

Application Number	Date of Appln	Committee Date	Ward
118338/FO/2017	9th Jan 2018	28 th June 2018	Piccadilly Ward

Proposal Change of use of the ground and first floors to an amusement centre (sui generis), with external alterations, and associated works.

Location Wellington House , 39 Piccadilly, Manchester, M1 1LQ

Applicant Mr Mark Davis , Luxury Leisure, 362C Dukesway, Team Valley Trading Estate, Gateshead, NE11 0PZ ,

Agent Mrs Rebecca Hilton, Lichfields, Ship Canal House, 98 King Street, Manchester, M2 4WU

Background

The applicant currently operates an Amusement Centre within unit 16 and 17A on the ground floor of the Parker Street elevation of City Tower. The impact of a second amusement centres opening in the area has generated some concern from consultees and the applicant and the owner of City Tower have now requested that this application is considered on the basis that should the LPA be minded to support it, they would enter into a legal agreement which would prevent the use of unit 16 and 17A as an amusement centre.

The majority of representations in the report were received prior to this amendment to the application, on the basis that the proposals were for an additional Amusement Centre.

Site Description

The application relates to the ground and first floors of a 6 storey building at the junction of Lever Street and Piccadilly on the north side of Piccadilly Gardens. There is a ground floor entrance at the corner of Piccadilly and Lever Street with a separate access to the upper floors on Piccadilly. Only the third and fourth floors are occupied and the ground floor was most recently used as a Building Society (Class A2 use). Its longest elevation is to Lever Street and a rear entrance on Back Piccadilly provides access to a basement car park and servicing and deliveries take place here.

The adjoining building is vacant and on the opposite side of Lever Street is a vacant site that is hoarded.

There are residential properties nearby at Chatsworth House on Lever Street, 3 Dale Street, Smithfield Buildings on Oldham Street and 15 Piccadilly along with a number of hotels including the Gardens Hotel at 59 Piccadilly, Abode at 107 Piccadilly, Ibis Styles at Portland Street, Mercure Piccadilly at Piccadilly Plaza, Travelodge at 19-21 Piccadilly, Easy Hotel at 35 Newton Street, The Cow Hollow Hotel at 57 Newton Street and the Holiday Inn at Aytoun Street. The latter 4 hotels have opened in the past 7 years. Residential schemes have been approved nearby at Red Lion Street (113713/FO/2016) and Tib Street (114146/FO/2016) which is on-site. The extent and

growth of homes and hotels is indicative of the growing attractiveness of the Piccadilly and Northern Quarter Areas for visitors and as a place to live.

Other uses in the area include shops, bars and restaurants, take-aways and office uses. There are betting shops within the vicinity of the site including 2 at the top end of Mosley Street, one in the ground floor of City Tower and at 51-53 Piccadilly.

The site is close to the Commercial Core and the Northern Quarter, with the latter containing independent retail and leisure outlets and noted for its vibrant independent and 'alternative' offer. It is a popular destination for visitors.

An application for planning and listed building consent at 43-47 Piccadilly opposite the application site has recently been submitted and seeks consent for the erection of a part 9 and part 10 storey office building with a rooftop terrace with basement, ground, and first floor shop, restaurant and café, bar or assembly and leisure use. The grade 2 listed building at 47 Piccadilly would be retained and incorporated into the scheme and an adjacent warehouse building would be demolished (application ref no 119559 and 119560).

The site is within the Stevenson Square Conservation Area. The building is not listed but there are listed buildings in close proximity including the Queen Victoria Monument, Watt Statue and Wellington's statue, all within around 50m of the building, with others including 15, 17, 47 and 49 Piccadilly and 8, 10, 12 and 14 Lever Street which are all Grade II listed.

Description of Development

Consent is sought for a change of use of the ground and first floors to an amusement centre (sui generis). Consent was originally sought to operate 24hrs a day Monday to Sunday but reduced hours of 08.00 to 04.00 have subsequently been agreed. The applicant would vacate their existing premises at City Tower if consent is granted so there would be no net increase in the number of amusement centres within the Piccadilly Gardens Area should the application be approved

Consent is also sought for minor external works which would include the removal of an ATM on Lever Street and the provision of fascias for adverts. A separate application for advertisement consent would be required.

A Crime Impact Statement prepared by Greater Manchester Police (Design for Security) would normally be submitted with an application but this is not required for validation and a statement can be prepared by the applicant instead. This application is supported by the following documents prepared by the applicant which sets out potential crime and disorder issues and how these would be managed:

- Luxury Leisure: Security Statement – Piccadilly Gardens
- Standard security provisions for Admiral Adult Gaming Centres

The following comments are made in support of the application:

- Luxury Leisure is a well-established slot casino operator with over 230 amusement centres across the UK as well as a successful online presence.

The brand has been trading in Manchester for a number of years and is a popular leisure destination. The applicant currently operates out of City Tower on the southern side of Piccadilly Gardens facing the main bus depot.

- This broad area of Manchester city centre has proven to be an attractive location for the business with customers and visitors accessing the slots throughout the day and evening complemented by other retail and leisure destinations in close proximity. The success of this existing outlet is a factor of the highly sustainable location and high footfall in the Piccadilly Gardens area as such Luxury Leisure are keen to strengthen its presence within this locality.
- The applicants through their operation of the current Adult Amusement Centre (City Tower) are members of the Manchester Business Crime Reduction Partnership (MBCRP), part of CityCo. They attend regular meetings with the representatives of CityCo and contribute information to the MBCRP DISC (database and intranet for safer communities).
- Alcohol is not served or consumed on any of their premises and they have robust policies and procedures in place to ensure compliance with the law and the License Conditions and Codes of Practice so that those under the influence of alcohol cannot enter their premises.
- As a result of their efforts in 2015 their team was commended through a Chief Constables Citizens Award for making the venue “One of the safest locations in Piccadilly Gardens”. This is a position they have made great efforts toward and succeeded in maintaining. Our staff have received training from a former GMP officer who now works for the MBCRP and more training is scheduled for January 2018.
- They consider their operation in Piccadilly Gardens to be a fine example of a successful partnership approach to local issues of crime and ASB and consider themselves to be a responsible and engaged member of the local community, fully invested in efforts to make the Piccadilly Gardens area a safe and pleasant environment for residents and visitors alike with a range of attractive, modern leisure facilities, heavily regulated and professionally run.
- There is a lack of any clear evidence that proves a direct correlation between gambling and other forms of anti-social behaviour (drug and alcohol abuse etc.). Admiral amusements centres operate across the country and they are not aware of reports of criminal activity associated directly with their existing amusement centre operations.
- The heavy footfall around the building means there is a high level of natural surveillance.
- The applicant sought pre-application advice from the Council regarding this proposal in 2017. Detailed information of the proposal was not put forward by the applicant at the time and based on the use and location, the Council responded negatively referring to a recently refused application for an amusement centre on Oldham Road. The Council explicitly mentioned concerns raised by Greater Manchester Police regarding Crime Impact and therefore, this submission has comprehensively addressed crime prevention and security measures. This includes the implementation of the following measures:
- In considering the proposed layout, required external alterations and physical security measures due regard has been had to the Design Guide (2007) SPD.

Security provision includes:

- Employment of a security department;
- Obligatory minimum staff presence on the shop floor and involvement in local centre schemes such as 'shop watch';
- Physical security measures include CCTV, intruder alarm, hold-up alarm, three safe system and third party cash in transit service which would meet the required standards and recommendations in relation to doors, access control, CCTV, lighting and management and maintenance set out by Greater Manchester Police. Any new fittings would be certified to 'Secured By Design' standards. In addition to the recommendations made in the Security Statement, Luxury Leisure would install a monitored dualcom intruder and hold-up alarm with mobile PA units for staff and static buttons in the office. Access control would be achieved for significant parts of the day (evening and night) through the use of door supervisors.
- Procedures in place for making the premises secure after customers have left so that counting and securing the takings can be carried out in a secure environment and for staff leaving and securing the premises so that staff safety is not compromised.
- Display of 'gamble responsibly' signage throughout the unit including GamCare helpline and 'stay in control' leaflets;
- Employees are trained to identify when customers may be out of control with their gambling and there is a procedure in place for approaching and discussing the matter with them; and,
- An offer of support and advice to those affected by problem gambling.
- That the proposals accord with CS policies and the SPD.

Consultations

Publicity The application was advertised in the Local Press as a public interest application, notices were displayed on site and occupiers of neighbouring buildings were notified. One letter of support and 5 letters of objection were received prior to the application being amended to essentially a relocation of existing premises:

The letters of objection express concern on the basis of the following:

Appropriateness of use and potential impact on vitality and viability of the Primary Shopping Area (PSA).

The proposals would be contrary to the purpose of the PSA which is to maximise opportunities for comparison retail and the cumulative impact of the proposed use with other existing gambling establishments will erode the retail function of this part of the PSA to a harmful degree introducing a use that would not positively contribute to delivering an attractive and usable shopping environment.

The proposals would be contrary to Policy CC2 which sets out that the council will promote the growth and improvement of retail provision in the City Centre and accepts ancillary commercial and leisure services, within the Primary Shopping Area provided that retail remains the predominant use. In addition, both Policy CC2 and

Policy CC8 state that development must deliver the most attractive and usable shopping environment within the PSA

The proposed use would not enhance the retail experience is not conducive to a family environment nor the general wellbeing of young people;

This type of establishment always lead to a decline in the environment including as a result of their customers loitering and smoking outside their premises

There are already sufficient betting shops in the vicinity. There is also an amusement centre less than 5 minutes' walk away so we do not believe there is any case to be made for an additional amusement centre in this location.

There is plenty of demand for retail and restaurant/bar uses which are more desirable and would provide facilities for shoppers, workers and residents

The existing use is a A2 banking use, but this provides a service which is useful for shoppers, workers and residents of the City Centre.

The proposals would undermine the maximisation of opportunities for comparison as a principle purpose of the PSA leading to its further dilution.

The proposals would be contrary to Policy C10 which relates to the City's Leisure and Evening Economy and states that the Council will support new development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy.

Impact in terms of visual amenity and crime and antisocial behaviour and how this would adversely impact on the regeneration within the area.

- Piccadilly Gardens currently experiences high levels of anti-social behaviour and crime as evidenced by crime statistics for the area. Existing amusement arcades in the area are considered to contribute to an environment that many consider to be unwelcoming and unsafe, particularly during the evening hours. The introduction of a further amusement arcade around Piccadilly Gardens will undermine the strategic vision to regenerate the area into a vibrant green space, where a cross section of residents will use, feel comfortable and wish to dwell at all times.
- The proposals could have a potential adverse impact on regeneration as result of the potential to deter investment particularly in terms of the viability of the development of the adjacent vacant site, efforts to improve the public realm and attractiveness of the Piccadilly Gardens and the role of the junction of Piccadilly and Lever Street as a gateway to the Northern Quarter and would therefore not comply with core Strategy Policies CC1 and CC3 (including para's 8.25 and 8.35) which seek to promote economic growth.
- The proposals would undermine the role of placemaking as a catalyst for investment;
- The proposals would be contrary to the Policy SP1 within the Core Strategy which sets out the Council's Spatial Principles in Policy SP1. The policy states that all development should have regard to the character, issues and

strategy for each regeneration area, including the City Centre in which Piccadilly Gardens is located. The policy requires 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 wellbeing of Residents;
 - protect and enhance the built and natural environment
- An over concentration of gambling related uses in the immediate vicinity would bolster the anti-social behaviour and crime currently experienced in the Gardens. It will therefore be detrimental to the character and viability of Piccadilly Gardens, where a more socially inclusive and balanced environment is sought, through a forthcoming major regeneration of this key green space in the City Centre
 - There are a large number of licensed and gaming premises already in the area that contribute to issues of anti-social behaviour. Another gaming centre of this nature will undoubtedly make a serious issue even worse and place an unnecessary extra burden on the police, partners and the community.

Design issues and Impact on levels of Crime and Disorder

- There would be a potential harmful effect from a large slot machine frontage with a dead frontage which would detracts from the vibrancy of the street level environment and on natural surveillance; Given this in terms of use and street presence the proposals are not consistent with Core Strategy Policy DM1.
- The nature of frontage associated with this type of use would create an environment which can often be threatening, intimidating and uncomfortable
- The proposed preventative measures would be difficult to enforce.
- The level of security and public safety measures that the applicant has detailed within the submission only goes to exemplify the expectation that the proposed use would contribute towards antisocial behaviour, cause disturbance, and negatively impact on the local environment

Design issues and impact on Character and setting of Conservation Area and Adjacent Listed Buildings

- The proposed frontage would have a detrimental impact on the character of the conservation area and setting of surrounding listed buildings.

Impacts on Residential Amenity

- The potential impact would contribute cumulatively to wider noise and disturbance give the proximity of other night-time uses in the locality.

Other

- The proposals is not a family friendly use and would acts as a temptation for children who are underage.
- Any decision needs to be taken within the context of the refuse of an application for a change of use to an amusement centre at 29-31 Oldham Street which is located approximately 180m from the application site.

The letter of support states that the scheme would be a great idea.

City Co have expressed concerns about the number of amusement arcades in the Piccadilly Area.

City Centre Growth and Regeneration – An objection has been withdrawn, as this is now essentially an application to relocate.

Greater Manchester Police (Neighbourhood Policing Inspector for Manchester City Centre) – An objection has been withdrawn subject to the premises on Parker St closing

Greater Manchester Police (Design for Security) – An objection but it has been withdrawn subject to the premises on Parker St closing and subject to adherence to recommendations to Improve Security have been provided including those relating to doors, windows, access controls, CCTV, intruder alarms, lighting, signs warning clients and the public about potential crime in the area and management and maintenance.

Head of Regulatory and Enforcement Services (Pollution Section) - Have no objections but have recommended that conditions in relation to the acoustic insulation of the premises and associated plant and equipment, the hours of operation, the hours during which deliveries can take place, the storage and disposal of refuse be attached to any consent granted.

Highways – Have no objections but had made some comments on fit out management which have been passed to the applicant.

Issues

The proposal is now for the relocation of existing premises which negates any need to consider any culmulative impact in terms of policies. The consideration of the acceptability of the use has then to relate to its appropriateness in its new location only.

Relevant National Policy

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to apply. 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).

Paragraphs 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development". The approach advocates approving development, without

delay, where it accords with the development plan. Paragraph 12 provides: "Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

As the proposal would replace an existing amusement centre and maintain the balance of uses in the area, it is considered to be consistent with sections 1, 2, 7 and 12 of the NPPF for the reasons outlined below.

Sections 1, 2 and 7 - Building a strong and competitive economy, Ensuring the vitality of town Centres and Requiring Good Design- The principle considerations is whether the Amusement Centre would maintain and promote the vitality and viability of this part of the City Centre, would promote economic growth and promote a competitive town centre environment. Consideration is also required of whether the development would be sustainable and contribute to making this a better place for people.

The proposal would bring an underutilised partially vacant building back into use and create some street level activity from customers entering and leaving the premises. Vacant buildings are detrimental to the viability and vitality of town centres and in this instance this vacancy of the lower floors is compounded by the vacant site at 43-45 Piccadilly. As the proposal would replace an existing amusement centre and maintain the balance of uses in the area, it is considered to be acceptable.

Maximisation of ground floor activity in so far as would be operationally possible for this type of use could be secured through an appropriately worded planning condition.

Local Development Framework

The principal document within the framework is **The Core Strategy Development Plan Document 2012 -2027** ("the Core Strategy") was adopted on 11 July 2012 and is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester's future development.

As the proposal would replace an existing amusement centre and maintain the balance of uses in the area, it is considered to be consistent with the following Core Strategy Policies CC2, CC4, CC7, CC8, CC10, SP1, C10 and DM1 for the reasons set out below.

Saved UDP Policies

Whilst the Core Strategy has now been adopted, some UDP policies have been saved. The proposal is considered to be consistent with the following saved UDP policies DC26 for the reasons set out below.

Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

The adopted Core Strategy contains a number of Strategic Spatial Objectives that form the basis of its policies. The following objectives are of relevance to consideration of this proposal:

SO2. Economy - supports further improvement of the City's economic performance and seeks to spread the benefits of growth across the City to reduce economic, environmental and social disparities, and the creation of inclusive sustainable communities. The proposal would bring a vacant unit into use. Concern has been expressed about the impact that the use could have on investment in the area. However, the application is considered to be an acceptable as it would replace an existing amusement centre and maintain the balance of uses in the area.

SO6. Environment - The re-use of this vacant unit would help to ensure that this part of the City is inclusive and attractive to residents, workers, investors and visitors.

Policy CC2 Retail and CC8 Change and Renewal – -Policy CC2 states that ancillary commercial and leisure uses such as those within the A Use Class, are acceptable within the PSA, providing retail remains the predominant use and proposals do not conflict with other policies within the Local Development Framework. As the proposal would replace an existing amusement centre and maintain the balance of uses in the area, it is considered to be acceptable.

The use needs to be assessed against relevant design policies and must respect built heritage and public realm. Proposals should be consistent with Policy CC8 (Change and Renewal) to ensure that development delivers the most attractive and usable shopping environment and it should fully improve the City Centre in terms of character and function, taking account of other policies in the Core Strategy. As the proposal would replace an existing amusement centre and maintain the balance of uses in the area, it is considered to be meet these requirements.

Policy CC 4 Visitors - Tourism, Culture and Leisure – The relocation of the amusement centre would retain the balance of activity in the area.

Policy CC7 Mixed Use Development – The relocation of the amusement centre would retain the balance of activity in the area.

Policy CC 10 A Place for Everyone – The relocation of the amusement centre would retain the balance of activity in the area.

Policy SP1 (Spatial Principles),- Manchester should be the focus for economic and commercial development, including leisure activity alongside high quality City Centre living and as the proposal involves the relocation of the amusement centre and would retain the balance of activity in the area it would be compatible with that policy.

Policy C 10 (Leisure and the Evening Economy)- Encourages new development and redevelopment that would support the evening economy and supports a balanced and socially inclusive evening/night-time economy. It states that development will be permitted, subject to the following considerations:

1. Cumulative impact;

2. Residential amenity and
3. Balance.

This policy aims to encourage evening and night time economy uses that contribute to the vitality of Manchester's centres and support the creation of a safe, balanced and socially inclusive evening economy. This needs to be balanced against the other functions of centres, and in particular the need to support daytime activity. It aims to prevent concentrations of uses that would harm a centre's attractiveness to shoppers or its residential amenity, where relevant. There is an acknowledgement that potential harm to the area can be controlled, for example by limiting the hours of operation or maximising the levels of ground floor activity. The proposed would be a relocation of an existing nearby use and would be acceptable as part of the mix of retail and non-retail uses offered within the City Centre. Whilst the over 18 entry policy would be exclusionary this would not differ from that operated by many of the licensed premises within the area and needs to be considered within the wider context of the family friendly activities associated with the recent and planned improvements within the Piccadilly Gardens Area.

The proposed use would operate between 08.00 and 04.00 which is consistent with some other adjacent premises which operate as part of the City Centre evening economy. As the proposal involves the relocation of the amusement centre and would retain the balance of activity in the area the proposed hours of operation are acceptable.

Policy DM 1- Development Management – sets out the requirements for developments and outlines a range of general issues that all development should have regard to. The following issues that are or relevance to this proposal:

- development should have regard to the character of the surrounding area;
- consideration of effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation; and
- impact on safety, crime prevention and health;

The minimal ground floor interface could have an adverse impact on the character of the surrounding area. The nature of the use and the proposed hours of opening could adversely impact, on the safety and amenity of residents and users of the area around the application site. These impacts are considered in more detail below.

DC26 Development and Noise – Seeks to reduce the impact of noise on people living and working in, or visiting the City. The proposed hours of opening could have an adverse impact on the amenity of adjacent residents. These impacts are considered in more detail below.

Other National Planning Legislation

Legislative requirements

S149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected

characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life.

S17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder

Issues

Principle of the Proposed Use and Design Issues – The amusement centre would reuse vacant floorspace that fronts onto Piccadilly and Lever Street which are major pedestrian routes through the City Centre. This would produce comings and goings and provide some interaction with the streetscene, but it has to be acknowledged that this type of use does not engage as fully as other uses in the area. It would create some activity and improve natural surveillance compared to current conditions. Other ground floor users including retail uses include stickers and other obstructions in their window that restrict visibility.

Whilst the use does tend to afford a high level of privacy for its patrons, any scope to improve the manner in which the use would interact could be secured through a condition to be attached to any consent granted to ensure that the appearance of the frontage and any displays within it are controlled to maximise the appearance of activity within the applicants operational limitations.

On the basis of the above sections the proposed use and shop front design would be consistent with Core Strategy Policies DM1, SP1, CC2, CC4, CC7, CC8, CC10 and C10

Impact on regeneration and improved street level environment. - There are a number of vacant properties near the site and directly opposite is a vacant development plot. Vacant sites and buildings can damage an area in the long term by presenting a poor image and can create 'dead frontages'. Bringing vacant units back into use is beneficial to the vitality and viability of an area.

The site has an extensive ground floor frontage wrapping round from Piccadilly along an entire street block round to Back Piccadilly. It is a prominent building on a key junction and is viewed by many people walking from Piccadilly Station to the retail and business cores. Some objectors have suggested that the use would impact adversely on regeneration in Piccadilly and deter investment, particularly in relation to the nearby vacant site. However, use would relocate from City Tower and would therefore maintain the balance of activity in the area.

On the basis that this is a replacement facility, the proposal would on balance be consistent with sections 1, 2, 6 and 8 of the NPPF Core Strategy policies SP1, CC3, CC7, and DM1.

Impact on character of the Conservation Area and setting of adjacent listed buildings: With minimal changes proposed to the buildings facades any impact would be negligible

In view of the above the proposals will be consistent with section 12 of the NPPF and the following Core Strategy Policies DM1 and EN3 and saved UDP policy DC18.1

Crime and Disorder: The Police have confirmed that previous problems at the Amusement Centre at City Tower have been dealt with through restrictions on opening hours and ongoing effective and proactive management. These are measures are proposed and there is no reason to assume that such measures could not be equally effective in this location.

Local and national planning policies allow 'uses' such as betting shops, Adult Gaming Centres, pawnbrokers/payday lenders, public houses and off licences, subject to regulatory control. This proposal would replace an existing amusement centre rather than adding to the current number of gambling establishments in the Area.

In view of the above the proposals are consistent with Core Strategy Policy DM1.

Residential Amenity / Hours of Operation – The Amusement Centre would operate from 08.00 to 04.00 7 days a week. The Head of Environmental Health has stated in relation to this application that acoustic measures could be implemented to mitigate any potential disturbance to occupiers of the upper floors and adjacent premises and these requirements are capable of being a condition of any consent granted.

Saved UDP policy DC26 seeks to reduce the impact of noise on people living and working in, or visiting, the City and Policy DM1 seeks to ensure that all development should have regard to the impact of noise. Therefore, the impact that that the proposed use may have on nearby residents needs to be considered carefully. A mixed-use environment inevitably involves the location of different uses being in close proximity to residential accommodation. However in order to preserve the character of areas and protect the amenity of residents, it is essential to ensure that evening uses are properly controlled. Whilst the Head of Environmental Health has not raised any objection to the proposed hours of operation it is acknowledged that there a number of residential properties near to the application site (although none directly adjacent). In this context and considering the hours of operation of some other adjacent use associated with the night-time economy some of which operate 24hours the proposed hours of operation area considered to be acceptable.

Given the above it is considered that the proposal in terms of potential impact on residential amenity in relation to noise would be acceptable and consistent with sections 1 and 2 of the NPPF, Core Strategy policies SP1 and DM1 and saved UDP policy DC26

Unilateral undertaking

A unilateral undertaking has been offered to the City Council by all relevant parties with an interest in this unit under Section 106 Town and Country Planning Act 1990, to extinguish the existing operation at unit 16 and 17A Piccadilly Tower. The undertaking would be binding on all successors in title to the property.

Conclusion

The proposals are now for a relocation of an existing Amusement Centre within the Piccadilly Gardens Area and not an additional use as originally proposed and will be subject to a unilateral agreement with the application which would prevent the use of unit 16 and 17A as an amusement centre if the consent is granted and implemented at Wellington House

Given this, the relevant policies of the NPPF have been complied with, and the relevant local plan policies contained within the Core Strategy and those saved in Manchester Unitary Development Plan have been satisfied and subject to compliance with conditions set out below in relation to hours of opening and the nature of the window display there are no other material considerations to indicate refusal.

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 policies 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 **MINDED TO APPROVE subject to a S106 agreement unilateral undertaking to surrender and extinguish the use of unit at 16 and 17A City Tower as an amusement centre in the event that planning permission for an amusement centre at Wellington House is granted and implemented.**

Article 35 Declaration

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing discussions about the appropriateness of a second amusement centre within the Piccadilly Gardens which has resulted in an undertaking from the applicants not to operate the existing unit and the proposed unit concurrently.

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:

(a) Site location plan GIS20521-01;

(b) Dwg 1395 SK06 P1;

(c) Management and operational measures detailed in the Standard security provisions for Admiral Adult Gaming Centres, Luxury Leisure: Security Statement - Piccadilly Gardens and measures outline in GMP (Design for Security) dated 19-02-18; and

(d) Waste Management Proforma received on 21-12-17;

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP 1, CC1, T2 , and DM 1 and saved Unitary Development Plan polices C26.1 and DC26.5.

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

07:30 to 20:00 Monday to Saturday

10:00 to 18:00 Sundays and Bank Holidays

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) The premises shall not be open to the public outside the following hours,:-

07.00 to 03.00 Monday to Sunday

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy Policies DM1 and SP1 and saved UDP policies DC26.1 and 26.5.

5) Before the development commences a scheme for acoustically insulating the adjacent office accommodation against noise from within the premises and for managing noise from people congregating externally to smoke shall be submitted to and approved in writing by the City Council as local planning authority.

The approved noise insulation scheme shall be completed before the use commences. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed shall be submitted and

agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Reason - To secure a reduction in noise in order to protect adjacent building occupiers from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

6) Prior to occupation a scheme for the acoustic insulation of any externally mounted ancillary equipment to ensure that it achieves a background noise level of 5dB below the existing background (La90) in each octave band at the nearest noise sensitive location shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

7) Notwithstanding the details approved in condition 2 the use hereby approved shall not commence until details of the proposed design and materials of the shop front and any associated fascia detail and window display (which shall ensure that an active frontage with views into the premises shall be maintained) have been submitted to, and approved in writing by, the local planning authority.

Development shall be carried out in accordance with the approved details and retained thereafter.

Reason : In the interests of visual amenity and maintaining a vibrant street frontage on a key gateway site within the City Centre and pursuant to Core Strategy policies CC2, SP1 and DM1.

Informatives

1) The consent hereby granted does not grant or imply the granting of consents for any advertisements which would require a separate application for advertisement consent to be submitted

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: 118338/FO/2017 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
City Centre Regeneration
Premises Licensing
Greater Manchester Police

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

Relevant Contact Officer : Angela Leckie
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Email : a.leckie@manchester.gov.uk



 Application site boundary  Neighbour notification
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