

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136839/FO/2023

Date registered valid: 24 May 2023

Proposal: Installation of retractable canopy structure above approved seating area to front of bar

Address: 35 Peter Street, Manchester, M2 5BG

Ward(s): Deansgate Ward

Applicant: Brewdog Bars Ltd.

Agent (if any): Mr George Creamer Firstplan

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approved

Date of recommendation: 17/10/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 26 May 2023

Standard consultations:

Printed: 25 May 2023 Expired: 15 June 2023

Neighbour notifications

Printed: 25 May 2023 Expired: 15 June 2023

Site notice

Posted: 26 May 2023 Expired: 16 June 2023

Press advert

Published: 6 June 2023 Expired: 20 June 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the ground floor commercial unit present at no35 Peter Street. The application property is a seven storey mid-20th century office building with flat roof and 2no ground floor commercial units, which the application site is one of. The property's upper floors are completed in white render but its ground floor units feature glazed shopfronts. A unique feature of the property is how it spans either side of Marron Place, which in turn creates an undercroft tunnel area. The application site itself is in use as a drinking establishment (Sui Generis) and features an outdoor seating area lined by a low boundary brick wall approved under planning applications 053058/FO/CITY1/97 and 074470/FO/2005/C1.

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies within the heart of the City Centre, with St Peter's Square lying under 200m away from the application site to the east. Peter Street is characterised by a high number of historic listed buildings in various commercial uses, this including the Grade II listed Lancashire House, Royale Club, Harvester House and Albert Memorial, as well as the Grade II* listed Free Trade Hall that lies opposite the application site. The application site lies within the Deansgate Conservation Area and lies adjacent to the St Peters Conservation Area. More modern development lies to the south-west of the application site in the form of Great Northern Square and no36 Peter Street.

Description of development

The application seeks consent for the erection of an extractable canopy situated within the confines of the existing seating area on site.

The proposed canopy would be mounted to the existing boundary brick wall on site and would feature a lean-to roof. As the canopy would cover the existing seating area on site, it would have a width of 7.3m, a depth of 4.16m and a maximum height of 2.845m that would then slope down to a height of 2.47m.

The canopy would be completed in a frame made from powder coated aluminium, canvas roof panels and walls of toughened glass. The canopy's eastern facing side elevation would feature a 1.785m wide opening to allow for access to the site's seating area.

Planning History

119386/AO/2018 - Existing signage to be relocated to front of external area, including 1 no. Brewdog lettering fascia and 1 no. shield logo sign – Approved July 2018.

119385/FO/2018 - Erection of an external mezzanine floor to form additional seating – Approved July 2018.

111608/FO/2016/C1 - Erection of timber canopy enclosure to existing external seating area – Approved May 2016.

074470/FO/2005/C1 - Installation of new glazed shopfront, provision of access ramp and replacement railings, with external planters – Approved March 2003.

053058/FO/CITY1/97 - Formation of an external seating area with perimeter railings in association with existing restaurant – Approved December 1997.

Consultations & Notification Responses

Highways – No objection subject to a condition that would require the proposed glazed panels to be transparent for the lifetime of the development.

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 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 DC18 – Conservation Areas
- Policy DC26 – Development and Noise

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 – Conserving and Enhancing the Historic Environment

Other legislative requirements

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 development would see the erection of a canopy over an existing external seating area on land that does not form part of the public highway. As the proposal would not see any fundamental alteration to the premises as a commercial unit i.e. development consisting of a change of use or large extension, it is considered the proposal is of a cosmetic nature. As the site's commercial nature would be unaffected it is therefore considered that the proposal complies with Core Strategy Policies SP1 and DM1 and is acceptable in principle subject to the matters discussed below.

Residential Amenity

The proposal only seeks permission for the erection of a canopy and not the siting of an external seating area, with one already having been approved and now erected on site. Said seating area saw its hours of use controlled by condition under application 074470/FO/2005/C1, with operating hours limited to between 11:00 – 22:30 Monday to Sunday. Considering how the development does not seek to alter the use of the site as a seating area itself it is beyond the remit of this application to control the use of the area by condition again.

By virtue of its location within the City Centre, away from residential properties, and its small stature and semi-permeable nature, it is considered that the development would have a negligible impact on neighbouring amenity. Furthermore, by seeing the outdoor seating area covered, it is considered that noise levels emanating from the application site may decrease, albeit marginally. Therefore, it is considered the proposal is acceptable in this regard and is in accordance with Core Strategy Policy DM1, Saved Unitary Development Plan Policy DC26 and the National Planning Policy Framework.

Design & Visual Amenity

The proposed canopy is considered to be a contemporary structure, with its materials consisting of powder coated aluminium, canvas and glass. Due to the narrow width of the frame's support beams, this being a maximum of 80mm, in accompaniment with the lightweight materials proposed, it is considered the proposed canopy would have a lightweight structure that would complement the unit's glazed frontage. The canopy's lightweight appearance would be assured yet further by the retractable nature of its canvas roof. It is noted that whilst Peter Street is home to multiple historic listed buildings, a contemporary structure such as the proposed would be seen in the immediate context of no35 Peter Street, a mid-20th century office block, furthermore, as previously noted within this report more modern development is present along Peter Street to the south-west, thus ensuring the development would not appear an incongruous addition to the wider street scene. Subject to a condition that would require the submission of samples of the materials to be used on site, it is considered the proposed development would have an acceptable impact on visual amenity in accordance with Core Strategy Policies EN1 and DM1.

Impact upon Heritage Assets

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 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."

As stated previously within this report, the application site lies within the Deansgate Conservation Area, adjacent to the St Peters Conservation Area, and lies within the setting of 2no Grade II listed buildings, this being Harvester House and the Albert Memorial, as well as a Grade II* listed building in the form of the Free Trade Hall. Notwithstanding this however, the application site is seen within the context of no35 Peter Street, a mid-20th century office building. Due to the proposal's small scale nature and light weight materials, it is considered it would be seen as a natural extension of no35 Peter Street, with it maintaining the same relationship no35 Peter Street has to the aforementioned heritage assets. In this context the proposal is considered would have a neutral impact on the neighbouring heritage assets.

As such the proposal is considered to be in accordance with Core Strategy Policies CC9, EN1, 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

The application site is located on private land that is set to the back of the public footway along Peter Street and Marron Place, with the site facing out onto the junction where Marron Place meets Peter Street. Marron Place is a single lane road that provides access to the rear of the application site and other commercial units along Peter Street. The proposed development would not encroach onto the public pavement but would be situated in close proximity to the aforementioned junction. Notwithstanding this however, Highways have assessed the development and do not object to it subject to a condition that would require the glazed panels of the proposal to be transparent for the lifetime of the development. Subject to such a condition, it is considered that the proposal would be acceptable from a highway safety perspective in accordance with Core Strategy Policies CC5 and DM1, and the National Planning Policy Framework.

Conclusion

In light above it has been found that the proposal would have an acceptable impact on residential amenity, visual amenity, heritage and highway safety. Thus, the proposal is in accordance with Manchester Core Strategy Policies SP1, CC1, CC5, EN1, EN3 and DM1, Saved, Unitary Development Plan Policies DC18 and DC26, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis the application is 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 16068 1649276 - Site Location Plan (Dated 16/03/2016; Received 28/04/2023)
- o 3019 PL02D - Plans and Elevations As Proposed (Dated 02/08/2023; Received 04/09/2023)
- o Pedestrian Visibility Requirements (Prepared by EAS Transport Consultants; Dated 11/10/2023; Received 11/10/2023)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Prior to any above ground works commencing on site, samples and specifications of all material to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council, as Local Planning Authority. The approved materials used shall then be implemented as part of the development.

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 glazed panels to be used on the external elevations of the development hereby approved, shall be transparent at all times for the lifetime of the development.

Reason - In order to allow motorists good visibility of crossing pedestrians and vice versa and in the general interest of highway safety in accordance with Core Strategy Policies CC5 and DM1, and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Radisson Edwardian Hotel, Peter Street, Manchester, M2 5GP
C, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Fourth Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Fifth Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Fourth Floor, Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
Third Floor, Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
First Floor, Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
Ground Floor, Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
Seventh Floor, 44 Peter Street, Manchester, M2 5GP
Fifth To Sixth Floor, 44 Peter Street, Manchester, M2 5GP
Fourth Floor, 44 Peter Street, Manchester, M2 5GP
Third Floor, 44 Peter Street, Manchester, M2 5GP
Ground Floor, 44 Peter Street, Manchester, M2 5GP
35 Peter Street, Manchester, M2 5GD
Ground Floor, 35 Peter Street, Manchester, M2 5GD
Fifth Floor, 35 Peter Street, Manchester, M2 5GD
Fourth Floor, 35 Peter Street, Manchester, M2 5GD
Second Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Third Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5QD
Second Floor, 44 Peter Street, Manchester, M2 5GP
First Floor, 44 Peter Street, Manchester, M2 5GP
First Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB

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: CENTRAL