

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 134833/FO/2022

**Date registered valid:** 9 September 2022

**Proposal:** 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.

**Address:** The Oast House , Crown Square, Manchester, M3 3AY

**Ward(s):** Deansgate Ward

**Applicant:** Mr Alex Hardcastle New World Trading Company C/o Agent, M1 1HR

**Agent (if any):** Mr Bill Davidson P4 Planning Limited 14a Little Lever Street, Manchester, M1 1HR

**Case officer:** Emily Booth  
Tel: 0161 234 4193  
Email: [emily.booth@manchester.gov.uk](mailto:emily.booth@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 15 November 2022

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 11 November 2022

### **Standard consultations:**

Printed: 18 October 2022 Expired: 8 November 2022

### **Neighbour notifications**

Printed: 29 September 2022 Expired: 20 October 2022

### **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 external seating and an 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.

### **Description of development**

Planning permission is sought for the erection of a 3-point tipi style structure comprised of 27 wooden poles, secured to a purpose-built scaffold sub-floor platform, covered with synthetic weave matting. The 27 poles are covered by 3 x inherently fire-retardant teepee canvasses, with covering canvasses to seal the tents. All canvass is fire retardant to comply with the BS 7387 standard. Storm-wires would be used within the structure's design to significantly increases its storm-rating.

The main central wooden pole within each of the three connected tipis would be 180mm in diameter at the base, tapering to 60mm diameter at the top. Wooden cross poles would join and help brace the structure with a varying diameter (between 50mm and 80mm). The sides of the canvas may be raised or left down, creating a diameter of 13 metres or 10.3 metres respectively (top view). The total area covered by the structure extends to 390m<sup>2</sup> with the sides up.

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.

The structure would be used as an extension to the Oast House for temporary time period of 24 weeks from 12th October to the 31st of March every year. It would replace some of the external seating for the duration of its use.

The replacement tipi is larger than the previously approved tipis and so would provide cover for more patrons. There would be a maximum of 388 patrons within the tipi at any time.

### **Consultations & Notification Responses**

Highway Services - Confirmed that they have no objection.

Environmental Health - Confirmed that the proposed opening hours are acceptable and should be restricted by condition.

Greater Manchester Police - Advised that we would be happy to support the application on the basis of the conditions on the previous application (125975/FO/2020 ) being added if the application is to be approved in particular the below condition:

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 20 January 2020 shall be fully implemented on commencement of the use of the structure hereby approved and maintained for the duration of the use.

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**

The main issues for consideration relate to the acceptability of the proposals in terms of residential amenity, visual amenity and crime and disorder, the availability of disabled access and fire safety. The main policies that relate to the assessment of the proposals are Sections 1 (Building a Strong and Competitive Economy), 4 (Promoting Sustainable Transport) and 7 (Requiring Good Design) of the National Planning Policy Framework, policies CC4 (Visitors, Tourism, Culture and Leisure), CC7 (Mixed Use Development), CC9 (Design and Heritage) CC10 (A place for Everyone), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), SP1 (Spatial Principles) and DM1 (Development Management) of the adopted Core Strategy for the City of Manchester and saved policies DC10.1-10.4 (Food and Drink Uses) and DC26 (Development and Noise) of the City Council's Unitary Development Plan.

### **Visual Amenity**

The application is supported by a maintenance strategy to ensure that the structure is maintained in good condition. It is in keeping with the character of the Oast House site and is acceptable on a temporary basis to allow the external seating to operate during the colder months.

The proposed tipi is larger than the existing tipi and has a more 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 application is in an area of the City Centre that is fairly close to residential accommodation with the nearest residential accommodation being located on Bridge Street and at Left Bank. However, there are buildings and other external seating areas in between the locations.

The seating area is also close to other noise sensitive uses at the adjacent law courts and at John Ryland's Library (JRUL), although JRUL is further away and separated from the site by other seating areas and buildings. In order to prevent disturbance, the conditions recommended by the City Council's Environmental Service will be applied to the application. The application has also been supported by management strategies, which detail measures to protect amenity and will be required to be implemented by condition.

The mix of uses in the locality has proven to be successful and the Oast House has had the benefits described above.

Subject to compliance with these measures 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.

#### Crime and Disorder

Conditions will require the implementation of the measures recommended in the Crime Impact Statement.

Given this, the proposals are considered to be in accordance with policies SP1 and DM1 of the adopted Core Strategy for the City of Manchester.

#### Disabled Access

The entrance into the structure is level and the floor of the structure would be level throughout.

Given the above, the proposals are acceptable in terms of disabled access in accordance with policies CC10, SP1 and DM1 of the adopted Core Strategy for the City of Manchester.

#### Highways

The site is located within an area of the City Centre that is highly accessible by public transport, including by train from Salford Central and Deansgate Train Stations, Metrolink services from Deansgate and bus stops on Deansgate.

Given the above the proposals comply with section 4 of the NPPF and policies DM1 and SP1 of the Core Strategy.

#### Fire Safety

This is a consideration due to the operation of a fire within a tented fabric structure. The application is supported by fire safety documentation including measures to minimise risk of fire. These measures will be required to be implemented by condition.

Given this, the proposals are considered to be in accordance with policies SP1, CC10 and DM1 of the adopted Core Strategy for the City of Manchester.

#### **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.

### **Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse**

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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:  
TOH-Tipi (Side Elevation)  
TOH-Tipi (Floor Plan)  
001 Rev A  
TQRQM22215120052428

all received by the City Council as local planning authority on 31 August 2022;

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

The drawing showing the footprint of the tipi received by the City Council as local planning authority on 15 October 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;

The letter from P4 Planning dated 15th August 2022 and received by the City Council as local planning authority on 31 August 2022.

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

30 Bridge Street, Manchester, M3 3BZ  
The Restaurant, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ  
Artisan, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ  
34 Bridge Street, Manchester, M3 3BZ  
Dishoom, 32 Bridge Street, Manchester, M3 3BZ  
Eleventh Floor, 3 Hardman Street, Manchester, M3 3AU  
Neighbourhood Restaurant, Manchester House, 18 - 22 Bridge Street, Manchester, M3 3BZ  
Second Floor, Deans Court, Crown Square, Manchester, M15 5FU  
First Floor, Deans Court, Crown Square, Manchester, M15 5FU  
Spinningfields Magistrates Court, Crown Square, Manchester, M3 3EN  
Tenth Floor, 3 Hardman Street, Manchester, M3 3HF

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