MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138484/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:	New Cathedral Street, Manchester
Ward(s):	Deansgate Ward
Applicant:	Mr Dale Maybury Manchester City Council
Agent (if any):	Mr Robert Hutchinson Manchester City Council
Case officer:	Max Gibson Tel: 0161 219 6359 Email: maximillian.gibson@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**05/12/2023**

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
The application relates to a pedestrianised area known as New Cathedral Street bounded by Marks and Spencer and Selfridges to the east, No1 Deansgate to the west, Market Street/St Mary's Gate to the south and Exchange Square to the north.

Listed building: Not applicable

Conservation area: n/a

Tree Preservation Order: **n/a**

Description of area
The site lies within an area of the City Centre that comprises a variety of uses including shops, bars, restaurants, commercial and residential uses. It is adjacent to St Ann's Square Conservation Area and Cathedral Conservation Area.

Description of development
Permission is sought for the use of the area for a temporary period as detailed above for stalls as part of Manchester Christmas Markets. This section of the markets is known as New Cathedral Street.

Consultations & Notification Responses
Publicity - The application was advertised as a public interest development, affecting a public right of way 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.

Environmental Health - no comments to make following review
Highways Services - submitted proposals are acceptable to Highways

Design for Security at Greater Manchester Police – have been in consultation regarding the markets for several years and are satisfied their recommendations have been incorporated into the development

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.

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.

Principle
The application is for a temporary change of use to a Christmas market at 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 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 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. 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.

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. Given the proposed hours of operation the proposals 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 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 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 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:

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 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 operated in accordance with the following plans and documents:

-Drawing - Proposed T45573-MCC-XX-DR-B-010 LAYOUT PLAN
-Drawing - Location Plan T45573-MCC-XX-DR-B-003 LOCATION PLAN
Received by the City Council, as Local Planning Authority, on 03/11/2023

-Design & Access Statement DESIGN & ACCESS STATEMENT
Received by the City Council, as Local Planning Authority, on 10/11/2023

-Supporting Information GENERIC CHRISTMAS MARKET INFO
-Supporting Information SITE SPECIFIC INFORMATION
Received by the City Council, as Local Planning Authority, on 16/11/2023

Reason - Pursuant to Core Strategy Policies SP1, CC1, CC2, CC4, CC9 and EN3 and DM1 and saved UDP policies DC18.1, DC19.1, DC26.1 and DC26.5

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
Area Team Boundary - Name: CENTRAL