

**APPLICATION NO:**

12/1342/03

FULL PLANNING PERMISSION

**APPLICANT:**

Mr P Snell

**PROPOSAL:**

Annual Christmas market of up to 30 days to run for 5 years

**LOCATION:**

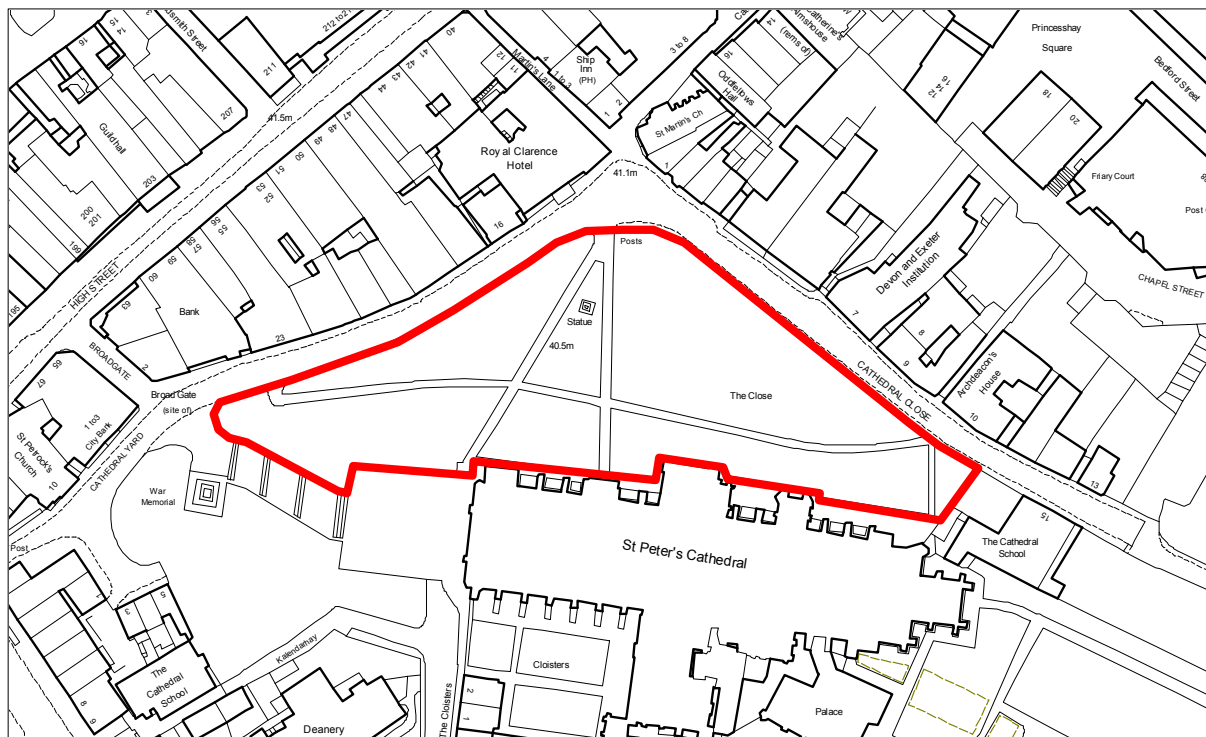
Cathedral Green, Cathedral Close, Exeter, EX1

**REGISTRATION DATE:**

24/09/2012

**EXPIRY DATE:**

19/11/2012



Scale 1:2000

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**HISTORY OF SITE**

09/1640/07 - Landscaping to north side of Cathedral Green to include relocation of Hooker Statue, provision of additional seating and planting of trees. PER 21/12/2009

**DESCRIPTION OF SITE/PROPOSAL**

The Cathedral precinct is Exeter's premier heritage tourism area, encompassing some of the City's best heritage assets. The ruins of a Roman Bath House, to the west of the Cathedral in Cathedral Green, were excavated and were preserved by burial in sand. The Cathedral precinct is at the core of the city centre well related to the City's retail area and easily accessible.

Enhancements to Cathedral Yard and Green have been carried out over previous years to improve the public realm and restrict vehicular movements. These have delivered a high quality pedestrian dominated space.

The proposal is to hold a seasonal Christmas market on part of the Cathedral Green for up to 30 days during November and December. The application is made for a temporary period of 5 years. The application is therefore made for the use of part of the Cathedral Green for retail purposes. No part of the proposal constitutes operational development.

The exact operating dates will vary in each year. For 2012 it is proposed that the market commences trading on Friday 23<sup>rd</sup> November, with Sunday 16<sup>th</sup> of December being the final trading day.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied by a supporting statement setting out the consultations carried out by the applicant, addressing design matters, protection and remediation of surfaces, the function and operation of the market.

The market would be operated by Market Places Europe Limited working with a project team including representatives from the Cathedral, Chamber of Commerce and City Council.

Background music and entertainment in the form of buskers and performers may be provided. A premises licence for entertainment and alcohol consumption is required.

Deliveries would take place within current restrictions on Cathedral Yard. Pedestrian routes across Cathedral Green to access the Cathedral will be kept open.

The market operator intends to appoint a waste contractor to handle waste and on site cleaning. Confirmation that such arrangements are in place can be secured by condition.

## **REPRESENTATIONS**

The application has been advertised by site notice, press notice and neighbour letter. The consultation period ran until 25<sup>th</sup> October 2012.

Exeter Civic Society raise a number of concerns. The grass is likely to take a long time to recover at that time of year. Portaloos are unsightly, the public toilets at Catherine Street and Guinea Street should obviate the need for them. Generators as a means of providing electricity would be unacceptable. Buskers, alcohol licensing and music raise concern and would need considerable control. Waste disposal concerns are raised. Concerns regards vehicle servicing across pavement in South Street and in Cathedral yard. There should be transparency about the further discussions on these matters. Five years is wholly unacceptable, a one year trial is the most that should be permitted.

## **CONSULTATIONS**

English Heritage: Given that the activities are taking place on the surface of the green, we do not consider that Scheduled Monument Consent (SMC) will be required, provided that a method statement is in place to ensure that no ground disturbance takes place that could potentially impact upon buried archaeology.

Devon Gardens Trust: No response received.

Garden History Society: No response received.

Consultations to the two bodies above were sent on 28<sup>th</sup> September 2012.

Environmental Health Officer: The provision of background music, control of buskers etc will be addressed through the licensing regime. Additional details requested to be approved (see condition 5). The hours of operation should be controlled to be as per the application documents (see condition 3).

Conservation Officer: Temporary structures that will be installed under strict guidelines from the Cathedral administration and will be on display for not more than 30 days per year. No

impact on fabric or character of Listed Building, limited impact on setting, allowable use due to temporary festive nature.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance

National Planning Policy Framework.

Sections 2 - Ensuring the vitality of town centres.

Section 12 - Conserving and enhancing the historic environment.

Exeter Local Development Framework Core Strategy

CP8 - Retail

CP17 - Design quality and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

C1 - Conservation Areas

C2 – Listed Buildings

C4 - Historic Parks and Gardens

C5 - Archaeology

S1 - Retail Proposals /Sequential Approach

S5 - Food and Drink

L3 - Protection of Open Space

TM3 - Tourism Action Areas

## **OBSERVATIONS**

The National Planning Policy Framework recognises the need to ensure the vitality of town centres and supports the creation of new markets where appropriate to that end.

Policy TM3 of the Exeter Local Plan identifies the Cathedral precinct as a Tourism Action Area where permission will be granted for tourist attractions provided that they are of distinctive design which conserves or builds on the heritage or character of that area.

The desirability of preserving heritage assets and their setting is set out in the National Planning Policy Framework and the policies of the Local Plan and Core Strategy.

Policy S5 of the Exeter Local Plan states that proposals for hot food takeaways will not be permitted in Cathedral Yard.

Heritage issues

The Cathedral and Cathedral precinct are assets of the highest significance and great weight needs to be given to the preservation of these assets and their setting. That said the proposals are temporary in nature with no intrusive works and as such represent no danger to the historic fabric or preserved archaeology.

The Cathedral Green is an important open space and is well used by the public. The proposals are to use the space for a market during November and December when weather conditions and visitor numbers depress the demand for informal public usage. The extent of the proposal would not include the hard surfaced space at the west door of the green area around the war memorial. Detailed layout could be controlled by condition to ensure that public use to the seating associated with the perimeter wall is not compromised (see condition 5).

The protection of ground surfaces in so far as is practicable, and the repair of damage to surfaces at the end of the market period can be secured by condition (see condition 7). Given the time of year and the duration of the market the repairs to grass areas would

require them areas to be cordoned off for several weeks following that repair. The green therefore could be visually restored but with public access onto the grass areas restricted.

Food and drink.

Policy S5 seeks to restrict hot food take away in Cathedral Yard. However the proposal in this instance is trading from stalls rather than shop units, is ancillary to the function of the market, is intended to sell mainly seasonal or speciality foods and would operate within the trading hours of the market. As such the food and drink element of the market is considered acceptable.

Details of design and layout.

The proposal is for a market principally for the sale of seasonal, specialist and craft products. Stalls are stated to be of a wooden chalet design which will be placed on the existing surface and not requiring fixing or tethering. There is intended to be provision of entertainment and food and drink for consumption ancillary to that main function. Temporary toilets will also be provided on site. The location and extent of land given over to such ancillary uses could be controlled by a condition to be a minor part of the area by requiring a detailed layout to be approved (see condition 5).

Residential amenity

A paramount consideration with this application is any potential impact on the amenities of the neighbouring occupiers, particularly residential occupiers. The design and access statement illustrates that the applicants have given this due thought in the process of submitting this planning application and have contacted local residents and businesses.

Servicing and opening times of the market will be controlled throughout the period sought (including set up and break down periods), waste collection and recycling will take place in accordance with agreed scheme required by condition (see condition 5).

The opening times for the market will vary throughout the duration of the event, but will start no earlier than 10am and (with the exception of the opening day where a 10 pm finish is proposed) will finish no later than 9pm Monday to Saturday, 5pm on Sundays and 6.15 pm on the final Sunday. This can be controlled by conditions (see condition 3).

The erection and dismantling of the market will be carried out between 8 a.m. and 10 p.m. Again this is a matter that can be controlled by conditions (see condition 4).

The proposed Christmas Market, overall, will result in an intensified use of the site which along with the addition of amplified music will increase noise levels and activity. However the site is a city centre location and certain levels of noise and activity would be expected and it is considered that the impacts of the market operation on the residential amenity are not to such a degree as to be unacceptable.

Access and parking

The market is in an accessible location well served by all modes of transport including the existing drop off points for visitor coaches on South Street. Park and Ride services will be operating on an extended hours basis through the period of the market in 2012. No additional dedicated transport measures are proposed or considered necessary.

## **RECOMMENDATION**

It is recommended that the application be approved for a temporary period of 30 consecutive days during November and December for the 5 years starting with 2012.

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 24 September 2012, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 2) The use hereby approved shall only be carried out for a single period of not more than 30 consecutive days during the months of November and December in the five calendar years commencing with 2012.  
**Reason:** The use is unsuitable on a permanent basis or for a longer period in this locality.
- 3) The use hereby approved shall not be carried on other than between the hours of 10:00 to 21:00 Mondays to Saturdays and between the hours of 10:00 to 18:15 on Sundays and public or Bank Holidays, with the exception of the first day the market operates each year when the use may carry on until 22:00 unless that day is a Sunday.  
**Reason:** So as not to detract from the amenities of the near-by residential property.
- 4) The works associated with assembling, dismantling and servicing of the Market shall not be carried out outside the hours of 08:00 and 22:00.  
**Reason:** To safeguard the amenities of nearby occupiers
- 5) Notwithstanding condition no. 1, the use hereby permitted shall not commence on site in any given year under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details for that years market event:
  - The laying out of the market area including the position of the stalls and the area(s) given over for selling and of hot food and drink.
  - A scheme for the collection and disposal of waste and the cleaning of the market area.
  - Mean of power supply (including locations and sound levels of any generator(s))
  - Details of any general or flood lighting scheme.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 6) The use hereby approved shall not be commenced until a scheme for the collection and disposal of waste and the cleaning of the market area have been submitted to and approved by the Local Planning Authority. The use hereby approved shall thereafter only be carried on in accordance with that scheme unless otherwise agreed in writing by the Local planning Authority.  
**Reason:** To ensure the satisfactory drainage of the development.
- 7) Following the cessation of the market operation in each year the condition of the surfaces and street furniture in Cathedral Green shall be reinstated to their condition prior to the commencement of the works associated with the market that year to the satisfaction of the Local Planning Authority.  
**Reason:** To protect the appearance of the Cathedral Green.

Local Government (Access to Information) 1985 (as amended).  
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre,  
Civic Centre, Paris Street, Exeter: Telephone 01392 265223