

Objection Response Letter — The White Lion Hotel, no.43 Liverpool Road, Manchester, M3 4NQ



LPA ref. 133513/FO/2022 - *Change of use, reconfiguration, and amendments to external area at land adjacent to The White Lion Hotel.*

Following receipt of the comments from members of the Castlefield Forum against Craft Union Pub Co.'s proposals for an external seating area adjacent to The White Lion Hotel, Planning Potential have prepared the following comments to address key points which had been raised within third-party representations against the development proposals.

Expired Roman Gardens Masterplan, and its relationship with The White Lion Hotel

The Roman Gardens masterplan was granted planning approval in May 2017 (LPA ref. 113460/FO/2016). Due to the conditions attached to the planning consent for the public realm improvements not being formally discharged, it is considered that the development was not commenced within the necessary 3-year timeframe and has thus expired. There is no planning conflict between the approved masterplan scheme and Craft Union Pub Co.'s recent application due to the expiration of the former, meaning that the masterplan can no longer legitimately be considered as material during the determination of the latter.

As has been emphasised during liaison with the Castlefield Forum, the subject area for the proposed pergola had been signposted within the now-extant masterplan for use as an external seating area, ancillary to the enjoyment of the public house and wider setting of the Castlefield Urban Heritage Park.

The use of the subject area for external seating is long-established through previous arrangements installed by previous tenants of The White Lion Hotel, whereby desktop research shows the seating arrangement to have previously encompassed a greater area of the Roman Gardens than is currently proposed. This is depicted within the submitted photomontage showing the most recent permanent arrangement for the external seating area.

The new proposals have considered the evolution of the subject area over time and have also considered its relation to the long-term functionality of the public realm. Pedestrian and vehicular access are not impeded by the proposals, and the distancing from the remains of the Roman Fort ensures safe passage without encroachment or damage to the archaeological feature.

As per section 16 of the National Planning Policy Framework (2021), the ability of developments to conserve the form, and enhance the enjoyment, of heritage assets and their setting is a consideration for planning applications—something which would be achieved through the proposed development.

Paragraph 197 of the framework states that Local Planning Authorities (Manchester City Council) should consider the positive contribution that asset conservation can make to sustainable communities including to their economic vitality. The need for the public house to enable a hospitable environment appears to have been considered within objectionary responses.

The principle of an external seating area in this aspect of the Roman Gardens is retained through the development proposals of Craft Union Pub Co. and will further support the viability of The White Lion Hotel, which has unfortunately seen trade decline over the past decade, whilst binding amongst the surrounding environments.

Having access to an external seating arrangement, which can be appropriately managed and stewarded, enables The White Lion Hotel to increase its servicing capacity by almost two-fold, whilst also granting the opportunity to patrons to sit outdoors. It is considered that the principle of the application does not conflict with the intention for the area as set within the Roman Gardens masterplan, although it is accepted that this exists in a different layout to previously intended (as discussed below).

Planning Potential Ltd

London

Magdalen House
148 Tooley Street
London SE1 2TU
T: 020 7357 8000

Harrogate

Suite 19, 1 Cardale Park
Beckwith Head Road
Harrogate HG3 1RY
T: 01423 502115

Bristol

13-14 Orchard Street
Bristol BS1 5EH
T: 0117 214 1820

Report Author: Joe Warren-McGoy
joe.warrenmccoy@planningpotential.co.uk

Report Reviewer: Sam Deegan
sam.deegan@planningpotential.co.uk

Client Contact: Craft Union Pub Co.

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Design

The application was submitted in April 2022 after ongoing pre-application discussions with Manchester City Council, which commenced in October 2021. The Council issued 2no. rounds of written advice on preliminary proposals, commenting that the area and proposed pergola submitted as part of the pre-application scheme was too large and potentially too close to neighbouring amenity.

Our client took all comments onboard and in support of the planning application submitted a much smaller outdoor seating area measuring 11.8m in length and 11.4m width which allows an area of 134.52 sqm. The previous arrangement for the external area was managed by the previous tenant and had sat in-situ for many years, measuring 16.8m in length and 10.8m in width, resulting in a greater area of 181.44 sqm. The open sided structure, in conjunction a reduction in proposed area compared to previous arrangements, is something still enables sightlines of the Castlefield Forum's intended 'vista' onto the North Gate for visitors to, and by passers of, the Roman Gardens.

To ensure stability, the frame of the pergola will be secured into the pavement, which ensures avoidance of structural failure, particularly as a result of adverse weather. Our client is aware of the heritage of the site, and for the purpose of consistency across decision making, is happy to accept a condition akin to condition 11 attached to the planning consent for the Roman Gardens masterplan (LPA ref. 113460/FO/2016), ensures adequate mitigation strategies are set in case of archaeological deposits being encountered, and the appropriate undertaking of the installation. A watching brief from a qualified archaeological specialist during installation would be acceptable via condition, as would an archaeological monitoring report for the works, which will ensure the preservation of, albeit unanticipated, archaeological deposits.

Similarly, the entry and access points to the proposed outdoor seating area had been repositioned away from the nearest residential amenity receptors, and the screening afforded by the arrangement of attractive timber planters and traditional metal railings, which create an effective boundary treatment which is also contributory to the interest of the area and surrounding context.

The appropriate and sympathetic palette of the proposed timber structure will benefit from a retractable awning, offering a flexible, yet permanent, weather solution for the venue, which will offer usable floorspace on a year-round basis to the benefit of the public house and its visitors in a manner which contemporarily binds the pergola into its context.

The layout of the area is clearly defined through the boundary and has a clear association with the public house, which is a key requirement of the council's licencing team. During a consultation event hosted at the public house in March 2022, by a visiting local police officer, that the definition and constraining of the usable external area would be supportable, a point supported by Greater Manchester Police's Design for Security Team, who have raised no concern over the safety of the arrangement. Environmental Health are equally satisfied that the form of the proposed external area will enable safe management of the area, something which would be ensured through the provision and adherence from the applicant to an Area Management Plan.

Whilst acknowledging the Castlefield Forum's intention for a split seating area in the subject area of the Roman Gardens, the arrangement would not enable safe and enforceable management of the area, due to the dissecting of the area and simple access by non-customers, which opens up scope to instances of crime and anti-social behaviour. The design of the timber pergola has been intended to allow permeability and to enable southerly, cross-sectional, eye-level views for passers-by through the Roman Gardens towards the reconstructed North Gate of the Roman Castle.

2no. rounds of pre-application advice have informed the design of the scheme (see section 4 of the submitted Planning & Heritage Statement, prepared by Planning Potential. As a summary, the initial advice received on 24/01/2022 advised that Manchester City Council support the principle of an upgraded external seating area, assuming that the scale and material palette of the proposed external seating area and the proposed canopy is revised, and the impact on nearby residential amenity is addressed.

The revised scheme, which is the subject of the application, was commented upon in the second round of advice received (28/03). The planning officer was content with the progression of the scheme, particularly in regard to the amendment to a timber structure as opposed to steel, which had been first consulted upon, being cited as a key positive. The officer was also content with the design's progression towards appeasing amenity concerns, with the design incorporating manageable entry and access points between the external area, the public house, and the surrounding area.

The council's statutory consultees within the Environmental Health department, and the Design for Security Team (Greater Manchester Police), have both offered no objection to the scheme on design or amenity grounds. Both consultees are satisfied with the evidence provided within the submitted Noise Impact Assessment, prepared by ADT, and are content with our clients' commitment to comply with an agreed Area Management Plan document – adherence to which is agreeable via condition attached to planning consent.

As depicted in the above, our client has sought to work with the council, responding to feedback where appropriate, to deliver a design which is practical and also suitable with the council's aspiration of achieving an upgraded permanent external area. Whilst recognising the Forum's own vision for an external area, there are practical complications in delivering their vision from an operational standpoint, and there is also the further need for the design of the scheme to be balanced with the requirements of relevant council departments.

Consultation

As is standard practice, once the site notice for the application is posted to the site, there is an obligation for Local Planning Authorities to allow for a 21-day consultation period for the subject application, within which time third parties and statutory council consultees are invited to make representations for the application.

There is no onus on an applicant to conduct their own consultation, and the outcome of extra-curricular consultation exercises can only be afforded limited weight by planning officers when determining an application due to the informality of self-conducted consultation. Craft Union Pub Co. conducted 1no. public consultation exercise in March 2022 at the public house for attendance interested members of the community prior to the submission of the planning application, and another consultation event in August 2022 with the appointed planning consultant and local councillors and a representative of the Castlefield Forum. Neither of these events were obligatory and were carried out at cost to the applicant to allow for stakeholders to discuss the scheme with the applicant.

Whilst acknowledging comments made from attendees, our client is content with the scheme's suitability, following feedback received from the public and a local police officer during the March 2022 consultation event. The consultation event held in August, which was also not a mandatory exercise, gave scope for discussion between the project team and local representatives from the council and Castlefield Forum.

Craft Union Pub Co. have recognised the concerns of stakeholders, which for the most part have already been considered by statutory council consultees and have followed the recommendations of the council to devise the scheme. As previously mentioned, we have liaised with Manchester City Council during 2no. phases of pre-application advice, taking on board comments which have enabled Craft Union Pub Co. to deliver a scheme which is contextually appropriate, as per the recommendations of council officers.

Consultees from Manchester City Council's Design for Security Team (Greater Manchester Police), the Highways Department, and the Environmental Health Department, who are content with the client's commitment to following an already agreed management plan, which will ensure that local amenity is preserved, and that area management and operations are able to be conducted safely and practically.

Following the consultation events, whilst considering comments made, there is no onus on the applicant to vary the scheme in line with comments made. An application must weight considerations over several aspects, and the proposals put forth are appropriate to fulfil the requirements of the client, as well as fulfilling the policy and contextual requirements as set in relevant national and local planning and departmental guidance.

Consideration of relevant local documentation

Objecting comments have also appeared to show concern over the proposal's adherence to a range of local strategic documents.

Whilst consideration may be afforded to the content of the *City Centre Strategic Plan (2015-2018)*, produced by Manchester City Council in 2016, it is not an adopted component of Manchester's development plan and thus can only be offered a limited degree of consideration in this planning application. Anyhow, the objective for Castlefield relating to the Roman Gardens can be read as follows:

"Continuing to work with the Castlefield Forum to investigate the feasibility of improving the Roman Gardens and of bringing forward additional public realm in the area."

Whilst acknowledging the intention of the strategic plan to work towards the improved Roman Garden public realm, progression of any scheme has not occurred, even following the granting of planning permission to the Castlefield Forum in 2017. The development aspiration of the plan shows no certainty in its delivery, and it would be unjust to deny alternative developments, which have a similar aspiration, in case of a new scheme being 'brought forward – prospective development cannot be deemed a material consideration when determining other planning applications unless appropriately allocated within adopted development plan documentation.

The client is respecting of the Castlefield Forums masterplan for the improvement of the Roman Gardens and the commitment put forward towards securing consent for the site, have no concrete assurance over the development coming forward, especially considering that this masterplan will need to be re-assessed through a new planning submission. The principle of an improved public realm within the Roman Gardens is a shared intention by all parties, however development cannot be stifled on the basis of uncertainties, especially when the development proposals of our client are fully compliant with the aspirations of national and adopted local policy frameworks.

In light of this, and the apparent desire for the Castlefield Forum to deliver a revised public realm scheme in the future, our client would be willing to accept any planning consent granted for the proposals on a 5-year temporary basis, with an extended timescale for the structure needing to be secured by a new, separate planning consent. This route would grant scope to the Castlefield Forum to collaborate with our client on an appropriate longer-term solution for the external area, recognising the ambition of the community group to deliver a new public realm scheme in the future, and the need to ensure sustained viability of The White Lion Hotel.

Similarly, objectors have enquired about the consideration of the proposals against the context of the *Castlefield Conservation Area* and the *Ancient Monument Recognition documents*, also produced by Manchester City Council, which give a local consideration to statutory and non-designated heritage assets in Castlefield and the wider Local Planning Authority area. The contents of both documents were considered during the preparation of the planning submission package and have been used to within the Heritage Justification section of the submitted Planning & Heritage Statement, as has the *National Heritage List for England*, prepared by Historic England.

Appropriate consideration has been given to the heritage assets in the vicinity, which is translated into the submitted Planning & Heritage Statement, prepared by Planning Potential. The National Planning Policy Framework requires developments to assess impact on heritage assets and conservation areas in a proportionate manner, which has been achieved within the submitted documentation, which shows there to be less than substantial harm imposed upon neighbouring heritage assets and their setting.

It should be noted that The White Lion Hotel is not a listed heritage asset, and less than substantial harm is imposed upon the former Upper Campfield Market Hall (list entry no.1197915) the Museum of Science and Industry: Air and Space Museum (list entry no.1200807) and no.'s 29-41 Liverpool Road (odd) (list entry no. 1219402), the latter of which abuts the public house on its eastern elevation.

As set out in the submitted Planning & Heritage Statement, a more manageable, and comfortable, external seating area arrangement, outweigh any perceived harm to heritage assets, and represent an enhancement to the streetscape and this element of the CUHP, presenting greater scope for customers at the White Lion to enjoy the surrounding heritage context of Castlefield and in particular, the remains of the Roman fort.

Land Ownership Queries

It is understood that the subjected land is unregistered, and as such, the appropriate form of notice has been served via the Manchester Evening News (published 28/09). No known tenants or owners of the subject land have claimed interest in the land following the submission of the initial site notice or the Certificate D notice publication.

Whilst it is not refuted that the 2017 masterplan was deemed acceptable by Manchester City Council, the applicant did not serve notice by the appropriate means, as such it did not legally comply with appropriate planning procedure as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Summary

We trust that the above assists in addressing points raised within the third-party representations. We are clearly disappointed with the level of objection seen against the proposals; however, it is hoped that the contents of this note help to understand the purpose of the proposals sought by Craft Union Pub Co. which ultimately wish to improve the public realm in cohesion with upgrading the viability of the public house. In describing the relevant context surrounding the proposals, it is also hoped that understanding over how the scheme has progressed can be gauged, with the scheme being testament to our client's commitment to collaborative working with Manchester City Council and the immediate community.