

| <b>Application Number</b> | <b>Date of Appln</b> | <b>Committee Date</b> | <b>Ward</b>      |
|---------------------------|----------------------|-----------------------|------------------|
| 113442/FO/2016            | 26 Aug 2016          | 20 Oct 2016           | City Centre Ward |

**Proposal** Change of use from Office (Use Class B1) to indoor game/puzzle centre (Use Class D2)

**Location** Lower Ground Floor 1 The Birchin , 1 Joiner Street, Manchester, M4 1PH

**Applicant** Mr Benjamin Sallai , ETR Entertainment Ltd, 1 Purley Place, London, N1 1QA

**Agent** Mr Brian Muir, Muir Smith Evans, 203 Bath Street, Glasgow, G2 4HZ

## **Description**

The application relates to the lower ground floor of The Birchin, a 10 storey building on the corner of Church Street, Joiner Street, Birchin Lane and Bridgewater Place. The upper floors of the property are currently occupied by residential apartments. The application building is situated within the Smithfield Conservation Area and is located adjacent to the Grade II Listed Debenhams department store building.

The lower ground floor of the application premises has previously been in use as B1 'business' and has largely been vacant since 2015. The building, however, is currently in use as an eye care business.

Located within the 'retail commercial core' on the edge of the Northern Quarter, the surrounding area is characterised by a variety of commercial and residential uses. To the east of the application site is a pay and display surface car park which is accessed off Tib Street. To the north and east of the application site area various commercial uses, with upper floor residential accommodation, located along Church Street and High Street including a public house and convenience store. To the south is the Debenhams department store building with its principal access from Market Street.

The applicant is seeking planning permission to change the use of the B1 accommodation to a indoor game/puzzle centre (Use Class D2). The internal floor space will be re-configured to provide a total of 6 games rooms. Players/participants will then enter the rooms to complete tasks to move on to the next game/room.

## **Consultations**

**Local residents/public opinion** – A total of four letters of objection have been received in respect of this planning application. The comments can be summarised as follows:

- There is concern that there will be noise and disturbance from both within the building and from large groups of hyped up visitors waiting outside the

attraction, entering and exiting who will make lots of noise. There are apartments directly above the premises that will be affected by this noise. A noise survey should be prepared;

- It is unclear if the entrance to the premises will be the one that the residents use to access the apartments;
- There needs to be assurances that the use will not generate unacceptable levels of noise and this should include no provision of amplified sound;
- The proposed operating hours until 22:15 seven days a week is a concern;
- The pressurised nature of these games rooms means people do shout at each other which could transfer to the residential properties;
- This proposal would be better in a commercial block;
- There would be a loss of office space as a result of the development which would be suitable for a small company;
- There is limited information about waste and recycling;
- There is no space for cycle parking.

**Highway Services** – The proposed opening hours are Monday to Friday 15:45 to 22:15 and weekends 10:45 to 22:15. It is expected that 3 full time and 6 part time staff will be based at the site. Bookings will be made online.

The site is located in the City Centre and it is expected that the majority of staff and visitors are likely to arrive at the site by public transport. Should visitors/staff wish to drive then there is off street car parking available in car parks close by. The anticipated trips generated by the site are considered unlikely to materially impact highway safety or operation.

No detail is provided regarding cycle parking. It is recommended that cycle storage is provided within the building for staff and visitors.

No details is provided regarding the arrangements for highway collection of waste. Since no reference is made to other activities e.g. food preparation or selling it is assumed that the waste generated will be minimal and so the arrangements for waste storage/collection will be similar to existing and these are considered appropriate.

**Environmental Health** – The opening hours that have been applied for are acceptable. The deliveries should be restricted to 07:30 to 20:00 Monday to Saturday with no deliveries on Sundays. Should any plant be proposed this should be acoustically insulated in accordance with a scheme to be submitted to the City Council. Further details shall be submitted in respect of the waste management arrangements.

**Design for Security at Greater Manchester Police** – The applicant should support their planning submission with a Crime Impact Plan.

## **Policy**

### **The Development Plan**

The Development Plan consists of:

- The Manchester Core Strategy (2012); and
- Saved policies of the Unitary Development Plan for the City of Manchester (1995)

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the UDP) and 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 as directed by the National Planning Policy Framework (NPPF).

The NPPF requires application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### Manchester Core Strategy Development Plan Document (July 2012)

The relevant policies within the Core Strategy are as follows:

Policy SP1 '*Spatial Principles*' states that one of the key spatial principles is the emphasis on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

All development should have regard to the character, issues and strategy for each regeneration area – in this case East Manchester. In addition, new development will be encouraged that maximises the potential of the City's transport infrastructure, in particular promoting walking, cycling and the use of public transport.

The policy goes onto to state that development in all parts of the City should:

- Make a positive contribution to neighbourhoods of choice including;
  - Creating well designed places that enhance or create character.
  - Making a positive contribution to the health, safety and well being of residents;
  - Considering the needs of all members of the community;
  - Protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

EC2 '*Existing employment space*' states that the Council will seek to retain and enhance existing employment space and sites. Alternative uses will only be supported on sites allocated accordingly, or if it can be demonstrated that:

- The existing use is un-viable in terms of business operations, building age and format;
- The existing use is incompatible with adjacent uses;
- The existing use is unsuitable for employment having had regard to the Manchester-Salford - Trafford SFRA; or
- On balance, proposals are able to offer greater benefits in terms of the Core Strategy's vision and spatial objectives than the existing use.

It is not considered that there will be a detrimental impact from the loss of employment land in qualitative and qualitative terms. The B1 floor space has not been actively used for 12 months and it is in a location which may not be attractive to businesses who want a prominent road frontage. The proposal will meet the requirements of policy EC2 in that it will provide a leisure use which supports the City Centre and its attraction to tourists.

Policy CC4 '*Visitors, Culture and Leisure*' states that the City Centre will be the focus for culture and leisure in the City Region. Proposals to improve the appearance, use and accessibility of all cultural and visitor attractions and associated facilities will be supported. The improvement of facilities for business visitors will also be supported.

Development in the City Centre which improves facilities for visitors, including Manchester residents, will be promoted. In order that the existing visitor attractions can reach their potential it is also important that the City Centre has the infrastructure to accommodate the necessary volume of visitors.

The proposal will add to the visitor attractions within the heart of the City Centre.

Policy T1 '*Sustainable Transport*' seeks to deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport. The Council will support proposals that:

- Improve choice by developing alternatives to the car;
- Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;
- Improve access to transport services and facilities in order to enable disabled people and people with mobility impairments to participate fully in public life;
- Improve pedestrian routes and the pedestrian environment;
- Improve and develop further Manchester's cycle network;
- Contribute to improvements to the extent and reliability of the public transport network through safe and attractive waiting facilities, better priority and information provision,
- Would reduce the negative impacts of road traffic.

The proposal is considered to be in accordance with policy T1 as the development is located in an area where there is access to a range of public transport modes whilst encouraging other forms of transport.

Policy T2 '*Accessible areas of opportunity and needs*' states that the Council will actively manage the pattern of development to ensure that new development:

- Is located to ensure good access to the City's main economic drivers, including the regional centre and to ensure good national and international connections;
- Is easily accessible by walking, cycling and public transport; connecting residential to jobs, centres, health, leisure, open space and educational opportunities. Particular priority will be given to providing all residents access to strategic employment sites including – links with East Manchester to employment locations such as Eastlands.

Applications should include appropriate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues. The proposal is not considered to be a major traffic generator and visitors to the site will have access to a wide range of public transport options.

Policy EN3 '*Heritage*' states that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

The proposal is not considered to have any associated impacts on the historic environment and will bring an active frontage into the area.

EN19 '*Waste*' states that the Council will require all developers to demonstrate the proposals consistency with the principles of the waste hierarchy (prevention, reduction, re-use, recycling, energy recovery, and disposal). Developers will be required to submit a waste management plan to demonstrate how construction and demolition waste will be minimised and recycled. The applicant has indicated within their submission that an excessive amount of waste will not be generated by the development. Further consideration will be given to waste management requirements as part of the conditions of the approval.

Policy DM1 '*Development Management*' all development should have regard the following specific issues:-

- Appropriate siting, layout, scale, form, massing, materials and detail;

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise;
- Community safety and crime prevention;
- Design for health;
- Adequacy of internal accommodation and external amenity space;
- Refuse storage and collection;
- Vehicular access and car parking;
- Effect on biodiversity, archaeological or built heritage;
- Green infrastructure;
- Flood risk and drainage.

The proposal will not give rise to any detrimental impacts upon residential amenity and the proposal will be appropriate design to cater for refuse and cycle considerations.

For the reasons given below, it is considered that the proposal is consistent with the policies contained within the Core Strategy.

#### The Unitary Development Plan for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning application. The relevant policies are as follows:

Saved policy DC18 '*Conservation Areas*' states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

a. The Council will seek to preserve or enhance the character of its designated conservation areas by carefully considering the following issues:

- i) the relationship of new structures to neighbouring buildings and spaces;
- ii) the effect of major changes to the appearance of existing buildings;
- iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
- iv) the effect of signs and advertisements;
- v) any further guidance on specific areas which has been approved by the Council.

Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

The proposal has been designed to respect the setting of the Conservation Area and adjacent Listed Buildings along with maintaining established views around the application site and road network.

Saved policy DC26, *Development and Noise*, states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise. Conditions will be used to control the impacts of developments.

The proposal has been designed to minimise the impact from noise sources and further mitigation will be secured by planning condition.

For the reasons given below, it is considered that the proposal is consistent with the policies contained within the UDP.

### National Planning Policy Framework

The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraph 8 of the NPPF goes on to state that these roles should not be undertaken in isolation:

*“...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”*

Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life. This includes making it easier for jobs to be created in cities.

Section 2 '*Ensuring the Vitality of Town Centres*' states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. The guidance goes on to state that Local Planning Authorities should recognise that town centres are at the heart of their communities and promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

Section 4 outlines the Governments objectives in respect of promoting sustainable transport, in particular developments should be supported that exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

Promoting healthy communities is an integral part of delivering the Government sustainable vision; this includes creating safe and accessible environments where crime and disorder do not undermined quality of life. In addition, there should be high quality public spaces.

Meeting the challenge of climate change is also important part of the NPPF. This includes supporting energy efficient developments as part of a low carbon future. In addition, areas at risk of flooding should be avoided. Conserving and enhancing the natural environment is also a key consideration and efforts should be made to increase biodiversity at development sites.

Paragraphs 11, 12, 13 and 14 of the NPPF outline a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

### National Planning Policy Guidance (NPPG)

The relevant sections of the NPPG are as follows:

#### *Noise*

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

### Other legislative requirements

- Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"
- Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the



setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

- Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **Issues**

### **Planning History**

095692/FU/2011/C2: Change of use from Class B1 (Business) Use and Class A1 (Shop) Use to a Personal Fitness Training Centre (Class D2) Assembly and Leisure Use **Approved 15.07.2011**

### **Principle**

The application site is situated within the boundaries of Manchester City Centre and forms part of the Primary Shopping Area (PSA), as defined by policy CC2 of the Core Strategy, and is located on the edge of the Northern Quarter with its variety of food and drink and commercial uses. This proposal seeks to change the use of the ground floor commercial accommodation (188 sqm) to a game/puzzle centre (Use Class D1). The last use of the premises was for B1 'business' use and has been actively marketed for that use since 2015.

The objective of policy EC2 of the Core Strategy is to retain and enhance existing employment spaces. The policy goes on to state that alternative uses will only be supported where it can be demonstrated that the criteria in policy EC2 can be satisfied.

As detailed above, there is no active B1 use within the premises at the present time and there hasn't been one since 2015. It is considered that the loss of 188 sqm of B1 floor space, in this part of the City, will not have a detrimental impact on the supply of employment land in qualitative and quantitative terms. The premise is not considered to be a large amount of office floor space and is not located in a prominent location which has likely to have affected its prospects of being occupied by a B1 user. In any event, policy EC2 states that proposals that are able to offer greater benefits in terms of the Core Strategy's vision and spatial objectives should be supported rather than retaining the existing use.

In this instance, it is considered that the proposal will contribute towards the objectives policy CC4 of the Core Strategy. Policy CC4 states that the City Centre will be the focus for culture and leisure and proposals that improve visitor attractions. It should also be noted that the NPPF seeks to encourage main town centre uses such as these within existing centres (due to them being sequentially preferable). As such, the proposal at the application is an ideal location for a D2 use of this nature and complies with the objectives of policy CC4 and the NPPF and these benefits outweigh the modest loss of employment land in this instance.

Overall, whilst it is noted that the proposal will result in the loss of a modest amount of B1 floor space within the heart of the City Centre, this is not considered to be to the detriment of the supply of employment land in the City as a whole. The proposal will provide a new leisure use within a vibrant part of the City Centre which will contribute to the day and evening economy. The proposal is therefore considered to be acceptable in principle.

Matters which require consideration are whether there will be any unacceptable impacts on visual and residential amenity (as a result of noise and disturbance from the use), any associated car/cycle parking and servicing implications together with waste management and impact on the historic environment.

Each matter will be addressed in turn.

### **Visual amenity**

There will be no elevational alterations to the premises. The applicant has, however, indicated that 'black out' vinyl's will be applied to the windows to make the associated rooms dark in order to provide privacy when the games rooms are in operation.

Whilst this will remove a degree of active frontage from the development, it should be noted the development is comprised of an upper and lower ground floor (this application relates to the upper floor). As such, whilst there will be a loss of activity through the windows associated with this development there will still be windows to the lower ground floor of the premises, the entrance to the upper floor residential accommodation and the residential apartments themselves which will provide natural surveillance and activity on the street frontage.

### **Noise and disturbance (residential amenity)**

Policies SP1 and DM1 of the Core Strategy seek to ensure that there are no unacceptable noise implications on existing residential developments as a result of development proposals. The need to consider noise implications of developments is also reiterated within saved policy DC26 of the UDP.

It is considered that the main sources of noise from the proposed development are as follows:

- Noise internal to the premises from any equipment and participants;
- Noise external to the premises from the 'comings and goings' of the participants; and
- Any external plant.

The applicant's submission indicates that the internal floor space will be subdivided into 6 games rooms, a control room and WC facilities together with a waiting area. The games rooms will be available for groups between 2 -6 individuals (friends, family, team building, schools) and a typical game last for 60 minutes. A supervisor will introduce the group to the game and explain the rules of the task. The participants are then 'locked' in the rooms for the required period of time. The participants then have to work together to search for keys, combinations and solve

different puzzles. Once solved, it will enable the participants to progress logically through the game structure. The final goal is to escape room.

The premises will operate the following opening hours:

Monday to Friday 15:45 to 22:15

Saturday and Sunday 10:45 to 22:15

It is noted that the upper floors of this building are occupied by residential properties. However, it is not considered that the occupants of the residential properties will experience any unduly harmful noise transfer as a result of the internal operations of the leisure use particularly given the lower ground floor and residential properties are separated by the commercial accommodation of the upper ground floor. As such, there will be no direct noise transfer internal to the premises.

The operating hours proposed are reasonable as the use would cease at an appropriate time in the evening. Environmental Health have confirmed that they do not consider that any acoustic insulation of the premises is necessary and that the operating hours proposed by the applicant are acceptable.

The applicant has confirmed that there will be no amplified sound or music associated with any of the equipment or games concepts. There will be background sound and music together with voices from the participants. However, it is not considered that this will be audible to the point that it will be harmful to the residential amenity of the upper floor residential properties. In order to ensure that there will be no amplified sound or music and that the operating hours are in line with the above, it is recommended that these form conditions of any planning approval.

With regards to any noise external to the premises, the entrance to the application site will be via an existing entrance on the corner of the building on Joiner Street and Bridgewater Place. As such, the participants entering and exiting the premises will not utilise the entrance to the residential apartments which is further northwards along Joiner Street.

It is noted that local residents have concerns about the resulting noise and disturbance from the comings and goings associated with the premises together with the potential to loiter outside for prolonged periods before and after entering the premises.

It is not considered that the comings and goings will be excessive given the overall scale of the development. Even in the worst case scenario of two groups of 6 being at the premises at the same time together with two groups of 6 waiting be the next players, this would only result in 24 participants on and around the premises at any one time.

In of a week day, the worst case scenario is 72 participants visiting the premises in a day with 132 on a weekend. It should be noted that this is a worst case scenario based on the maximum number of participants per game with two events running simultaneously all day. As such, it is likely that the impacts will be much less particularly if groups are smaller and/or the days are not fully booked.

Weekends are likely to be the busiest time for a business like this and therefore the activities in the City Centre are also likely to be there busiest limiting the impact of the comings and goings from the premises as they will blend into the typical background noise levels for the area.

As such, it is not considered that the noise and disturbance associated with the operations of the premises will be excessive or over and above what is typical for a location like this within the City Centre (particularly given the close proximity to other premises where group of people frequent throughout a typical day, such as the public house on the corner of Joiner Street and Church Street).

Notwithstanding this, it is acknowledged that people could loiter in and around the premises before and after there game. As such, it is recommended that a condition of any planning permission shall be that a dispersal policy is adopted in order to ensure that participants do not loiter around the entrance to premises.

The applicant has not confirmed that this stage whether any new plant equipment will be required to support the operations of the premises. As such, it is recommended that a condition of the planning approval is that any such plant equipment is agreed as part of a condition of the planning approval.

Overall it is noted that the premises is located in close proximity to the upper floor residential accommodation of The Birchin. However, it is not considered that there will be any unduly harmful impacts upon residential amenity that would warrant refusal of planning permission. The premises capacity, even in a worst case scenario, is not considered to be excessive. It is recommended that a condition of the planning approval is that the use of the space is not used for any other purpose in Use Class D2 without the consent of the Local Planning Authority in order to ensure that no detrimental impacts could arise.

### **Car parking and servicing**

Policy SP1 of the Core Strategy states that new developments will maximise the potential of the City's infrastructure, in particular promoting walking, cycling and use of public transport. Policies T1 and T2 goes on to state that new development should be located near to the City's economic drivers and ensure that developments are easily accessible by walking, cycling and public transport. In terms of levels of car parking, for City Centre locations such at the application site, policy T2 states levels of car parking should reflect the highly accessible nature of the location and realistic requirements of the users of the development.

Given the location of the application site, in the heart of the City Centre, users of the development have access to a wide range of public transport modes to access the site. In line with the comments of Highway Services, it is therefore envisaged that staff and visitors to the site will use public transport rather than the car. Should staff/visitors wish to come to the site in a car, there is a range on off street car parking surrounding the application site.

On the basis of the above, it is not considered that any trips associated with the development will have a material impact on the capacity of the local highway network or require any on site car parking provision.

There have been no specific details provided with the application with regards to cycle provision. In order to ensure that this is a real choice for staff and visitors to the premises, it is recommended that a condition of the planning approval is that details of the cycle storage should be provided prior to the first use of the development. Whilst it is noted that there is very limited external space associated with the development, there is an opportunity to consider an internal cycle store at the premises.

### **Waste management**

A scheme of this nature is likely to generate a degree of waste from its operations. Policies EN19 and DM1 of the Core Strategy require that applicants show consistency with the waste hierarchy which principally seeks applicants to re-use and recycle their waste.

The applicant has indicated that an internal refuse storage area will be created in the control room. The applicant anticipates that only a small amount of waste will be generated by this development (approximately 140 litres) with the majority of the waste being of a palpable nature. The commercial waste disposal firm will be used to remove the waste from the premises from a suitable location external to the property. The applicant has not yet agreed with the owners of the building where the suitable external collection point for the waste will be.

Environmental Health have considered the information submitted by the applicant in respect of waste generation. They state that further information is required in respect of the waste that will be generated and that there are suitable bins for each type of waste. On this basis it is recommended that a condition of the planning approval is that the waste management arrangements are agreed prior to the first use of the premises.

### **Impact on the historic environment**

Policy EN3 of the Core Strategy, along with section 12 of the NPPF, states that consideration must be given to the impact of new developments on heritage assets. In this instance, the application site is located within the Smithfield Conservation Area and to the south of the site is a Grade II Listed Building which is occupied by Debenhams department store. The application building itself could also be considered to be a non designated heritage asset.

It is not considered that the proposal will have a detrimental impact on the historic environment. This proposal is for a change of use of the floor space for the development and does not involve in any elevational alterations to the building. Should the premises require any signage then this would need to be considered through an advertisement application where any impact on visual amenity will be considered. It is recommended that an informative of the planning approval is that the applicant is made aware of the requirements of advertisement consent.

## **Designing out crime**

Design for Security at Greater Manchester Police have requested that further details are provided in a crime prevention plan in order to ensure that appropriate security measures are incorporated into the development. This shall include ensuring that the appropriate security measures are put in place around the premises for example CCTV, lighting etc. It is recommended that a condition of the planning approval shall be that a crime prevention plan shall be agreed and then implemented as part of the development.

**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 Head 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      APPROVE**

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Further information has been obtained from the applicant during the course of the planning application about the nature of the proposed use. The proposal is considered to be in accordance with the development plan and therefore determined in a timely manner.

### **Reason for recommendation**

#### **Conditions to be attached to the decision**

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:

Drawings

Drawing V-01 stamped as received by the City Council, as Local Planning Authority, on the 27 July 2016

Supporting statement prepared by Muir Smith Evans stamped as received by the City Council, as Local Planning Authority, on the 27 July 2016

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.

3) The development shall not be open outside the following hours:-

Monday to Friday 15:45 to 22:15

Saturday and Sunday 10:45 to 22:15

There shall be no amplified sound or any amplified music at any time within the unit.

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) Deliveries, servicing and collections including waste collections shall not take place outside the following hours:

Monday to Saturday 07:30 to 20:00

Sundays (and Bank Holidays): No deliveries/waste collections

Reason – In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

5) Prior to the first use of the premises hereby approved, details of the location (including details of a suitable structure) of the refuse storage together with a waste management strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the first use of the premises and thereafter retained and maintained in situ for as long as the development remains in use.

Reason – To ensure adequate refuse arrangements are put in place for the premises pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (2012).

6) Prior to the first use of the premises hereby approved, details of a cycle storage area shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the first use of the premises and thereafter retained and maintained in situ for as long as the development remains in use.

Reason – To ensure that there is accessible cycle storage provision at the application site for staff and visitors pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

7) Should any externally mounted plant be required, prior to the first use of the development the details (location and specification) (including a scheme to acoustically insulate the plant) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the first use of the premises and thereafter retained and maintained in situ for as long as the development remains in use.

Reason – In the interest of visual and residential amenity pursuant to policies SP1, EN1, EN3 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

8) The ground floor which the application relates shall be used as indoor game/puzzle Centre and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - For the avoidance of doubt and to protect the amenities of occupiers of the building and occupiers of nearby buildings, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan (1995).

9) Prior to the first use of the development hereby approved a crime prevention plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved plan shall then be implemented as part of the development and remain in place for as long as the development remains in use.

Reason – To ensure that all appropriate crime prevention measures are put in place pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

10) Prior to first use of the premises hereby approved, a scheme for the management of participants within the external areas of the premises shall be submitted to the City Council as local planning authority for approval. For the avoidance of doubt, this shall include details of:

- Dispersal policy to avoid loitering around the premises;
- Mechanism for ensuring windows and doors remain closed after 8pm

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.



## **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: 113442/FO/2016 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:**

Highway Services  
Environmental Health  
Greater Manchester Police

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:**

Apt 57, Lighthouse, 3 Joiner St, Manchester, M4 1PR  
14 Newick Road, London, E5 0RR  
Apartment 4, The Birchin, 1 Joiner Street, Manchester, M4 1PH  
105, The Birchin, Manchester, M4 1PH

**Relevant Contact Officer :** Jennifer Atkinson  
**Telephone number :** 0161 234 4517  
**Email :** j.atkinson@manchester.gov.uk



 Application site boundary  Neighbour notification  
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