

Application Number	Date of Appln	Committee Date	Ward
133513/FO/2022	13th Apr 2022	17th Nov 2022	Deansgate Ward

Proposal Erection of a timber structure, with associated awning and planters, associated with an outside seating area

Location 43 Liverpool Road, Manchester, M3 4NQ

Applicant Craft Union Pub Co, Planning Potential Ltd, Suite 19, 1 Cardale Park, Beckwith Head Road, Harrogate, HG3 1RY,

Agent Mr. Joseph Warren-McCoy, Planning Potential Ltd, Suite 19, 1 Cardale Park, Beckwith Head Road, Harrogate, HG3 1RY

EXECUTIVE SUMMARY

The proposal would create a timber structure, with associated awning and planters, associated with an outside seating area at land adjacent to the White Lion Public House.

27 objections have been received together with objections from Councillor Jeavons, Councillor Johns and Castlefield Forum.

Key Issues

Principle of the proposal The proposal would not be in accordance with national and local planning policies and would not bring economic, social and environmental benefits. The structure would affect the setting of the pub, the conservation area and nearby listed buildings through the introduction of an overly large and obtrusive structure that would be unacceptable in terms of its siting, scale, design, appearance and materiality.

Economic The proposal would support the public house but this is not considered to be sufficient to outweigh the harm to the conservation area and nearby listed buildings. The benefit to the public house can be achieved in a less harmful to the surrounding heritage environment.

Social The proposal would have an unduly harmful impact on the significance of the conservation area and nearby listed buildings particularly from key views.

Environmental The siting, scale, appearance and materiality of the structure would fail to contribute positively to area and immediate street scene.

Impact on local residents The impact on local residents has been considered. Had the proposal been acceptable, a management plan, restrictions to the opening hours and preventing amplified sound and events in the outside seating area could have been dealt with through conditions.

Impact on the historic environment The harm to heritage assets would be less than substantial and would not be outweighed by public benefits. The proposal fails to be in accordance with the provisions of paragraphs 199, 200 and 202 of the NPPF and sections 66 and 72 of the of the Planning (Listed Building and Conservation Areas) Act 1990.

A full report is attached below for Members consideration.

Description

The site is an area of hard landscaping immediately to the west of the White Lion Hotel, a three storey end of a terrace pub on Liverpool Road. The site also sits in the Castlefield conservation area and consists largely of stone flags.

Planning permission was granted in 1998 for tables and chairs outside of the public house (053705/FU/CITY3/98) on the basis that they were removable.

Public realm improvements and associated works to the Roman Gardens were granted in 2016 (113460/FO/2016) including the provision of outside seating for the White Lion. These works were never implemented.

To the south is the site of the Roman Fort. The line of the main Roman Road extends north-eastwards from the reconstructed North Gate to Liverpool Road, passing beneath the application site. The line of this road is followed on the ground by a modern path.

A second, minor, Roman Road is also believed to branch off the main road in the centre of the gardens and continues north westwards to the Oxnoble Public House. A third Roman road was identified during excavations heading west north west from the main road close to the application site.

Liverpool Road is dominated by buildings associated with the Museum of Science and Industry including the Grade II listed Former Market Hall, the Grade II listed Former Lower Campfield Market. The White Lion Public House is also considered to be a non-designated heritage asset.

Residential buildings are to the south on Barton and Bridgewater Street.



Application site – View from Liverpool Road (left image) and view from with the Manchester Roman Fort (right image)

The proposal

The proposal would create an external seating area including a timber canopy with a retractable roof cover. The structure would be fixed to the ground floor slabs and would be 3 metres in height. The size of the outdoor area would measure 11.8 metres by 11.4 metres.

The area would be able to accommodate 11 tables for up to 58 people. Planters would be placed along the boundary with the nearest residential properties along with timber barriers and railings.

The Planning Submission

The planning application is accompanied by the following documents:

- Plans and elevations;
- Planning and Heritage Statement;
- Noise Impact Assessment
- Objection response letter.

Consultations

The proposal has been advertised as being of public interest and affecting the setting of a conservation area and listed buildings. Notification letters have been sent to an extensive area of local residents and businesses and 24 objections have been received as follows:

- It is not clear from the drawings how much of the Roman Gardens would be used. This is not acceptable given there are plans to redevelop the area by extending the Roman Road that used to run across the area;
- The work to implement the masterplan for the gardens has started with the north/south path being re laid together with ongoing work to the east/west pathway, Lighting of the Roman Gates etc. This is not a plan that has elapsed and community volunteers would be astounded to be told otherwise considering the hours put in to this project monthly over the last 8 years.
- The original beer garden in images used in this application were actually removed many months ago and only reinstated when this application was lodged;
- The proposal is not sympathetic to this masterplan and would negatively impact it's implementation in future years.
- The design is not in keeping with the area, given it is within/bordering a site of historic significance and obscures views;
- A reduced size and use of a material other than brick would be more in keeping with the area;
- More and proper engagement with the local community would also be beneficial. Granting this application, in its current form, would diminish the local area;

- The proposed design is oversized, bulky, and contains mock design elements not matching the history of the pub or area. This detracts from the multiple heritage assets in both the Roman Gardens, as well as the pub itself and Lower Campfield Market;
- The Roman gardens should be protected and new design should be considered. A less obstructive design would be much better to allow the Roman gardens to continue to be enjoyed for everyone;
- The proposal contains high walls, fences and planting and blocks views of the original Roman Road which runs through the Roman Gardens. The views of its from Liverpool Road should be opened up for all to discover and enjoy not hidden from view;
- Rough sleepers and substance abusers are already a frequent feature of the gardens. Obstructing sight lines to the main road and decreasing the visibility of the gardens will embolden their residence and antisocial behaviours. The nearby St Johns Gardens is an example of a public space that, due to the enclosed nature of the plot, attracts considerable antisocial behaviour and leads to residents feeling unsafe/avoiding using the area;

Castlefield Forum object to the planning application and advise that they have begun to deliver several elements of the masterplan including the resurfacing of the Roman Road as far as the previous beer garden.

Councillor Jeavons and Councillor Johns (Ward Member – Deansgate) the design is totally inappropriate for the site and the age of the public house. The proposal is dominant to the property and the Roman garden. There is no evidence of agreement of the landowner (City Council) that this proposal is acceptable. The high walls, fences and planters would block the view of the Roman Road and views across the heritage site to the fort. The fabrication and earthworks for fixing would damage archaeology. The design is oversized, bulky with mock design elements that do not complement the pub or the area. The need for businesses in the area to be successful is supported but this cannot be at the cost of the impact on the community and heritage of this important site. A better solution needs to be found and this application rejected.

Highway Services do not support any further increase to the depth of the tables and chairs area since this would adversely impact on the remaining adjacent public realm area. The area is designated highway and an oversailing licence would be required.

Environmental Health advise that a management plan would be required to confirm how noise from patrons would be controlled and management along with conformation of how tables and chairs/external seating would be unusable outside of the hours of use. There shall be no events, live or recorded music of any kind in the external area and the opening hours should be: Sunday to Thursday 09:00 to 22:00 and Friday and Saturday 09:00 to 22:30

Great Manchester Archaeology Advisory Service (GMAAS) there would be below ground impacts and details are not provided of any below ground intrusions. There could be Roman remains and material culture below ground level at fairly shallow depths that could be directly associated with the Roman Fort and/or its associated

exterior settlement. In the absence of details regarding below ground impact, a condition should be imposed to secure monitoring, recording and mitigation.

Design for Security at Greater Manchester Police have provided guidance on security measures to minimise the risk of crime to the development and management measures.

Policy

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 in Manchester's Local Development Framework. It sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. 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.

The relevant policies within the Core Strategy are as follows:

Strategic Spatial Objectives - The adopted Core Strategy contains Strategic Spatial Objectives that form the basis of its policies, as follows:

Manchester Core Strategy Development Plan Document (July 2012)

The relevant policies within the Core Strategy are as follows:

SO1. Spatial Principles –The proposal would fail to deliver a high quality scheme which would have an unduly harmful impact on the conservation area and nearby listed buildings.

SO2. Economy – Whilst it is recognised that the proposal would support the ongoing business needs of the public house, this would not be outweighed by the adverse impact on the visual amenity of the local area and historic environment.

SO6. Environment – The development would fail to contribute positively to the setting of the conservation area and nearby listed buildings. The structure is not considered to be of sufficient quality and would form an incongruous feature within this sensitive historical environment.

Policy SP1 'Spatial Principles – The proposal would fail to have positive impact on visual amenity and the character of the area.

Policy EC3 'The Regional Centre', Primary Economic Development Focus (City Centre and Fringe and Policy CC8 Change and Renewal– The provision of the

outside seating area and associated structure would undermine the historical environment in this part of the city centre

Policy CC9 Design and Heritage – The proposal would not provide a high quality addition to the local area. In particular, it would be unduly harmful to the setting of the Castlefield conservation area and nearby listed buildings.

Policy CC10 A Place for Everyone – Whilst the addition of the outdoor area would bring benefits to the viability of the public house, this would be insufficient to outweigh the harm to the historical environment.

Policy EN1 ‘Design principles and strategic character areas’ – The proposal is not considered to be of a high quality design, in terms of its siting, scale, appearance and materiality, and would have a negative impact on the local area and visual amenity.

Policy EN3 ‘Heritage’ - The impact on the historic environment would be unacceptable and this is considered in further detail in the report.

Policy DM1 ‘Development Management’ – The siting, scale, appearance and materiality would fail to be of sufficient quality and would harm the surrounding historic environment.

For the reasons given above, and within the main body of this report, it is considered that the proposal is not consistent with the policies contained within the Core Strategy.

The Unitary Development Plan for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning application. The relevant policies are as follows:

Saved policy DC18 ‘Conservation Areas’ – The impact on the Castlefield conservation area is considered to be unacceptable and is considered in detail in this report.

Saved policy DC19 ‘Listed Buildings’ - The proposal would have impact on the setting of nearby listed buildings. This is considered in detail in this report

Saved policy DC20 Archaeology – There is potential for below ground archaeology to be affected by this development associated with the Roman Fort and Roman Road. This is considered in detail in this report.

Saved policy DC26, Development and Noise - The development would generate noise and disturbance associated with its use. This is considered in detail within the report.

For the reasons given below, it is considered that the proposal is not consistent with the policies contained within the UDP.

National Planning Policy Framework (2021)

The revised NPPF re-issued in February 2021. The document states that the *'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'* (paragraph 7). In order to achieve sustainable development, the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

Section 8 *'Promoting Healthy and Safe Communities'* states that *planning policies and decisions should aim to achieve healthy, inclusive and safe places* (para 92).

Section 12 *'Achieving Well Designed Places'* states that *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interest throughout the process'* (paragraph 126).

Planning decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130).

Development that is not well designed should be refused, specifically where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to: development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative design which promote high levels of sustainability, or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings (paragraph 134).

The design would not be considered to be highly quality and would not complement the character and appearance of the local area.

Section 16 '*Conserving and enhancing the historic environment*' states that in determining applications, Local Planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (para 194).

In determining applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. (Paragraph 197)

In considering the impacts of proposals, paragraph 199 states that the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 203).

The proposal would result in a harm to the heritage assets. This is considered in detail in the report.

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 and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Planning Policy Guidance (PPG)

The relevant sections of the PPG are as follows:

Noise states that Local planning authorities' should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

Design states that where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other
- form – the shape of buildings
- scale – the size of buildings
- detailing – the important smaller elements of building and spaces
- materials – what a building is made from

Health and well being states opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces and opportunities for play, sport and recreation);

Heritage states that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the Proposed Development. They should be of a nature or scale to be of benefit

to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”

Public benefits may also include heritage benefits, such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
- Reducing or removing risks to a heritage asset;
- Securing the optimum viable use of a heritage asset in support of its long-term conservation.

Other legislative requirements

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 case law has considerable importance and weight should be given to any impact upon a designated heritage asset but in particular upon the desirability of preserving the setting with a strong presumption to preserve the asset.

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 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Castlefield Conservation Area declaration

Designated in October 1979, the conservation area's boundary follows the River Irwell, New Quay Street, Quay Street, Lower Byrom Street, Culvercliff Walk, Camp Street, Deansgate, Bridgewater Viaduct, Chester Road, Arundel Street, Ellesmere Street, Egerton Street, Dawson Street and Regent Road. The area was extended in June 1985 by the addition of land bounded by Ellesmere Street, Hulme Hall Road and the River Irwell.

The Castlefield area has evolved over many years and the elevated railway viaducts, canals and rivers create a multi-level environment. It has a mixture of buildings from small scale houses to large warehouses and modern buildings. There are a variety of building materials, which tend to be urban and industrial in character.

Further development can take place that respects the character of the area, and there is room for more commercial property. Ideally, new development should incorporate a mix of uses. The height and scale, the colour, form, massing and materials of new buildings should relate to the existing high-quality structures and complement them. This approach leaves scope for innovation, provided that new proposals enhance the area. The diversity of form and style found in existing structures in Castlefield offers flexibility to designers.

Issues

Principle of development

Planning permission was granted in 1998 for the siting of tables and chairs outside of the pub on the basis that the structures were low level (i.e. tables and chairs) and removable. Plans were approved in 2016 for public realm improvements to the Roman Gardens including enhanced outside seating associated with the White Lion. These works have never been implemented.

The environment around the Pub is sensitive due to its location within the Castlefield conservation area, proximity to nearby listed buildings and the archaeological significance of the Roman Gardens. Beneath the gardens, including the area associated with the application site, is the former Roman Road which runs in the location of Collier Street. The White Lion Public House is also considered to be a non designated heritage asset.

The proposal would introduce a timber structure with retractable awning with timber planters and railings. The structure would be in use Sunday to Thursday until 22:00 and Fridays and Saturdays 22:30.

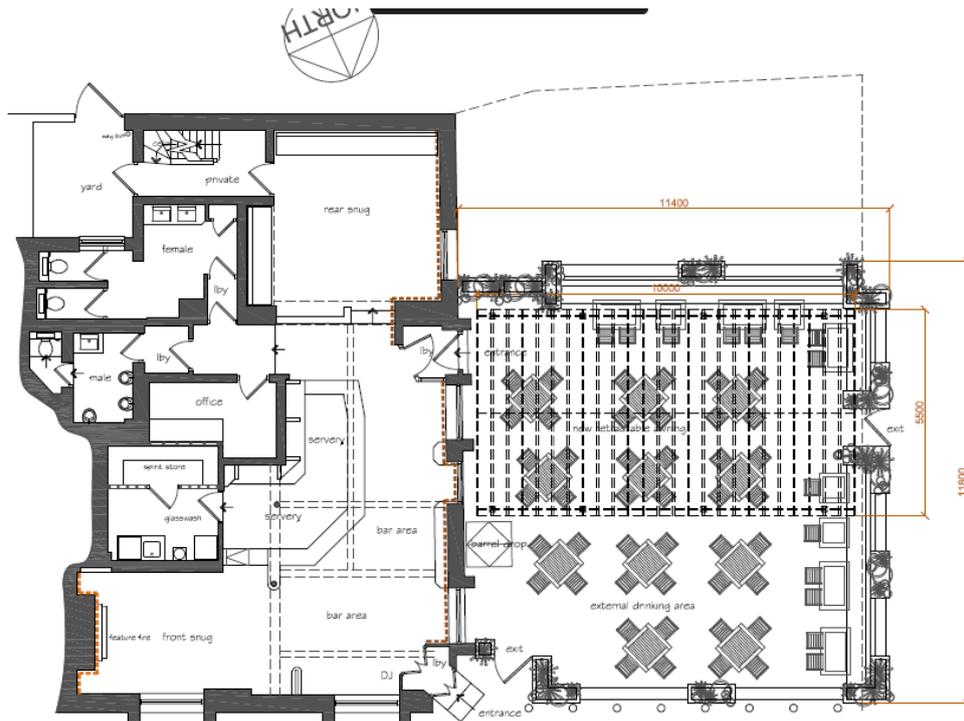
The structure would affect the setting of the pub, the conservation area and nearby listed buildings through the introduction of an overly large and obtrusive structure that would be unacceptable in design, appearance and materiality. The principle of the development would therefore not be acceptable.

Consideration has also been given to the impact of the development on surrounding residential amenity.

Impact on Visual amenity

Policies EN1, EN3 and DM1 of the Core Strategy seek to ensure that new developments contribute positively to the local environment and its visual amenity.

The outside area and structure would cover an area of approximately 134.52 sqm (11.8m by 11.4m). This is a smaller area than the current outside area which covers an area of 181.44 sqm (16.8m by 10.8m). Whilst the footprint would be smaller, it would contain a permanent structure rather than removal tables, chair and barriers. It occupies a portion of the Roman Road which runs through the Roman Gardens. This permanent structure would be an obtrusive feature that would adversely affect and erode the character, views and spacious feel of this part of the conservation area. Its position would be an incongruous feature to the side of the Pub.



Layout of the proposed outside area

The structure would be 3 metres in height and constructed from timber with a retractable awning and timber planters with railings forming its outer edges. A monopitched roof would cover appropriately half of the outside seating area.



Elevations – Left image from Liverpool Road/Right image from within the Roman Gardens

The structure would be a significant addition to the setting of the public house and would be a permanent feature within the setting of the conservation area.

The appearance and materiality of the structure would be unacceptable and when combined with its siting and scale would exacerbate further the impact of this addition on the property, street scene and significance and setting of the conservation area and listed buildings.

Impact on Archaeology

The structure would be secured by works below the ground. Greater Manchester Archaeology Advisory Service (GMAAS) have advised that there could be Roman remains at shallow depths and that details could be agreed by planning condition.

Impact of the historic environment and cultural heritage

The site is in the Castlefield conservation area. The nearest listed buildings are at the Museum of Science and Industry on Liverpool Road: Grade II listed Former Market Hall and the Grade II listed Former Lower Campfield Market. The White Lion is considered to be a non-designated heritage asset and adjoins a Grade II listed terrace of properties on Liverpool Road. The Grade II Listed Castlefield Viaduct is to the south. The site of the former Roman Road runs through the site.

The applicant has provided a heritage statement which examines the impact and contribution of the proposal on the conservation area.

The applicant's heritage statement acknowledges the sensitive nature of the environment but considers that there is no physical impact on the conservation area, listed buildings, and other assets, or any views and considers that the structure would complement the existing building and not impinge of the gardens. There is no assessment of key views in the conservation area and the impact of the development on them.

The applicants' conclusions on the impact of the development on the historic environment are not accepted.

There are also important views of the site from within the conservation area and of Listed Buildings. The significance of the conservation area is derived from the railway viaducts and associated infrastructure together with canal and rivers. The area is dominated by a mixture of buildings from small scale houses to larger warehouses and modern buildings. The area is part of early Roman Manchester.

There are two principle views of the site: from Liverpool Road and from with the Railway Viaduct looking towards Liverpool Road.

View One Liverpool Road

The view from Liverpool Road is across the site along the line of the former Roman Road towards the Roman Gardens. The White Lion and the adjoining listed terrace can be seen and demonstrates the relationship of the site to the Gardens. The listed

viaduct is in the distance. This is a key view where a number of heritage assets are legible and understood.

The proposal would provide built form in the conservation area towards the Roman Gardens. It would not enhance the setting of the White Lion, the conservation area and Roman Gardens in the view. This is a highly sensitive view of the conservation area and heritage assets within it which the development would change significantly by introducing a large and dominant structure, that would reduce the legibility of the view and the conservation area resulting in an unduly harmful impact.

View Two Railway Viaduct looking towards Liverpool Road

This view is of the Gardens, along the line of the Roman Road, with the White Lion and the listed building on Liverpool Road in the background. The relationship between the gardens and the site is clearly evident and understood within the context of the conservation area.

The proposed structure would form the backdrop to the gardens. Its siting, scale and appearance would dominant the view and provide a low quality structure in this highly sensitive heritage environment. The view within the conservation area would become eroded by this significant change reducing its significance and legibility.

This would be a significant addition to the Castlefield conservation area that would not be positive due to its siting, scale and appearance, its impact on keys views and its relationship with the Roman Gardens. This would have an unduly harmful impact which would amount to less than substantial harm, as defined by paragraph 202 of the NPPF to the setting and significance of the Castlefield conservation area, the Roman Gardens and Road, the public house and adjacent listed buildings.

Paragraph 199 of the NPPF states that it is necessary to assess whether the impact of the development suitably conserves the significance of the heritage assets, with great weight being given to the asset's conservation (and the more important the asset, the greater the weight should be).

The proposal would not contribute positively to the significance and character of the conservation area through the creation of a dominant and excessively large structure that is poor quality in appearance. It would undermine the relationship to the adjacent Roman Garden and affect key vistas of the conservation area.

As directed by paragraph 202 of the NPPF, it is now necessary to consider whether the public benefits would outweigh any harm. The public benefits are considered in detail below.

Impact Assessment

The proposal would create result in less than substantial harm as defined within the NPPF. Any level of harm should be outweighed by public benefits delivered in accordance with the guidance provided in paragraph 202 of the NPPF. 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.

It is not considered that the required public benefits exist in this case. Any economic and social benefits would be private and could be realised in a less harmful way to the historic environment, by having tables and chairs which can be removed daily.

The size and scale of the structure and its poor-quality appearance and materials would not make a positive construction to the local historic environment and would unduly affect the key views and the setting of key heritage buildings and landscapes.

The less than substantial harm caused would not be outweighed by the required public benefits. Considerable weight must be given to preserving the setting of the conservation area and listed buildings as required by S66 and S72 of the Listed Buildings Act, and paragraph 199 of the NPPF. The harm caused would be less than substantial and would not be outweighed by the public benefits of the scheme therefore failing to meet the requirements set out in paragraph 202 of the NPPF.

Impact on residential amenity

Policy DM1 of the Core Strategy seeks to ensure that new developments do not have any unduly harmful impacts on surrounding residential amenity. Further criteria for assessing noise impacts is provided within saved policy DC26 of the Unitary Development Plan.

There is a long standing history of an outside seating area at the site. There are no planning conditions associated with the 1998 planning permission which seek to control the hours of use. A tables and chair licence is in place until April 2023 and requires the seating area to close at 23:00.

The planning documentation indicates that the outside seating area would be in operation Sunday to Thursday until 22:00 and Fridays and Saturdays 22:30. The application is accompanied by a noise assessment.

There are homes nearby located immediately to the south at Barton Place (between Collier Street and Barton Street). There are homes to the west on the opposite side of the Roman Gardens. These homes are likely to notice the public house in use along with their existing external areas. Raised voices, movement and movement of furniture and glass wear is likely to be noticeable.

The permanent structure and retractable awning would provide a covered area to the outside seating area. This would allow the seating area to be used all year and could intensify the use and give rise to more prolonged noise from the site.

Environmental Health advise that the outside area would not be suitable for outdoor events, live or recorded music or external speakers, should be restricted in its hours of use and have a management plan.

In the event that the principle of the development had been acceptable, the further details would have been required in order to be satisfied that this permanent

structure would not have any unduly harmful impacts on surrounding residential amenity.

Designing out crime

Design for Security at Greater Manchester Police have recommended a series of measures to minimise crime and anti-social behaviour associated with the development. These would have formed conditions had the proposal been acceptable.

Conclusion

The proposal does not conform with the development plan when taken as a whole as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 and there are material considerations which would indicate that the proposal would have an unduly harmful impact on the visual amenity and heritage environment.

The siting, scale, appearance and materiality of the structure would form an overly large and obtrusive feature adjacent to the White Lion Public House, a non designated heritage asset within the Castlefield consideration area. The structure would be poor quality and fail to contribute positively to the character and appearance of the street scene and historic environment. The siting would affect a key view towards the Roman Gardens along the site of the former Roman Road.

The proposal would amount to less than substantial harm to the local heritage environment and this harm would not be outweighed sufficiently by public benefits socially, economically and environmentally as required by S66, S72 and paragraph 202 of the NPPF. There is no clear and convincing justification for the proposal.

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 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. It is acknowledged that pre application advice was sought in respect of this matter, together with matters being raised during the course of the application. However, the proposal is considered to be unacceptable for the reasons set out in this report and therefore determined within a timely manner.

Reason for refusal

1)The creation of an external structure associated with the reconfiguration of the outside seating area at land adjacent to the White Lion Public House by virtue of the siting, scale, appearance and materiality would form an excessively large, dominant and incongruous within setting off the public house, the Castlefield conservation area and adjacent listed buildings. This would have an unduly harmful impact on the character and visual amenity of the local area and result in less than substantial harm to the historic environment. There would not be the required public benefits to outweigh this harm. The proposal is therefore contrary to the provisions of policies SP1, EN1, EN3, CC9, CC10 and DM1 of the Manchester Core Strategy (2012), saved policies DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995) and NPPF.

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: 133513/FO/2022 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
City Centre Regeneration
Greater Manchester Police
Greater Manchester Archaeological Advisory Service
Castlefield Management Company**

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 : Jennifer Atkinson
Telephone number : 0161 234 4517
Email : Jennifer.atkinson@manchester.gov.uk

