

| Application Number | Date of Appln | Committee Date | Ward |
|---------------------------|----------------------|-----------------------|-----------------|
| 130922/FO/2021 | 29th Sep 2021 | 31 May 2022 | Piccadilly Ward |

Proposal Erection of a rooftop extension for use as a Bar (Sui Generis)

Location 46 Canal Street, Manchester, M1 3WD

Applicant Mr Craig Elder, On Bar, 46 Canal Street, Manchester, M1 3WD

Agent Dr Kanadi Jagafa, Mason and Marlowe Ltd, 3 Gladwin Place, 3 Colman Gardens, Salford, M5 3NT

EXECUTIVE SUMMARY

Key Issues

Principle of the proposal The unit is located in the city centre within the area of The Village which is known for its commercial and leisure uses. The proposed development is acceptable in this location subject to there being no unacceptable impacts on residential amenity.

Economic Jobs would be created during construction as well as the operation of the proposed development. The proposal would support the viability of the existing use and its long-term occupancy.

Social Access within the building would be improved considerably including a stairlift to the upper floors and roof.

Environmental There would be elevational improvements to a key building along Canal Street and within the Whitworth Street Conservation Area.

Impact on the historic environment Any harm to heritage assets would be less than substantial and would be outweighed by the public benefits of the scheme, in accordance with the provisions of Section 66 and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on local residents The effects on the residents within surrounding residential developments have been considered within the context of the local area. It is considered that subject to the noise mitigation measures proposed, the proposal would not give rise to any unduly harmful impacts that would warrant refusal of this planning application.

A full report is attached below for Members consideration.

Description

This three-storey masonry and glazed building fronts Canal Street that has been in use as a Bar for a number of years known as 'On Bar' that occupies all floors of the building. Historically, the site was occupied by a single storey brick workshop.



(Source: Manchester Central Reference Library, Image reference m54763, date 1960)

The building has been significantly modified, having been extended upwards, with elevational alterations which have modernised its appearance.



Current appearance of the application property

The site is in "The Village" which contains offices, restaurants and bars, hotels and shops. There are homes opposite on Canal Street completed in 2019. Buildings heights on Canal Street range from 2 to 6 storeys, with those around Chorlton Street, Abingdon Street, Bloom Street and Richmond Street being between 2 and 5 storeys.

The site is in the Whitworth Street Conservation Area which contains Victorian and Edwardian building dating from 1850 and 1920. A number of listed buildings are close to the site including: 51 And 53, Richmond Street, 3 Brazil Street, 42 and 44 Sackville Street, New Union Public House. It is close to Piccadilly and Oxford Road Railway Stations, Metro link, Chorlton Street Bus Station, Metroshuttle services and a wide range of bus services. It is in Flood Risk Zone 1 with a low risk of flooding from rivers or sea and is within a critical drainage area

Description of Proposals

The proposal is for the erection of a rooftop extension. It would be part cladded to the rear with glass balustrades to the sides and the front. The extension would be set back from the front elevation by 1 metre and the side elevations by 0.75. The roof would be partially retractable and glazed.

The roof terrace would close at 10pm, would have a maximum capacity of 90 covers and would only operate with seated patrons with table service.

Waste and deliveries would remain as existing, with access to the external bin storage at the rear via the side elevation for collection daily.

The proposal includes a stair lift to provide access to the rooftop extension, and the upper floors of the building that were not previously accessible.

Consultations

Publicity – The occupiers of adjacent premises were notified; the development was advertised in the local press as a development which would affect the setting of listed buildings and the setting of a conservation area and site notices were placed adjacent to the site. 7 objections were received as follows:

Noise and Residential Amenity issues

-Residents in the area are already disrupted by noise and loud music, especially as the bar keeps multiple doors and windows open until the early hours. Allowing another floor will create more noise issues;

-The terrace style development will exacerbate noise issues;

-The building is directly opposite apartments, there is no need for another floor when they already have outdoor seating and this will just create more issues with neighbouring residents;

-This bar is incredibly noisy and is open very late. Music and patrons from the bar keep residents awake. By increasing the outside space, it will increase the amount of people on the street, drinking and exacerbate noise issues;

-The noise from the bar already affects resident's quality of life and sleep despite acoustic insulation in the residential buildings;

-There are issues with noise most days of the week. It is appreciated that noise is expected in this area however the levels of noise affect sleep quality;

-The bar keeps their windows open into late hours which makes the noise travel. This proposal would continue to create further noise issues and distress to residents which is already intolerable;

-High levels of activity and noise between, 10:00 - 23:00 7 days a week, caused by the large terrace associated with this premises would have a detrimental impact on living conditions;

-The addition of a 4th story will eliminate the majority of the view of the city centre.

-On Bar currently keep residents awake with music playing from their premises. The bar have an obligation to keep the doors closed and no music playing out into the street past 11pm. They already are create a noise nuisance and it is not believed they will be any better with a new terrace regardless of their claims.

Privacy and Overlooking

-The rooftop terrace will look into apartments from above.

Design Issues

-The details in the planning application are not consistent, the vertical extension in the heritage statement states "The roof terrace has about 1m of red brickwork (to match existing walls) with a metre high reinforced glass balustrade on three sides of the roof terrace". Yet the rooftop terrace plan and section drawings show elevations much larger than that;

-The adjacent building, GAY, has a small roof top 2nd storey smoking balcony. The scale of the 4th storey rooftop terrace with a permanent bar area is out of keeping with the rest of the Whitworth conservation area;

Following submission of revised plans, and a revised acoustic report, an additional 21-day neighbour notification was carried out. 2 objections were received reiterating issues about noise and residential amenity, privacy and outlook/views. Further objections were raised about lighting which would be intrusive.

Highway Services no objection and recommended a condition to require the submission of a Construction Management Plan prior to the commencement.

Environmental Health no objections and recommended conditions to limit the opening hours of the terraced; to agree a scheme for the acoustic insulation of the commercial uses and a submission of a verification report to confirm development conforms to the requirements and recommendations of the acoustic report; implementation of the agreed lighting scheme and requirement for a verification report.

Greater Manchester Police no objections provided the development is carried out in accordance with the Crime Impact Statement.

Canal & River Trust a Construction Environment Management Plan (CEMP) should be a condition.

Greater Manchester Ecology Unit no comments.

GM Fire Rescue Service no comments.

Village Business Association no comments.

Manchester Water Safety Partnership Given the proximity and nature of the business, the applicant is encouraged to complete a Water Safety Impact Assessment and act on the assessments recommendations.

Issues

The Development Plan

The Development Plan consists of: The Manchester Core Strategy (2012); and Saved policies of the Unitary Development Plan for the City of Manchester (1995). The Core Strategy is the key document and sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved. Planning applications in Manchester must be decided in accordance with the Core Strategy and saved UDP policies as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise.

Manchester Core Strategy Development Plan Document (July 2012)

The relevant policies within the Core Strategy are as follows:

SO1. (Spatial Principles) – The development is in The Village where there are a concentration of bars/clubs around Canal Street.

SO2. (Economy) – The scheme would provide construction jobs along with permanent employment through the enlargement of the premises. The increased commercial floorspace would support the City's employment function as part of a mixed-use environment.

S05. (Transport) – The development would be highly accessible, reducing the need to travel by private car allowing patrons to access the premises by using public transport.

S06. (Environment) – The development would use the building effectively. It would improve recreational opportunities; and ensure that the City is attractive to residents, workers, investors and visitors.

Policy SP1 (Spatial Principles) – The development would be sustainable and would deliver economic and commercial development close to sustainable transport.

Policy CC1 (Primary Economic Development Focus (City Centre and Fringe) - The development would complement existing uses in the area and enhance provision.

Policy CC4 (Visitors – Tourism, Culture and Leisure) – The additional floorspace would improve facilities for visitors and contribute to the quality and variety of the City's food and drink offer. The proposals would improve the appearance of, and access to facilities at the building.

Policy CC9 (Design and Heritage) – The design would be appropriate to its context. The scale, height, massing, alignment, material and use are acceptable and would not harm the setting of surrounding listed buildings nor the Whitworth Street Conservation area.

Policy CC10 (A Place for Everyone) – Level access is provided into the building and full access would be provided to all facilities on all levels via wheelchair stairlift. The alterations would provide direct and level access from street levels to all floors and the roof level, and improve access.

Policy C10 (Leisure and the evening economy) – The impact of the proposal would be acceptable subject to the imposition of conditions.

Policy T1 (Sustainable Transport) – The proposal would be in a highly accessible location where a range of public transport is on offer.

Policy T2 (Accessible Areas of Opportunity and Need) – The proposal would be accessible by a variety of sustainable transport modes.

Policy EN1 (Design Principles and Strategic Character Areas) - The proposal would enhance the character of the area.

Policy EN3 (Heritage) – The removal of the temporary façade treatments and unauthorised signage would reduce visual. The impact on the character and appearance of the building in the conservation area and adjacent listed buildings would be acceptable and is considered in detail in the report.

Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development) – submission of a Construction Environmental Management Plan (CEMP)- Circular Economy Statement to include details of the strategy for securing

more efficient use of non-renewable material resources and to reducing the lifecycle impact of materials used in construction.

Policy EN8 (Adaptation to Climate Change) - This is in a highly sustainable location. The site is in flood risk zone 1 with a low risk of flooding.

Policy EN16 (Air Quality) - The site is highly accessible by all forms of public transport.

Policy EN17 (Water Quality) – The proposal would not impact on water quality. A Construction Environment Management Plan would include a requirement to consider the adjacent Rochdale Canal.

Policy EN19 (Waste) - The development would be consistent with the principles of waste hierarchy and a Waste Management Strategy has been submitted.

Policy DM1 (Development Management) – The siting, scale and appearance of the extension is acceptable in the context of the building and conservation area. Glazing would ensure that the extension appears as a light weight addition.

The application is considered in detail in relation to the above issues within this report and is considered to be in accordance with this policy.

Saved Unitary Development Plan Policies

Policy DC10.1 (Food and Drink Use) – The proposal would provide more space. The effect on residential amenity would be minimised by conditions. Accessibility would be improved. The waste management strategy would be as existing.

Policy DC 10.4 (Food and Drink Use) – Conditions would protect the amenity of nearby residential properties including limitations on the hours of opening, the need to deal satisfactorily with noise and the storage and collection of refuse.

Policy DC14.1 (Shop Fronts and Related Signs) – Multiple banner type signs on the front of the building which cause clutter and detract from the Whitworth Street Conservation area would be removed.

Policy DC14.2 (Shop Fronts and Related Signs) – Full access would be provided through all entrances and step free access to all floors and the rooftop.

DC18.1 (Conservation Areas) –The impact on the conservation area is considered in detail in this report.

DC19.1 (Listed Buildings) –The impact on nearby listed buildings is considered below in detail in this report.

DC26.1 and DC26.4 (Development and Noise) – Acoustic assessments have been submitted and conditions would reduce the impact of noise on nearby homes.

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists.

It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability. Sections of relevance are:

Chapter 2 'Design' – outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment; Paragraph 2.7 states that encouragement for "the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing and orientation of its buildings should achieve a unified form which blends in with, and links to, adjacent areas.

Paragraph 2.8 suggests that in areas of significant change or regeneration, the future role of the area will determine the character and design of both new development and open spaces. It will be important to ensure that the development of new buildings and surrounding landscape relates well to, and helps to enhance, areas that are likely to be retained and contribute to the creation of a positive identity

Paragraph 2.14 advises that new development should have an appropriate height having regard to the location, character of the area and specific site circumstances. Although a street can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations.

Paragraph 2.17 states that vistas enable people to locate key buildings and to move confidently between different parts of the neighbourhood or from one area to another. The primary face of buildings should lead the eye along important vistas. Views to important buildings, spaces and landmarks, should be promoted in new developments and enhanced by alterations to existing buildings where the opportunity arises.

Chapter 8 'Community Safety and Crime Prevention' – The aim of this chapter is to ensure that developments design out crime and adopt the standards of Secured by Design;

Chapter 11 'The City's Character Areas' – the aim of this chapter is to ensure that new developments fit comfortably into, and enhance the character of an area of the City, particularly adding to and enhancing the sense of place.

City Centre Strategic Plan 2015-2018 (March 2016)

On the 2 March 2016 the City Council's Executive approved the City Centre Strategic Plan which seeks to provide an up-to-date vision for the City Centre within the current

economic and strategic context along with outlining the key priorities for the next few years for each City Centre neighbourhood. This document seeks to align itself with the Manchester Strategy (January 2016) along with the Greater Manchester Strategy. Overall the City Centre plan seeks to “shape the activity that will ensure that the City Centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the north of England.

Relevant National Policy

National Planning Policy Framework (2021)

The National Planning Policy Framework sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and an environmental objective (paragraphs 7 & 8). Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan. Paragraphs 11 and 12 state that:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.” The proposed development is considered to be consistent with sections 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the NPPF for the reasons outlined below:

Section 6 – (Building a strong and competitive economy) – The proposal would support economic growth and create jobs and prosperity through construction and through the operation of the use.

Section 7 (Ensuring the Vitality of Town Centres) - The overall proposal would maximise the use of the building and increase the City Centre Food and Drink offer.

Section 9 (Promoting Sustainable Transport) – This site is in a sustainable location close to railway stations, Metrolink and Metroshuttle Services and bus routes. This would be sustainable development and contribute to wider sustainability and health objectives and would give people a choice about how they travel.

Section 11 (Making Effective Use of Land) - The proposal would maximise the use of the building and use it effectively.

Section 16 (Conserving and Enhancing the Historic Environment) - The site is within the Whitworth Street Conservation Area and would affect the setting of Listed Buildings. The impact on the setting of the Grade II 3 Brazil Street, 42 and 44 Sackville Street, New Union Public House and the Whitworth Street Conservation Area would be acceptable, and this is discussed in more detail below.

Whitworth Street Conservation Area Declaration

The Whitworth Street Conservation Area has been designated as a Conservation Area as it lies at the heart of Manchester's business and commercial district and to preserve and enhance the impressive grandeur of this part of the City historically associated with major banking, insurance and other financial institutions for the North of England. The area today is remarkable for buildings which whilst of a variety of architectural styles stand well together. The area was designated in November 1970 and extended in June 1986. The Whitworth Street/Princess Street Conservation Area was designated in 1974 (extended in 1985). Its physical form is established by the wealth of Victorian and Edwardian buildings erected between 1850 and 1920. They reflect the historical importance of the textile industry in the city and provide the most distinctive element in the Conservation Area streetscape.

The buildings vary in size and range from six to seven storeys and are characterised by having rich and deeply modelled front facades in brick and/or terracotta, whilst the rear was almost entirely glazed either in a vertical plane or a stepped configuration. Although the area is no longer connected with the industry, the architectural building style associated with textile industry remains largely intact in the area should be noted that the area does contain many substantial buildings, such as the Former Refuge Assurance Offices (Palace Hotel), UMIST, India House, Asia House and Lancaster House. The height of the warehouses give the area it's most obvious physical character of a 'canyon' like atmosphere. These buildings all have large floor plates and contain substantial amounts of floorspace and are indicative of substantial buildings have been a characteristic of this area for many years.

Other National Planning Legislation Legislative requirements

Section 66 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority 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.

S72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a conservation area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

S149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

S17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder

Principle of Development

The proposal seeks a part enclosed rooftop extension to a long-standing bar in the Village. The Village contains a variety of cafes, restaurants and drinking establishments along with residential accommodation.

The extension would modernise the premises and continue to support the vitality and vibrancy of area. The design of the rooftop extension would minimise its impact on the visual amenity of the conservation area and nearby listed buildings. Access would be improved considerably including a stairlift to the upper floors and roof. The impact on surrounding homes would be managed through planning conditions.

The proposal is considered to be consistent with the aspirations of policies SP1 and C10 of the Core Strategy as it would support the daytime and evening economy within The Village through the enhancement of an existing use. The proposal would also be consistent with Sections 6 and 7 of the NPPF and Core Strategy Policies SO1, SO2, CC1, CC4, CC7, CC8, CC10 and DM1.

Consideration should be given to any associated impacts on the listed building and conservation area together with residential and visual amenity. In particular, consideration would be given to the noise, hours of use, servicing and refuse and waste management arrangements

Visual amenity

The existing building is three storeys and the surrounding area has a mixture of heights with a varied roofscape. The extension would provide a fourth floor which has been set back from the front and side elevations by 1 and 0.75 metres respectively. The extension would have large glazed elements and a flat roof to provide a lightweight, contemporary appearance.

The extension would be of a similar height to adjacent buildings, including 44 Canal Street. The glazing and siting of the extension away from the main elevation, would ensure that it appears subservient to the existing building. Signage clutter and the current concrete cladding on the side elevation would be removed. Conditions would ensure that the development is delivered to the required standard.

Impact of the historic environment

The application site is in the Whitworth Street conservation area. There are listed buildings nearby including: Grade II listed 51 and 53, Richmond Street, 3 Brazil Street, 42 and 44 Sackville Street, New Union Public House.

The existing building has been significantly altered through elevational alterations and upwards extensions. The building does, however, contribute positively to the variety of scale and character of the conservation area.

Legislation and planning policy seek to preserve and enhance the character, appearance, and historic interest which heritage assets possess. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("P(LBCA)A

1990”) require that ‘special regard’ be paid in taking decisions affecting listed buildings and their settings and conservation areas.

There would be a minor effect on the conservation area. The dense urban grain of this section of Canal Street means that views of the conservation area are restricted from the vantage points immediately surrounding the site. The extension would be visible in the conservation area but its scale and appearance would be minimised through its lightweight materials. It would form part of the variety of building heights in the area and have no direct impact on the significance and character of the conservation area as a whole which would remain legible and understood.

The extension would not be highly visible in relation to nearby Listed Buildings due to the tight grain of the terraced row and neighbouring building heights. The extension would be understood as a subservient, contemporary addition to the building and would not have an adverse impact on the ability to understand and appreciate the heritage interest of these buildings.

A low level of *less than substantial harm* occurs in this instance, as defined by paragraph 202 of the NPPF as a result of the increase in height. There are other instances where the development would be seen in long ranging views of listed buildings and wider views of the conservation but their significance would remain legible and understood.

In all instances the heritage assets would remain legible and understood and outweighed by the public benefits that this development. It is considered that this proposal would provide the public benefits required by the paragraph 202 of the NPPF which outweighs any harm which arises. These public benefits will be considered in detail below.

Impact Assessment

The proposal would result in instances of low level harm through minor changes to views within the conservation area. These impacts are considered to result in a low level of less than substantial harm.

In these circumstances, it is necessary to assess whether the impact suitably conserves the significance of the heritage assets, with great weight being given to the asset’s conservation (and the important the asset, the greater the weight should be) (paragraph 199 NPPF). Any level of harm should be outweighed by the public benefits that would be delivered in accordance with the guidance provided in paragraph 202 of the NPPF. The proposal would create instances of less than substantial harm as defined within. In assessing the public benefits, consideration has been given to paragraph 8 of the NPPF which outlines the three dimensions to achieve sustainable development: economic, social and environmental.

The proposal would support the viability of the existing use and its long-term occupancy. There would also be elevational improvements to a key building along Canal Street. The development would improve accessibility to the premises as a whole, including step-free access provided to upper floors and rooftop level where it wasn’t previously provided.

Advertisement clutter would also be removed from the premises together with the creation of high-quality roof top extension.

The additional floorspace would complement and support City Centre businesses as well as creating jobs during construction and when the extension comes into operation.



It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the conservation area and listed buildings as required by virtue of S66 of the Listed Buildings Act, the harm caused would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraph 202 of the NPPF.

Impact on Residential Amenity

Overlooking

The City Centre generally contains high density development where buildings are taller and located closer to one another. Whilst it is recognised the elevations of the rooftop extension contain a greater amount of glazing than other nearby buildings, other building have windows at a similar height and separation distance along this side of Canal Street.

The nearest residential properties to the building are The Linter Building, which is on the opposite side of Canal Street, approximately 20m away. The addition of a single storey roof top extension would not given rise to any unduly harmful impacts in terms of loss of light or overshadowing that would warrant refusal of this planning application.

Noise

The proposed development is on Canal Street in The Village which is known for its vibrant night time economy. There are homes nearby and noise and disturbance require careful consideration. The premises has operated as a drinking establishment for many years. There are apartments facing the site, approximately 20 metres away, that were completed in 2019. The premises currently has a license to operate until 2am Monday to Thursday, 3am on Friday, 4am on Saturday and 2am on Sunday.

An acoustic report has highlighted that noise and disturbance would be created from both the construction and occupation of the roof top extension. Mitigation measures are proposed to minimise the impact of the operations of the extension including acoustic glazing, no amplified music and reduced opening hours i.e. The rooftop extension is to be used daily between 10am and 11pm and the roof should be closed at 10pm. In addition, all windows should remain shut. This would allow greater controls on the operation of the development and therefore the impact on noise should be limited.

Environmental Health have considered the report and concur with its findings. Conditions should secure this mitigation which must be in place prior to the first use of the premises together with post completion testing to ensure that no further mitigation is required.

The comments and concerns raised by local residents are noted but subject to the mitigation outlined above, the proposal would not give rise to any unduly harmful impacts that would warrant refusal of this planning application.

The proposed would accord with Core Strategy policies DM1 and C10 and Saved Unitary Development Plan policies DC10 and DC26.

Vehicle Movements

Highway Services have no objection. The site is close to all forms of sustainable transport. Conditions are proposed to require the submission and agreement of a construction management plan including details of types and frequency of vehicular demand, satisfactory routeing of vehicles and contractor parking during the construction phase. In view of the above the proposal is considered to be in accordance with Sections 9 and 15 of the National Planning Policy Framework, policies SO1, SO5, SP1, DM1, CC5, CC10, T1, T2 and EN16 of the Core Strategy for the City of Manchester

Waste

A waste management strategy confirms that the storage and collection strategy would manage the operational waste of the scheme. Waste is stored at the rear of the property and moved to Canal Street to be collected daily by a private contractor. The waste storage and collection strategy is acceptable to both Environmental Health and Highways in order to satisfy policies DM1 and EN19 of the Core Strategy.

Crime and Disorder

The proposed use would bring additional vitality to the area. The development would be largely glazed and overlook Canal Street and would enliven the street scene and help to provide natural surveillance. A Crime Impact Statement has been submitted in support of the application and sets out recommendations to improve the Security of the development which includes Security Lighting, CCTV and external alarmed doors. In view of the above the proposal is consistent with section 8 of the National Planning Policy Framework, and policies SP1 and DM1 of the Core Strategy.

Lighting

The proposed rooftop extension incorporates a lighting scheme that consists of:

- Two strings of festoon strings, each with fifteen lamps to be installed, spanning the rear of the seating area and are to be fixed at either end side of the seating area;
- Six recessed downward firing spotlights above the bar area;
- Wall lights are to be installed at equal distances either side of the bar area and towards the front section of the covered seating area
- Four upward firing ground mounted recessed spotlight

A lighting impact assessment concludes that the lighting would not affect light pollution, glare and overspill to nearby windows. Environmental Health concur that it would not have any significant or detrimental impacts on the amenity of nearby residents in accordance with Core Strategy Policy DM1.

Full access and Inclusive Design

Step-free access would continue to be provided for the ground floor of the existing building. The proposal would provide level access from the street via Canal Street to the upper floors and improve current provision with full access via wheelchair stair lift to all floors of the building and the roof.

The proposal would not adversely impact on any relevant protected characteristics in accordance with S149 (Public Sector Equality Duty) of the Equality Act 2010. The proposals would therefore be consistent with sections 8 and 12 of the National Planning Policy Framework and Policies SO1, SO5, SP1, CC4, CC5, CC10, T1, T2 and DM1 of the Core Strategy for the City of Manchester and saved UDP policy DC14.2.

Sustainability and Climate Change Mitigation

The scheme would have environmental sustainability benefits through the re-use and upgrading of space within an existing building. The submission of a Construction Environmental Management Plan (CEMP)- Circular Economy Statement (Materials) would be required by condition. This would include details of the strategy for securing more efficient use of non-renewable material resources and to reducing the lifecycle impact of materials used in construction and how this would be achieved through the selection of materials with low environmental impact throughout their lifecycle.

Conclusion

The proposed uses are acceptable in principle and would support the leisure offer in the City Centre. The impact on the conservation area and the settings of surrounding listed buildings, would be acceptable. It would provide elevational improvements to a key building along Canal Street within a conservation area

There would be a degree of less than substantial harm but the proposals represent sustainable development and would deliver significant social, economic and environmental benefits. It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the nearby listed buildings and the character of the conservation area as required by virtue of S66 and S72 of the Listed Buildings Act within the context of the above, the overall impact of the proposed development including the impact on heritage assets would meet the tests set out in paragraphs 199 and 202 of the NPPF and the less than substantial harm would be outweighed by the benefits of the development.

The impact on nearby residents has been carefully considered. The closest residential properties are 20 metres away on the opposite side of Canal Street, the existing building is in use as a bar and has windows facing these properties. Any potential adverse impacts from noise outbreak and hours of opening can be addressed via conditions. Given the above, it is considered that the proposal is in accordance with the City of Manchester's planning policies and regeneration priorities including the Adopted Core Strategy, the relevant Strategic Regeneration Frameworks and the Community Strategy, as well as the national planning policies contained within the National Planning Policy Framework and should be approved.

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 the right to a fair hearing and to this end the Committee 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 of the application 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 with the applicant in a positive and proactive manner to resolve any matters arising in relation to dealing with the planning application.

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 10 September 2021:

- Location Plan
- Existing Ground Floor Plan
- Existing First Floor Plan
- Existing Second Floor Plan
- Existing Elevations
- Existing Ground Floor and Bin Collection point plan
- Existing Roof Plan
- Existing Section
- Existing Contextual Drawing
- Crime Impact Statement dated 14 August 2021

Received by the City Council as Local Planning Authority on 29 September 2021:

- Lighting Impact Assessment Report Document reference: SHD341-SHD-HLG-BOOT-RP-EO-Lighting Assessment Report-R0
- Lighting Calculations

Received by the City Council as Local Planning Authority on 19 November 2021:

- Document referenced: Installation: Proposed Lighting SHD341-1 dated 09.11.2021

Received by the City Council as Local Planning Authority on 28 March 2022:

- Proposed Rear Elevation
- Proposed Front Elevation
- Proposed Side Elevations
- Proposed Rooftop Floor Plan
- Acoustic Survey Report No. 10945 Rev D dated 09 March 2022

Received by the City Council as Local Planning Authority on 16 May 2022:

-Design and Access and Heritage Statement

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP1, CC5, CC6, CC7, CC9, CC10, T1, T2, EN1, EN2, EN3, EN6, EN8, EN9, EN11, EN14, EN15, EN16, EN17, EN18, EN19 and DM1 saved Unitary Development Plan polices DC18.1 DC19.1 and DC26.1.

3) (a) Notwithstanding the details submitted with the application, prior to the commencement of development the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

Samples and specifications of all materials to be used on all external elevations of the development and production of a suitable sized sample panel in order to assess the specifications of all materials to be used as part of the development including jointing and fixing details, details of the drips to be used to prevent staining, details of the glazing and a strategy for quality control management.

(b) Submission of a Construction Environmental Management Plan (CEMP)- Circular Economy Statement (Materials) to include details of the strategy for securing more efficient use of non-renewable material resources and to reducing the lifecycle impact of materials used in construction and how this would be achieved through the selection of materials with low environmental impact throughout their lifecycle;

(c) The development shall be carried out in accordance with the approved materials.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) Prior to the commencement of the development hereby approved, a detailed construction management plan outlining working practices during development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include:

- o Display of an emergency contact number;
- o Details of Wheel Washing;
- o Dust suppression measures;
- o Compound locations where relevant;
- o Consultation with local residents/local businesses;
- o Location, removal and recycling of waste;
- o Routing strategy and swept path analysis;
- o Parking of construction vehicles and staff; and
- o Sheeting over of construction vehicles.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the

environment. Membership of the Considerate Constructors Scheme is highly recommended.

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

5) Prior to the commencement of the development hereby approved, a detailed construction environmental management plan outlining working practices adjacent to the Canal during construction shall be submitted to for approval in writing by the local planning authority, which for the avoidance of doubt should include:

- A plan showing the areas of storage of plant and machinery used in constructing the works;
- Include the steps to be taken and method to prevent debris, materials, dust or any accidental spillages entering the waterway, including any dust extraction/containment within the building;
- Details of siting of any cranes and the tracking/oversailing paths and routes of these.

The development shall only be carried out in accordance with the approved CEMP.

Reason - In the interest of protecting the canal from the construction of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

6) The rooftop extension hereby approved shall be carried out in accordance with the submitted schedule of days and hours of operation as detailed within the Acoustic Survey Report No.10945revD dated 09 March 2022 stamped as received by the City Council, as Local Planning Authority on 28 March 2022. The hours are as follows:

- Daily between 10am and 11pm.
- The retractable roof should be closed at 10pm

There shall no use of amplified sound or any music within the extension at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policies DM1 of the Core Strategy and UDP Policy DC 26

7) a) The rooftop extension shall be acoustically insulated and treated to limit the breakout of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted for approval in writing by the City Council, as Local Planning Authority. The scheme shall be implemented in full before the use commences.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at

structurally adjoined residential properties in the 63HZ and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties in accordance with Core Strategy Policy DM1 and Saved UDP policy DC26.

8) The development hereby approved shall include for full disabled access to be provided to via the main entrances and to the floors above as per the submitted Design and Access statement received by the City Council as Local Planning Authority on 16 May 2022.

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

9) a) The proposed lighting scheme shall be designed and installed in accordance with the submitted information

Received by the City Council as Local Planning Authority on 29 September 2021:

-Lighting Impact Assessment Report Document reference: SHD341-SHD-HLG-BOOT-RP-EO-Lighting Assessment Report-R0
-Lighting Calculations

Received by the City Council as Local Planning Authority on 19 November 2021:

-Document referenced: Installation: Proposed Lighting SHD341-1 dated 09.11.2021

b) Prior to first use of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been 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 criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties in accordance with Core Strategy Policy DM1.

9) (a) Prior to installation, a scheme for the acoustic insulation of any externally mounted ancillary equipment associated with the development to ensure that it achieves a background noise level of 5dB below the existing background (La90) at the nearest noise sensitive location shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The approved scheme shall be completed before the premises is occupied.

b) Prior to the operation of the plant, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been 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 agreed noise criteria.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

10) Prior to the first use of the hereby approved development the recommendations within the Crime Impact Statement dated 14 August 2021 in Sections 7 and 8, shall be implemented in full and retained thereafter. Upon completion of the development a verification report shall be submitted to confirm the measures have been implemented.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

11) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

12) Prior to the first use of the development the existing signage, temporary balcony treatment and cladding to side elevation shall be removed.

Reason - In the interests of visual and residential amenity and the character of the streetscene pursuant to policies SP1 and DM1 of the Core Strategy and DC15 of the Saved Unitary Development Plan.

13) All windows of the rooftop extension are to remain closed whilst the use is in operation.

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

Informatives

1) The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on 01782 779909 or email Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust 'Code of practice for Works affecting the Canal & River Trust' to ensure waterways are protected and safeguarded.

2) Given the proximity of the site to a water body, the applicant is advised to agree a detailed Water Safety Impact Statement and Risk Assessment with the Manchester Water Safety Partnership. Contact Alex King: alex.king@cityco.com.

3) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council:

- o Monday - Friday: 7.30am - 6pm
- o Saturday: 8.30am - 2pm
- o Sunday / Bank holidays: No work

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 130922/FO/2021 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services
Environmental Health
Urban Design & Conservation
Greater Manchester Police
Canal & River Trust
Greater Manchester Ecology Unit
Environmental Health
Highway Services
Urban Design & Conservation
GM Fire Rescue Service
Greater Manchester Ecology Unit
Greater Manchester Police
Canal & River Trust

**Village Business Association
Manchester Water Safety Partnership**

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

| | |
|-----------------------------------|-------------------------------------|
| Relevant Contact Officer : | Eve Woolstencroft |
| Telephone number : | 0161 234 4533 |
| Email : | eve.woolstencroft@manchester.gov.uk |