

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137927/FO/2023
Date registered valid: 28 September 2023
Proposal: Installation of raised deck platform to create external seating area.
Address: Artisan, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Ward(s): Deansgate Ward

Applicant: Mr Zack Isaak Sakkusamba
Agent (if any): Mr Michael Chow Jade3 Architecture
Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 30/10/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

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

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to part of the passageway, known as the Avenue/North, that bisects the Tower 12 site, providing access to Bridge Street from Wood Street. The passageway is a part open part covered pedestrianised walkway that features accesses to the restaurant and drinking establishment uses situated within Tower 12. The application site does not form part of the public highway, lies within the Deansgate Conservation Area and is situated adjacent to the entrance to Sakusamba at no22 Bridge Street. The site is situated on a slope, with its elevation decreasing as one travels southwards.

Listed building: Not applicable

Conservation area: Deansgate Conservation Area

Tree Preservation Order: Not applicable

Description of area

The neighbouring area is characterised by a high number of properties in varying commercial uses, including office, café/restaurant and drinking establishment uses (Class E & Sui Generis). Built development within the local area consists of variety of architectural styles, materials, sizes and scales. The Grade II listed Masonic Hall lies to the north-east of the application site along Bridge Street, the Manchester Crown Court site lies to the west, and the Oat House lies to the south.

Description of development

The application seeks consent for the erection of a raised platform that would form an outdoor seating area that would serve the aforementioned Sakusamba site.

The platform would have a length of 9m, a depth of 2m, a maximum height of 1.63m and a minimum height of 1.3m (The difference in height being attributed to the sloping nature of the application site). The platform would then be constructed from a metal framed base, with anthracite grey composite floor cladding, and walls of frameless glass balustrades.

The outdoor seating area would be capable of providing space for up to 12no covers. The proposed hours of operating are as follows:

- Monday to Sunday (Including Bank Holidays): 12:00 – 23:00

Planning History

107306/FO/2014/C1 - Use of external area for the siting of tables, chairs, heaters and barriers associated with and ancillary to the restaurant (A3) within 22 Bridge Street and modifications to the building façade – Approved February 2015.

099536/FO/2012/C1 - Use of the ground floor lobby, first floor and podium level (second floor) as Restaurant and Cafe Use (Class A3) and/or Office Use (Class B1), pursuant to Planning Permission ref 093491/FU/2010/C1 – Approved August 2008.

093491/FU/2010/C1 - Change of use of ground floor to retail (Use Classes A1 (shops), A2 (financial and professional services) A3 (restaurants and cafes) and A4 (drinking establishments) and office lobby, works to create a new double height pedestrian retail street through the existing building from Bridge Street to Wood Street, extension of ground floor shop fronts on Dolefield, installation of new elevations to ground and 1st floor levels, erection of glazed office extension and enclosed plant area at 2nd floor level, works to the public realm, and associated works – Approved August 2010.

Consultations & Notification Responses

Environmental Health – No objection subject to conditions that would limit the hours of use and use of amplified sound/music.

Greater Manchester Pedestrian's Society – No objection received.

Greater Manchester Police – No objection received.

Highways – No objection.

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 CC5 – Transport
- Policy CC9 – Design and Heritage

- Policy CC10 – A Place for Everyone
- 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 18 – Conservation Areas
- Policy 26 – Development and Noise

National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 – Conserving and Enhancing the Historic Environment

Other Legislative Requirements

Guide to Development in Manchester Supplementary Planning Document (SPD)
Planning (Listed Buildings and Conservation Areas) Act 1990

The Places for Everyone Plan is a Joint Development Plan Document, providing 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. The Plan and its policies must therefore be given significant weight in the planning balance. Relevant policies to the proposal are show below:

- Policy JP-P2 – Heritage

Issues

Principle of Development

The proposed development would see the siting of a raised external seating area that would serve a property in a Class E(a) restaurant use. As the proposed development would not fundamentally alter the use of the application site but rather supplement and support a use that is encouraged within the City Centre, it is considered the proposal accords with Policies SP1 and DM1, and is therefore acceptable in principle subject to the matters discussed below.

Amenity

The application site, as mentioned previously within this report, lies in an area dominated by commercial properties. The site also lies in close proximity to Bridge Street, an arterial A road that links Salford to Manchester City Centre. The proposed hours of use for the seating area are from when the premises opens, this being 12:00, till 23:00 seven days a week. No objection has been received by Greater Manchester Police. Environmental Health do not object to the proposal subject to conditions that would limit the hours of operation in line with the proposed and that no amplified music or sound be used on site at any time. Taking the above into account and the late opening hours of neighbouring premises, i.e. the Oat House to the south of the site operates till 01:00 three days a week, it is considered that subject to conditions that would limit the hours of operation to those applied for, control the use of amplified sound and music on site, and one that would require loose tables, chairs and other fixings to be stored securely when not in use, the application is acceptable in this regard and therefore accords with Core Strategy Policy DM1, Saved Unitary Development Plan Policy DC26 and the National Planning Policy Framework.

Visual Amenity

The application site is located in a partially covered pedestrianised walkway. The application site is partially visible from Bridge Street but can be observed more clearly from within Tower 12 and Wood Street to the south of the application site. The seating area would be set back 14.1m from the public footway along Wood Street and would thus despite being visible from said street, have a negligible impact on it. The glazed balustrades of the seating area are considered to be appropriate when taking into account how it would be situated alongside the glazed shopfronts of the unit's that line the passageway. On this basis it is considered that the development would have an acceptable impact on visual amenity in accordance with Core Strategy Policies SP1, EN1 and DM1, and the National Planning Policy Framework.

Heritage

Section 72(1) of the Listed Buildings and Conservation Areas Act relates to conservation areas and states "In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area".

The application site lies on the western boundary of the Deansgate Conservation Area which runs along the Avenue passageway, with eastern side of the passageway lying within the Conservation Area and it's western side lying outside of it. It is acknowledged that Tower 12 affects the setting of the Deansgate Conservation Area with it's twelve stories, however, it is considered that the Avenue passageway due to it's secluded nature does not contribute to the wider setting of the Conservation Area. On this basis, as well as the small scale nature of the proposed development, it is considered that the development would have a neutral impact on the setting and significance of the Deansgate Conservation Area.

As such the proposal is considered to be in accordance with Core Strategy Policies CC9, EN3 and DM1, Saved Unitary Development Plan Policy DC18, Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety

As stated previously within this report, the application site lies within a pedestrianised passageway that does not form part of the public highway. Due to this Highways have no objection to the proposal. Furthermore, with a depth of 2m, it is considered that there is ample room left within the

Avenue passageway to allow for the movement of pedestrians. On this basis it is considered that the development is acceptable in this regard and is therefore in accordance with Core Strategy Policy CC5 and the National Planning Policy Framework.

Accessibility

The proposed raised seating area would feature 3no stepped accesses, with the height of the said steps increasing as one travels south due to the sloped nature of the application site. The submission has been accompanied by a statement that notes when those requiring accessible entry to the site are present, an access ramp will be used to allow for wheelchair access. Subject to a condition that would require the development to operate in accordance with this statement for its lifetime, it is considered the proposal is acceptable in this regard in accordance with Manchester Core Strategy Policies SP1, CC10 and DM1, The Guide to Development in Manchester Supplementary Planning Document and the National Planning Policy Framework.

Conclusion

In light of the above and subject to planning condition, the proposal is considered to be acceptable and in accordance with Core Strategy Policies SP1, CC5, CC9, CC10, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC18 and DC26, Places for Everyone Plan Policy JP-P2, the Guide to Development in Manchester SPD, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is therefore recommended for approval.

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 ongoing advice that has resolved the issues associated with the proposal.

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 be carried out in accordance with the following drawings and documents:

- o 100: Location Plan Red Lines (Received 28/08/2023)
- o 101 Revision A: Perspective Views and Elevations (Received 28/08/2023)
- o 102 Revision AB: The Avenue North Elevation of the Raised Deck (Received 26/09/2023)
- o 104 Revision A: Proposed Ground Floor The Avenue North (Received 19/09/2023)

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

3) No materials shall be used on the external elevations of the proposed development other than those referred to on the approved plans / supporting documentation.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) The external seating area hereby approved shall only been open to customers inside the following times:

- o Monday - Sunday (Including Bank Holidays): 12:00 - 23:00

Reason - In the interest of safeguarding neighbouring residential amenity in accordance with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework.

5) Outside the hours of operation listed within condition 4 all loose chairs, tables, barriers, fixtures and fittings associated with the external seating area shall be securely stored inside the premises it serves.

Reason - In the interest of visual amenity and in preventing anti-social behaviour on site in accordance with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework.

6) Upon completion of the development, it shall operate in accordance with the accessible entry and exit provisions listed within the email correspondence (Prepared by Jade 3 Architecture; Dated and Received 18/10/2023) for its lifetime.

Reason - In order to secure accessible entry and exit on site in accordance with Manchester Core Strategy Policies SP1, CC10 and DM1, The Guide to Development in Manchester Supplementary Planning Document and the National Planning Policy Framework.

7) No amplified sound or any music shall be used in the external seating area hereby approved for the lifetime of the development.

Reason - In the interest of safeguarding neighbouring residential amenity in accordance with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Greater Manchester Pedestrians Society

Twelfth Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Second Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Unit G44 And Unit G45, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
34 Bridge Street, Manchester, M3 3BZ
44 Bridge Street, Manchester, M3 3BZ
Advertising Right Outside 18 - 22, Bridge Street, Manchester, M3 3BZ
The Oast House, Crown Square, Manchester, M3 3AY
Sixth Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Fifth Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Ground Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
LINCOLN HOUSE CHAMBERS, Eighth Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Ninth Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
GREAT FRIDAYS LIMITED, Seventh Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
36 Bridge Street, Manchester, M3 3BT
Dishoom, 32 Bridge Street, Manchester, M3 3BZ
30 Bridge Street, Manchester, M3 3BZ
Eleventh Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Tenth Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Neighbourhood Restaurant, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
The Restaurant, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ

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