

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140951/VO/2024

Date registered valid: 23 September 2024

Proposal: City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market for a period of 45 days.

Address: Market Street, Manchester

Ward(s): Piccadilly Ward

Applicant: Mr Robert Hutchinson, Manchester City Council

Agent (if any):

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approved

Date of recommendation: **05 November 2024**

Application Details

Type of application: Regulation 3 Consent

Development type: Minor Other

Date of site visit: 02 October 2024

Standard consultations:

Printed: 30 September 2024 Expired: 21 October 2024

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 02 October 2024 Expired: 23 October 2024

Press advert

Published: 8 October 2024 Expired: 29 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

The application relates to the pedestrianised area of Market Street, which is bounded commercial uses. The Arndale Centre is on the North side of Market Street.

Some of the buildings opposite the Arndale Centre are Grade II Listed and there are also a number of non-designated heritage assets. The application site is adjacent the Upper King Street conservation area, which bounds the site to the South.

Market Street is a main retail street within the City Centre with extremely high footfall.

The building is within the central shopping and business area of the City Centre and surrounding uses include shops, offices, bars, restaurants and entertainment venues.

Description of Development

The proposal is a City Council Development seeks Planning Permission for the temporary change of use of public open space for the purpose of a Christmas Market for a period of 45 days.

This is a part of the overall Manchester Christmas Markets, which are a popular and important attraction that have been in operation for a number of years.

Related Applications

The Manchester Christmas Markets are held across seven sites across Manchester City Centre. The other six sites are as follows:

140996/VO/2024 - City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market for a period of 45 days at Piccadilly Gardens.

Approved in tandem with this application.

140953/VO/2024 - City Council Development - Creation of Christmas Markets and associated infrastructure for a period of 45 days at St Anns Square and Exchange Street.

Approved in tandem with this application.

140952/VO/2024 - City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market for a period of 45 days at New Cathedral Street.

Approved in tandem with this application.

140950/VO/2024 - City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market for a period of 45 days at King Street.

Approved in tandem with this application.

140949/VO/2024 - City Council Development - Temporary change of use of public square for the purpose of a Christmas Market for a period of 45 days at Corn Exchange & Exchange Square.

Approved in tandem with this application.

140948/VO/2024 - City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market for a period of 54 days at Cathedral Gardens.

Approved in tandem with this application.

Consultations & Notification Responses

Highway Services - The proposal is considered acceptable to Highways.

Environmental Health - Have no comments to make.

Greater Manchester Police – Provided no response to consultation.

Publicity - A site notice and local press advert were produced. At the time of writing this report, no representations have been received because of this publicity.

Policy

The Adopted Core Strategy for the City of Manchester

The following policies are considered to be most relevant to the proposed development:

C1 (Centre Hierarchy) states Manchester City Centre is the regional focus for commerce, culture, leisure and tourism development, with retail development being directed towards the Primary Shopping Area.

C10 (Leisure and the Evening Economy) states that redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/ night-time economy will be permitted, subject to the following considerations:

- Cumulative impact – where a concentration of bars, takeaways or other night-time uses are proving detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.
- Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
- Balance – new uses in Manchester centres should support both the daytime and evening/night-time economies whilst not undermining the role of the primary shopping area.

CC1 (Primary Economic Development Focus: City Centre and Fringe) identifies the City Centre as a strategic economic location and focus of employment growth encouraging a variety of high quality accommodation types, sizes and foot-plates to boost investment by local, national and international businesses and supports the provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities within the City Centre to support the development of a vibrant employment location attractive to businesses, employees and visitors to the City Centre.

CC2 (Retail) states that the Council will promote the growth and improve retail provision in the City Centre.

CC4 (Visitors, tourist, culture and leisure) states that proposals to improve the appearance, use and accessibility of all cultural and visitor attractions and associated facilities will be supported.

CC5 (Transport) requires all development to include adequate parking provision for cars and bicycles.

CC9 (Design and Heritage) advises that design of new buildings will need to be of the highest standard in terms of appearance and function. The standards and guidance explained in other LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre context and character.

Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

The Council will support high density and mixed-use development in the City Centre, but developers must recognise the specific design challenges that must be overcome to ensure complementarity of function and form. New development must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical environment.

SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety, and well-being of residents, consider the needs of all members of the community, and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space, and provide good access to sustainable transport provision.

EN1 (Design Principles and Strategic Character Areas) advises that development provide opportunities for good design to enhance the overall image of the City should be fully realised and both reinforce and enhances the local character. It also advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

DM1 (Development Management) states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:

- Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

The Unitary Development Plan for Manchester

Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

DC10.1 (Food and Drink Uses) requires development for food and drink uses to have regard to the following:

- the general location of the proposed development, including any reference to the area in other policies in the Development Plan
- the effect on the amenity of neighbouring residents
- the availability of safe and convenient arrangements for car parking and servicing
- ease of access for all, including disabled people, and
- the storage and collection of refuse and litter.

DC18.1 (Conservation Areas) - seeks to preserve and enhance the character of its designated conservation areas.

DC19.1 (Listed Buildings) - seeks to preserve and enhance the settings of listed buildings by appropriate control over new developments within their vicinity

DC26.1 (Development and Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.5 (Development and Noise) states that the Council will control noise levels by requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate

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.

In Chapter 2 'Design', paragraph 2.7 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 and encourages "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.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the ten boroughs which make up Greater Manchester.

The following policies are considered relevant to this application:

JP-Strat2 (City Centre) states that the role of the City Centre as the most significant economic location in the country outside London will be strengthened considerably. The City Centre will continue to provide the primary focus for business, retail, leisure, culture and tourism activity in Greater Manchester, but the increasingly important residential role of the City Centre will be expanded. It will be a priority for investment in development and infrastructure. This will include addressing current network capacity issues in the City Centre which will enable the future expansion of the rapid transit public transport network across Greater Manchester. Improvements in the public realm, walking and cycling facilities, and green infrastructure will help to enhance the local character and environmental quality of the City Centre so that it can rival city centres across the globe, enabling it to compete effectively at the international level for investment, businesses, skilled workers, residents and tourists. A broad range of commercial accommodation will be delivered, helping the City Centre to capture growth across key economic sectors. The new functions within the City Centre will be delivered in a way that complement, rather than displace the area's non-residential functions and will seek to protect and enhance the city centre's historic environment and assets.

JP-Strat12 (Main Town Centres) states that the role of the main town centres as local economic drivers will continue to be developed, providing the primary focus for office, retail, leisure and cultural activity for their surrounding areas. Development here will offer a significant opportunity to reduce levels of poverty and deliver inclusive growth.

JP-J2 (Employment Sites and Premises) states an aim to make a diverse range of both new and second-hand employment sites and accessible premises available across the Plan area in terms of location, scale, type and cost to offer opportunities for all kinds and sizes of businesses, including start-ups, firms seeking to expand, and large-scale inward investment, which will help to tackle inequalities. Existing employment areas that are important to maintaining a strong and diverse supply of sites and premises in our boroughs will be protected

from redevelopment to other uses, nurtured to ensure they remain competitive, and their accessibility improved where necessary.

JP-P2 (Heritage) states an aim to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

National Planning Policy Framework (2023)

Decisions should accord with the requirements of the National Planning Policy Framework (NPPF) (2023), which sets out the Government's Planning Policies for England and how these are expected to be applied.

The following Policies are of relevance to this application:

Section 6 (Building a strong and competitive economy) states a commitment to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future and places significant weight on the need to support economic growth through the planning system.

Section 7 (Ensuring the Vitality of Town Centres) promotes competitive town centre environments.

Section 8 (Promoting Healthy Communities) and **Section 12 (Achieving Well-Designed Places)** require planning decisions to create safe and accessible environments where crime and disorder and fear of crime do not undermine quality of life or community cohesion.

Section 12 specifically states that:

"Development that is not well designed should be refused, specifically where it fails to reflect local design policies and government guidance on design. Developments should help to raise the standard of design more generally in an area and fit in with the overall form and layout of their surroundings" (paragraph 139).

At the heart of the Framework is a presumption in favour of sustainable development in terms, *"For plan-making"* and *"For decision-taking"*, (**paragraph 11**).

This is further explored in **paragraph 8**, which confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective and
- c) an environmental objective.

Section 16 (Conserving and Enhancing the Historic Environment) addresses how proposals that affect heritage assets should be considered.

Paragraph 200 advises that Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 202 advises that in determining applications, local planning authorities should take account of:

- a. 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 205 advises when considering the impact of a proposed development 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 208 advises 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 National Design Guide (January 2021)

Illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

There are 10 characteristics of well-designed places within the National Design Guide which are listed below:

- Context - enhances the surroundings
- Identity - attractive and distinctive
- Built form - a coherent pattern of development
- Movement - accessible and easy to move around
- Nature - enhanced and optimised
- Public Spaces - safe, social, and inclusive
- Uses - mixed and integrated
- Homes and buildings - functional, healthy, and sustainable
- Resources - efficient and resilient

- Lifespan - made to last

Other Legislation

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.

Sections 16, 66, and 74 of the Listed Buildings and Conservation Areas Act 1990 require that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

Issues

Principle of the Development

The submitted planning application forms part of the formalisation of the use of a number of sites across the city centre for a temporary change of use.

This temporary change of use has been carried out for a number of years in these locations to great success.

All of the markets would be located in appropriate retail areas, thus leading to an increase in foot traffic for other local businesses. The markets draw in additional local, regional, national and international visitors to the city centre, promoting the city's facilities and enhancing the city's reputation as a host to quality, cultural markets offering a diverse and complimentary retail product.

The retail offer for visitors to the city during the Christmas Markets will be enhanced and the additional visits that this would result in are considered to help to increase the profile of the City as a tourist destination, particularly during the festive period.

The Manchester Christmas Markets are a popular and important attraction that have been successfully in operation for a number of years.

The event organisers, Manchester Specialist Markets have experience in the delivery of this and other outdoor events and are familiar with the requirements when designing and managing events in the City Centre.

The layout for each of the market sites has been agreed in consultation with Manchester Specialist Markets, Greater Manchester Police, and MCC Neighbourhood Services, with input from the access audits that have been undertaken for each site.

Taking into account these aspects mentioned above and considering that the Christmas Markets are a temporary feature with all associated works being reversible, the principle of this development is considered to be acceptable on a temporary basis.

Visual Amenity

The Manchester Christmas Markets will be a temporary feature with all associated works being easily reversible without damage to the surfaces and materials of streets or buildings. None of the units will be attached to buildings and all cabling runs will be over the ground and clearly marked.

The majority of the units generally consist of two designs, a 'walk-in' unit and a countertop service unit, which are generally purpose-built wooden structures that are easily erected and dismantled. To complement these, there is also a number of larger, bespoke units across each of the sites (locations detailed on layout plans) that are again generally purpose-built wooden structures.

Whilst comprising of temporary structures, the stalls would be a high-quality design appropriate on a temporary basis to the character and the setting of the conservation area and adjacent listed buildings.

The proposals are therefore considered to be in accordance with Core Strategy policies EN1 CC9, SP1 and DM1, saved UDP policies DC18.1 and 19.1, and section 16 of the NPPF.

Residential Amenity

Generators used on sites to power the various units will be low noise generating. This, in combination with the hours of 10am - 8pm Monday to Sunday (Bar areas 10am - 9pm), will mitigate any impact noise might have on the amenity of local residents.

Given the proposed hours of operation and the use of low noise generating generators, the proposals would be subject to compliance with conditions and be consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC.10.1, DC26.1 and DC26.5.

Waste Management

The waste management plan for the Christmas Markets has been developed with city centre contractor Biffa and complies with the authority's guidelines on event waste management and sustainability.

Excess waste is prevented through the use of re-usable mugs and hard plastic glasses on all sites of the market.

All collection points have been carefully selected in co-ordination with Biffa, the City Centre contractor, and have been signed off by Manchester City Council's Highway Services department.

Public Safety

The operation of the markets will be carried out in accordance with appropriate management strategies to ensure the smooth, safe and efficient running of the Christmas Markets and it is considered that in terms of crime and disorder issues this will create a safe and accessible environment.

The layouts are designed to keep maximum access and egress around the market areas and to preclude any risks from overcrowding. Deliveries and collections will only be possible through dedicated and supervised access and egress points. The proposed Management, Security and Stewarding Measures set out within the submitted Design and Access Statement are capable of being a condition of any consent granted.

The management of the Christmas Markets use the planning and organisational stages of the event management process to ensure the safety of the general public, contractors and traders, and to minimize hazards, prevent accidents and nuisance and disruption to nearby businesses and other users of the market environment.

The accompanying Design and Access Statement clearly lays out all the operational management measures that have been undertaken to make the markets as safe as possible.

Access

The layouts of each of the sites have been designed to accommodate pedestrian movement and full level access around the site whilst respecting the surrounding buildings and businesses.

Given the above it is considered that the access arrangements would be consistent with Core Strategy Policy DM1.

Conclusion

Given the above, that on a temporary basis the proposal would add to the area's vibrancy, promote Manchester as a tourist destination and contribute to the mixed-use character of this part of the City Centre enhancing and complementing the City's retail offer and attractiveness as a place to visit in the run up to the festive period.

Therefore, it is considered that the proposal is in accordance with the above policies and should be approved.

Given this the proposals are therefore considered to be in accordance with the relevant policies listed above.

Other Legislative Requirements

Equality Act 2010

Section 149 (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.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation:

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application.

Condition(s) to be attached to decision for approval

1) The permission hereby granted is for a limited period only, expiring on 22/12/2024 and the use comprising the development for which permission is hereby temporarily granted is required to be discontinued on the date of expiry.

The site shall be made good within one month of the temporary permission expiring.

Reason - The use hereby approved is of a temporary nature only and pursuant to Core Strategy Policies SP1, CC1, CC2, CC4, CC9, EN3 and DM1 and saved Unitary Development Plan policies DC18, DC19 and DC26.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents, received by the City Council as the Local Planning Authority on 06 September 2024:

- Design and Access Statement Manchester Christmas Markets 2024

And received by the City Council as the Local Planning Authority on 23 September 2024:

- The Location Plan 06.MCC-XX-DR-B-006
- Proposed Layout Plan MCC-XX-DR-B-013

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

3) The development shall be open in accordance with the following hours:

- 10am - 8pm Monday to Sunday (Bar areas 10am - 9pm)

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

4) The generators used at the market site shall be Ultra Quiet Denyo Generators provided by John F Hunt Power, as outlined in the approved document (Correspondence EMAIL FROM AGENT RE: GENERATORS received by the City Council, as Local Planning Authority, 01/10/2024).

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Upper King Street (Extension) Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL