

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126325/FU/2020

Date registered valid: 24 June 2020

Proposal: Use of area of hard landscaping fronting Little Quay Street for the siting of tables and chairs and ancillary equipment associated with and ancillary to the restaurant/bar (Sui Generis) within the ground floor of Sunlight House at the corner of Little Quay Street and Atkinson Street.

Address: Sunlight House , Quay Street, Manchester, M3 3LU

Ward(s): Deansgate Ward

Applicant: Aberdeen UK Property Fund C/o Agent

Agent (if any): Katie Parfett Savills (UK) Ltd Belvedere, 12 Booth Street, Manchester, M2 4AW

Case officer: Emily Booth
Tel: 0161 234 4193
Email: e.booth@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20 August 2020

Application details

Type of application: Change of use Consent

Development type: Change of use

Date of site visit: 23 July 2020

Standard consultations:

Printed: 14 July 2020 Expired: 4 August 2020

Neighbour notifications

Printed: 14 July 2020 Expired: 4 August 2020

Site notice

Posted: 23 July 2020 Expired: 13 August 2020 Posted: 1 May 2020 Expired: 22 May 2020

Press advert

Published: 21 July 2020 Expired: 11 August 2020 Published: 5 May 2020 Expired: 26 May 2020

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The application relates to a property located on Quay Street and named Sunlight House. The building is a 13 storey art deco style Grade II listed building that is constructed of Portland Stone. It was designed by Joseph Sunlight as the City's first speculative office development and completed in 1932.

The building is within Deansgate Conservation Area and is seen in context with other listed buildings including the Manchester Opera House on Quay Street, Royal London House at the junction of Deansgate and Quay Street and the former County Court building on Deansgate, which are all Grade II Listed and the former County Court building on Quay Street, which is Grade II* Listed.

The building is also adjacent Spinningfields, which has become established as a premium financial and professional services destination set within world class architecture and public realm. It is a mixed use destination with civic, residential, leisure and retail uses complementing the commercial offer, all in a high quality, planned, managed and safe environment.

Other surrounding uses include shops, offices, a theatre, a hotel, residential accommodation, bars, restaurants and cafés.

Applications were approved in 2017 referenced 115805/FO/2017 and 115806/LO/2017 allowed the installation of a new frontage to create an entrance from Little Quay Street, the restoration of the stained glass dome, the insertion of two glazed lifts within the existing lightwell, internal modification at ground floor level to create a new reception and cafe area, the refurbishment of the 13th and 14th floors and landscaping works to Little Quay Street. Various other recent applications have allowed extensive internal and external refurbishment works over the last few years.

Applications were approved on 11th January 2019 referenced 119651/LO/2018 and 119650/FO/2018 and allowed the use of the unit located at the corner of Little Quay Street and Atkinson Street as a shop (Use Class A1) or a restaurant or cafe (Use Class A3) including the installation of a louvered extract vent within two existing shop front windows of the property and the fit out of the interior of the unit.

An application was approved on 19 August 2020 referenced 126309/FO/2020, which allowed the use of the unit located at the corner of Little Quay Street and Atkinson Street as restaurant/cafe (Use Class A3) or bar (Use Class A4) or restaurant/bar (Sui Generis).

The application relates to an area of landscaped public realm on Little Quay Street.

Description of development

Planning permission is sought for the siting of 15 tables, 58 chairs and 12 barriers to allow the use of an area of paving on Little Quay Street adjacent Sunlight House as an external seating area in association with the restaurant/bar (Sui Generis), restaurant or cafe (A3) or bar (A4) use within the unit located at the corner of Little Quay Street and Atkinson Street.

Application ref: 126309/FO/2020 previously allowed the use of the property as a restaurant/bar, bar, restaurant or cafe.

Consultations & Notification Responses

Publicity - The application was advertised in the local press as being of public interest, as affecting a right of way and as affecting the setting of a conservation area and a listed building, a site notice was displayed on site and letters were sent to surrounding occupiers. No responses were received.

Highway Services - Advised the following:

The width of the clear footway adjacent to the seating should be confirmed. Confirmation is also sought that the remaining footway will be sufficient for passing pedestrians to adhere to recent social distancing guidance.

It is expected the proposed tables and chairs layout will also be adjusted to conform with social distancing guidance. The Applicant should also be made aware of the following:

- You must not affix the table/chair/divider/ planter to the highway, they must be removable and stored securely (inside) when not in use.
- Any A Boards, if used, must be kept within the seated area.

Environmental Health - Advised the following:

The information submitted confirms there shall be no external speakers or amplified music or sound which we can accept and will need to form part of any future consent.

The submitted operating hours are acceptable and a condition should require compliance with these.

Conditions are therefore recommended.

Environment & Operations (Refuse & Sustainability) - No comments received

City Centre Regeneration - No comments received.

Greater Manchester Police - Recommended security measures.

Greater Manchester Pedestrians Society - No comments received.

Issues

The main issues for consideration relate to the impact of the proposals on visual amenity, crime and disorder, residential amenity and the availability of disabled access. The main policies that relate to the proposal are Section 12 (Achieving Well Designed Places) and Section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework, Policies SP1 (Spatial Principles), EN3 (Heritage), CC9 (Design and Heritage), EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management), CC10 (A Place for Everyone), T1 (Sustainable Transport) and T2 (Accessible Areas of Opportunity and Need) of the Adopted Core Strategy for the City of Manchester and saved policies DC10 (Food and Drink Uses), DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

Visual Amenity -

The proposals would add interest and activity to the street scene without detracting from the character and appearance of the surrounding conservation area or the character and appearance of the listed building.

Given the above, it is considered that the proposals are acceptable in terms of visual amenity in accordance with policies EN3, CC9, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester and Sections 12 and 16 of the National Planning Policy Framework.

Amenity -

The closest noise sensitive use are the offices within the building and there is a need to consider the impact on local occupiers. In terms of operation the application is supported by a management strategy that includes measures to prevent disturbance and secure the external seating area.

The conditions recommended by the City Council's Environmental Health service would be applied to the application.

Given the above, it is considered that the proposals remain acceptable in terms of amenity in accordance with policies SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

Crime and Disorder -

Crime prevention measures will be required to be implemented by condition.

Given this, the proposals are considered to be in accordance with policies SP1 and DM1 of the adopted Core Strategy for the City of Manchester.

Access -

Level access is available into and throughout the seating area and measures would be in place to ensure that the seating area would be fully accessible for disabled people.

Adequate clear and unobstructed paving in excess of 2 metres would be maintained between the edge of the external seating area and the edge of the pavement.

The City Council's Highway Services have confirmed that the remaining pavement width would be adequate for this location.

An informative will be applied to the application to remind the applicant of the need to comply with government advice on measures such as social distancing.

Given the above, the proposals are acceptable in terms of disabled access in accordance with policies CC10, T1, T2, SP1 and DM1 of the adopted Core Strategy for the City of Manchester.

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application and the issues to be resolved.

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 have been carried out in accordance with the following drawings and documents:

The site location plan referenced 1039 2000 received by the City Council as local planning authority on 24 June 2020

The drawings referenced 1039 2001 and 1039 2002 (proposed only) received by the City Council as local planning authority on 24 June 2020

The Bolero chair specification received by the City Council as local planning authority on 25 February 2020

Design for Security Outdoor Seating guidance received by the City Council as local planning authority on 25 February 2020

The Management Strategy prepared by Savills UK Ltd. received by the City Council as local planning authority on 25 February 2020

The Noise Impact Assessment prepared by Cundall received by the City Council as local planning authority on 25 February 2020

The emails from Matthew Sobic of Savills dated 17 April 2020 and 22 April 2020

The letter from Samia Syeda of Savills UK Ltd dated 27 March 2020.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, CC9, EN3, EN1, DM1, T1, T2 and CC10 of the Core Strategy and saved policies DC10, DC18.1 and DC19.1 of the Unitary Development Plan.

3) The external seating area hereby approved shall not be operated outside the following hours:-

08:00 - 23.00 Monday to Sunday

There shall be no external speakers and no amplified sounds or any music shall be played within this area at any time.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

4) Tables, chairs and barriers shall be managed and stored only in accordance with the following information:

Tables, chairs and barriers shall be managed and stored only in accordance with the following information:

1. 18.00 - There shall be two members of door staff at the entrances to the property from 18:00 until 02:30.

2. 10:50 - all customers outside shall be told to finish up drinks and bring inside the unit.
3. 11:00 - staff of the premises shall secure the tables and chairs by stacking both the tables and the chairs and covering in tarpaulin covers and / or chaining. All tables and chairs shall be stacked within the area of the site owned by the landlord, against the building wall leaving a minimum of 2 metres of clear paving.
4. Tables and chair shall be checked by staff of the premises every 15minutes.
5. CCTV shall be positioned from Sunlight House onto seating area to enable Building Manager to consistently check usage and alert any issues to staff of the premises.
6. 02:30 - tables and chairs, barriers and all storage materials shall be brought inside the unit and stored internally until 08:30. The storage materials shall be stored internally unless required for storage purposes.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

5) The development hereby approved shall comply with the recommendations contained within the email from Sean Bastow of Greater Manchester Police Design for Security dated 3 August 2020 and within the Design for Security Outdoor Seating guidance received by the City Council as local planning authority on 25 February 2020. These measures shall be fully implemented and maintained for the duration of the use hereby approved

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

6) The access measures for disabled people to gain access into and throughout the premises as shown on the drawings referenced 1039 2001 and 1039 2002 and described in the email from Matthew Sobic of Savills dated 17 April 2020 and the letter from Samia Syeda of Savills UK Ltd dated 27 March 2020 shall be fully implemented before the uses hereby approved commence and shall be maintained for the duration of the uses hereby approved.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policies CC10, T2, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester.

Informatives

1) The permission hereby granted does not discharge the need for the proposals to comply with current and future local and national Government advice relating to COVID-19 or similar situations, including all measures such as social distancing requirements.

2) A tables and chairs licence is also required to be obtained for the use of the highway for the approved purpose. Please contact Contact Manchester on 0161 234 5004.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Environment & Operations (Refuse & Sustainability)
City Centre Renegeration
Greater Manchester Police
Greater Manchester Pedestrians Society
City Centre Renegeration
Environmental Health
Highway Services
Environment & Operations (Refuse & Sustainability)
Greater Manchester Pedestrians Society
Greater Manchester Police

London House, 193 Deansgate, Manchester, M3 3NE
Third Floor Right, London House, 193 Deansgate, Manchester, M3 3NE
Suite 102A Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Part Thirteenth And Mezzanine Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 608 Part Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 603 Part Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 202 Second Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 201 Second Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 102B Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Thirteenth Floor Room 1B, Sunlight House, Quay Street, Manchester, M3 3LE
NANDOS CHICKENLAND LTD, Unit 1, 2 Hardman Street, Manchester, M3 3HF
MEDIACOM NORTH LIMITED, 1 Hardman Street, Manchester, M3 3HF
Suite 101 Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Fifth Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Eleventh Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
First Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Second Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Store Rear Of 192, Deansgate, Manchester, M3 3ND
111 Sunlight House, Quay Street, Manchester, M3 3LE
Fourth Floor And Fifth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Thirteenth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
109 Sunlight House, Quay Street, Manchester, M3 3LE
1302 Sunlight House, Quay Street, Manchester, M3 3LE
Bannatyne Health Club And Spa, Sub Basement And Basement And Ground Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Pt Ground Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Rooms 625 627 And 629, Sunlight House, Quay Street, Manchester, M3 3LE
Suites 110 And 112 And 114, Sunlight House, Quay Street, Manchester, M3 3JZ
Suite 114, Sunlight House, Quay Street, Manchester, M3 3JZ
Thirteenth Floor Maintenance Room, Sunlight House, Quay Street, Manchester, M3 3LE
Sixth Floor Room 631, Sunlight House, Quay Street, Manchester, M3 3LE
Room 614, Sunlight House, Quay Street, Manchester, M3 3JZ
624 - 628 Sunlight House, Quay Street, Manchester, M3 3LE
Suite 106, Sunlight House, Quay Street, Manchester, M3 3JZ
Room 1301, Sunlight House, Quay Street, Manchester, M3 3LE
First Floor And Second Floor, Oddfellows House, 184 - 186 Deansgate, Manchester, M3 3WB
Basement And Ground Floor, Oddfellows House, 184 - 186 Deansgate, Manchester, M3 3WB
Second Floor, Invicta House, 2 - 4 Atkinson Street, Manchester, M3 3HH
First Floor, Invicta House, 2 - 4 Atkinson Street, Manchester, M3 3HH

Unit 2A, 2 Hardman Street, Manchester, M3 3HF
Unit 2B, 2 Hardman Street, Manchester, M3 3HF
First Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Third Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Ground Floor, Invicta House, 2 - 4 Atkinson Street, Manchester, M3 3HH
Old Grapes Inn, Quay Street, Manchester, M3 3JU
Flat, Sunlight House, Quay Street, Manchester, M3 3JZ
Fourth Floor To Sixth Floor, 2 Hardman Street, Manchester, M3 3HF
Ground Floor, 2 Hardman Street, Manchester, M3 3HF
2 Hardman Street, Manchester, M3 3HF
188 - 192 Deansgate, Manchester, M3 3ND
Fourth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Second Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
1 Little Quay Street, Manchester, M3 3JU
Third Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Royal London House, 196 Deansgate, Manchester, M3 3WF
Sunlight House, Quay Street, Manchester, M3 3JZ
DWF, 1 Scott Place, Manchester, M3 3AA
Fifth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Seventh Floor, Sunlight House, Quay Street, Manchester, M3 3LF
200 - 204 Deansgate, Manchester, M3 3NN
198 Deansgate, Manchester, M3 3NE
194 Deansgate, Manchester, M3 3ND

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Deansgate Conservation Area 1985
Area Team Boundary - Name: CITY1