

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136453/FO/2023	
Date registered valid:	22 March 2023	
Proposal:	Reconfiguration of external seating area adjacent to The White Lion Hotel	
Address:	43 Liverpool Road, Manchester, M3 4NQ	
Ward(s):	Deansgate	Ward
Applicant:	Craft Union Pub Co. Planning Potential Ltd.	
Agent (if any):	Mr. Joseph Warren-McCoy Planning Potential Ltd.	
Case officer:	David Tel: 0161 234 Email: dave.brettell@manchester.gov.uk	Brettell 4556
Recommendation:	Approve	
Date of recommendation:	16 May 2023	

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 5 April 2023 Expired: 26 April 2023

Neighbour notifications

Printed: 5 April 2023 Expired: 26 April 2023

Site notice

Posted: Expired:

Press advert

Published: 11 April 2023 Expired: 2 May 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Castlefield Conservation Area 1979

Tree Preservation Order:

Description of area

The site under consideration is an external paved area adjacent to The White Lion Public House, and is bounded by the Roman Fort gardens and fronts Liverpool Road. It is located in the Castlefield Conservation Area, and is close to several listed buildings, including the Grade II listed Former Market Hall, the Grade II listed Former Lower Campfield Market, and the collection of listed buildings which form the Museum of Science and Industry. Although the public house is not listed, it makes an important contribution to the aforementioned designated heritage assets.

The adjacent former Roman fort in Castlefield has been partially reconstructed on the excavated foundations. The scheduled remains of eastern wall of Roman fort is located less than 150 metres to the south. As such, the location of the proposed beer garden is very sensitive from heritage and archaeological perspective. The line of the main Roman Road extends north-eastwards from the reconstructed North Gate to Liverpool Road, passing beneath the proposed beer garden attached to the White Lion.

Background.

The beer garden adjacent to The White Lion was originally granted consent on 26th May 1999 for "Siting of non-permanent tables and chairs" Ref:053705/FU/CITY3/98. The application did

not include details of any structures, seating or boundary treatments, and the consent was not subject to any restrictive planning conditions. Since the granting of this consent, the area has incrementally been furnished with boundary treatments, planters and umbrellas.

Through 2022, in association with the refurbishment of the pub by the new owners, proposals were considered to upgrade the external area, including a large pergola to cover a significant part of the beer garden. A planning application was subsequently submitted for "Erection of a timber structure, with associated awning and planters, associated with an outside seating area". Ref:133513/FO/2022. The application was refused on 16th November 2022, for the following reason:

"The creation of an external structure associated with the reconfiguration of the outside seating area at land adjacent to the White Lion Public House by virtue of the siting, scale, appearance and materiality would form an excessively large, dominant and incongruous feature within the setting of the public house, the Castlefield conservation area and adjacent listed buildings. This would have an unduly harmful impact on the character and visual amenity of the local area and result in less than substantial harm to the historic environment. There would not be the required public benefits to outweigh this harm. The proposal is therefore contrary to the provisions of policies SP1, EN1, EN3, CC9, CC10 and DM1 of the Manchester Core Strategy (2012), saved policies DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995) and NPPF."

Description of development

The proposals include the provision of three parasols and moveable planters which will ensure that the area is defined without the need for intrusive works to secure the features. The proposed outdoor area will measure 15.7m x 10.7m, a slight decrease on the existing 16.8m x 10.8m space occupied by the former outdoor area. The parasols would cover approximately 4no. tables each. Some 24no. tables, and 96 seats are included in the scheme.

A Management Plan has been submitted with the application and the proposed hours of use of the external area are:

Sunday to Thursday 09:00 to 22:00 and;
Friday and Saturday 09:00 to 22:30

All tables, chairs and other furniture will be secured in the external area outside hours of use.

Consultations & Notification Responses

Site Notice / press notice – No comments received.

Neighbours – No comments received.

Env Health – no objection. Recommended hours condition.

Highways – No objection. Recommended Management Plan condition. This is included in approved plans / docs condition.

GMAAS – no objections

Flood Risk – no objections

Issues

The proposed beer garden use of the land referred to in this application has the benefit of a previous planning consent, referred to above, and no objections to the current application have been received. The planters, tables, chairs and umbrellas are considered to be unobtrusive, and would not detract from the adjacent Roman Gardens, or the Castlefield Conservation Area, within which the land is located, in accordance with saved policies DC18 (Conservation Areas) and DC19 (Listed Buildings) of the Unitary Development Plan for the City of Manchester (1995) and NPPF. In addition, the proposals are considered to be compatible with provisions of policies SP1 and DM1 of the Manchester Core Strategy (2012).

In terms of the visual impact, the proposed external area constitutes an acceptable design and would not be unduly obtrusive to the Conservation Area or nearby listed buildings. Nor is it considered that the proposals would affect the residential amenities of the area.

It is also noted that proposals for improvements to the Roman Gardens are currently being progressed. The proposed beer garden would not adversely affect the plans for the wider area.

The proposal is located in close proximity to existing residential properties. Comings and goings, raised voices and movement is likely to be heard from the proposal albeit this should be understood in the context of the city centre. The application has been considered by Environmental Health who accept the management plan submitted with the application which restricts the opening hours as follows:

Sunday to Thursday 09:00 to 22:00 and;
Friday and Saturday 09:00 to 22:30

There should also be no amplified music in this area. This would minimise any associated impacts on residential amenity as a consequence of the development.

Accordingly, the application is recommended for approval, subject to conditions.

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 a planning application, officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. Issues raised in the previously refused application have been duly addressed, and the proposals are considered acceptable.

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, received by the City Council, as local planning authority on 9th March 2023:

Drawings:

Proposed Drinking Area Plans and Elevations ref:1960.02.A received by the City Council, as Local Planning Authority, on the 9 March 2023

Documents:

Noise Impact Assessment, prepared by ADT, Heritage Statement, prepared by Heritage Potential, Planning Statement, prepared by Planning Potential and Management Plan, prepared by The Stonegate Group received by the City Council, as Local Planning Authority, on the 9 March 2023

Letter from Design for Security received by the City Council, as Local Planning Authority, on the 22 March 2023

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

3) The external seating area, as shown on the approved plans shall only be available for public use between the following hours:

Sunday to Thursday 09:00 to 22:00, and

Friday to Saturday 09:00 to 22:30

There shall be no use of amplified sound or any music in these external areas at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policy DM1 of the Core Strategy and Guide to Development

4) Any table/chair/divider/ planter should not be affixed to the highway and must be removable, with furniture being appropriately secured when not in use.

Reason: To ensure the development is carried out in a satisfactory manner pursuant to policy DM1 of the Core Strategy and Guide to Development.

5) The development shall be carried out in full accordance with the requirements and security measures, as detailed in the letter from Greater Manchester Police, dated 4th July 2023, submitted with the application.

Reason: To ensure the development is carried out in a satisfactory manner, in the interests of safety and amenity, pursuant to policy DM1 of the Core Strategy and Guide to Development.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Archaeological Advisory Service
Greater Manchester Pedestrians Society
Castlefield Forum

Westpoint, Duke Street, Manchester, M3 4NF
Castlefield Mews, Stone Street, Manchester, M3 4NE
Ground Floor, Westpoint, 5 - 9 Duke Street, Manchester, M3 4NF
Westpoint, 5 - 9 Duke Street, Manchester, M3 4NF
Flat 1, 26 Bridgewater Street, Manchester, M3 4NH
The Ox, 71 Liverpool Road, Manchester, M3 4NQ
5 - 9 Duke Street, Manchester, M3 4NF
First And Second Floors, 29A Liverpool Road, Manchester, M3 4NQ
33 Liverpool Road, Manchester, M3 4NQ
29 Liverpool Road, Manchester, M3 4NQ
Flat 12, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat 8, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat 42, 24 Bridgewater Street, Manchester, M3 4NH
Flat 29, 24 Bridgewater Street, Manchester, M3 4NH
Castlefield House, Liverpool Road, Manchester, M3 4SB
Flat 6, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat 10, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat 16, 24 Bridgewater Street, Manchester, M3 4NH
Flat 3, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat, The Ox, 71 Liverpool Road, Manchester, M3 4NQ
35 Liverpool Road, Manchester, M3 4NQ
29A Liverpool Road, Manchester, M3 4NQ
Flat 30, 28 Bridgewater Street, Manchester, M3 4NH
Flat 205, 11 Duke Street, Manchester, M3 4FR
Flat 106, 11 Duke Street, Manchester, M3 4FR
Flat 101, 11 Duke Street, Manchester, M3 4FR
Flat G05, 11 Duke Street, Manchester, M3 4FR
Flat G04, 11 Duke Street, Manchester, M3 4FR
Flat 54, 7 Collier Street, Manchester, M3 4NA
Flat 49, 7 Collier Street, Manchester, M3 4NA
Flat 46, 7 Collier Street, Manchester, M3 4NA
Flat 43, 7 Collier Street, Manchester, M3 4NA
12 Castlefield Mews, Stone Street, Manchester, M3 4NE
31 Liverpool Road, Manchester, M3 4NQ
Flat 202, 11 Duke Street, Manchester, M3 4FR
Flat 103, 11 Duke Street, Manchester, M3 4FR
Flat 102, 11 Duke Street, Manchester, M3 4FR
Flat 28, 4 Barton Street, Manchester, M3 4NN
Flat 20, 7 Collier Street, Manchester, M3 4NA
Flat 8, 7 Collier Street, Manchester, M3 4NA
Flat 48, 7 Collier Street, Manchester, M3 4NA
Flat 33, 7 Collier Street, Manchester, M3 4NA
Flat 32, 7 Collier Street, Manchester, M3 4NA
Flat 3, 7 Collier Street, Manchester, M3 4NA

6 Barton Street, Manchester, M3 4NN
12 Barton Street, Manchester, M3 4NN
14 Castlefield Mews, Stone Street, Manchester, M3 4NE
10 Castlefield Mews, Stone Street, Manchester, M3 4NE
Flat 7, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat G03, 11 Duke Street, Manchester, M3 4FR
Flat G01, 11 Duke Street, Manchester, M3 4FR
Flat 27, 4 Barton Street, Manchester, M3 4NN
Flat 47, 7 Collier Street, Manchester, M3 4NA
Flat 26, 7 Collier Street, Manchester, M3 4NA
Flat 24, 7 Collier Street, Manchester, M3 4NA
Flat 52, 4 Barton Street, Manchester, M3 4NN
Flat 57, 7 Collier Street, Manchester, M3 4NA
Flat 56, 7 Collier Street, Manchester, M3 4NA
Flat 45, 7 Collier Street, Manchester, M3 4NA
Flat 34, 7 Collier Street, Manchester, M3 4NA
Flat 2, 7 Collier Street, Manchester, M3 4NA
37 Liverpool Road, Manchester, M3 4NQ
Flat 104, 11 Duke Street, Manchester, M3 4FR
Flat G06, 11 Duke Street, Manchester, M3 4FR
Flat G02, 11 Duke Street, Manchester, M3 4FR
ATTICUS LEGAL LLP, Third Floor, Castlefield House, Liverpool Road, Manchester, M3 4SB
Flat 11, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat 9, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Fifth Floor, Castlefield House, Liverpool Road, Manchester, M3 4SB
Fourth Floor, Castlefield House, Liverpool Road, Manchester, M3 4SB
First Floor, Castlefield House, Liverpool Road, Manchester, M3 4SB
Second Floor, Castlefield House, Liverpool Road, Manchester, M3 4SB
Ground Floor, Castlefield House, Liverpool Road, Manchester, M3 4SB
Flat 206, 11 Duke Street, Manchester, M3 4FR
Flat 204, 11 Duke Street, Manchester, M3 4FR
Flat 105, 11 Duke Street, Manchester, M3 4FR
Flat 203, 11 Duke Street, Manchester, M3 4FR
Flat 201, 11 Duke Street, Manchester, M3 4FR
Flat 17, 28 Bridgewater Street, Manchester, M3 4NH
Flat 5, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat 5, 7 Collier Street, Manchester, M3 4NA
8 Barton Street, Manchester, M3 4NN
Flat 9, 7 Collier Street, Manchester, M3 4NA
Part Ground Floor Unit 1, Westpoint, 5 - 9 Duke Street, Manchester, M3 4NF
Cask, 29 Liverpool Road, Manchester, M3 4NQ
Flat 18, 7 Collier Street, Manchester, M3 4NA
Flat 19, 7 Collier Street, Manchester, M3 4NA
Flat 4, 7 Collier Street, Manchester, M3 4NA
Flat 7, 7 Collier Street, Manchester, M3 4NA
Flat 6, 7 Collier Street, Manchester, M3 4NA
Flat 58, 7 Collier Street, Manchester, M3 4NA
Flat 55, 7 Collier Street, Manchester, M3 4NA
Flat 51, 7 Collier Street, Manchester, M3 4NA
Flat 50, 7 Collier Street, Manchester, M3 4NA
Flat 39, 7 Collier Street, Manchester, M3 4NA
Flat 35, 7 Collier Street, Manchester, M3 4NA
7 Collier Street, Manchester, M3 4NA
Flat 53, 4 Barton Street, Manchester, M3 4NN

Flat 41, 4 Barton Street, Manchester, M3 4NN
Flat 38, 7 Collier Street, Manchester, M3 4NA
Flat 11, 4 Barton Street, Manchester, M3 4NN
Flat 10, 4 Barton Street, Manchester, M3 4NN
Flat 37, 7 Collier Street, Manchester, M3 4NA
Flat 36, 7 Collier Street, Manchester, M3 4NA
Flat 44, 7 Collier Street, Manchester, M3 4NA
Flat 23, 7 Collier Street, Manchester, M3 4NA
Flat 21, 7 Collier Street, Manchester, M3 4NA
Flat 31, 7 Collier Street, Manchester, M3 4NA
Flat 22, 7 Collier Street, Manchester, M3 4NA
Flat 25, 7 Collier Street, Manchester, M3 4NA
4 Barton Street, Manchester, M3 4NN
10 Barton Street, Manchester, M3 4NN
6 Castlefield Mews, Stone Street, Manchester, M3 4NE
8 Castlefield Mews, Stone Street, Manchester, M3 4NE
Flat 40, 4 Barton Street, Manchester, M3 4NN
39 Liverpool Road, Manchester, M3 4NQ
Flat 4, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat 2, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
Flat 1, Westpoint, 3 - 9 Duke Street, Manchester, M3 4NF
41 Liverpool Road, Manchester, M3 4NQ

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 - Castlefield Conservation Area 1979
Area Team Boundary - Name: CENTRAL