

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133894/FO/2022

Date registered valid: 26 May 2022

Proposal: Creation of an outside seating area in association with existing bar use (Sui Generis) including erection of decking and perimeter balustrade and associated works for a temporary period of two years

Address: 9 Century Street, Manchester, M3 4QL

Ward(s): Deansgate Ward

Applicant: Mr Andrew Fenlon ADG Leisure Ltd t/a Lock 91 9 Century Street, Manchester, M3 4QL

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 14 July 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 8 June 2022 Expired: 29 June 2022

Neighbour notifications

Printed: 8 June 2022 Expired: 29 June 2022

Site notice

Posted: Expired:

Press advert

Published: 14 June 2022 Expired: 5 July 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application site relates to a cobbled surface and two footings. Directly to the west lies a modern staircase access for the Deansgate-Castlefield Metrolink station. To the east lies the Grade II listed Lock Keepers cottage at Lock 91 which is in use as a Drinking Establishment (Sui Generis) approved by application ref. 088932/FO/2009/C1.

The application site is adjacent to part of the Grade II listed Castlefield Railway Viaduct. The remaining historic fabric (the iron bridges and the brick arch exterior) provides direct evidence of the original Victorian design.

The remaining historic fabric provides evidence of bridge and viaduct construction techniques at that time. The Castlefield Railway Viaduct also provides evidence of the development of the railway network within Manchester during the late nineteenth century, associated with three important railway companies (the Midland Railway, which built the viaduct, the Great Northern Railway and the Manchester, Sheffield and Lincolnshire Railway). The railway arches on this immediate stretch have all been converted into A3 and A4 uses.

Description of Development

Creation of an outside seating area in association with existing bar use (Sui Generis) including erection of decking and perimeter balustrade and associated works.

Consultations & Notification Responses

Local residents were notified for 21 days and publicity was made regarding the proposals in the form of a site notice and an advert in the local press. No representations were received.

Environmental Health – no objections.

Highways – no objections

Policies

The application should be considered against the following policies: Core Strategy policies EN3 (Heritage) DM1 (Development Management), SP1 (Spatial Principles); and saved policies DC19 (Listed Buildings) and DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester (UDP).

Legislation

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State 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 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Issues

The main issues to consider in assessing this application relate to amenity in terms of visual amenity and impact on the historic environment, noise, disturbance and litter, crime and disorder, and accessibility.

Visual Amenity and Impact on Historic Environment

The proposal would result in a timber balustrade and decking area being erected at the site. There is some concerns about the quality of the structure and therefore it is agreed that this should only be considered on a temporary basis. The applicant has agreed this and has highlighted that they only have a lease on the land or 2 years.

If the applicant wishes to retained the structure at the site, then they are aware that a higher quality balustrade would be required.

The application site relates to a cobbled surface, this is not listed however it is considered to contribute positively to the understanding of the wider historic environment. The application site

is adjacent to part of the Grade II listed Castlefield Railway Viaduct and Grade II listed lock keepers cottage.

The proposal is considered to have some impact on the setting of these listed structures by obscuring the historic cobbled surface and forming part of the setting of the viaduct. However the installation would be fully reversible but would cause less than substantial harm.

Paragraph 202 of the NPPF states that any less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. In this case, any perceived 'less than substantial' harm to the significance of the adjacent listed buildings would be outweighed by the public benefits which include economic benefits to ensure the optimum viable use of the bar which in turn secures the long term preservation of the Lock Keeps cottage listed building and overall will result in considerable public benefits. These proposals would therefore accord with MCC's relevant Policies EN3 and DC19.1.

The proposal would also only be there on a temporary basis and would be removed after two years. This would ensure no long term harm to the setting of the listed building.

Noise and Disturbance

There are not any residential uses within the immediate vicinity and the site is close to a row of A4 uses along Deansgate locks that have associated outside seating areas.

It is acknowledged that having an external seating area outside a food and drink unit has the potential to give rise to greater noise and disturbance within the immediate area. However, given that the site is within a busy commercial area close to similar uses, and given the proposed opening hours of the seating area, it is considered that the external seating area is acceptable.

No amplified sound would be played within the external seating area and this should be conditioned.

Inclusive Access

The area of land where the outside seating area would be sited is not level however the applicant has proposed a ramp to ensure a wheelchair access to the outside seating area. A condition will be attached to ensure this arrangement is maintained.

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

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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

1) The permission hereby granted is for a limited period only, expiring on 21 July 2024.

Reason - In order to assess the suitability of the external seating area given the ongoing changes and regeneration occurring within the area and in the interests of visual amenity, pursuant to policy DM1 and EN3 of the Core Strategy.

2) The use hereby permitted shall be discontinued no later than the 21 July 2024 and the structure and works comprising the development are required to be removed no later than one month from the use ceasing.

Reason - The use and structures are required to cease and be removed from site within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Prior to the expiration of the temporary period, a scheme to restore the land shall be submitted for approved in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity and to restore the recreational value of the site pursuant to policies SP1, EN1, EN3 and DM1 of the Manchester Core Strategy (2012).

4) The development hereby approved shall be implemented in accordance with the following specified plans and documents:

Received by the City Council as Local Planning Authority on 26 May 2022:

Location Plan

Proposed Plan ref. 0128 B1 02 2001 B

Proposed Elevations 1 & 2 ref. 0128 B1 04 2001 B

Proposed Elevations 3 & 4 ref. 0128 B1 04 2002 B

Management Strategy

The above documents are stamped as received by the City Council, as Local Planning Authority, on the 26 May 2022

Reason - to ensure the development is carried out in accordance with the specified plans, in accordance with Core Strategy Policy DM1 (Development Management) SP1, (Spatial Principles).

5) The external seating area hereby approved shall not be used outside of the following hours:

11am to 11pm 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.

6) No chairs or tables shall remain in the external seating area outside of the hours of 11:00-23:00 hours daily. They shall be stored inside the premises in accordance with the submitted Operating Schedule stamped as received by the City Council, as Local Planning Authority, on the 26 May 2022

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.

7) 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.

8) Notwithstanding the approved plans and documents as detailed in condition 2, the planning permission hereby granted is for a development that has full access into the seating area, including those whose mobility is impaired.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policy DM1 of the Manchester Core Strategy.

9) Prior to the first use of the outside seating area hereby approved, the proposed timber decking and associated balustrade shall be painted grey and thereafter retained and maintained until the temporary period ceases.

Reason - To minimise the impact upon visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Informatives

1) It should be ensured that all aspects of the ramp including the gradient, resting/ landing platform and handrailing is DDA compliant, as referenced within Design for Access 2 documents.

2) The applicant should be advised that any requirements for licensing, hoarding /scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Contact Manchester 0161 234 5004.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Urban Design & Conservation
Metrolink

5 Century Street, Manchester, M3 4QL
325 - 327 Deansgate, Manchester, M3 4LQ
343 Deansgate, Manchester, M3 4LG

Appendix 2 – Planning constraints

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(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRL