

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140736/JO/2024		
Date registered valid:	20 August 2024		
Proposal:	Variation of Condition 2 (Approved drawings and documents) of Planning Permission 134833/FO/2022 consisting of a larger Tipi to be used as an extension to the Oast House for a temporary time period of 24 weeks per year from 12th October to 31st March.		
Address:	The Oast House, Crown Square, Manchester, M3 3AY		
Ward(s):	Deansgate		Ward
Applicant:	New World Trading Company		
Agent (if any):	Mr Alex Snow P4 Planning Limited		
Case officer:	Emily		Booth
	Tel: 0161	234	4193
	Email: emily.booth@manchester.gov.uk		
Recommendation:	Approve		
Date of recommendation:	11 October 2024		

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 6 September 2024

Standard consultations:

Printed: 21 August 2024 Expired: 12 September 2024

Neighbour notifications

Printed: 21 August 2024 Expired: 12 September 2024

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application relates to a site bounded by Wood Street, Crown Square, The Avenue and the new Magistrates Court, within the Spinningfields area. The site forms part of Crown Square and is currently used as a food and drink venue named the Oast House, with a fairly large external seating and events space. The Oast House plays a critical role in enhancing connectivity within Spinningfields, acting as an anchor whilst providing high quality contemporary public realm.

The site can be viewed in context with the Deansgate Conservation area and the rear of the Grade II listed Masonic Hall on Bridge Street, but it is not within a conservation area.

The site lies within an area of the City Centre known as Spinningfields. Spinningfields is a premium financial and professional services destination set within world class architecture and public realm. It is a mixed-use destination with civic, residential, leisure and retail uses complementing the commercial offer, all in a high quality, planned, managed and safe environment. The local environment surrounding the site contains mostly modern and contemporary buildings.

Surrounding uses include shops, bars, restaurants, offices and law courts.

Temporary permission (ref: 096539/FO/2011/C1) was granted for the Oast House on 26th September 2011, which expired in September 2013. Planning permission (ref:

100927/FO/2012/C1) was subsequently granted for the permanent retention of the Oast House on 14th February 2013.

Permission (ref: 108655/FO/2015/C1) was granted in July 2015 for the erection of tipi to be used as an extension to the Oast House for temporary time period of 16 weeks per year from Mid-October to the end of January.

Permission (ref: 125975/FO/2020) was granted in April 2020 for the extension to period that a tipi (extension to the Oast House) is erected (further to planning permission 108655/FO/2015/C1) from 1st February to 31st March inclusive each year.

Permission (ref: 134833/FO/2022) was granted in November 2022 for the erection of tipi to be used as an extension to the Oast House for temporary time period of 24 weeks per year from 12th October to 31st March.

Description of development

Planning permission is sought for the erection of a 4 peak tipi style structure to replace the approved 3 peak tipi style. The larger structure would use the same high-quality materials with increased noise mitigation. All canvass that would be used would continue to be fire retardant to comply with the BS 7837 standard.

The total area covered by the structure would increase from circa 390m² to circa 514.5m².

The tipi is a single storey structure and fully accessible.

Internally, there would be tables, seating and fireplaces. The development would provide a weather-proof outdoor space to support and improve the venue's existing operations during the winter months (October to March).

The replacement tipi is larger than the previously approved tipis and so would provide cover for more patrons, but the number would not exceed the number of people using the area during warmer months and would still be wholly contained within the existing external seating area.

Consultations & Notification Responses

Highway Services - Advised that the variation of the above-mentioned condition is acceptable in principle from a Highways perspective.

Environmental Health - Confirmed that they have no comments to make

Greater Manchester Police - No comments received.

Publicity - The application was advertised in the local press as affecting the setting of a listed building, affecting the setting of a conservation area and being of public interest, a site notice was displayed on site and letters were sent to surrounding occupiers. No replies have been received.

Issues

Issues and Policy

The Adopted Core Strategy for the City of Manchester

Policy EN1 (Design Principles and Strategic Character Areas) 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.

Policy CC4 (Visitors, Tourism and Leisure) advises that development in the City Centre which improves facilities for visitors, including Manchester residents, will be promoted.

CC10 (A Place for Everyone) states that development that promotes high standards of accessibility to buildings and across spaces in the City Centre.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

Policy DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage.

The Unitary Development Plan for the City of Manchester

Saved Policy DC10 (Food and Drink) advises that the Council will have regard to:

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

Saved Policy DC26 (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.

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-J 1 (Supporting Long-Term Economic Growth) States that a thriving, inclusive and productive economy will be sought in all our boroughs. There will be an emphasis on maintaining a very high level of economic diversity, facilitating the development of high value clusters in prime sectors, making the most of major assets of the sub-region, grasping the economic opportunities from the global transition to a low carbon economy, providing the high-quality, sustainable living environments that will help to attract and retain skilled workers, supporting local job growth, maximising the potential of the key growth locations whilst also securing investment that raises the competitiveness of our northern boroughs to deliver inclusive growth across the sub-region.

Policy JP-P 1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality

and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-P 2 (Heritage) aims 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 Policy

Sections 16, 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas. Development decisions should, therefore, accord with the requirements of the NPPF and to Section 16 (Conserving and Enhancing the Historic Environment).

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". In order to meet this key planning objective, in this instance, the development should sustain and contribute to the stimulation of a thriving historic environment.

Paragraph 196 states that in determining planning 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 wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
- (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- (d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 200 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 203 states 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 207 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

Paragraph 208 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 securing its optimum viable use.

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Visual Amenity

The proposed tipi is larger than the existing tipi and has the same high-quality appearance. The increase in size has an acceptable impact on visual amenity on a temporary basis.

Given the above, it is considered that the proposals are acceptable in terms of visual amenity in accordance with Sections 1 and 7 of the NPPF, policies SP1, EN1, EN3, CC9 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

Amenity Including Residential Amenity

The hours of operation would be as existing, but the size of the tent would be larger. It is however, no larger than the existing external seating area. The impact of this is assessed as follows:

The acceptability of the principle of siting a tipi in this location has already been set by the previous approvals described above.

This tipi would be larger than the previous one but would still be wholly within the external seating area and would house no more customers than the external seating area does during the warmer months.

The mix of uses in the locality has proven to be successful and the Oast House has contributed to this.

Subject to continued compliance with the conditions the proposals are not considered to cause an adverse impact.

Given the above, it is considered that the proposals remain acceptable in terms of residential amenity and the amenity of surrounding occupiers in accordance with policies CC4, CC7, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC10.1-10.4 and DC26 of the Unitary Development Plan for the City of Manchester.

Other Conditions -

None of the other conditions would be amended and would continue to apply to the new tip.

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 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. In this instance this has included ongoing advice about the information required to be submitted to support the application.

- 1) The development shall have commenced not later than 15 November 2025.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

The site location plan received by the City Council as local planning authority on 31 August 2022;

The drawings referenced:

NW-TOH-Tipi2024-001 Rev -

NW-TOH-Tipi2024-002 Rev -
NW-TOH-Tipi2024-003 Rev -

received by the City Council as local planning authority on 08 August 2024;

The Main Pole Constructed drawing received by the City Council as local planning authority on 31 August 2022;

Smoking & Al Fresco Dining Policy, the Tentipi Safety Manual, the Opening Up Checklist, the Operating Schedule, the Dispersal Policy, the report by High Street Textile Testing Services Limited, the Fire Risk Assessment - The Curious Teepee all received by the City Council as local planning authority on 31 August 2022;

Fire tests according to BS 7837:1996 (ref. 27/05972/09/22) and Weather Management Plan received by the City Council as local planning authority on 8 August 2024

The letters from P4 Planning dated 15th August 2022 and 8 August 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EN3, CC4, CC7, CC9, CC10, SP1 and DM1 of the adopted Core Strategy for the City of Manchester and saved policies DC10.1-10.4, DC18.1, DC19.1 and DC26 of the City Council's Unitary Development Plan.

- 3) a) The structure hereby approved shall only be in situ and in use for a temporary time period from 12th October to 31st March each year and shall not be used outside these dates
b) The structure hereby approved shall not be used outside these times :-

Sunday to Wednesday - 11:00 to 00:00 (midnight)
Thursday to Saturday - 11:00 to 01:00.

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) Background music shall only be played within the structure hereby approved between the hours of 17:30 and 00:00 daily and amplified music and/or sounds shall not be played at any time other than between 11:00 and 22:00 and shall only be played on the days of the live broadcast of the Six Nations Rugby Championship matches.

Reason - In interests of amenity and 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.

- 5) The measures recommended within the letter from Greater Manchester Police Design for Security referenced 2011/0691/CIS/01, dated 27th March 2015 and received by the City Council as local planning authority on 10th November 2022 shall be fully implemented on commencement of the use of the structure hereby approved and maintained for the duration of the use.

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

- 6) The access measures for disabled people to gain access into and throughout the structure hereby approved as described in the letter from P4 Planning dated 15 August 2022 received by

the City Council as local planning authority on 31 August 2022 shall be fully implemented prior to the commencement of the use and shall be maintained for the duration of the use hereby approved.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policies CC10, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester.

7) The measures detailed in the dispersal policy, the operating schedule, the smoking strategy, the al fresco dining policy, the planning statement, the 'Addition to Existing Fire Risk Assessment', the Fire Risk Assessment, the report by Fire Technology Services and the letter dated 21st May 2015 received by the City Council as local planning authority on 3 April 2020 hereby approved shall be fully implemented on commencement of the use hereby approved and maintained for the duration of the use hereby approved.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC10.1-10.4 and DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Unit 1, 4 Hardman Square, Manchester, M3 3EB
Fourth Floor, 3 Hardman Street, Manchester, M3 3HF
36 Bridge Street, Manchester, M3 3BT
Third Fourth And Fifth Floors, 4 Hardman Square, Manchester, M3 3EB
Tenth Floor, 3 Hardman Street, Manchester, M3 3HF
Twelfth Floor, 3 Hardman Street, Manchester, M3 3AU
Neighbourhood Restaurant, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Second Floor, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
First Floor, Deans Court, Crown Square, Manchester, M15 5FU
Medika Clinic, 3 Hardman Street, Manchester, M3 3AX
Eleventh Floor, 3 Hardman Street, Manchester, M3 3AU
Dishoom, 32 Bridge Street, Manchester, M3 3BZ
Advertising Right Outside Crown Court, Crown Square, Manchester, M3 3FL
First Second And Third Floors, 4 Hardman Square, Manchester, M3 3EB
4 Hardman Square, Manchester, M3 3EB
Ground Floor, 3 Hardman Street, Manchester, M3 3AX
Ninth Floor, 3 Hardman Street, Manchester, M3 3HF
Seventh Floor, 3 Hardman Street, Manchester, M3 3HF
First Floor, Rational House, 64 Bridge Street, Manchester, M3 3BN
22 Wood Street, Manchester, M3 3EF
18 Wood Street, Manchester, M3 3EF
John Rylands Library, 148 - 158 Deansgate, Manchester, M3 3EH
Unit 1B, 4 Hardman Square, Manchester, M3 3EB
First Floor, 3 Hardman Street, Manchester, M3 3AW
Fifth Floor, 3 Hardman Street, Manchester, M3 3HF
Wood Street Mission, 26 Wood Street, Manchester, M3 3EF
24 Wood Street, Manchester, M3 3EF
Advertising Right Outside 3, Hardman Street, Manchester, M3 3HF
Second Floor, Deans Court, Crown Square, Manchester, M15 5FU
Advertising Right Outside 14, Hardman Street, Manchester, M3 3HF
The Crown Court, Crown Square, Manchester, M3 3FL
Second Floor, 3 Hardman Street, Manchester, M3 3AW
Sixth Floor, 3 Hardman Street, Manchester, M3 3AT
Third Floor, 3 Hardman Street, Manchester, M3 3AW
Spinningfields Magistrates Court, Crown Square, Manchester, M60 1PR
Artisan, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
Impress Manchester, 3 Hardman Street, Manchester, M3 3AX
Eighth Floor, 3 Hardman Street, Manchester, M3 3HF
The Restaurant, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ
20 Wood Street, Manchester, M3 3EF
16 Wood Street, Manchester, M3 3EF
30 Bridge Street, Manchester, M3 3BZ

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL