MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138480/VO/2023
Date registered valid:	10 November 2023
Proposal:	City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market for a period of 43 days.
Address:	Market Street, Manchester
Ward(s):	Piccadilly Ward
Applicant:	Mr Dale Maybury Manchester City Council
Agent (if any):	Mr Robert Hutchinson Manchester City Council
Case officer:	Emily Booth Tel: 0161 234 4193 Email: emily.booth@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	6 December 2023

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Date of site visit: 28 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: Not applicable

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

Tree Preservation Order: Not applicable

Description of area

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.

Consent is sought for the use of a large part of Market Street for a temporary 43-day period for the placement and use of stalls as part of Manchester Christmas Markets. Two back-to-back rows of stalls would be placed in the middle of the street with space provided at either site to maintain access along the street.

This part of the Christmas Markets would operate as follows:

Dates - 10 November 2019 to 21 December 2023

Operating Hours - 10.00 to 20.00

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

Loading and unloading would be on Market Street and would be outside of trading hours.

Waste would be collected from each stall each morning and would be transferred to a central storage area on Pall Mall to be collected.

The submitted plans and documents, including the Design and Access Statement 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.

In support of the application the following has been stated in the application: The Manchester Christmas Markets area a popular and important attraction that have been successfully in operation for a number of years. The event organisers, Manchester Specialist Markets area a team of competent persons with 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.

In terms of issues such as public safety the Management of the Markets have used 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 to minimise nuisance and disruption to nearby businesses and other users of the market environment.

A Christmas Market has previously operated in this location on a temporary basis.

Consultations & Notification Responses

Highway Services - No objections.

Environmental Health - No objections.

Greater Manchester Police - Advised the following:

- Temporary CCTV coverage of the stalls should be provided.
- Market stalls should be positioned so they create no visual barrier and sight lines stay clear.
- Lighting should be incorporated to sufficiently cover all aspects of the stalls and pathways.
- Any site boundaries should be installed to allow the flow control of pedestrians, as this creates a one-way in and one-way out. - Creating a safer environment as well as a gateway for any offender.
- The presence of site security personnel should be easily identifiable and located at main points of egress.

Publicity - The application was advertised as a public interest development, and 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.

Issues

Local Policy

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) -which 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) - Which states that the Council will promote the growth and improvement 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),- which 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:-

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

Policy DM1 (Development Management) - Which 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.

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 - which 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) - which seeks to preserve and enhance the character of its designated conservation areas.

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

DC26.1 Development and Noise - which 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 - which 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

The Places for Everyone Plan is a Joint Development Plan Document, which provides 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. 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 -

The National Planning Policy Framework.

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.

Sections 16, 66 and 74 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 197 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- The desirability of new development making a positive contribution to local character and distinctiveness

Other Planning Policy

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 Issues

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 section 12 of the NPPF, Core Strategy policies EN1 CC9, SP1 and DM1, saved UDP policies DC18.1 and 19.1 and JP-P 2 and JP-P-1 of the Places for Everyone Plan.

Principle of the Use

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 that has been carried out for a number of years in these locations. 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 will 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 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 the revised NPPF, Core Strategy policies CC1, CC2, CC4,SP1, CC7, and DM1 and saved UDP policy C26 and JP-P 2 and JP-P-1 of the Places for Everyone Plan.

Amenity / Hours of Operation

Given the proposed hours of operation the proposals would subject to compliance with conditions be consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC26.1 and 26.5 and JP-P-1 of the Places for Everyone Plan.

Crime and Disorder / Public Safety

The operation of the markets will be carried out in accordance with an 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 documents are capable of being a condition of any consent granted.

In view of the above it is considered that the proposals are consistent with of the revised NPPF and Policy DM1 of the Core Strategy and JP-P-1 of the Places for Everyone Plan.

Disabled Access

The layout of the stalls is such that full level access and access for wheelchairs within the site would be maintained along Market Street.

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 polices 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 a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. All such issues have been resolved due to the discussions within the applicant and the conditions.

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 of 43 days only expiring on 22nd December 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 operated in accordance with the following plans and documents:

The drawings referenced:

OT45573-MCC-XX-DR-B-013
OT45573-MCC-XX-DR-B-006

Received by the City Council, as Local Planning Authority on 3 November 2023

The Design & Access Statement received by the City Council, as Local Planning Authority on 10 November 2023

Supporting Information Generic Christmas Market Info received by the City Council, as Local Planning Authority on 16 November 2023

Supporting Information Site Specific Information received by the City Council, as Local Planning Authority on 16 November 2023

Reason - Pursuant to the City of Manchester Core Strategy Policies SP1, CC1, CC2, CC4, CC9, EN3 and DM1 and saved Unitary Development Plan policies DC18, DC19 and DC26.

Informatives

1) The following security measures are recommended by Greater Manchester Police for this site:

- Temporary CCTV coverage of the stalls should be provided.
- Market stalls should be positioned so they create no visual barrier and sight lines stay clear.
- Lighting should be incorporated to sufficiently cover all aspects of the stalls and pathways.
- Any site boundaries should be installed to allow the flow control of pedestrians, as this creates a one-way in and one-way out. - Creating a safer environment as well as a gateway for any offender.
- The presence of site security personnel should be easily identifiable and located at main points of egress.

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
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) -
Area Team Boundary - Name: CENTRAL