MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138479/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:	King Street, Manchester
Ward(s):	Deansgate Ward
Applicant:	Mr Dale Maybury Manchester City Council
Agent (if any):	Mr Robert Hutchinson Manchester City Council
Case officer:	David Brettell Tel: 0161 234 4556 Email: dave.brettell@manchester.gov.uk
Recommendation:	**Approve**

Date of recommendation: 12.12.2023

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: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order:

Description of area

This application relates to a pedestrianised area within the City Centre known as King Street, that is located in between Deansgate and Cross Street. The site is within the St. Ann's Square Conservation Area and a number of listed buildings are nearby. The area surrounding the application site is mostly commercial in nature.

Description of development
Temporary planning permission is sought for the use of King Street between the 10th November 2023 and 22nd December 2023 as a Christmas Market. This particular market would operate with the following hours: 10am to 9pm. The King Street market would consist of stalls offering hot food and a range of wooden craft and gifts. The applicants have stated that the layout of the market has been designed to allow adequate access for emergency vehicles. Vehicular access onto the site would only be outside of trading hours. 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. Related Application

Related Applications

138476/VO/2023 - City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market, Ice village and ice rink for a period of 58 days at Cathedral Gardens, Manchester.

138477/VO/2023 - City Council Development - Temporary change of use of public square for the purpose of a Christmas Market for a period of 43 days at Exchange Square, Manchester.

138480/VO/2023 - City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market for a period of 43 days at Market Street, Manchester.

138484/VO/2023 - City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market for a period of 43 days at New Cathedral Street, Manchester.

138487/VO/2023 - City Council Development - Temporary change of use of public open space for the purpose of a Christmas Market for a period of 43 days at Piccadilly Gardens, Manchester

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 at St Anns Square & Exchange Street, Manchester,

Consultations & Notification Responses

Highway Services - Confirmed that the proposals are acceptable to Highway Services.

Environmental Health - Have no comment to make.

Greater Manchester Police - Had some general comments concerning general security requirements for these developments.

Cadent Gas - Have no objection. Requested that an informative be added concerning any works that might affect gas assets in the area.

Publicity - A site notice and local press advert were produced. At the time of writing this report, no representations have been received due to this publicity.

Policy

National Planning Policy Framework (2021)

The following Policies are of relevance to this application

Section 6 (Building a strong and competitive economy) - Which is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future and places significant weight on the need to support economic growth through the planning system

Section 7 (Ensuring the Vitality of Town Centres) - Which promotes competitive town centre environments.

Section 8 (Promoting Healthy Communities) and Section 12 (Achieving Well-Designed Places) - Require planning decisions to create safe and accessible environments where crime and disorder and fear of crime do not undermine quality of life or community cohesion.

Section 16 (Conserving and enhancing the historic environment) - Sets out the criteria that should be taken into account when assessing the impact of development on heritage assets when determining planning applications. Heritage assets include areas or landscapes with a heritage interest. The site is not within a conservation area but does affect the settings of nearby Grade II and II* listed buildings.

The Adopted Core Strategy for the City of Manchester

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 CC2 (Retail) - Which states that the Council will promote the growth and improve 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 EN3 (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

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

Issues

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.

The Manchester Christmas Markets are a popular and important attraction that have been successfully in operation for a number of years. The event organisers, Manchester Specialist Markets are 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 nuisance and disruption to nearby businesses and other users of the market environment.

The layout for each of the market sites has been agreed in consultation with Manchester Specialist Markets, Greater Manchester Police and MCC Neighbourhood Services, with input from the access audits that have been undertaken for each site.

The Christmas Markets would be a temporary feature with all associated works being reversible.

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 the run up to the festive period. Given this the proposals are therefore considered to be in accordance with the NPPF, Core Strategy policies CC1, CC2, CC4, SP1, CC7 and DM1 and saved UDP policy DC26.

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 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

Given the proposed hours of operation, the proposals would be subject to compliance with conditions and 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 markets will 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 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 Design and Access Statement are capable of being a condition of any consent granted.

In view of the above it is considered that the proposals are consistent with Sections 6, 7 and 8 of the NPPF and Policy DM1 of the Core Strategy and Section

Disabled Access

The layout of the stalls is such that full level access and access for wheelchairs within the area would be maintained

Given the above it is considered that the access arrangements would be consistent with Core Strategy Policy DM1.

Conclusion

Given the above, it is considered that the proposal is in accordance with the above policies and should be approved.

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

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning 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 between 10th November 2023 and 22nd December 2023. The use comprising the development for which permission is hereby granted is required to be discontinued on the end date and on removal of this, any damage to the application site is to be made good.

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 UDP policies DC18.1, DC19.1.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents: Received by the City Council as Local Planning Authority on 03 November 2023: -

Layout Plan OT45573-MCC-XX-DR-B-011 –

Location Plan OT45573-MCC-XX-DR-B-004 Received by the City Council as Local Planning Authority on 10 November 2023: -

Design & Access Statement Received by the City Council as Local Planning Authority on 16 November 2023: -

General Christmas Market Info - Site Specific Information

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.

Informative 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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRAL