

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138477/VO/2023
Date registered valid: 10 November 2023
Proposal: City Council Development - Temporary change of use of public square for the purpose of a Christmas Market for a period of 43 days
Address: Exchange Square, Manchester
Ward(s): Deansgate Ward

Applicant: Mr Dale Maybury Manchester City Council
Agent (if any): Mr Robert Hutchinson Manchester City Council
Case officer: Lucy Harrison
Tel: 0161 234 5795
Email: lucy.harrison@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 6.12.23

Application details

Type of application: Regulation 3 Consent
Development type: Minor Other
Date of site visit: 14 November 2023

Standard consultations:

Printed: 14 November 2023 Expired: 5 December 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 14 November 2023 Expired: 5 December 2023

Press advert

Published: 21 November 2023 Expired: 5 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Cathedral Conservation Area 1972

Tree Preservation Order:

Description of area

The application relates to Exchange Square, a triangular-shaped pedestrianised area bounded by Selfridges to the south, the Grade II listed buildings of the Corn Exchange, the Old Wellington Inn and Sinclair's Oyster Bar to the north and the Metrolink tramstop and Arndale Centre to the east.

The site lies within an area of the City Centre that contains a variety of uses including shops, bars, restaurants, commercial and residential uses. It is adjacent to Cathedral Conservation Area.

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 Corn Exchange and Exchange Square.

This part of the market would operate as follows:

10 November 2019 to 23 December 2023 10.00 to 21.00

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

Loading and unloading would be from existing loading areas around the site. Vehicle access would be managed by trained stewards and no access would be allowed onto Exchange Street during trading hours. Vehicular access/egress to retail establishments would be maintained as per their normal procedure.

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, including the Site Specific Traders Information pack, 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.

Highway Services - No objections.

Environmental Health - No comments.

Greater Manchester Police - No objections. Suggests security measures which have been incorporated into previous markets.

Issues

Local Policies

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

Policy CC1 (Primary Economic Development Focus: City Centre and Fringe)

Identifies that 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.

Policy CC 2 (Retail)

States that the Council will promote the growth and improvement of the retail provision in the City Centre.

Policy 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.

Policy SP1 (Spatial Principles)

Guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan and outlines the following core development principles:

Development should:-

Make a positive contribution to neighbourhoods of choice including:-

- o creating well designed places that enhance or create character;
- o making a positive contribution to the health, safety and wellbeing of residents;
- o considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- o protect and enhance the built and natural environment;
- o minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- o Improve access to jobs, services, education and open space by being located to reduce the need to travel; and
- o Provide good access to sustainable transport provision.

Policy 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:-

- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- o Development should have regard to the character of the surrounding area.
- o 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.
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- o Community safety and crime prevention.
- o Design for health.
- o Refuse storage and collection.
- o Vehicular access and car parking.

Policy CC9 (Design and Heritage)

States that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including conservation areas and listed buildings.

Policy EN 3 Heritage

States that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

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:

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

Details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity.

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

Places for Everyone Plan

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

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.

National Planning Policy

Sections 6 (Building a strong, competitive economy), 7 (Ensuring the vitality of town centres), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic Environment) of the revised National Planning Policy Framework (2021) are relevant to this application.

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.

Design and Heritage 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.

Principle of the Use

The submitted planning application is for a temporary change of use to a Christmas market of 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 an appropriate retail area, 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 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. Given this 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 C26.

Amenity / Hours of Operation

Given the proposed hours of operation the proposals would be consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC26.1 and 26.5.

Crime and Disorder / Public Safety

The operation of the market would be carried out in accordance with an appropriate management strategy to ensure the smooth, safe and efficient running of the market 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 market would be operated in line with the Management, Security and Stewarding Measures set out within the submitted Design and Access Statement.

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.

Inclusive Access

The layout of the stalls is such that the existing level access across the square 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:

Article 35 Declaration

Officers will work 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 24.12.2023 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:

OT45573-MCC-XX-DR-B-002 Location Plan - Corn Exchange & Exchange Square
OT45573-MCC-XX-DR-B-009 Corn Exchange and Exchange Sq Proposed Layout Plan
Design and Access Statement dated November 2023
Manchester Christmas Markets 2023 Trader Information Pack
Manchester Christmas Markets 2023 Site Specific Traders Information - Appendix 1 Exchange Square

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.

Appendix 1 – List of consultees

Highway Services
Environmental Health

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Cathedral Conservation Area 1972

Area Team Boundary - Name: CENTRAL