

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138056/FO/2023

Date registered valid: 27 September 2023

Proposal: Retention of illuminated external steel frame to outside seating area.

Address: The Alchemist, Ground Floor, 1 New York Street, Manchester, M1 4HD

Ward(s): Deansgate Ward

Applicant: Mr Jonathan Owen JCO Projects

Agent (if any): Mr Jonathan Owen JCO Projects

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

Recommendation: Approve

Date of recommendation: 20 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 6 October 2023

Standard consultations:

Printed: 3 October 2023 Expired: 24 October 2023

Neighbour notifications

Printed: 3 October 2023 Expired: 24 October 2023

Site notice

Posted: 6 October 2023 Expired: 27 October 2023

Press advert

Published: 10 October 2023 Expired: 24 October 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application relates to an area of pavement outside 1 New York Street, which has Planning Permission to provide external tables and chairs that are used in association with the drinking establishment that is within the adjacent ground floor unit.

The Grade II* Listed 38 Mosley Street and the Grade II Listed 5 New York Street are nearby. The surrounding area contains a variety of uses including shops, bars, hotels, restaurants, and offices.

The paving of New York Street has a high-quality granite.

Application ref: 098658/FU/2012/C2 granted permission for the use of the ground floor unit as a drinking establishment in 2012.

Applications ref: 098463/FO/2012/C2 and 102668/JO/2013/C2 granted the permanent operation of the external seating area associated with the ground floor unit including the installation of canopies fixed into the ground in 2013.

Description of development

Planning permission is sought to retain the illuminated external steel frame structure installed over the existing seating area. It is a 50x50 mm steel framework that has been powder coated

black RAL 9005. This has been fixed using the fixing points in the pavement that were formerly used for the canopies.

The front facing columns of the structure have a 25x10mm lighting channel with warm white LED lighting. The lighting is warm white LED at 652lm/m.

Consultations & Notification Responses

Highway Services - Confirmed that they have no objection.

Environmental Health - Advised that they have no comments to make.

Metrolink - Confirmed that they have no objection.

Publicity - The application was advertised in the local press as being of public interest. A site notice was displayed on site and letters were sent to surrounding occupiers. No responses have been received.

Issues

Issues and Policy

Visual Amenity - The Adopted Core Strategy for the City of Manchester

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

Policy DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage. This policy also advised on disabled access and measures to reduce crime.

Policy CC10 (Place for Everyone) advises that the City Centre will develop as a location which appeals to a wide range of residents and visitors. Development which promotes this objective will be supported, particularly through uses which increase the diversity of activity in the City Centre, with an emphasis on family-oriented activity, and high standards of accessibility to buildings and across spaces in the City Centre.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, which provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion

of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8-week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Policy JP-P 1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-P 2 (Heritage) aims to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

National Policy

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Visual Amenity -

The structure is in keeping with the modern and high-quality environment on New York Street. It is also in keeping with the appearance of the business that it is associated with and reduces the amount of clutter in comparison to the umbrellas formerly present at the site.

The proposals would not affect the setting of the nearby listed buildings due to its design and location.

The applicant has been advised that any retrofit weather protection is unlikely to be acceptable.

In view of the above the proposals would be consistent with Section 12 of the National Planning Policy Framework, Core Strategy Policies DM1, SP1, EN3 and EN1 and Policies JP-P 1 and JP-P 2 of the Places for Everyone Plan.

Accessibility -

The floor beneath the structure is level, the openings within it are a minimum of 1780mm and the material would be powder coated which would make the poles non-slip and non-reflective and ensure that they not cold to touch.

In view of the above the proposals would be consistent with Core Strategy Policies DM1, CC 10 and SP1 and Policy JP-P 1 of the Places for Everyone Plan.

Highway Safety -

A condition is recommended to require the proposed lighting to comply with the proposed level of lumens, on the basis of comments received by consultees.

In view of the above the proposals would be consistent with Core Strategy Policies DM1 and SP1.

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 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 advice about the information required to be submitted to support the application and to address issues. This has led to an acceptable proposal.

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

1) The development hereby approved shall have been carried out in accordance with the following drawings and documents:

The drawings referenced:

RCO 022 300 Rev - (Including the location plan)
RCO 022 301 Rev B

received by the City Council as local planning authority on 11 September 2023

The Design & Access Statement prepared by JCO Projects received by the City Council as local planning authority on 27 September 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, CC10, EN3, EN1 and DM1 of the Manchester Core Strategy (2012) . and Policy JP-P 1 of the Places for Everyone Plan.

2) The illumination levels of the structure hereby approved shall be limited to 652lm/m.

Reason – In the interests pedestrian and highway safety in accordance with policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1 and DC14.5 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Metrolink

Fifth And Sixth Floor, 1 New York Street, Manchester, M1 4HD
The Exchange, Mosley Street, Manchester, M1 4AJ
Sixth Floor, 1 New York Street, Manchester, M1 4HD
Fifth Floor, 1 New York Street, Manchester, M1 4HD
Unit B3, The Exchange, Mosley Street, Manchester, M1 4AJ
1 New York Street, Manchester, M1 4HD
Fourth Floor, The Exchange, 3 New York Street, Manchester, M1 4HN
Fifth Floor, The Exchange, 3 New York Street, Manchester, M1 4HN
38 Mosley Street, Manchester, M2 3AZ
The Exchange, Piccadilly Plaza, Manchester, M1 4AJ
2 New York Street, Manchester, M1 4HJ
Ninth Floor, 1 New York Street, Manchester, M1 4HD
ATKINS LIMITED, Suite 2A, The Exchange, 3 New York Street, Manchester, M1 4HN
Unit 5, City Tower, Piccadilly Plaza, Manchester, M1 4HN
Turning Point, First Floor, The Exchange, 3 New York Street, Manchester, M1 4HN
THE PARLIAMENT AND HEALTH SERVICE OMBUDSMAN, Third Floor, The Exchange, 3
New York Street, Manchester, M1 4HN
Third And Fourth Floor, 2 New York Street, Manchester, M1 4HJ
Second Floor, 2 New York Street, Manchester, M1 4HJ
First Floor, 2 New York Street, Manchester, M1 4HJ
Basement, 2 New York Street, Manchester, M1 4HJ
The Exchange, 3 New York Street, Manchester, M2 3BA
Twelfth Floor, 1 New York Street, Manchester, M1 4HD
Eleventh Floor, 1 New York Street, Manchester, M1 4HD
Tenth Floor, 1 New York Street, Manchester, M1 4HD
Seventh Floor, 1 New York Street, Manchester, M1 4HD
Fourth Floor, 1 New York Street, Manchester, M1 4HD
Third Floor, 1 New York Street, Manchester, M1 4HD
Second Floor, 1 New York Street, Manchester, M1 4HD
Eighth Floor, 1 New York Street, Manchester, M1 4AD
First Floor, 1 New York Street, Manchester, M1 4HD
Second Floor, The Exchange, 3 New York Street, Manchester, M1 4HN
Unit B4, The Exchange, Mosley Street, Manchester, M1 4AJ

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
Area Team Boundary - Name: CENTRAL