MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141155/LO/2024
Date registered valid:	4 December 2024
Proposal:	Listed Building Consent for 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: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:
No consultations have been printed and sent.

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

Site notice
Posted: Expired:

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 retrospective listed building consent for 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, with said hours of opening being between 12:00 – 01:30 on weekdays. 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:

141154/FO/2024 - 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

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 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

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the LBCA Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting.

Issues

Impact upon the Heritage Asset

The proposed development would see the permanent retention of 7no seating area barriers. The seating area at a length of 16m would take up a significant portion of Sunlight House's Little Quay Street elevation and would serve as the only permanent outdoor feature within its curtilage, thereby being a notable edition to the listed building.

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. If used as movable non-permanent additions to the listed building, consent would not be required but given that they will be permanently sited in its curtilage, listed building consent is required in this instance. Given their typical design and how when tables and chairs are packed away at the end of each business day, the temporary siting of barriers is not considered to be harmful to the setting of the listed building. However, as the barriers are left alone on site (See pictures below) when the seating area is not in use, their addition is considered to be unnecessary visual clutter within the listed building's curtilage.



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, unbefitting of the significance and grandeur of the listed building, and more fundamentally appear as a haphazard addition to it. The applicant has confirmed that due to storage constraints and the weight of the barriers themselves, the possibility of locating them internally is infeasible.

It is acknowledged that paragraph 208 of the National Planning Policy Framework states that proposals that would lead to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. As the proposal is for the permanent siting of a barrier in connection with use by a private business there is considered to be no public benefit that would be brought about by their retention on site.

In light of the above it has been found that the proposal would lead to the retention of poorly sited seating area barriers that would be located in a prominent position, which in turn would detract from wider views of the listed building, thereby causing a low degree of less than substantial harm to be caused to the heritage asset. The proposal is therefore contrary to Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policy DC19, Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

In light of the above it has been found that the proposal would have an unacceptable impact on the significance of the listed building contrary to Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policy DC19, Places for Everyone Plan Policy JP-P2, 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 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.

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Appendix 1 – List of consultees & neighbours notified

Basement, Royal London House, 196 Deansgate, Manchester, M3 3WF
188 - 192 Deansgate, Manchester, M3 3ND
Third Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
First Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Fourth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Store Rear Of 192, Deansgate, Manchester, M3 3ND
Second Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
London House, 193 Deansgate, Manchester, M3 3NE
Third Floor Right, London House, 193 Deansgate, Manchester, M3 3NE
Old Grapes Inn, Quay Street, Manchester, M3 3JU
Royal London House, 196 Deansgate, Manchester, M3 3WF
Fifth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
194 Deansgate, Manchester, M3 3ND
198 Deansgate, Manchester, M3 3NE

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