

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133269/FO/2022

Date registered valid: 22 April 2022

Proposal: Creation of external seating area, installation of wall mounted lights, wall mounted retractable parasols, front entrance door, replacement roller shutter and rear ventilation equipment.

Address: 9 Stevenson Square, Manchester, M1 1DB

Ward(s): Piccadilly Ward

Applicant: CCPHAL Ltd 132 - 134 Great Ancoats Street, Manchester, M4 6DE

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: Refuse

Date of recommendation: 28 June 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 5 May 2022 Expired: 26 May 2022

Neighbour notifications

Printed: 5 May 2022 Expired: 26 May 2022

Site notice

Posted: Expired:

Press advert

Published: 10 May 2022 Expired: 31 May 2022

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, wall mounted retractable parasols, front entrance door, replacement roller shutter, signage and rear ventilation equipment.

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 – Only the phase 1 layout could be supported by highways due to planned highways works. All furniture needs to be stored indoors overnight. The proposed parasols would require a highway license

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

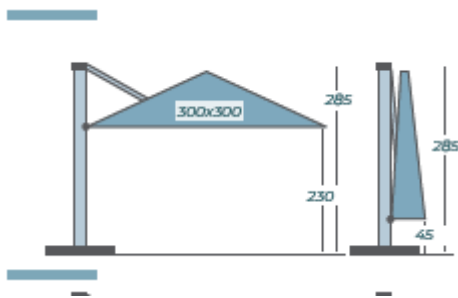
Visual Amenity and Impact on Heritage assets

Although the existing ground floor of the building has been heavily modified, it is considered that the building, including the ground floor window design makes a positive contribution to the street scene and surrounding conservation areas. The proposals for fixed parasols are considered to constitute an alien feature on the building and this would remain the case when the parasols are in a closed position, unlike an awning that could be retracted into a discreet housing box.



Ref: YS-198_PL_0076.2
Proposed Elevation - Stevenson Sq.
Scale 1:50

Proposed Elevation



Proposed fixed awnings in an open and closed position

The visual impact of the proposal would arise from these structures having some bulk and being planted on the elevation the structural poles as well as fabric would remain visible and would be all the more distracting when caught by the wind. The parasols as a fixed addition to the building would obscure the existing windows and would constitute an uncharacteristic, unsympathetic and alien addition to this principal elevation and would harm the heritage significance of the building as a non-designated heritage asset.

The proposed awnings be an obtrusive modern feature that would detract from this contribution and so would fail to preserve and enhance - the character or appearance of the conservation area and, more generally, would give rise to visual disamenity within the street scene. It is not considered that the public benefits of the fixed parasols would outweigh the harm to the conservation area and setting of nearby listed buildings as identified as is required per paragraph 202 of the NPPF.

The 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 frontage buildings also include various buildings that could be considered to be non-designated heritage assets. The proposal building is also seen in conjunction with the listed Police Museum building (listed under Newton Street) in views along Little Lever Street. The proposed fixed parasols would adversely impact on the heritage significance of the settings of these buildings both individually and collectively.

The concerns in relation to the parasols as a fixed and permanent feature have been expressed to the agent and an opportunity to submit revisions to remove these has been given. An alternative would be to consider parasols that could be in place with the other moveable furniture associated with any external eating/drinking use while the business is open to the public and the hours such external use is permitted. The agent has argued that freestanding movable parasols would impact visual amenity more adversely than the fixed parasols however the LPA disagrees with this view.

The installation of permanent/ fixed, should be avoided as these would remain in place while the premises are closed and would have an ongoing impact on the ability to enjoy views of the building, would introduce an additional level of uncoordinated visual and physical clutter into this important public open space and would harm the heritage significance of the historic environment and visual amenity more generally.

The proposal also seeks consent for the installation of a replacement roller shutter. Whilst it is recognised that there is an existing roller shutter, it would appear that this does not benefit from planning permission. Whilst the roller shutter would only be installed to the entrance door, it is considered that this would not be acceptable within a conservation area as it would have a negative impact on the street scene particularly if these are not retracted during the daytime. Other options such as an internal roller shutter have not been considered by the applicant.

Other issues

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

Should the fixed parasols be removed from the application, other items applied could have been supported subject to appropriate conditions attached to any planning permission in relation to noise, lighting and outside seating area hours

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: Refuse

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Discussions have taken place with the agent during the course of the application regarding the proposal in this instance a resolution with the applicant has not been able to be reached in accordance with City Council planning policy.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Second Floor, 26 Lever Street, Manchester, M1 1DW
Third Floor, 26 Lever Street, Manchester, M1 1DW
First Floor, 14 - 16 Faraday Street, Manchester, M1 1BE
Ground Floor, 8 Stevenson Square, Manchester, M1 1FB
Ground Floor Offices 1 And 2, 8 Stevenson Square, Manchester, M1 1FB
First Floor, 8 Stevenson Square, Manchester, M1 1FB
Basement, 26A Lever Street, Manchester, M1 1DW
Studio 6, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 5, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 4, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 3, 14 - 16 Faraday Street, Manchester, M1 1BE
Basement, 14 - 16 Faraday Street, Manchester, M1 1BE
Second Floor, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 2, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 1, 14 - 16 Faraday Street, Manchester, M1 1BE
Third Floor, 14 - 16 Faraday Street, Manchester, M1 1BE
14 - 16 Faraday Street, Manchester, M1 1BE
32 Lever Street, Manchester, M1 1DE
5A Stevenson Square, Manchester, M1 1DN
5 Stevenson Square, Manchester, M1 1DN
First Floor, 26 Lever Street, Manchester, M1 1DW
45 Lever Street, Manchester, M1 1FN
My Dentist, 43 Lever Street, Manchester, M1 1FN
Ground Floor, 26 Lever Street, Manchester, M1 1DW
11A Stevenson Square, Manchester, M1 1DB
Basement, 11A Stevenson Square, Manchester, M1 1DB
Second Floor, 11 Stevenson Square, Manchester, M1 1DB
11 Stevenson Square, Manchester, M1 1DB
Third Floor, 11 Stevenson Square, Manchester, M1 1DB
Third Floor, 8 Stevenson Square, Manchester, M1 1FB
Ground Floor And First Floor, 11 Stevenson Square, Manchester, M1 1DB
8 Stevenson Square, Manchester, M1 1FB
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: CENTRL