

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134583/FO/2022

Date registered valid: 9 August 2022

Proposal: Creation of external seating area, installation of wall mounted lights, front entrance door and rear ventilation equipment

Address: 9 Stevenson Square, Manchester, M1 1DB

Ward(s): Piccadilly Ward

Applicant: CCPHAL Limited 132-134 Great Ancoats Street, Manchester , M46DE

Agent (if any): Mateo Espinosa WSP 8 First Street, Manchester, M15 4RP

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 25 October 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 11 August 2022 Expired: 1 September 2022

Neighbour notifications

Printed: 11 August 2022 Expired: 1 September 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order:

Description of Site/Area

The application site relates to the ground floor of Habib House which is a historic building that has been substantially altered over the years but is considered to be a non-designated heritage asset and still maintains a positive contribution to the conservation area within which it is located.

The application building is located within Stevenson Square Conservation Area and fronts Stevenson Square. Other buildings fronting Stevenson Square include the large Grade II listed Sevendale House (listed under Dale Street), the Grade II listed building that includes No.49 Newton Street, No.18 Hilton Street and No.10 Stevenson Square.

The surrounding area is characterised by commercial buildings with retail and food and drinks businesses at ground floor. Stevenson Square is a public square and has been pedestrianised, the square contains a number of outside seating areas associated with the ground floor commercial uses.

Description of Development

The submitted application seeks planning permission for the creation of external seating area, installation of wall mounted lights, front entrance door and rear ventilation equipment.

Relevant Planning History

-133269/FO/2022 Creation of external seating area, installation of wall mounted lights, wall mounted retractable parasols, front entrance door, replacement roller shutter and rear ventilation equipment. REFUSED 29.06.2022.

Reason for refusal:

The proposed fixed parasols due to their siting, appearance and design would be highly visible when in a closed and open position would form an alien feature on the building and lead to a front elevation with a cluttered appearance, thereby adversely affecting visual amenity within the area and the character and appearance of the building and the Stevenson Square Conservation Area. For these reasons, the proposal would be inconsistent with policies EN3, CC9, SP1 and DM1 of the Core Strategy and saved policy DC18.1 of the Unitary Development Plan and is not supported.

The current application is a resubmission of the refused application with the removal of the fixed parasols.

Consultations & Notification Responses

Local residents were notified, and a site notice was posted for 21 days. No responses were received.

Environmental Health – recommendation of conditions in relation to hours of operation, lighting and noise.

Highways – The footway clearance should be 2 metres. All furniture and planters need to be stored indoors overnight. All lighting should have a maximum luminance of 600 cd/m2.

Policies

The main issues for consideration relate to the impact of the proposals on visual amenity the impact on the Conservation Area and nearby listed buildings. The main policies that relate to the proposal are Section 12 (Achieving well designed places) and Section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework, Policies SP1 (Spatial Principles), EN3 (Heritage), CC9 (Design and Heritage), EN1 (Design Principles and Strategic Character Areas) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and saved policy, DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

Issues

Visual Amenity

The proposed tables and chairs as well as the proposed removable and not permanently fixed, are not considered to adversely affect visual amenity within the setting of the Stevenson Square Conservation Area. The proposed plant equipment is site to the rear of the property and would not be visible from the public realm and therefore it is considered the most appropriate location for the equipment, the proposal is therefore considered acceptable in visual amenity terms and in accordance with Core Strategy Policies CC9, EN3 and DM1.

Residential Amenity and Noise

It is recognised that the outside seating areas could give rise to an increase in noise and disturbance in the area, however, given that the square has a large number of commercial properties in operation, and is in the City Centre, it is not considered that the proposal would give rise to any significant impacts on residential amenity in accordance with Saved UDP Policy DC26.

The opening hours will be limited to 9am to 11pm and a condition will be attached to ensure no amplified music is played within the outdoor area which further mitigates the developments impact on contribution to ambient noise levels in the area.

A plant noise assessment has been submitted and Environmental Health officers have reviewed this and concur with the findings. A condition will be attached to ensure the plant meets the parameters as set out in the acoustic report.

Highways Issues

As the outside seating area is located on a length of footway, subject to a high volume of pedestrian movement highways have requested a minimum of 2m footway pavement clearance.

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 about the information required to be submitted to support the application and discussions regarding amendments to the proposals. This has led to the development of an acceptable final design.

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:

-Drawings referenced: Location Plan ref: 70084518/1, Proposed Elevation - Stevenson Sq. ref: YS-198_PL_0076.2, Proposed Rear Elevation Ref: YS-198_PL_007.2 received by the City Council as Local Planning Authority on 02 August 2022.

-Proposed Floor Plan Phase 1 ref: YS-198_PL_004 received by the City Council as Local Planning Authority on 20 October 2022.

-Plant Noise Impact Assessment ref. P4378/L01/NRS received by the City Council as Local Planning Authority on 26 September 2022.

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) The outside seating area hereby approved shall not be open outside the following hours -

9am to 11pm daily

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) No amplified music or sound shall be played in the external seating area at any time.

Reason - To ensure an acceptable development, and in the interests of residential amenity and security, pursuant to the submitted Management Strategy for the external seating area and policy DM1 of the Core Strategy.

5) Prior to the installation of any external flue or extract for any cooking or food preparation purposes, a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to the first use of the equipment and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy.

6) (a) The application shall be carried out in accordance with the Plant Noise Impact Assessment ref. P4378/L01/NRS received by the City Council as Local Planning Authority on 26 September 2022.

(b) Upon completion of the development and within 6 months of the equipment becoming operational, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that above criteria is met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the noise criteria. This report shall be submitted to and approved in writing by the City Council as local planning

authority within 6 months of the equipment becoming operational along with a timescale that confirms when any necessary changes will be implemented.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) The proposed lighting hereby approved shall have a luminance limit of 600cd/m². All luminance shall be static only.

Reason - In the interests of pedestrian/highway safety and visual amenity, pursuant to policy DM1 of the Manchester Core Strategy.

8) All furniture associated with the outside seating area shall be stored inside the premises outside of the hours of 9:00-23:00 hours daily.

Reason - To ensure an acceptable development, and in the interests of residential amenity and security, pursuant to the submitted Management Strategy for the external seating area and policy DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Basement, 26A Lever Street, Manchester, M1 1DW
5A Stevenson Square, Manchester, M1 1DN
5 Stevenson Square, Manchester, M1 1DN
Basement And Ground Floor, 23 Hilton Street, Manchester, M1 1EL
11A Stevenson Square, Manchester, M1 1DB
Basement, 11A Stevenson Square, Manchester, M1 1DB
Second Floor, 11 Stevenson Square, Manchester, M1 1DB
Third Floor, 9 Stevenson Square, Manchester, M1 1DB
First Floor, 9 Stevenson Square, Manchester, M1 1DB
11 Stevenson Square, Manchester, M1 1DB
Third Floor, 11 Stevenson Square, Manchester, M1 1DB
Ground Floor And First Floor, 11 Stevenson Square, Manchester, M1 1DB
22 Little Lever Street, Manchester, M1 1HR

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
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CENTRAL