date of recommendation: 14 July 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 8 July 2022

Standard consultations:

Printed: 15 June 2022 Expired: 6 July 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 17 June 2022 Expired: 8 July 2022

Press advert

Published: 22 June 2022 Expired: 13 July 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

The application relates to the rear of a ground floor unit within a 2 to 3 storey building known as 84-86 Oldham Street. The affected area forms part of a wider cleared site to the rear of Koffee Pot which is in a separate ownership which is currently secured by a site hoarding.

Description of area

The site lies within an area of the City Centre known as the Northern Quarter which contains a variety of uses including bars, restaurants, commercial, residential, hotel uses and places of worship. The upper floors of the building are currently in use as apartments.

Description of development

As above

Consent was previously granted under application ref no 129777/FO/2021 for a temporary 12 month consent and consent is now sought for a further 12 months pending redevelopment of the site.

The external seating area would continue to be managed as an integral part of the premises. So the area will be supervised, serviced and cleaned as per internal restaurant regularly on an ongoing basis throughout service hours. Access to the external seating area is only possible via the existing restaurant. Guests will be seated upon arrival and serviced at the table.

The seating area is completely secure and surrounded with party gable walls to two sides and 8ft permanent fencing to two sides.

The proposed hours of operation are Mon to Saturday 9am to 8pm and Sunday 10am to 3pm.

Consultations & Notification Responses

Publicity – The application was advertised as a public interest development, affecting a conservation area and the occupiers of adjacent properties were notified about the application. A site notice was displayed adjacent to the site. No representations have been received.

Environmental Health – no objections to the above application for a further 12 months providing the hours and no amplified music is allowed as per original conditions

Greater Manchester Police (Design for Security) – Have no objections

Issues

National Planning Policy Framework – The following Policies are of relevance to this application:

Section 1 - Building a strong and competitive economy- It is noted that the proposal would result in street level activity and would generally be acceptable in principle in locations associated with a bar or restaurant use within the City Centre.

Section 2 – Ensuring the vitality of town Centres - this recognises town centres as the heart of their communities and states that planning policies should support their viability and vitality. The proposal would result in street level activity which would generally be acceptable in principle in locations associated with a bar or restaurant use within the City Centre.

Core Strategy - The following policies are considered to be most relevant to the proposed development:

Policy SP1 (Spatial Principles),- which guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan and outlines the following core development principles:
Development should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel; and
- Provide good access to sustainable transport provision.

Policy DM1 (Development Management) – Which states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:-

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

Policy CC7 Mixed Use Development - identifies the City Centre as presenting the most viable opportunities for mixed-use development, and states that active ground floor uses (shops, food and drink and leisure) will be appropriate in locations which have an established public function, or as part of a mixed-use development which will create such an environment. In the context of this policy the principle of outside seating areas associated within restaurant and bar uses could be acceptable.

The Unitary Development Plan for Manchester – Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

DC10 'Food and Drink Uses' - which supports the provision of developments involving the sale of food or drink within the City Centre provided that they would not have a detrimental impact on the amenity of neighbouring residents.

DC26.1 Development and Noise - which details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity.

DC26.5 Development and Noise – which states that the Council will control noise levels by requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate

Principle of the Use

The unit that is the subject of this application is located within a part of the City where the use of this area for outside seating for Class A4 (Drinking Establishment Use) is acceptable in principle (subject to conditions relating to the hours of operation) as such areas can add to the vibrancy of an area and enhance its attractiveness. As the site forms a gap in the street block the aspiration for this site is to see its re-development to be brought forward to repair that gap and the poor impression that it gives the area in townscape terms and in terms of the character of the conservation area. It is noted that this is a meanwhile use pending the approval of a current application on the site (application ref no 117280) where the owner is currently working up revised proposals.

On the basis of the above the proposals are acceptable and would be consistent with Core Strategy policies SP1, CC7 and DM1.

Residential Amenity / Hours of Operation

Although there is residential accommodation facing directly onto the proposed seating area it is noted that Environmental Health has no objections to the proposed hours of operation on a further temporary basis. It is considered on the basis of the management measures which would be in place for this area that on balance in order to support City Centre businesses during the post covid recovery, that a further temporary consent is acceptable in terms of the potential impact on residential amenity.

Given the above it is considered the proposals would be acceptable and are consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC10.1, 10.2, 10.3 and 10.4 and DC26.1 and 26.5 in relation to issues relating to residential amenity.

Crime and Disorder

The applicants previously amended the scheme to accommodate the comments from GMP Design for Security and their recommendations in relation to certain management measures will be continue to be a condition of any consent granted.

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 in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. No such issues have arisen in relation to this application.

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

1) The permission hereby granted is for a limited period only, expiring on 14 July 2023.

Reason - The use hereby approved is of a temporary nature only and pursuant to Core Strategy Policies SP1, CC1, CC2, CC4, CC9 and EN3 and DM1 and saved UDP policies DC18.1.

2) The use hereby permitted shall be discontinued no later than the 14 July 2023 and the works comprising the development are required to be removed no later than one month from the use ceasing.

Reason - The use are required to cease and be removed from site within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Prior to the expiration of the temporary period, a scheme to restore the land shall be submitted for approved in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity and to restore the recreational value of the site pursuant to policies SP1, EN9, EN10 and DM1 of the Manchester Core Strategy (2012).

4) The development hereby approved shall be operated in accordance with the following plans and documents:

(a) Site Location GM774590 and 001 stamped as received on 19-03-21;

(b) Layout Plan 18078 003 Rev 1 stamped as received on 19-03-21;

(c) Management measures, set out in Planning Statement -Application for Temporary seating area to rear of The Koffee Pot 84/86 Oldham Street, Manchester M4 1LF stamped as received on 19-03-21;

(d) Koffee Pot Operating Schedule; and

(e) Koffee Pot Response to GMP Comments via email dated 6th April 2021

Reason - Pursuant to Core Strategy Policies SP1, CC1, CC2, CC4, CC9 and EN3 and DM1 and saved UDP policies DC18.1, DC19.1, DC26.1 and DC26.5

5) The external seating area shall not be used outside the following hours,:-

Mon to Saturday 9am to 8pm and Sunday 10am to 3pm.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy Policies DM1 and SP1 and saved UDP policies DC26.1 and 26.5.

6) The consent hereby approved does not allow for the use of amplified sound or any music in the approved external seating areas at any time.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

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(c) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Stevenson Square Conservation Area 1987

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CENTRL