

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140953/VO/2024

Date registered valid: 19 September 2024

Proposal: City Council Development - Creation of Christmas Markets and associated infrastructure for a period of 45 days.

Address: St Anns Square And Exchange Street, Manchester

Ward(s): Deansgate Ward

Applicant: Mr Robert Hutchinson Manchester City Council

Agent (if any):

Case officer: James Bridgman
Tel: 0161 219 6202
Email: james.bridgman@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 5th November 2024

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Date of site visit: 19 September 2024

Standard consultations:

Printed: 24 September 2024 Expired: 15 October 2024

Neighbour notifications

Printed: 25 September 2024 Expired: 16 October 2024

Printed: 31 October 2024 Expired: 21 November 2024

Site notice

Posted: 7 October 2024 Expired: 28 October 2024

Press advert

Published: 1 October 2024 Expired: 22 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

This application relates to a pedestrianised area within the City Centre known as St. Ann's Square and Exchange Street, that is located in between St. Ann's Street and New Cathedral Street. The site is within the St. Ann's Square Conservation Area and a number of listed buildings are nearby, including the Grade II listed Royal Exchange Building, and the Grade I listed St. Ann's Church. The area surrounding the application site is mostly commercial in nature.

Description of development

Temporary planning permission is sought for the siting of a Christmas Market for period of 45 days at St. Ann's Street and Exchange Street (8th November 2024 – 22nd December 2024)

The proposed hours of opening would be between Monday – Sunday 10:00 till 20:00 for the markets. The bar areas would be open until 21:00.

The St. Ann's Square market would consist of a beer garden as well as stalls offering hot food and a range of wooden craft and gifts.

The Exchange Street market would consist of catering trailers, seating and stalls etc.

The applicants have stated that the layout of the market has been designed to allow adequate access for emergency vehicles. Crowd control to the bar area would be managed by trained security stewards.

Vehicular access onto the site would only be outside of trading hours (between 9pm and 9am) and would take place from St. Ann's Street, off Deansgate.

Refuse would be taken to a refuse trailer on St. Anns Street.

The submitted Design and Access Statement and Site Specific Traders Information contains details in relation to how the Market would operate in terms of Management, Security and Stewarding, Crowd Control, Vehicle Control, Impact on Local Businesses, Toilet Provision, Waste Management and Recycling, Safety and First Aid and Accident Reporting.

The application is being considered in tandem with applications for other locations within the City Centre.

Planning History

138486/VO/2023 - City Council Development - Temporary change of use of public for the purpose of a Christmas Market for a period of 43 days - St Anns Square & Exchange Street Manchester. Decision: Approved 7th December 2023

Consultations & Notification Responses

Highway Services – No objections

Environmental Health – No objections

Greater Manchester Police – No objections

Publicity – The application was advertised as a public interest development in the local press and a site notice was displayed on site. No representations have been received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC2 – Retail
- Policy CC4 – Visitors – Tourism. Culture and Leisure
- Policy CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester - The following saved UDP Policies are of relevance to this application:

- Policy DC18 – Conservation Areas

- Policy DC19 – Listed Buildings
- Policy DC26 – Development and Noise

National Planning Policy Framework (NPPF)

- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Other Legislative Requirements

National Planning Policy for Waste

Planning (Listed Buildings and Conservation Areas) Act 1990

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

The following policies are considered relevant to this application:

- Policy JP-P1 - Sustainable Places
- Policy JP-S1 - Sustainable Development
- Policy JP-P2 - Heritage

Issues

Principle of Development

The application is for a temporary change of use to a Christmas market at one of a number of sites within the City Centre, which has been carried out for a number of years in these locations.

The market would be located in appropriate retail areas, thus leading to an increase in foot traffic for other local businesses. The market would 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 would be enhanced and the additional visits that this would result in would help to increase the profile of the City as a tourist destination particularly during the festive period.

In view of the above it is considered 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 run up to the festive period. Hence, the proposals are therefore, considered to be in accordance with, Core Strategy policies CC1, CC2, CC4, SP1, and DM, and chapters 6 and 7 of the National Planning Policy Framework.

Residential Amenity

The applicant has confirmed the generators at all sites for the Christmas markets will be 'Ultra Quiet' Denyo generators which are often referred to as low noise pink models. These provide a noise reduction of 10 dBA when compared to standard sets/generators.

The application was assessed by Environmental Health, who raised no objection. The market would be located in a busy commercial area and therefore it is unlikely the noise associated with

the market would cause an unacceptable impact on the amenity of local residents. A condition has been proposed restricting the use of the markets to be in accordance with the proposed hours of operation. Additionally, a condition is proposed requiring the generators to be low noise pink models and to only be used during hours of operation.

Subject to the proposed conditions, the development is considered to be acceptable in this regard and therefore accords with Core Strategy Policies SP1 and DM1, saved UDP policy DC26 and the National Planning Policy Framework.

Visual Amenity

The proposal would see the installation of wooden stall and associated infrastructure. Considering the temporary nature of the proposal, the LPA considers the proposal to have an acceptable impact on visual amenity in accordance with Core Strategy Policies SP1, EN1 and DM1, and the National Planning Policy Framework.

Heritage

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) states that in considering whether to grant Listed Building Consent for any works 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.

Section 72(1) of the Listed Buildings and Conservation Areas Act relates to conservation areas and states "In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area."

The application site is located within St Anns Square Conservation Area and adjacent to a number of listed buildings including the Grade II listed Royal Exchange Building, and the Grade I listed St. Ann's Church. The markets are only temporary and would not have a permanent impact on the setting or significance of St Anns Square Conservation Area or the adjacent listed buildings. On this basis it is considered the proposal would have a neutral impact on the aforementioned heritage assets.

As such the proposal is considered to be in accordance with Core Strategy Policies CC9, EN3 and DM1, Saved Unitary Development Plan Policies DC18 and DC19, Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Crime and Anti-social behaviour

The operation of the markets would 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 would 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, Crowd Control, Market Control, Emergency Evacuation Plans and Major Incidents - Emergency Procedures measures set out within the submitted Design and Access Statement would be conditioned to ensure compliance with the proposed measures. Greater Manchester Police do not object to the proposal.

In light of the above, it is considered that the proposals are consistent with Core Strategy Policy DM1 and chapters 8 and 12 of the National Planning Policy Framework.

Disabled Access

The layout of the stalls will allow for full level access and access for wheelchairs across St Anns Square and Exchange Street as there will be clear pedestrianised roads. Given the above it is considered that the access arrangements would be consistent with Core Strategy Policy DM1.

Highways Safety

The markets are within pedestrianised zones with operated bollards. No vehicular access will be allowed onto St Anns Square and Exchange Street during trading hours as deliveries will only be permitted during 9pm to 9am. Highways have raised no objection, and no highway safety issues have been identified associated with the development. As such, the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Waste Management

The development has been accompanied by a waste management strategy that states that waste will be stored on site and collected daily. Environmental Health do not object to this arrangement. Subject to said strategy being approved as part of the development the proposal is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy for Waste.

Conclusion

In light of the above the proposal has been found to be acceptable and is therefore in accordance with Core Strategy Policies SP1, CC1, CC2, CC4, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policy DC26, the National Planning Policy for Waste, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis the proposal is recommended for approval.

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: Approve

Article 35 Declaration

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application.

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

1) The permission hereby granted is for a limited period only, expiring on 22 December 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 operated in accordance with the following plans and documents:

- St Ann's Square & Exchange Street Layout Plan: MCC-XX-DR-B-012
- St Ann's Square & Exchange Street Location Plan: MCC-XX-DR-B-005
- Design & Access Statement (Received 06/09/2024)

Reason - Pursuant to Core Strategy Policies SP1, CC1, CC2, CC4, CC9 and EN3 and DM1 and saved UDP policies DC18.1, DC19.1, DC26.1 and DC26.5

3) The approved use shall operate in accordance with the following hours:

10.00am to 21.00pm (including bank holidays)

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

4) The generators hereby approved shall be Ultra Quiet Denyo Generators. These low noise pink models shall only be used

Reason - To safeguard residential amenity by minimising the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to

policies SP1, H1 and DM1 of the Core Strategy for the City of Manchester and Unitary Development Plan saved policy DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

OLIVER BONAS, 12 - 14C St Mary's Gate, Manchester, M1 1PX
5 St Mary's Gate, Manchester, M1 1PX
ZARA, 1 New Cathedral Street, Manchester, M1 1AD
Harvey Nichols Group, The Shambles, New Cathedral Street, Manchester, M1 1AD
Flat 308, 1 Deansgate, Manchester, M3 1AZ
Flat 1002, 1 Deansgate, Manchester, M3 1AZ
Flat 605, 1 Deansgate, Manchester, M3 1AZ
Basement And Ground Floor, Astley House, 23 Deansgate, Manchester, M3 4AH
Apartment 807, 1 Deansgate, Manchester, M3 1AZ
Flat 406, 1 Deansgate, Manchester, M3 1AZ
Flat 108, 1 Deansgate, Manchester, M3 1AZ
Flat 708, 1 Deansgate, Manchester, M3 1AZ
Flat 1201, 1 Deansgate, Manchester, M3 1AZ
Flat 209, 1 Deansgate, Manchester, M3 1AZ
Flat 1001, 1 Deansgate, Manchester, M3 1AZ
Flat 505, 1 Deansgate, Manchester, M3 1AZ
Flat 207, 1 Deansgate, Manchester, M3 1AZ
Flat 804, 1 Deansgate, Manchester, M3 1AZ
Flat 901, 1 Deansgate, Manchester, M3 1AZ
Minshulls House, 14 Cateaton Street, Manchester, M3 1SQ
Cathedral Visitors Centre, 10 Cateaton Street, Manchester, M3 1SQ
42 - 46 Victoria Street, Manchester, M3 1ST
16 Market Street, Manchester, M1 1PT
1 St Mary's Gate, Manchester, M1 1BZ
1 Exchange Square, Manchester, M3 1BD
Flat 204, 1 Deansgate, Manchester, M3 1AZ
Unit 5, 1 Deansgate, Manchester, M3 1AZ
Flat 704, 1 Deansgate, Manchester, M3 1AZ
Flat 606, 1 Deansgate, Manchester, M3 1AZ
Flat 307, 1 Deansgate, Manchester, M3 1AZ
Flat 402, 1 Deansgate, Manchester, M3 1AZ
Flat 208, 1 Deansgate, Manchester, M3 1AZ
Flat 706, 1 Deansgate, Manchester, M3 1AZ
Flat 803, 1 Deansgate, Manchester, M3 1AZ
Flat 403, 1 Deansgate, Manchester, M3 1AZ
Flat 2, 42 - 46 Victoria Street, Manchester, M3 1ST
Top Flat, 6 Cateaton Street, Manchester, M3 1SQ
10 Market Street, Manchester, M1 1PT
Unit 2, The Shambles, New Cathedral Street, Manchester, M1 1AD
Unit 8, New Cathedral Street, Manchester, M1 1AD
Flat 604, 1 Deansgate, Manchester, M3 1AZ
Apartment 906, 1 Deansgate, Manchester, M3 1AZ
Flat 304, 1 Deansgate, Manchester, M3 1AZ
Flat 805, 1 Deansgate, Manchester, M3 1AZ
Flat 107, 1 Deansgate, Manchester, M3 1AZ
Flat 105, 1 Deansgate, Manchester, M3 1AZ
Flat 707, 1 Deansgate, Manchester, M3 1AZ
Flat 302, 1 Deansgate, Manchester, M3 1AZ

Flat 202, 1 Deansgate, Manchester, M3 1AZ
14 Market Street, Manchester, M1 1PT
SPAR, 8 St Mary's Gate, Manchester, M1 1PX
4 Market Street, Manchester, M1 1PT
6 Market Street, Manchester, M1 1PT
Advertising Right And Telephone Kiosk JC Decaux Outside 1, Deansgate, Manchester, M3 1AZ
Unit 6, New Cathedral Street, Manchester, M1 1AD
UGG, 3 New Cathedral Street, Manchester, M1 1AD
Flat 507, 1 Deansgate, Manchester, M3 1AZ
Flat 503, 1 Deansgate, Manchester, M3 1AZ
Flat 1101, 1 Deansgate, Manchester, M3 1AZ
Flat 808, 1 Deansgate, Manchester, M3 1AZ
Flat 206, 1 Deansgate, Manchester, M3 1AZ
Marks And Spencer, 7 - 17 Market Street, Manchester, M1 1PT
12 Market Street, Manchester, M1 1PT
Apartment 109, 1 Deansgate, Manchester, M3 1AZ
Flat 106, 1 Deansgate, Manchester, M3 1AZ
Flat 408, 1 Deansgate, Manchester, M3 1AZ
Unit 3, 1 Deansgate, Manchester, M3 1AZ
Flat 506, 1 Deansgate, Manchester, M3 1AZ
Flat 601, 1 Deansgate, Manchester, M3 1AZ
Flat 602, 1 Deansgate, Manchester, M3 1AZ
Unit 4, 1 Deansgate, Manchester, M3 1AZ
Flat 603, 1 Deansgate, Manchester, M3 1AZ
Flat 303, 1 Deansgate, Manchester, M3 1AZ
Flat 404, 1 Deansgate, Manchester, M3 1AZ
Flat 3, 42 - 46 Victoria Street, Manchester, M3 1ST
4 - 8 Cateaton Street, Manchester, M3 1SQ
3 Exchange Street, Manchester, M2 7EE
BOSS, 11 New Cathedral Street, Manchester, M1 1AD
Flat 1104, 1 Deansgate, Manchester, M3 1AZ
Flat 305, 1 Deansgate, Manchester, M3 1AZ
Flat 508, 1 Deansgate, Manchester, M3 1AZ
Flat 405, 1 Deansgate, Manchester, M3 1AZ
Flat 110, 1 Deansgate, Manchester, M3 1AZ
Flat 203, 1 Deansgate, Manchester, M3 1AZ
Flat 703, 1 Deansgate, Manchester, M3 1AZ
Flat 705, 1 Deansgate, Manchester, M3 1AZ
Flat 201, 1 Deansgate, Manchester, M3 1AZ
Flat 502, 1 Deansgate, Manchester, M3 1AZ
Flat 1, 42 - 46 Victoria Street, Manchester, M3 1ST
Hanging Ditch Wine Merchants, Unit 1, 42 - 46 Victoria Street, Manchester, M3 1ST
1 Exchange Street, Manchester, M2 7EE
18 Market Street, Manchester, M1 1PT
2 Market Street, Manchester, M1 1PT
Flat 210, 1 Deansgate, Manchester, M3 1AZ
Flat 905, 1 Deansgate, Manchester, M3 1AZ
Flat 407, 1 Deansgate, Manchester, M3 1AZ
Flat 101, 1 Deansgate, Manchester, M3 1AZ
Flat 701, 1 Deansgate, Manchester, M3 1AZ
Unit 5, The Shambles, New Cathedral Street, Manchester, M1 1AD
Unit 4, New Cathedral Street, Manchester, M1 1AD
Unit 7, The Shambles, New Cathedral Street, Manchester, M1 1AD
Flat 102, 1 Deansgate, Manchester, M3 1AZ

Flat 504, 1 Deansgate, Manchester, M3 1AZ
Flat 1003, 1 Deansgate, Manchester, M3 1AZ
Flat 401, 1 Deansgate, Manchester, M3 1AZ
Flat 607, 1 Deansgate, Manchester, M3 1AZ
Flat 205, 1 Deansgate, Manchester, M3 1AZ
Flat 103, 1 Deansgate, Manchester, M3 1AZ
Flat 1103, 1 Deansgate, Manchester, M3 1AZ
Flat 1202, 1 Deansgate, Manchester, M3 1AZ
8 Market Street, Manchester, M1 1PT
5 Exchange Street, Manchester, M2 7EE
3 St Mary's Gate, Manchester, M1 1BZ
Unit 1, 19 New Cathedral Street, Manchester, M1 1AD
15 New Cathedral Street, Manchester, M1 1AD
Flat 306, 1 Deansgate, Manchester, M3 1AZ
Astley House, 23 Deansgate, Manchester, M3 4AH
Flat 904, 1 Deansgate, Manchester, M3 1AZ
Flat 301, 1 Deansgate, Manchester, M3 1AZ
Flat 806, 1 Deansgate, Manchester, M3 1AZ
Flat 702, 1 Deansgate, Manchester, M3 1AZ
Flat 501, 1 Deansgate, Manchester, M3 1AZ
Flat 801, 1 Deansgate, Manchester, M3 1AZ
Flat 104, 1 Deansgate, Manchester, M3 1AZ
Mitre Hotel, 1 - 3 Cathedral Gates, Manchester, M3 1SW

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
Area Team Boundary - Name: CENTRAL