

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140948/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 54 days.

Address: Cathedral Gardens, Manchester,

Ward(s): Deansgate Ward

Applicant: Mr Robert Hutchinson Manchester City Council

Agent (if any):

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 November 2024

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 30 September 2024 Expired: 21 October 2024

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: Expired:

Press advert

Published: 8 October 2024 Expired: 29 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to an area of public open space within the City Centre known as Cathedral Gardens located east of Long Millgate. The site is within the Cathedral Conservation Area and a number of listed buildings are nearby including the Grade II listed Chethams School of Music.

Listed building: Not applicable

Conservation area: Cathedral Conservation Area 1972

Tree Preservation Order:

Description of area

Being in the City Centre, the area surrounding the application site is predominantly commercial in nature, although other uses include dining, drinking and ecclesiastical.

Description of development

Consent is sought for the use of the area for a temporary period as detailed above for timber stalls as part of Manchester Christmas Markets. This section of the markets is known as Cathedral Gardens

This part of the market would operate as follows:

8 November 2024 – 31 December 2024

11am – 9pm

Crowd control to the bar area would be managed by trained security stewards.

Vehicle access to Cathedral Gardens will be extremely limited and monitored by market management and/or Showsec security who will facilitate entry via Withy Grove through the bollards. Site exit will be staggered and monitored.

Trading days – Access will only be permitted between 7.15pm and 9am. Maximum stay 30

minutes to load/unload.

Facilities for waste storage (including recycling) and disposal would be in a refuse trailer on Cathedral Street in Cathedral Gardens.

The submitted plans and documents contains details in relation to how the Market could 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.

Consultations & Notification Responses

Publicity - The application was advertised as a public interest development and affecting the setting of a conservation area and listed buildings. Occupiers of adjacent properties were notified about the application and a site notice was displayed adjacent to the site. No representations have been received.

Manchester City Council Highways Services - The submitted proposals for Temporary change of use of public square for the purpose of a Christmas Market for a period of 54 days at Cathedral Gardens are acceptable to Highways.

Environmental Health – no comments to make.

Design for Security at Greater Manchester Police – no comments.

Cadent Gas – no objections – informative note required

Issues

The main policies that relate to this application are policies CC1 (Primary Economic Development Focus: City Centre and Fringe), CC 2 (Retail), CC4 (Visitors, tourist, culture and leisure), SP1 (Spatial Principles), CC9 (Design and Heritage) and EN 3 (Heritage), saved policies DC18 (Conservation Areas), DC19 (Listed Buildings) DC26 (Development and Noise) and S17 Crime and Disorder Act 1998.

Principle

The application is for a temporary change of use to a Christmas market at one of several 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 tourist destination 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 sections 6 and 7 of the NPPF, Core Strategy policies CC1, CC2, CC4, SP1, CC7, and DM1 and saves UDP policy DC26.

Design Issues

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

The proposals are therefore considered to be in accordance with sections 12 and 16 of the NPPF, Core Strategy policies EN1 CC9, SP1 and DM1 and saved UDP policies DC18.1 and 19.1.

Amenity / Hours of Operation

The market would be located in a busy commercial area and therefore it is unlikely the noise associated with the market would cause disamenity to any local occupiers. The application was assessed by Environmental Health, who raised no objections to the proposed hours. Low noise pink model generators (Ultra Quiet Denyo Generators provided by John F Hunt Power) would be used to help minimise the noise generated by the development. Given the proposed hours of operation the proposal, together with the generators used, would subject to control by condition, the hours would be consistent with Core Strategy Policies SP1 and DM1 and saved UDP policy DC26.

Crime and Disorder / Public Safety

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.

In view of the above it is considered that the proposals are consistent with Sections 8 and 12 of the NPPF and Policy DM1 of the Core Strategy.

Disabled Access

The layout of the stalls is such that full level access and access for wheelchairs across the square and within the area adjacent to the Corn Exchange would be maintained. Given the above it is considered that the access arrangements would be consistent with Core Strategy Policy DM1.

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

Officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. No such problems have arisen on this 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 31/12/2024 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:

-Design & Access Statement DESIGN AND ACCESS STATEMENT received by the City Council, as Local Planning Authority, on 06/09/2024

-Drawing - Location Plan 06-11-2024 PP-13347929v1

-Drawing - Proposed MCC-XX-DR-B-014 LAYOUT PLAN

Both received by the City Council, as Local Planning Authority, on 23/09/2024

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 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 - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Cathedral Conservation Area 1972
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL