

Application Number/s: 133649/FO/2022

Applicant: The Edible Bus Stop Ltd

Agent: Serviam Planning

Location: The Freemount PH, 73-75 Oldham Road, Manchester

Proposal: Erection of Green Wall and associated infrastructure to front elevation

Ward: Piccadilly

Description of Site and Surrounding Area

Building

The application relates to a three-storey building on the northwest side of Oldham Street, in the city centre of Manchester. The building is occupied by a Public House known as 'The Freemount'. The front elevation has a tiled ground floor frontage with cream render to the upper two floors. The building is adjoined to 77-83 Oldham Street to the north and 71 Oldham Street to the south. The building's frontage to the southeast is to Oldham Street, a two-way city centre street. The rear boundary of the building is shared with the rear boundary of 56 Tib Street.

Listed Building

The building is not listed.

Surrounding Area (including Conservation Area)

The application building is located within the Smithfield Conservation Area and adjacent to the Stevenson Square Conservation Area, with Oldham Street acting as the boundary between the two. The application building is the Northern Quarter area of Manchester, a distinctive neighbourhood. The surrounding area is made up of predominantly low rise and small midrise buildings.

Description of Proposal

The application seeks permission for the erection of a living 'green wall' to the front elevation of the application property, including associated infrastructure and lighting units. The living wall is to be made up of live plants and be to only the first and second floors of the front elevation of the building.

The Planning Submission

The application is supported by the following information:

- Application Form
- Location Plan
- Elevation Details
- Project Guide
- Exterior Lighting Information

- Structural Engineering Report
- Photo Montages

Publicity LBC

Site Notice/s Posted and Dates: Posted 12/05/22, Expired 02/06/22

Press Adverts Published and Dates: Published 17/05/22, Expired 07/06/22

Neighbour Notification: Notified 11/05/22

Representations Received: None

Consultations

Environmental Health

No comments to make.

Highways

No comments to make.

Ward Councillors

No comments received.

Greater Manchester Ecology Unit

No comments received.

Policy

The Development Plan

The Development Plan consists of: The Manchester Core Strategy (2012); and Saved policies of the Unitary Development Plan for the City of Manchester (1995). The Core Strategy is the key document and sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved. Planning applications in Manchester must be decided in accordance with the Core Strategy and saved UDP policies as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise.

The relevant policies within the Core Strategy are as follows:

SP1 – Spatial Principles: The regional centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high-quality city living.

The city is covered by regeneration areas including the city centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the relevant SRF document.

Development in all parts of the city should:

- Create well designed places that enhance or create character
- Make a positive contribution to the health, safety and wellbeing of residents.
- Consider the needs of all members of the community
- Protect and enhance the built and natural environment
- Minimise emissions and ensure efficient use of natural resources
- Redevelop previously developed land wherever possible
- Improve access to jobs, services, education and open space
- Reduce the need to travel and provide good access to sustainable transport

CC4 – Visitors – Tourism, Culture and Leisure: The City Centre is the focus for culture and leisure in the city region. Proposals that would improve the appearance, use and accessibility of all cultural and visitor attractions and associated facilities will be supported, as well as developments which improve facilities for visitors and residents of Manchester.

CC9 ‘Design and Heritage’ – Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

EN3 ‘Heritage’ – Throughout the city, the LPA will encourage development that complements and takes advantage of the distinct heritage and heritage features of its districts and neighbourhoods, including those in the city centre.

EN8 ‘Adaptation to Climate Change’ – All new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In achieving developments which are adaptable to climate change, developers should have regard to the following:

- Minimisation of flood risk
- Reduction in urban heat island effect through the use of GI, including green roofs, green walls, increased tree cover and waterways
- The need to control overheating through passive design
- The opportunity to provide linked and diverse green space to enhance natural habitats and species adaptation

DM1 ‘Development Management’ – All development is expected to have due consideration to a variety of issues that may impact the amenity of the surrounding area. These include:

- Design and appearance (siting, layout, scale, form, massing, materials, detail)
- Impact on Surroundings (design, scale, appearance, character, history)
- Amenity (Privacy, noise & vibration, light, air quality, odours, litter, vermin, birds, road safety and traffic generation)
- Accessibility (disabled access and access to sustainable transport)
- Community safety and crime prevention
- Design for Health
- Internal accommodation and external amenity space provision
- Refuse storage and collection
- Vehicular access and parking
- Effects on biodiversity, landscape, archaeological or built heritage

- Green infrastructure (public and private)
- Flood risk and drainage
- Hazardous installations

The relevant saved policies within the Unitary Development Plan are as follows:

18 – Conservation Areas: The LPA will give particularly careful consideration to development proposals within Conservation Areas. The LPA will seek to preserve and enhance the character of its designated conservation area. In particular:

- The relationship of new structures to neighbouring buildings and places
- The effect of major changes to the appearance of an existing building
- The desirability of retaining existing architectural features
- The effect of signs and advertisements

Other Material Considerations

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability. Sections of relevance are:

Chapter 2 ‘Design’ – outlines the City Council’s expectations that all new developments should have a high standard of design making a positive contribution to the City’s environment.

City Centre Strategic Plan 2015-2018 (March 2016)

On the 2 March 2016 the City Council’s Executive approved the City Centre Strategic Plan which seeks to provide an up-to-date vision for the City Centre within the current economic and strategic context along with outlining the key priorities for the next few years for each City Centre neighbourhood. This document seeks to align itself with the Manchester Strategy (January 2016) along with the Greater Manchester Strategy. Overall the City Centre plan seeks to “shape the activity that will ensure that the City Centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the north of England”.

Manchester Strategy (January 2016)

The strategy sets the long-term vision for Manchester’s future and how this will be achieved. An important aspect of this strategy is the City Centre and how it will be a key driver of economic growth and a major employment centre. Furthermore, increasing the centre for residential is fundamental along with creating a major visitor destination.

National Planning Policy Framework (July 2021)

The revised NPPF re-issued in July 2021. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). In order to achieve sustainable development, the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

Section 4 – Decision-making – States that local planning authorities should approach decisions on proposed developments in a positive and creative way, making use of pre-application discussions etc. In addition, applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the proposal will be assessed on up-to-date development plan and any other material considerations. The applicant made use of pre-application discussions and a site visit.

Section 12 – Achieving Well-Designed Places - Planning decisions should ensure that developments will:

- Function well and add to the overall quality of the area for the lifetime of the development
- Are visually attractive because of good architecture, layout and appropriate/effective landscaping
- Are sympathetic to local character and history, including the surrounding built environment and landscape settings and not prevent or discourage appropriate innovation or change (such as increased density)
- Establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinct places to live, work and visit.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks
- Create places that are safe, inclusive, accessible, healthy and promote wellbeing with high standards of amenity for existing and future users and where crime, disorder and fear of crime do not undermine the quality of life or community cohesion and resilience. (Paragraph 130)

Section 16 – Conserving and Enhancing the Historic Environment: Heritage assets range from sites and buildings of local historic value to those of the highest significance.

In determining applications, LPAs should require an applicant to describe the significance of any heritage asset affected, including any contribution to their setting. LPAs shall then, in turn, assess the particular significance of any heritage asset that may be affected taking into account all available evidence.

LPAs should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution

to the asset (or which better reveals its significance) should be treated favourably. Not all elements of a Conservation Area will necessarily contribute to its significance.

National Planning Practice Guidance (NPPG)

Climate Change – The impact of climate change needs to be taken into account in a realistic way. In doing so, LPAs should consider the identification of no or low cost responses to climate risks that also deliver other benefits, such as green infrastructure that improves adaptation, biodiversity and amenity.

When LPAs are making planning decisions, particular attention should be made to adaptation and mitigation approaches. This could be achieved in a variety of ways, including through the provision of multi-functional green infrastructure, which can reduce urban heat islands as well as contribute to a pleasant environment that encourages people to walk or cycle.

Historic Environment – The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Any decisions where conservation areas are a factor must address the statutory considerations of the Act, as well as applying the relevant policies in the development plan and the NPPF.

Light Pollution – Artificial lighting needs to be considered when a development may increase levels of lighting. Artificial light is not always necessary and has the potential to become ‘light pollution’.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 of the Act requires the LPA to, during the assessment for planning permission, exercise due respect to any buildings or other land that falls within a designated conservation area. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

Equality Act (2010)

S149 (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.

Conservation Area Declarations

Smithfield Conservation Area

Smithfield conservation area lies on the north-eastern edge of the city centre of Manchester. It is one of a group of three in this vicinity designated by the City Council in February 1987; the others are Shudehill and Stevenson Square, which lie to the north-west and south-east respectively.

The area is bounded by Swan Street, Oldham Street (a common boundary with the Stevenson Square Conservation Area), Market Street, High Street and Shudehill (a common boundary with the Shudehill Conservation area)

Stevenson Square Conservation Area

Stevenson Square conservation area lies on the north-eastern edge of the city centre of Manchester. It is one of a group of three designated by us in February 1987; the others are Shudehill and Smithfield. Stevenson Square is the most easterly of the city centre conservation areas and was subsequently extended in December 1987 to include houses on Lever Street and Bradley Street.

The original area is bounded by Oldham Street (a common boundary with the Smithfield conservation area), Great Ancoats Street (a common boundary with the Ancoats conservation area), Spear Street, Faraday Street, Brewer Street, China Lane, Hilton Street, the rear of Back China Lane, Dale Street, Lena Street and Piccadilly. The extension to the conservation area is bounded by Spear Street, Houldsworth Street, Lever Street and Faraday Street.

Issues

Impact on Conservation Area/s

The application proposes the alteration to the principle/front elevation of a building within the Smithfield Conservation Area and readily visible from the Stevenson Square Conservation Area. The alteration would be significant, so consideration of the impact on the character and appearance of the conservation area/s is pertinent.

The building affected is relatively small and it is not considered that the building in itself has a significant contribution to either of the affected conservation areas. Though the green wall would be somewhat out of character to the dense, hard urban fabric of the area, it should be balanced against other factors (such as environmental sustainability).

When taking into account the buildings low contribution to the overall character and appearance of the conservation area, the fact that the pub's ground floor frontage will be retained/improved and the generally small scale of the green/living wall, the proposal would have less than substantial harm on the character and appearance of the conservation areas, with public benefits (through primarily environmental benefits) outweighing any of the less than substantial harm identified. On balance, the proposal is consistent with Core Strategy policies CC9 and EN3, saved UDP Policy DC18.1, Section 16 of the NPPF and the Planning (LB&C) Act.

Design and Appearance

The application building's appearance would be fundamentally altered by the provision of a green wall to the upper floors. It is noted that the ground floor elevation will be retained, which is acceptable and desirable given its public house appearance, which is longstanding.

The green wall itself is observed to be made up of real plants (rather than artificial/plastic), which is desirable and would introduce a new and high-quality

architectural feature to Oldham Street. Oldham Street does not currently feature much (if any) green infrastructure, so the addition of planting in the area should be welcomed and encouraged.

The proposal would not unduly impact the overall quality of the building, though it would change its appearance. The proposed planting intervention is well designed and of a high quality. It is also noted that the application has been accompanied by ample information detailing the methods of maintenance/watering of the green wall, which would allow its continued high-quality appearance.

It is considered that the proposal is consistent with Core Strategy policies SP1, CC4, DM1.

Lighting

The proposal includes provision of lighting units that will illuminate the living wall. The lighting units are modest in their size and appearance. The illumination level is understood via submitted documents and information to be no greater than 360cd/m². This is acceptable. The proposal thus is consistent with Core Strategy policies SP1 and DM1.

Climate Change Mitigation

Oldham Street is a city centre street open to traffic. It is heavily trafficked by pedestrians and the application building is not proximate to any parkland. The proposed living wall would introduce green infrastructure that may lead to some localised reduction in the urban heat island effect, as well as introduce planting which may be beneficial to local wildlife, including pollinators. The proposal is therefore consistent with the aims of Core Strategy policies SP1, EN8 and DM1 as well as the NPPG's section on Climate Change.

Conclusion

The proposed development would be beneficial to the local vicinity by way of climate change mitigation and introduce a high quality design intervention to an existing building. The proposal would not be expected to cause undue harm to the affected conservation areas. As such, the proposal represents sustainable development and should be approved.

Human Rights Act 1998

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 the right to a fair hearing and to this end the Committee 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 of the application 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:

That planning permission be granted subject to the following conditions

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:

Drawings

- Location Plan ('The Freemount, 73-75 Oldham Street, Manchester, M4 1LW dated 29 April 2022) – Received 29 April 2022
- Proposed Front Elevation 'Summer Activation' (Drawing 1, Version 2 dated 26/04/2022) – Received 29 April 2022
- Proposed Front Elevation 'Post Summer Activation' (Drawing 2 dated 26/04/2022) – Received 29 April 2022
- Proposed Front Elevation & Details (Drawing 3, Version 2 dated 26/04/2022) – Received 29 April 2022

Documents

- Living Walls Information document prepared by Inleaf Project Guide – Received 29 April 2022
- Letter prepared by Inleaf (Reference 'Freemount Living Wall – Installation and Maintenance Information' dated 05 April 2022) – Received 29 April 2022
- Lighting Information (Luminaire Schedule prepared by Lights On Design, reference LO-2172 Revision A dated 26 April 2022) – Received 29 April 2022
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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.