

Application Number	Date of Appln	Committee Date	Ward
129010/FO/2020	31st Dec 2020	18th Feb 2021	Levenshulme Ward

Proposal Temporary use of the southern section of public car park as a market for a period of 4 years: operating on Saturdays 10.00 am to 4.00 pm (52 weeks per year); Fridays between 4.00 pm and 10.00 pm (up to 12 evenings per year) and Sundays 10.00 am and 5.00 pm (up to 12 days per year) with the associated retention of an existing container / generator unit and fenced enclosure to be used for storage of segregated waste/ recycling and installation of 1 x electrical power cabinet

Location Public Car Park Accessed Via Stockport Road And Albert Road, Manchester, M19 3AB

Applicant Mr Paul Bower, 4 Dean Bank Avenue, Manchester, M19 2EZ,

Executive summary

Proposal – This application relates to Levenshulme District Centre car park, which is bounded by a railway line and station to the west and Stockport Road to the east. The use of the car park as a market commenced in 2013. The current market has planning permission that expires on 7 August 2021. It allows the market to operate on Saturdays (10 am-4 pm) between March and December (inclusive) and on no more than ten Friday nights (5 pm-9 pm) per year.

The proposed development relates to the temporary use of the southern section of the public car park as a market for a period of 4 years. The proposal would increase the operating periods on Saturdays 10.00 am to 4.00 pm (52 weeks per year); Fridays between 4.00 pm and 10.00 pm (up to 12 evenings per year) and Sundays 10.00 am and 5.00 pm (up to 12 days per year). The development would involve the siting of a total of 50 moveable stalls and gazebos to the south and immediately to the north of the public footpath crossing the car park from east to west. The remaining area in the northern section would remain in operation whilst the market is being held.

Objection – A petition signed by 19 individuals and 7 emails of objection and expressions of concern relating to:

- i. The impact of the holding of the market on local car parking provision;
- ii. The siting of stalls and their related effect on the undertaking of servicing and deliveries;
- iii. The impact of the siting the development on access to the rear of neighbouring properties;
- iv. The harm caused to amenity attributed to noise disturbance, waste storage and litter dispersal.

Support – 92 emails of support have been received and are summarised below:

- i. The market has positively raised the profile of Levenshulme District Centre to the area. It has added significantly to the vibrancy of the district centre and its retention is strongly supported;
- ii. The market has increased footfall within the district centres demonstrating the benefits of its operation to its traders and businesses in the wider district centre;
- iv. The market is a well-run and a safe space for families and the wider community providing a much needed destination for social engagement and interaction across a diverse community;
- v. The site is in a sustainable location that can be accessed by local people without the need to use cars, which is beneficial to carbon reduction.

Key Issues

- i. The importance of the market to the vitality and vibrancy of Levenshulme District Centre;
- ii. The potential harm associated with the extended operation of the market;
- iii. The impact of the loss of car parking capacity on the operation of the district centre;
- iv. The benefits of securing additional arrangements to improve the operation and management of the market.

A full report is attached for Members consideration.

Description

This application relates to Levenshulme District Centre car park, which is bounded by a railway line and station to the west and Stockport Road to the east. Albert Road lies to the south, with the car park access to the north gained from Farmside Place. The existing car park is bisected by a cycle/pedestrian route running beneath the elevated railway line and providing a route through to Stockport Road. Retail and commercial uses are located to the north and east of the site with a mix of commercial and residential uses located to the south of the site with frontages to Albert Road.



Fig. 1 - Views across the car park

The use of the car park as a market commenced in 2013. At that time the market was held infrequently and did not require planning permission. However, planning permission ref: 102060/FO/2013/N2 was approved on 4 July 2013, allowed the siting of storage container and internal generator unit thereby facilitating the holding of a market on a more frequent and regular basis. Planning permission ref: 104683/FO/2014/N2 was approved on 14 March 2014 for a temporary 2 year period and allowed a market to be held on Saturdays from 10.00 am – 4.00 pm between March and December (inclusive) and no more than 4 annual Friday night markets. A further planning application ref: 116414/FO/2017 was approved 10 August 2017 for a temporary period expiring - 7 August 2021. It allowed the holding of a weekly market on Saturdays (10 am-4 pm) between March and December (inclusive) and no more than 10 annual Friday night markets (5 pm-9 pm) with the retention of the storage container, generator and waste and recycling enclosure. This planning permission expires on 7 August 2021.



Fig 2 - Comparative views of the car park on non-market days and during market events

The proposed development involves:

- i. The development relates to the temporary use of the southern section of public car park as a market for a period of 4 years. The proposal would increase the markets operating periods on Saturdays 10.00 am to 4.00 pm (52 weeks per year); Fridays between 4.00 pm and 10.00 pm (up to 12 evenings per year) and Sundays 10.00 am and 5.00 pm (up to 12 days per year);
- ii. The siting of a total of 50 moveable stalls and gazebos to the south and immediately to the north of the public footpath crossing the car park from east to west. The remaining area in the northern section would remain in operation whilst the market is being held. The arrangement of the stalls would facilitate movement through and around the site and would also allow existing rear access to property along the eastern site boundary. This arrangement is illustrated in Fig.3;

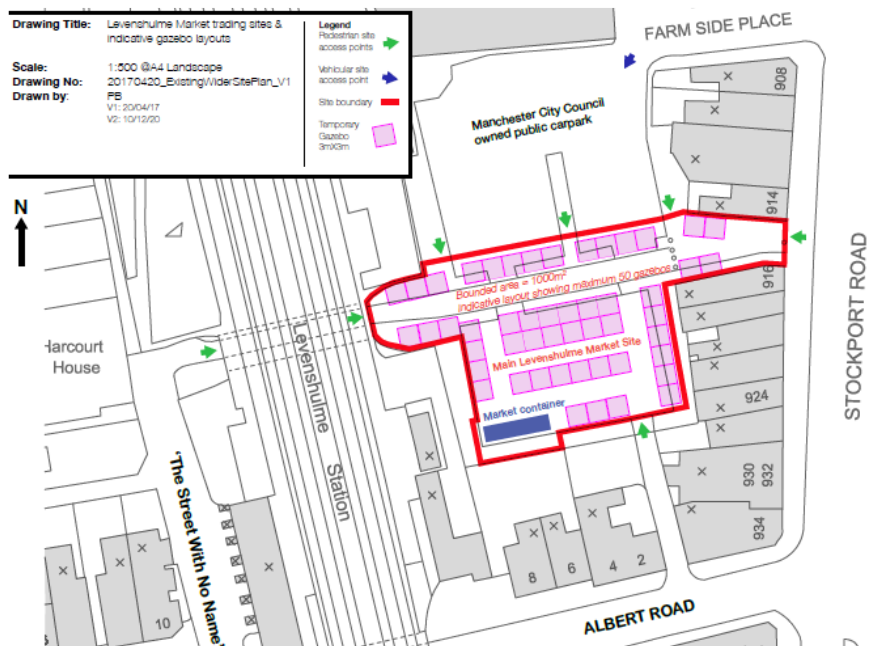


Fig. 3 - Market layouts

- iii. The existing storage container and generator unit would be retained in the south-west corner of the site adjacent to a landscaped strip situated adjacent to the southern boundary of the site, which is shared with properties located between 2 – 8 Albert Road. Part of this area, to the rear of the storage container, is enclosed by paladin fencing and would be retained to facilitate the storage of waste and recycling bins and water butts;
- iv. The applicant proposes a phased decommissioning of the use of the existing generator through provision of electrical mains connection to the site. This would be facilitated by the installation of an electrical cabinet to be sited to the south of the cycle/pedestrian route running through the site;
- v. The market would continue to be operated by local people on a voluntary basis.

Consultations

Local residents – Representations objecting and supporting the development are summarised below:

Objection – A petition signed by 19 individuals and 7 emails of objection and expressions of concern have been received and are summarised below:

- i. The siting of market stalls has significantly reduced the availability of car parking for customers of neighbouring businesses thereby resulting in a loss of trade. Car parking is limited within the district centre and should be retained. Its absence has, alongside car parking generated by the market, resulted in

- additional car parking in nearby residential streets. The car park should also be retained in support of commuters using Levenshulme Station.
- ii. The siting of the market has also affected servicing of adjacent businesses, which require rear access due to the presence of parking restrictions on Stockport Road. Businesses report that the proximity of market stalls has limited general access to rear alleyways and affected waste collections and deliveries;
 - iii. There are concerns that the siting of the market would prevent access by emergency vehicles;
 - iv. The area to the south of the site has been used to site a bin store, which has prevented properties along Albert Road preventing residents from maintaining rear access from their garden areas. The siting of the bin store has also caused disamenity associated with the lengthy storage of waste within it. It is considered that the bin enclosures should be removed to facilitate rear access;
 - v. The development has not been supported with adequate arrangements for waste storage and collection and the clearance of litter at the end of trading. These are concerns that, as a result, the development may have contributed to localised vermin infestation;
 - vi. The market has generated significant noise including the transmission of music, which has continued beyond the end of trading. There are concerns that this disturbance may intensify if the sale of alcohol is permitted;
 - vii. Some representations have indicated the market should only operate on the basis of the previous planning permission;
 - viii. The submitted petition has been accompanied with a number of requests should the market be permitted to continue, including:
 - The siting of stalls to ensure access to neighbouring properties for servicing and deliveries;
 - Appropriate arrangements for waste storage and collection from the market;
 - Guaranteed access to car parking space for neighbouring businesses;
 - Assurances regarding access for emergency services through the car park;
 - Consideration of an alternative location for the market to address concerns regarding its further expansion.

Support – 92 emails of support have been received and are summarised below:

- i. The market has positively raised the profile of Levenshulme District Centre and increased visits to the area. It has added significantly to the vibrancy of the district centre and its retention is strongly supported. It is also considered that a further planning permission will give traders greater certainty in their future business plans and on-going participation in the market;
- ii. The market has increased footfall within the district centre demonstrating that its operation benefits traders and businesses in the wider district centre. This renewed interest in the district centre has acted as catalyst for new investment along Stockport Road. This is demonstrated by the recent increase in bars and restaurants in the area. The maintenance of the market is therefore seen as being crucial to the on-going regeneration of the district centre in the post COVID period;

- iii. The market is a valuable platform for local businesses and artists and provides them with a direct income from on-site sales, whilst raising their profile and promoting sales elsewhere. The operation of the market thereby helps to sustain the employment generated by a significant number of businesses;
- iv. The market is a well-run and a safe space for families and the wider community. The market is seen as both a retail and leisure destination. It provides a much needed destination for social engagement and interaction across a diverse community. The market provides space for various charity promotions and family activities. The success of the market is reflected in it being awarded the 'Best Small Outdoor Market' by the National Association of British Market Authorities in 2020;
- v. The site is in a sustainable location that can be accessed by local people without the need to use cars, which is beneficial to carbon reduction. The market also provides outlets that supply organic and vegan foods that support and encourage more environmentally sustainable lifestyles. This is seen as a welcome addition to the retail offer.

Afzal Khan MP – Has expressed support for the on-going operation of Levenshulme Market in its present location and on basis of the terms of the existing planning permission. The market has operated for seven years and has become an integral part of the local economy and wider community. It draws customers from not just surrounding areas, but from across the entire region. The market has been a catalyst for the continued rejuvenation of the local district and subsequently contributes to Manchester's Development Framework Core Strategy.

Councillor Dzidra Noor – Advises of representations received from local businesses expressing concerns regarding the extended operation of the market, particularly with regard to the loss of car parking provision, which is considered to be harmful to their business operations. There is concern that access to car parking will be necessary to sustain business recovery in the post COVID period. Councillor Noor acknowledges the important contribution the market has made to the vitality and vibrancy of the district centre and the provision of much needed space for local traders. However, it is considered that the operation of the market should be limited to Saturdays and once per month on Friday evenings.

Levenshulme Traders Association – Oppose the extension to the operational periods of the market for the following reasons:

- i. Levenshulme Traders Association maintains its support for the market but maintains that it should continue to operate in accordance with the existing and previously approved arrangements;
- ii. In usual circumstances, the market can operate on up to 40 Saturdays per year and less frequently on Friday evenings, which is considered to be acceptable;
- iii. It is not considered the increased operating periods have been satisfactorily justified. The proposed operating arrangement for the market should be reviewed and, if satisfactory, operated for a trial period of 6 months as part of temporary planning permission. Any issues emerging during this time could thereby be identified and addressed;

- iv. Notwithstanding the above, the increase in Friday night market events, providing that adequate secure toilet and water facilities are provided within the site for use in association with the market;
- v. There is concern regarding any expansion in the number of stalls serving alcohol for consumption on site. The retail sale of alcohol for consumption elsewhere would be more appropriate;
- vi. A greater dialogue between the market management for local businesses regarding parking issues and demarcation of the car park on market days.
- vii. The arrangements for the storage and collection of waste and the clearance of litter at the end of trading should be reviewed as the current arrangements are not considered to be satisfactory;
- viii. There is concern that the retail offer within the market does not reflect the social diversity of the area;
- x. The siting of the market restricts the operation of the car parking and significantly reduces the number of available car parking spaces. It is argued that market traders generally use any spare capacity reducing the availability for public car parking. The arrangements for off-site car parking, as set out in the application, are not being fully utilised. A lack of car parking has therefore impacted upon the operation of neighbouring businesses that rely on car borne customer visits and passing trade. This is particularly significant as Levenshulme District Centre has limited car parking;
- xi. The proposed operation arrangements.

National Association of British Market Authorities (NABMA) –Levenshulme Market CIC is a member of the NABMA, which has written in support of the continued operation of the market. The NABMA has provided the following comments:

- i. Markets are a vital part of local communities. They provide an important retail outlet but much more than this providing a focal point for local communities and celebrating the culture and history of the places they represent. In the last year markets have contributed significantly to meeting the challenges of COVID providing important sources of food and other essential supplies;
- ii. In 2020, Levenshulme Market won the category of Best Small Outdoor Market in recognition of very important work they undertake in the local community;
- iii. Levenshulme CIC have successfully operated this market on a voluntary basis and provide an opportunity for many people to trade and shop. The market operation is a real community effort and is held in great affection by the local community.

Levenshulme Neighbourhood Team – Have provided a supporting statement that has accompanied the planning application. It affirms that the presence of a weekly street market on the current site is a key element of the on-going regeneration of Levenshulme District Centre. It is stated that the market has increased footfall within the district centre creating a retail destination within the local area and beyond. The market has provided trading opportunities for local businesses. It has also broadened the retail and food offer in the centre and contributed to cross-community engagement and social interaction. The applicants have contributed to the district centre beyond the operation of the market through its involvement in environmental clean-up campaigns and improvements to the area of landscaping on

the railway embankment adjacent to the car park. It is considered that the development would positively contribute to Levenshulme District Centre.

Highway Services - The following comments have been received:

- i. There are no objections to the proposed extension of the operational days and times;
- ii. The proposed waste management arrangements are acceptable from a Highways perspective;
- iii. Pedestrian and vehicle access arrangements are also acceptable.

Environmental Health – Have advised that a further noise survey would not be required in respect of the operation of the generator unit, on the basis that conditions are related to the development:

- i. A scheme being submitted to and approved relating to the installation and operation of a mains electricity supply related to the operation of the market as detailed within application being implemented to an agreed timescale along with arrangement from the cessation of use, decommissioning and removal of the existing generator unit from the site;
- ii. Confirmation that the details of the previously approved noise assessment have been implemented; including its recommendation for the repositioning of intake and external outlets to a position away from the nearest residential uses.

The above conditions have been included.

Environmental Health have also expressed some concern regarding the impact of the additional operating hour relating to the Friday market and the introduction of a Sunday market. It is considered that these concerns can be responded to through the recommended conditions, requiring the submission, approval and implementation of additional noise attenuation measures should issues emerge following the extended operation of the market. There is particular concern in relation to potential noise impacts.

Flood Risk Management – No objection but it is recommended that an informative be included advising that electrical equipment is suitably located to reduce any potential risk from surface water flooding.

Greater Manchester Police Design for Security – Any comments will be reported.

Network Rail – No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a

mechanism through `which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that `at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with emphasis given to the following:

- i. Chapter 6: Building a strong, competitive economy – States that planning decisions 'should help create the conditions in which businesses can invest, expand and adapt.' It also emphasises the 'need to support economic growth and productivity, taking into account local business needs' (Paragraph 80). In this case, it is considered that the development provides opportunities for business innovation and diversification of the retail offer in the district centre. This presents potential opportunities to increase interest in the district, generate consumer footfall and create conditions to encourage wider retail and commercial development.
- ii. Chapter: 7 - Ensuring the vitality of town centres – States that planning and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (Paragraph 85). As stated, the development presents opportunities for diversification of the retail offer thereby enhancing the vitality and viability of the district centre. The development would thereby be positively related to chapter 7.
- iii. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 91). These considerations have been related to the layout and design of the proposed development and the incorporation of measures to address issues of security and potential opportunities for criminal and anti-social behaviour.

It is not apparent that the previous operation of the market has been adversely affected by incidences of crime or anti-social behaviour. The layout of the stalls allows appropriate circulation through the site and aids natural surveillance within it. The proposed operating hours and not considered to be excessive within the context of a district centre and the provision of four access points aids the dispersal of

customers at the end of trading. The development is therefore considered to be appropriately related to Chapter 8.

- iv. Chapter 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:
 - a) Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) Safe and suitable access to the site can be achieved for all users; and
 - c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (paragraph 108).

It is considered that the site is in a sustainable location regarding its access to public transport and measures can be put in place to improve access to the retained car parking area. The development would thereby positively respond to the objectives of chapter 9.

- v. Chapter 11: Making effective use of land - States that planning decisions should promote an effective use of land. In this case, the site presents an opportunity for the limited provision of a market, whilst maintaining its use as a car park at other times thereby responding positively to the objective of chapter 11.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application reference has been given to the following aspects of the PPG, which have been positively responded to for the reasons set out in this report:

- i. Consultation and pre-decision matters;
- ii. Health and well-being;
- iii. Noise.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- i. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- ii. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- iii. 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.

The positive benefits of the development have been balanced against the potential harm resulting for the temporary loss of the car parking areas and the additional activity concentrated around the site on market days. It is considered that any potential harm would be temporary and offset by site management and operational conditions. The operation market would give the district a distinctive retail offer that would contribute to the continued regeneration of the district centre, which would be particularly important to local economic recovery in the post-COVID period. The market is operated as a local social enterprise and many of its traders are from the surrounding area thereby demonstrating its links with the local area. It would also provide an important outlet for the sustained operation of local businesses. The development would present continued opportunities for social interaction and engagement across a diverse community. Efforts have been made as part of the development to improve its environmental sustainability. It is therefore considered that policy SP1 would be complied with.

Policy C 1 Centre Hierarchy - States that the development of town centre uses (as defined in national planning policy) will be prioritised in the centres identified in this policy, taking account of the different roles of the City Centre, District Centres and Local Centres. Policy C1 states that district centres, such as Levenshulme, have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. It is considered that the development would comply with policy C1 by positively diversifying the retail and leisure offer in the district centre.

Policy C 2 District centres - States that development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, leisure activities and financial and legal services. The development would contribute positively to the character and viability of the district centre thereby ensuring compliant with policy C2.

Policy C6 South Manchester District Centres – Relates to Chorlton, Didsbury, Fallowfield, Levenshulme and Withington district centres. The policy states that Levenshulme District Centre has the capacity to support more sustainable shopping patterns, which is consistent with the nature of the proposed development. It states that new development should also contribute to the character of the centre.

It also states that the role of the independent retail sector in would be supported in Levenshulme alongside convenience shopping. It is considered that the development would be consistent with these objectives.

Policy EC1 Employment and Economic Growth in Manchester - The relevant sections of policy EC 1 include the contribution of the development to:

- i. Improving access to jobs for all via public transport, walking and cycling;
- ii. Demonstrating that employment-generating development has fully considered opportunities to provide jobs for local people, through construction or use;
- iii. Ensuring the continued social, economic and environmental regeneration of the City;

Policy EC9 South Manchester - States that within South Manchester, including Levenshulme District Centre, development proposals and planning applications should ensure the efficient use of existing employment space and improve public transport, walking and cycling connectivity between residential neighbourhoods and employment locations.

The development would provide temporary but regular space for economic activity, be accessed via sustainable transportation links and positively contribute to the character of the neighbourhood. Policies EC1 and EC9 would thereby be accorded with.

Policy EN 8 Adaptation to Climate Change – States that all new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. The development would incorporate arrangements for storing harvested rainwater and would retain an existing green roof to the storage container. Further measure can be put in place to encourage travel to the market using public transport and improvement are to be delivered to ensure the provision of a more efficient mains electricity supply. It is considered that these measures would be proportionate to the magnitude of the development and appropriately related to policy EN8.

Policy EN 14 Flood Risk – Requires that consideration be given to flood risk and the necessary improvement to drainage. The car park has not been identified as a location of significant floor risk but the recommendation of the Flood Risk Management Team regarding the position of electrical equipment have been related to the development as an informative.

Policy T1 Sustainable Transport - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport.

Policy T 2 Accessible areas of opportunity and need - The Council will actively manage the pattern of development and the relevant section of the policy states: that new development should provide appropriate car parking facilities, including meeting the needs of disabled people and the provision cycle parking.

In this case, the application site benefit strongly from its sustainable location with easy access to bus routes along Stockport Road and Albert Road. Access to the development is therefore not upon public transport and the recommended operational conditions would help to manage access to retained car parking spaces and traffic generation to and from the site. These measures would help to offset the impact of reduced district centre car parking on market days. On this basis, policies T1 and T2 would be positively responded to.

Policy DM1 Development Management - States that all development should have regard to the following specific issues, which are relevant in relation to the proposed development:

- i. Appropriate siting, layout and scale;
- ii. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- iii. Development should have regard to the character of the surrounding area;
- iv. Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, road safety and traffic generation;
- v. Accessibility - For people with disabilities and via sustainable transport modes;
- vi. Community safety and crime prevention;
- vii. Refuse storage and collection;
- viii. Vehicular access and car parking;
- ix. Flood risk and drainage.

The development would incorporate a layout that would deliver inclusive access, provide costive pedestrian flows through the market and secure appropriate natural surveillance. The impact of noise and activity have been related to the context of the site as a precinct centre location positioned between a major road and railway line. Controls over levels of activity would be maintained through the site management plan and operating hours conditions. Issues relating to waste and recycling storage, car parking and flood risk have been appropriately assessed through the consideration of the development. Policy DM1 would be appropriately accorded with.

Unitary Development Plan saved policies - The following policies are relevant:

Part 1 policies

Policy E3.3 – This policy applies to Stockport Road as a major radial route to the City Centre. However, views of the site from Stockport Road are limited and any impact on its would be limited to related activity from traders and visitors accessing and egressing the site. A more significant impact would be on views of the site from the adjacent elevated section of the adjacent railway line and Levenshulme Station. It is considered that the appearance of the operation market would not be harmful to visual amenity and would add vibrancy to the district centre. It is considered that measures can be put in place to maintain the appearance of the site through arrangement for waste storage manage the removal of litter. It is therefore considered that the development would comply with policy E3.3.

Policy S1.2 (Shopping) – Encourages the delivery of improvements to existing district centres so that they remain the focus for retail and community activity. It is considered that the development would positively contribute to these objectives.

Part 2 policy

Policy DC26 (Development and noise)

Policy DC26.1 - The proximity of the site to residential uses has necessitated the consideration of the impact of noise, attributable to the development, on people living and working nearby. Policy DC26.1 is relevant in this regard.

Policy DC26.5 - In recognition of the noise potentially generated by the use, policy DC26.5 is referred to ensure the control of noise levels by requiring, where necessary, high levels of noise insulation in new development.

In this case, consideration has been given to the potential impact of the additional number of market events and the expansion of operating hours on Friday evenings. As previously discussed, the local noise environment is characterised by district centre activity that takes place throughout the day and into the evening. Weekend activity is also usually more noticeable in such locations. Notwithstanding the above conditions have been included to ensure that any required noise mitigation measures can be provided and managed by condition to secure compliance with policy DC26.

Positive and proactive engagement with the applicant – An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application.

In this case, officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Discussions with the applicant have informed the recommended schedule of conditions based on a more detailed understanding of the development and how it may be undertaken without causing undue harm. It is considered that the planning application has been supported with sufficient information to allow its appropriate assessment.

Principle of the development – The market has established its presence as part of the district centre since the use first commenced in 2013. During this time it has contributed to the expansion in the diversity of the retail offer within the district centre and increased the number of visitors to the area, it is considered that many local businesses have benefitted from linked trips to shops, bars, pubs and restaurants. The increased interest in the district centre has also been linked to the introduction of new bars and other businesses along Stockport Road.

However, it is recognised that the operation of the market has had some impact on the availability of car parking. Consideration has therefore been given to how the impact of the market operation might be improved, including increased access to

retained car parking spaces. The occurrence of the Friday night market would increase from 10 to 12 events. It is considered that the additional occurrence of the market would be subsumed into the character of the night-time economy of the district centre without producing a substantially additional harm. The Saturday market operates over 12 rather than 10 month period and the Sunday market would be a new event. All the market events would be subject to enhanced site management arrangements delivered through the recommended condition. It is considered that the implementation of appropriate management conditions would ensure a continued positive contribution to the regeneration of Levenshulme District Centre. The principle of the development is therefore considered to be acceptable.

Frequency of market events – The applicant has indicated that it is unlikely that all of the market events applied for would take place due to cancellations due to adverse weather conditions. In response, the submission seeks some flexibility regarding the holding of markets on Fridays and Sundays? Saturdays, although the maximum number of events would be limited to 12 in each case by condition. The applicant has also confirmed that the markets would not operate over consecutive days, although the Friday and Sunday markets may, on some occasions, take place over the same weekend. As stalls would not be maintained in situ overnight, the availability of car parking within the site on non-market days would be increased. On this basis, it is not considered that the frequency of the market operation would have an unduly harmful impact on the surrounding area.

Residential Amenity - The site is within the busy and vibrant Levenshulme District Centre and adjacent to an active railway line. The site is therefore located in a relatively noisy environment. Apart from accommodation above retail / commercial units and 6 - 8 Albert Road, there is relatively limited residential use surrounding the site. The operation of the Friday and Saturday market would be consistent with previous temporary approval, albeit on a more frequent basis. It is considered that any additional impact would be offset by the additional site management arrangements designed to safeguard the amenities of the area. Whilst the proposals would introduce an additional market on Sundays, its occurrence would be infrequent and consistent with many of the characteristics of the Saturday market. However, it is acknowledged that the local noise characteristics may differ on a Sunday but not significantly. It is considered that the concerns of neighbouring businesses and residents would be addressed through recommended site management condition.

It is acknowledged that the operation of additional Friday night opening together with a limited number of Sunday markets could lead to additional impacts from noise on neighbouring residents. Colleagues in Environmental Health have raised this as a concern and specific conditions are recommended in order to mitigate these impacts.

Site management plan – The applicant has submitted a transport statement that identifies potential arrangements for the provision of remote off-highway car parking for use by traders not requiring access to their vehicles during the operation of the market. This would release the availability of spaces within the retained car park and ensure that traders' vehicles would not be parked in neighbouring residential streets. The applicant is amenable to a site management condition that would clearly set out the requirements for the operation of the market. The details of this condition are set out below, including arrangements for the delivery of appropriate off-site car parking

and improvement of the operation of the market, a site management plan condition has been recommended requiring the approval and implementation of the following:

- i. The specified location and number of remote off-highway car parking spaces to be made available to traders not requiring access to their vehicles during the operation of the market. Arrangement would be put in place to ensure that vehicles would only be brought to the site prior to market set up and following the end of trading but remain off-site whilst the market is in operation. An exception would be made for traders requiring essential and frequent access to their vehicles during trading, e.g., food businesses needing to re-stock refrigerated goods;
- ii. The provision of stewards to marshal vehicles to and from the car park as part of the market set up and car parking reinstatement and assist pedestrian and vehicular movement during the operation of the market;
- iii. The setting out of the market in accordance with the approved layout arrangements, including the maintenance of circulation strips adjacent to the access to the rear of properties located to the east and south of the site;
- iv. The immediate cessation of music transmission at the end of trading and throughout the car park reinstatement period;
- v. Signage to aid circulation around the site and the dispersal of customers at the end of trading;
- vi. Ensuring that all waste, recycling and litter is collected and appropriately stored in the identified waste storage enclosure whilst awaiting collection;
- vii. The storage of stalls, gazebos and temporary barriers in the on-site container unit and waste management enclosure.

The recommended site management plan would formalise many of the existing operating arrangements adopted by the applicant thereby giving a high degree of confidence that the above condition would be accorded with.

Highways Issues – The existing car park has 52 demarcated spaces and the applicant has indicated that the market would temporarily suspend the use of 25 spaces. The remaining 27 spaces would remain publicly available whilst the market is in operation. The concerns of objectors regarding access to a reduced level of car parking have been considered. Highway Services have not identified any adverse impacts associated with the on-going operation of the market. The site is in a sustainable location with access to rail and bus links and easily accessed by pedestrians and cyclists. The need to access the site by private car is thereby significantly reduced. The car park is publicly accessible and it will not be possible to allocate spaces for the specific use of neighbouring businesses. Notwithstanding the above, the applicant has provided a transport statement that provides a detailed assessment of visitor travel patterns and details a commitment to the promotion of sustainable transport options. Although, there are also no restrictions to prevent traders from using the retained public car park, as previously stated, the applicant has identified measures to secure off-site car parking for traders. It is considered that the above commitments can be linked to the development through the site management plan condition, which would facilitate greater access to retained car parking spaces.

The comments of businesses regarding impact of the development on servicing and deliveries have been assessed. The application site primarily functions as car park when the market is not in operation. Whilst there may be opportunities to servicing of neighbouring businesses via the car parking area, this will be dependent on the capacity of the vehicle to access and manoeuvre through the car park when it is in operation. The siting of market stalls would have an impact on servicing and deliveries that would be comparable to the occupation of adjacent car parking, in terms of access to neighbouring rear yard areas. Notwithstanding the above, the market would be conditioned to operate on specific days and it would seem possible to arrange deliveries outside of its operating periods. The undertaking of deliveries would also seem to be less likely on Friday evenings and on Sundays. On balance, it is not considered that there would be an appreciable change in circumstances on market days and the appropriate servicing of neighbouring properties would be maintained.

Number of stalls – The development replicates the previously approved siting of 50 stalls within the southern section of the car park but omits 10 market stalls previously permitted on Levenshulme Village Green located at the corner of Stockport Road and Chapel Street. A condition has been included to ensure that the capacities of the site are not exceeded by limiting the operation of the development to a maximum of 50 stalls.

Opening hours and operating period – The development would be conditioned to replicate the previously approved hours for the Saturday market, i.e., 10.00 am to 4.00 pm. The proposals would allow the operation of the Saturday market into January and February to cover the full 52 weeks of the year. The market has successfully operated in accordance with the specified hours and its characteristics and impact are considered to be predictable and acceptable. The Friday market would be undertaken on additional 2 evenings per year and for an additional hour terminating at 10.00 pm. Again, the characteristics of the evening market with known activity beyond 9.00 pm would be consistent with the previously approved circumstance and capable of being subsumed into evening environment of the district centre. The Friday night opening hours are therefore considered to be acceptable.

Although the holding of a Sunday market would be a new circumstance, its characteristics would be comparable to the Saturday market, albeit with a 5.00 pm closing time. The applicant has indicated that markets would not be held on consecutive days thereby reducing the possibility of concentrated and repetitive activity around the car park throughout a single weekend. Given nature and vibrancy of the district centre, it is considered that the proposed Sunday opening hours would be appropriate and the following hours are therefore recommended: Sundays 10.00 am and 5.00 pm (up to 12 days per year).

Site set up, reinstatement and servicing hours - The existing car parking has an authorised 24 hour operation with related activity. However, as the development would have associated impacts given the concentrated operation during the early morning and later evening period. there may be some impact on residential amenity that needs to be addressed. The applicant has indicated that the market requires a 3 hour set up period. It is likely that less time would be required for site reinstatement. The replication of the following previously approved hours has been recommended:

Friday Market (12 events per year): 12 noon and 12 midnight;
Saturday weekly market: 6.00 am and 8.00 pm.

It is acknowledged that Sunday market set up may cause some additional disturbance due to lower background noise levels. The following hours are therefore recommended:

Sunday Market (12 events per year): 8.00 am and 8.00 pm .

Any additional time required to set up the Sunday market would need to be taken from the recommended opening times.

Inclusive access – The access points to the car park from adjacent streets are level and appropriate circulation spaces within and between the stalls would be provided. Inclusive access would thereby be achieved.

Access to neighbouring properties - The submitted drawings indicate that a 2 metre wide strip would be maintained the rear boundaries of adjacent properties to the east and south of the site. The maintenance of this strip would be maintained as a requirement of the development and in conjunction with through the site management condition.

Regarding access to the rear of properties located between 2 to 8 Albert Road, it does not appear that these properties have maintained gates along the boundary to facilitate access across the landscaped strip to the south of the application site. It is the case that this land former formed a passageway that returned northwards along the western boundary to the adjoining railway embankment, However, these parcels of land were the subject of a stopping up order that came into effect on 2 July 1980. The land thereby ceased to be used a passageway and became part of the car parking area. It is not apparent that any rights of access have been maintained and it is therefore considered that the retention of the waste and recycling store within part of this area would be appropriate.

Waste management – The existing arrangements for the enclosed storage of segregated waste would be retained. These arrangements have previously considered to be acceptable and are likely remains and the operating capacity of the development would not change. However, any further comments from Environmental Health will be reported. The operation of the waste management arrangement in conjunction with the service plan would ensure that concerns of residents relating to litter around the site are addressed.

Carbon reduction – The development benefits for form sustainable transport links, is accessible on foot and cycle and provides opportunities for retail sales with a reduced reliance on private car usage. The proposed phased provision of a mains electricity supply with secure more efficient and less polluting energy supply, which would improve the existing circumstance. Arrangements for recycling would be made. The existing storage container incorporates a green roof and arrangements would be made for the storage of harvested rainwater in containers. The development would thereby make an appropriate contribution to carbon reduction.

Crime reduction and security – Any comments from GM Police Design for Security will be reported, Notwithstanding the above, the previous operation of market does not appear to have been accompanied with incidences of crime or anti-social behaviour. Furthermore, the arrangement of the stalls and circulation spaces would maximise natural surveillance and avoids the formation of isolated spaces. The arrangement for the secure storage of stalls, equipment, segregated waste would be retained and would be appropriate.

Conclusion - It is considered that development would make an on-going and positive contribution to Levenshulme District Centre by attracting visitors to the area who in turn make linked trips to neighbouring businesses. The development would thereby promote the regeneration of the district centre. It is considered that the recommended operational conditions would improve the management of market events and address concerns raised by neighbouring residents and businesses. The approval of the development for a temporary 4 year period is therefore recommended.

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 the right to a fair hearing and to this end the Committee 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 of the application 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: Temporary Approval for a 4 year period expiring on 18 February 2025

Article 35 Declaration

In this case, officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Discussions with the applicant have informed the recommended schedule of conditions based on a more detailed understanding of the development and how it may be undertaken without causing undue harm. It is considered that the planning application has been supported with sufficient information to allow its appropriate assessment.

Condition(s) to be attached to decision for approval

1) The permission hereby granted is for a limited period only, expiring on 18 February 2025 and the works and use comprising the development, for which permission is hereby granted, shall be respectively removed and discontinued. The land shall be reinstated in accordance with a scheme to be submitted to and approved in writing by the City Council local planning authority before this permission expires and implemented in accordance with and an agreed timetable.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 and in the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents stamped as received by the City Council as local planning authority on 31 December 2020:

Planning application forms;

Levenshulme Market trading sites & indicative gazebo layouts Ref: Drawing No: 20170420_ExistingWiderSitePlan_V1

Location Plan Ref: Drawing No: 20201210_ExistingLocationPlan_V2

Temporary market container & electrical cabinet location Ref: Drawing No: 0201123_SitePlan_V3

Waste Management & Collection Plan - Drawing No: 201210_WasteCollectionPlan_V2

Proposed recycling compound fence Ref: Drawing No: 20170513_ProposedContainerPlan_V1

Parking Statement by Levenshulme Market – December 2020

Design & Access Statement by Levenshulme Market (est.2013) dated December 2020

Waste Management Proforma dated 27 December 2020

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 for the City of Manchester.

3) The use of the land as a retail market, as identified on approved drawing referenced Levenshulme Market trading sites & indicative gazebo layouts Ref: Drawing No: 0170420_Existing WiderSitePlan_V1 shall only take place on: Saturdays 10.00 am to 4.00 pm (52 weeks per year); Fridays between 4.00 pm and 10.00 pm (up to 12 evenings per year) and Sundays 10.00 am and 5.00 pm (up to 12 days per year) and shall not be held on consecutive days or at no other times.

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 for the City of Manchester.

4) The authorised retail market shall consist of no more than 50 stalls with associated gazebos, which shall be laid out in accordance with the details shown on drawing referenced: Levenshulme Market trading sites & indicative gazebo layouts Ref: Drawing No: 0170420_Existing WiderSitePlan_V1. The pedestrian / cycle routes

running through the site and connecting Stockport Road and the 'Street With No Name' shall remain unobstructed at all times.

Reason - In order to protect the amenity of local residents and secure the appropriate operation of the authorised market pursuant to policies SP1, C2, EC9, S2.4, T1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

5) Within one month of the planning permission hereby granted, a site management plan shall be submitted to and approved in writing by the City Council as local planning authority detailing:

- i. The specified location and number of remote off-highway car parking spaces to be made available to traders not requiring access their vehicle during the operation of the market. Arrangements shall ensure that traders vehicles would only be brought to the site prior to market set up and following the end of trading and remain off-site whilst the market is in operation;
- ii. The provision of stewards to marshal vehicles to and from the car park as part of the market set up and car parking reinstatement and assist pedestrian and vehicular movement during the operation of the market;
- iii. The setting out of the market in accordance with the approved layout arrangements, including the maintenance of circulation strips adjacent to the access to the rear of properties located to the east and south of the site;
- iv. The immediate cessation of music transmission at the end of trading and throughout the car park reinstatement period;
- v. Signage to aid circulation around the site and the dispersal of customers at the end of trading;
- vi. Ensuring that all waste, recycling and litter is collected and appropriately stored in the identified waste storage enclosure whilst awaiting collection;
- vii. The storage of stalls, gazebos and temporary barriers in the on-site container unit and waste management enclosure.

Reason - In order to protect the amenity of local residents, in the interests of pedestrian and highway safety and to secure the appropriate operation of the authorised market pursuant to policies SP1, C2, EN19, EC9 and T1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

6) All stalls, gazebos and moveable equipment shall be removed from the car parking area at the end of each daytime and evening trading period and securely stored within the container and enclosed compound area as shown on the drawing referenced: Levenshulme Market trading sites & indicative gazebo layouts Ref: Drawing No: 0170420_Existing WiderSitePlan_V1 and Proposed recycling compound fence Ref: Drawing No: 20170513_ProposedContainerPlan_V1 until the next market is held.

Reason - In order to protect the amenity of local residents and secure the appropriate operation of the authorised market pursuant to policies SP1, C2, EN19, EC9 and T1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

7) No loading or unloading, including work relating to the market site set up and reinstatement and storage of removable equipment, shall be carried out on the site outside the hours of:

Friday Market (12 events per year): 12 noon and 12 midnight;

Saturday weekly market: 6.00 am and 8.00 pm;

Sunday Market (12 events per year): 8.00 am and 8.00 pm.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) Within one month of the date of the planning permission hereby granted, a scheme shall be submitted to and approved in writing by the City Council as local planning authority, relating to the installation and operation of a mains electricity supply related to the operation of the market as detailed in Design & Access Statement Levenshulme Market (est.2013) - Renewed Planning Application (December 2020) and drawing referenced Temporary market container & electrical cabinet location - Drawing No: 20201123_SitePlan_V3. The scheme shall also include details relating to the timescale for the decommissioning the existing generator and the cessation of its use and removal from site along with any associated plant and equipment. The development shall be undertaken in full compliance with the approved scheme and the mains electricity supply maintained within the site thereafter and whilst the market is in operation.

Reason - In the interests of residential amenity and to reduce to the risk of noise disturbance pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policy DC26 of the Unitary development Plan and the guidance contained in the National Planning Policy Framework.

9) Within one month of the planning permission, written confirmation shall be submitted to and approved by the City Council as local planning authority, confirming that the details of Noise Assessment by Hoare Lea dated 30 June 2014 and Ref: LET-1-MCC-10-053-MM-30062014_D and stamped as received by the City Council on 30 May 2017, including its recommendation for the repositioning of intake and external outlets to a position away from the nearest residential uses. The generator unit shall be undertaken in accordance with the period preceding the cessation of its use, decommissioning and removal from site.

Reason- In the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and policy DC26 of the saved Unitary Development Plan for the City of Manchester.

10) The development hereby approved be fully implemented in accordance with the submitted waste management strategy received on and comprising:

201210_WasteCollectionPlan_V2

Proposed recycling compound fence Ref: Drawing No:

0170513_ProposedContainerPlan_V1

Waste Management Proforma dated 27 December 2020

The approved waste management strategy shall be implemented upon first commencement of the authorised development and remain in place at all times whilst the market is in operation.

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 for the City of Manchester.

11) If the operation of the Friday evening or the Sunday day-time market presents issues of due noise and disturbance, which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties and within 14 days of its written request, a scheme noise attenuation and site management shall be submitted to and approved in writing by the Council as local planning authority. The development shall be implemented in accordance with the approved thereafter and whilst the development is in operation.

Reason - In the interests of residential amenity and to avoid undue noise and disturbance, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 129010/FO/2020 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Relevant Contact Officer :	Carl Glennon
Telephone number :	0161 234 4530
Email :	carl.glennon@manchester.gov.uk

