MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141154/FO/2024
Date registered valid:	4 December 2024
Proposal:	Installation of permanent barriers in association with use of area as outdoor seating area.
Address:	Schofields Bar, Sunlight House, 3 Little Quay Street, Manchester, M3 3JZ
Ward(s):	Deansgate Ward
Applicant:	Mr D Schofield Schofields Bar
Agent (if any):	Mr Joe Mayoh Studio JMA
Case officer:	Michael Pearson Tel: 0161 219 2735 Email: michael.pearson@manchester.gov.uk
Recommendation:	Refuse

Date of recommendation: 20/01/2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:
Printed: 12 December 2024 Expired: 5 January 2025

Neighbour notifications
Printed: 12 December 2024 Expired: 5 January 2025

Site notice
Posted: 13 December 2024 Expired: 6 January 2025

Press advert
Published: 17 December 2024 Expired: 7 January 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to a 16m long by 3.5m deep section of footway at the corner of Little Quay Street and Atkinson Street, which whilst not part of the public highway, does form a piece of public realm along Little Quay Street. The pavement lies within the curtilage of the Grade II listed Sunlight House, a ten storey art deco building completed in Portland stone. The aforementioned section of pavement is cordoned off from the rest of the footway by 2m high and 1.2m wide barriers that are sited permanently on site. The footway cordoned off then functions as an outdoor seating area for a commercial unit situated at ground floor in Sunlight's House north-eastern corner, which is currently in a bar use (Sui Generis).

Listed building: Grade II

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The application site lies within the heart of Manchester City Centre and the Deansgate Conservation Area. The neighbouring area is densely populated with high to mid-rise buildings that are of historical importance and which generally lie in various office and retail uses. Adjacent to the application site lies the Grade II listed Royal London House. Little Quay Street is a well designed side road that features public realm in the form of street trees and public benches. Together Little Quay Street and Atkinson Street form a busy cut-through that provides access to both Deansgate and Quay Street.

Description of development

The application seeks to retain the permanent siting of 7no 2m high and 1.2m wide barriers that form a 16m long by 3.5m deep external seating area.

The submitted supporting information clarifies that all tables and chairs are packed away at the end of each business day. Outside of these hours the barriers would be left unaccompanied on site.

Planning History

A high number of applications are on record for the application site, the most relevant of which are shown below:

141155/LO/2024 – Listed Building Consent for installation of permanent barriers in association with use of area as outdoor seating area – Application under consideration.

127662/LO/2020 – Listed Building Consent for the internal fit out works of the existing ground floor corner unit of Sunlight House as a Bar (Use Class A4), the installation of vinyl signage to glazing and the installation of external security cameras – Approved October 2020.

126325/FU/2020 – 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 – Approved August 2020.

126309/FO/2020 – Application for full planning permission for the flexible use of the ground floor property 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) including the installation of louvred extract vents – Approved July 2020.

115806/LO/2017 – Listed Building Consent for the installation of a new frontage to create a new entrance from Little Quay St , the restoration of the stained glass dome , the insertion of 2 No 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 to existing office space and the landscaping works to Little Quay Street – Approved June 2017.

115805/FO/2017 – The creation of a new entrance on the Little Quay St elevation, and landscaping and associated works – Approved June 2017.

Consultations & Notification Responses

Environmental Health – No objection subject to planning conditions relating to hours of use and use of external speakers/music.

Greater Manchester Police – No objection.

Highways – The proposed barriers should be stored inside when not in use outside of operational hours.

Publicity – None received

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:
- Policy SP1 – Spatial Principles
- Policy EC3 – The Regional Centre
- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC4 – Visitors – Tourism, Culture and Leisure
- Policy CC9 – Design and Heritage
- Policy C10 – Leisure and the Evening Economy
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester – The following saved UDP Policies are of relevance to this application:
- Policy DC10 – Food and Drink uses
- Policy DC18 – Conservation Areas
- Policy DC19 – Listed Buildings
- Policy DC26 – Development and Noise

The Places for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:
- Policy JP-Strat2 – City Centre
- Policy JP-P2 – Heritage

National Planning Policy Framework (NPPF)
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 16 – Conserving the Historic Environment

Other Legislative Requirements
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Policy for Waste

Issues

Principle of the Development

The application would see the permanent siting of barriers as part of an outdoor seating area on a section of footway that does not form part of the adopted highway. It should be noted that the siting of an outdoor seating area on the public highway does not require planning permission, however, as the application site does not form part of the adopted highway, permission is required in this instance. The proposal would assist in the siting of an outdoor seating area, which in turn would support a business helping to maintain the regeneration of the City Centre. The development therefore accords in principle with Core Strategy Policies SP1, EC3, CC1, CC4, C10 and DM1, and Places for Everyone Plan Policy JP-Strat2, subject to the matters discussed below.

Visual Amenity

The barriers on site are noted as being 2m high and 1.2m wide, visually they are typical barriers utilised with most outdoor seating areas, being made up of a metal base and featuring timber sides/bodies. Whilst it is considered that the design of the barriers is unproblematic in a general sense, their permanent siting is a different matter. When the seating area is in use, the barriers

are sufficiently high quality to warrant their position adjacent to a listed buildings and do not cause wider visual upset to the street scene. If the structures were permanently sited at the listed building this could give rise to clutter.

When tables and chairs are then packed away at the end of each business day, the barriers are then left alone on site (See pictures below).



Photographs of application site when the outdoor seating area is not in use.

When the seating area is not in use, which is during 01:30 – 12:30 each weekday and all day on weekends, the barriers appear as an oddity in the street scene, serving no purpose other than to obstruct the footway and act as a piece of visual clutter on an otherwise well designed street. During negotiation the question was asked to the applicant if they could relocate the barriers internally when tables and chairs are taken inside, thus mitigating addressing the Local Planning Authority's concerns. It was made clear that the business does not have the space to accommodate the barriers and that the barriers are also weighted which makes moving them impractical.

It is not clear if further discussions have taken place with the building landlord to help accommodate the barriers to help support the use.

In spite of the above, it is considered that the submitted justification is insufficient to provide a convincing basis for the visual harm the proposal causes to the local street scene. On this basis the proposal is unacceptable with regard to its impact on visual amenity and thus is contrary to Core Strategy Policies EN1 and DM1.

Heritage

The application site is partially located in the curtilage of the Grade II listed Sunlight House, as well as being situated entirely within the Deansgate Conservation Area. Street furniture around Sunlight House is carefully considered, with the majority of that being present on site, being packed away at the end of each business day and thus being temporary and removable. Compare this arrangement to that subject to this planning application, that proposed to be retained would be a permanent feature within the street scene and thus would feature as an ever-present piece of visual clutter to the base of Sunlight House and to the wider Deansgate Conservation Area. On this basis, the proposal would cause an unacceptable impact to the adjacent listed building (Sunlight House) and wider Deansgate Conservation Area, contrary to Core Strategy Policies CC9, EN3 and DM1, Saved Unitary Development Plan Policies DC18 and DC19, Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework, and the Planning (Listed Building and Conservation Areas) Act 1990.

Residential Amenity

Quay Street and Little Quay Street, as previously stated within this report, are largely commercial in nature. Environmental Health have requested that in the event of an approval conditions relating to the hours of use of the seating area and external speakers should be applied. Taking into account the minor nature of the proposed works, it is considered there would be a negligible impact on neighbouring amenity subject to the aforementioned conditions. In this regard the proposal is considered to be acceptable and thereby accords with Core Strategy Policy DM1 and Saved Unitary Development Plan Policies DC10 and DC26.

Highway Safety

Little Quay Street is a side road that acts as a cut-through between Quay Street and Deansgate. Along its western side, of which the application site forms part of, there features soft and hard landscaping measures, which whilst providing seating areas for pedestrians, slightly constricts pedestrian movement along this stretch of road (See historic and recent photographs of application site below). Highways have requested that the barriers should be stored inside the property outside of operational hours.



Application site as of June 2023.



Application site as of July 2024.

In light of the above, it is clearly shown that the proposed barriers to be retained constrict the flow of pedestrian movement along Little Quay Street, to the detriment of overall highway safety/flow of pedestrian movement, going against Highway's request. On this basis the proposal is considered would result in an unacceptable impact on the local highway network, contrary to Core Strategy Policy DM1 and the National Planning Policy Framework.

Conclusion

In light of the above the proposal has been found to have an unacceptable impact on local visual amenity and highway safety by virtue of it effectively cordoning off a large section of the footway along Little Quay Street, with little justification, given the limited hours of operation of the seating area the barriers serve. As such, the proposal has been found to be contrary to Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC18 and DC19, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is therefore recommended for refusal.

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 polices 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: Refuse

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. However, the issues identified are considered to be so fundamental that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Reasons for recommendation to refuse

1) The retention of the barriers on a permanent basis outside Sunlight House would not be acceptable, particularly outside of the business hours of the use. The barriers serve no purpose other than to impede pedestrian access along Little Quay Street, thereby also causing an unacceptable impact on local highway safety. The barriers would also fail to respond positively to the character and appearance of the Sunlight House and the conservation area if they are to be retained outside permanently. The development is therefore contrary to policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

188 - 192 Deansgate, Manchester, M3 3ND
Store Rear Of 192, Deansgate, Manchester, M3 3ND
Old Grapes Inn, Quay Street, Manchester, M3 3JU

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Deansgate Conservation Area 1985
Area Team Boundary - Name: CENTRAL