Application Number Date of Appln Committee Date Ward

134971/FO/2022 19th Oct 2022 15th Dec 2022 Deansgate Ward

Proposal Creation of an Adult Gaming Centre (Sui Generis)

Location 67 Deansgate, Manchester, M3 2BW

Applicant Merkur Slots Ltd (UK), C/o Agent,

Agent Planning Potential Ltd, 1 Cardale Park, Beckwith Head Road,

Harrogate, HG3 1RY

EXECUTIVE SUMMARY

The proposal is for the use of a ground floor property on Deansgate in Manchester City Centre as an Adult Gaming Centre providing slot machines for gambling purposes (Sui Generis). No objections have been received.

Key Issues:

Principle of the proposal and the schemes contribution to regeneration: The premises is located in a prominent location along Deansgate. Whilst it is noted that the premises has been vacant since the start of the Covid Pandemic, it has previously been continually occupied. The proposed development would introduce a use which would not contribute positively to the vitality and viability of Deansgate. In particular, the use would undermine the character and appearance of the area through a limited active shop frontage which vinyls and other features would be applied to, which would obscure activity into the premises from the footway.

Economic: The proposal would reuse a vacant premises and create jobs. However, these benefits would not be outweighed by the overall impact of the use on the character, appearance, vitality, and viability of Deansgate and the ongoing regeneration of this important part of the City Centre.

Social: The business would not bring a fully active frontage, with partially blocked windows on Deansgate and fully blocked windows on Barton Square so would only provide limited natural surveillance. The development would not be fully accessible having one customer level, but three levels and no lift access between floors for use by staff.

Environmental: There would be no unduly harmful impacts on traffic and local air quality. There would be an internal bin store that would include recycling to minimise the amount of waste going to landfill.

Impact on the historic environment. The proposals would reuse a non-designated heritage asset; however, the obscuring of the window display and activity within the premises would undermine the character and appearance of the property.

Impact on local residents and local businesses: Construction impacts would not be significant and can be managed to minimise the effects on local businesses. Noise outbreak from plant and the commercial unit would meet relevant standards.

Description

This site is a three-storey building with frontages onto Deansgate and Barton Square. The building adjoins the Grade II* Listed Barton Arcade and is in St Anns Square Conservation Area and adjacent to the Parsonage Gardens Conservation Area.

The building is not listed but is a non-designated heritage asset with decorative stone elevations and modern shopfronts.

The building makes a positive contribution to the conservation area. In addition to the Grade II* Listed Barton Arcade, other listed buildings in the immediate area are 16 St Ann's Square, 18-20 St Ann's Square and 22 St Ann's Square, the former Kendal Milne department store (98-116 Deansgate) and Haywards Building at 62-66, Deansgate.

Deansgate is a busy pedestrian and vehicular route. Barton Square is a narrow rear alley that is used to service some properties. Surrounding uses include shops, offices, hotels, bars, restaurants, travel agents, cafes, and hairdressing salons.

The Proposal

It is proposed to change the use of the ground floor to an adult gaming centre (Sui Generis), with slot machines for gambling. This would occupy the ground floor with the upper floor and basement used for storage and staff facilities. The premises would be open to the public and in use 24 hours a day, seven days a week.



Image shows the Deansgate Elevation



Image shows the Barton Square Elevation

The existing shopfront would be retained, and the existing entrance would be reused. An internal waste store would be accessed from Barton Square. Level access would be available through the main entrance on Deansgate, but there is no lift proposed to access the other two levels. No secure cycle parking spaces are proposed, and no car parking would be provided.

A separate advertisement consent was approved for an individual letter sign and projecting sign under advertisement consent 134972/AO/2022.

Consultations

Publicity – The occupiers of adjacent premises have been notified and the application has been advertised by site notice. No responses have been received.

Highway Services two cycle parking spaces should be provided. There are no other highways concerns.

Environmental Health A 24-hour use of the premises is acceptable but recommend condition regarding acoustic insultation of the premises and any plant and details of lighting.

Design for Security at Greater Manchester Police a series of security measures should be implemented as part of the scheme.

Policies

Manchester Core Strategy (2012)

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 Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

The adopted Core Strategy contains a number of Strategic Spatial Objectives of relevance to this application that form the basis of the policies as follows:

- **SO1. Spatial Principles** provides a framework within which the sustainable development of the City can contribute to halting climate change. This development would be in a highly accessible location in relation to public transport and would reduce the need to travel by private car.
- **SO2. Economy** supports a significant improvement of the City's economic performance to spread the benefits of this growth across the City to reduce economic, environmental, and social disparities, and to help create inclusive sustainable communities. The scheme would provide new jobs during fit out and 12 full time jobs in operation. The job creation in this instance would not be sufficient to outweigh the harm to the vitality and viability of Deansgate, namely from the impact as a result of the inactive shop front.
- **S05. Transport** seeks to improve the physical connectivity of the City, through sustainable transport networks, to enhance its functioning and competitiveness and provide access to jobs, education, services, retail, leisure, and recreation. This development would be in a highly accessible location in relation to public transport and reduce the need to travel by private car.
- **Policy SP1 Spatial Principles -** The development would be accessible by sustainable transport provision. However, the proposal and the inactive shop front would not contribute positively to Deansgate which is one of the main road and pedestrian routes through the City Centre.
- **Policy C1 Centre Hierarch**y The use would not provide comparison retail or convenience retail for the growing City Centre population, would not assist the City Centre in remaining the regional focus for commerce, culture, leisure, and tourism.
- **Policy C10 –** The use would not be socially inclusive and would not the contribute to the vitality of the City Centre as it would exclude some members of the community and would not complement the surrounding uses. The use is considered to be detrimental to the character, vitality, and viability of the City Centre due to the

proposed use and the inactive shop front. A use that could provide services, jobs and amenity for all ages and abilities would be preferred in this location.

Policy CC1 - Primary Economic Development Focus (City Centre and Fringe) - The proposal would not contribute positively to the character, appearance and mix of uses within the City Centre and the shop frontage would be inactive.

Policy CC5 - Transport – The proposal would be accessible to a wider variety of public transport.

Policy CC8 - Change and Renewal - The proposal would create temporary employment during fit out works along with 12 permanent jobs in operation.

Policy CC10 - A Place of Everyone - The ground floor would be accessible via an existing level entrance, but the proposals do not include a passenger lift so do not provide inclusive access to all floors for staff. A use that could provide services, jobs and amenity for all ages and abilities would be preferred in this location.

Policy T1 - Sustainable Transport - The proposal would encourage modal shift to sustainable alternatives by being fully accessible by public transport.

Policy T2 - Accessible Areas of Opportunity and Need - The proposal would be accessible by a variety of sustainable transport modes. There wouldn't however be inclusive access to all floors of the business.

Policy EN1 - Design Principles and Strategic Character Areas – The shop front would largely be obscured by vinyl and TV screens. This would not bring an active frontage to Deansgate and would undermine the vitality and viability of the road.

Policy EN16 - Air Quality - The proposal would be highly accessible by all forms of public transport and reduce reliance on cars and therefore minimise traffic emissions.

Policy EN19 - Waste - The development would be consistent with the principles of waste hierarchy. The application is accompanied by a Waste Management Strategy which details the measures that would be undertaken to minimise waste production.

Policy DM1 - Development Management - Outlines a range of general issues that all development should have regard to. The proposal would have an unduly harmful impact on the character and appearance of the shop frontage through an inactive shop front design which would not contribute positively to the vitality and viability of Deansgate.

These are considered in detail in below in addition to the information in relation to the above policies.

Unitary Development Plan for the City of Manchester (1995)

Policies DC14 Shop Fronts and Related Signs state that the City Council will ensure that the design of shop fronts is in keeping with the character of the area

within which the building is located and that inappropriate features are not permitted. Policy DC14.2 states that shop fronts should allow full access for disabled people. The entrance into the proposals would be level. The proposal, due to the need to provide privacy to the users, would result in an obscured shop frontage. This would be contrary to the provisions of this policy.

Policy DC26 Development and Noise had the application been approved, conditions would have been applied to the approval to deal with any noise impacts from the development.

Other relevant guidance

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)

Part 1 of the SPD sets out the design principles and standards that the City Council expects new development to achieve, i.e., high quality developments that are safe, secure, and accessible to all. For the reasons set out later in this report the proposals would not be consistent with these principles and standards in relation to being accessible to all.

Relevant National Policy

The National Planning Policy Framework sets out what the Government's planning policies for England are 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).

The Government states that sustainable development has an economic role, a social role and an environmental role (paragraphs 7 & 8). Paragraphs 10, 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. Paragraphs 11 and 12 state that:

Para 105 states that the planning system "should actively manage patterns of growth in support of the objectives of promoting sustainable transport" (para 104). "Significant development should be focused on locations which can be made sustainable" as "this can help to reduce congestion and emissions and improve air quality and public health".

Paragraph 126 states that "the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"

Section 6 (Building a strong and competitive economy)

The proposal would support economic growth and create jobs and prosperity through fit out and through the operation of the uses. The use would create permanent jobs. Gambling uses can however slow economic growth.

Section 7 (Ensuring the vitality of town centres)

The proposed use would not promote the long-term vitality and viability of the City Centre and would not allow the existing uses to grow and diversify in a way that complements each of the existing retail and food and drink businesses. The use would not create or maintain a suitable use in the location or reflect the distinctive character of Deansgate

Section 8 (Promoting healthy and safe communities)

The proposed use would not be fully accessible due to the lack of full access to the basement and upper floor. The proposals would not provide fully active street frontages and would provide gambling facilities, having an effect on mental health, social and cultural well-being. The use would constitute the unnecessary loss of a vacancy that could provide accommodation for a use that would be suitable in this location and accessible to all. The use would not help to reduce vulnerability, increase resilience, and ensure public safety as it would provide a gambling use targeting vulnerable people and would not provide as much natural surveillance as possible.

Section 9 (Promoting Sustainable Transport)

The development would help to improve air quality and reduce carbon emissions by being accessible by a variety of modes of transport. The accommodation provided would however not be inclusive for the reasons considered in detail within this report. The proposal would encourage modal shift away from car travel to more sustainable alternatives through its location.

Section 12 (Achieving Well-Designed Places)

We understand from the applicant that a partially clear shop front is proposed on Deansgate although due to the proposed bands of 'bespoke vinyl' and the two large TV screens the views into and out of this shop front would not be the maximum active street frontage that could be achieved. Details of the appearance of these vinyls have not been submitted but the graphics and colours are likely to be the same as the other premises.

There would be no views through the rear elevation fronting Barton Square as film would block views into and from the premises and no natural surveillance of the back street.

Section 16 (Conserving and enhancing the Historic Environment)

The premises is within the setting of the Grade II* Listed Barton Arcade. Providing vinyls and large TV screens in addition to the existing overlarge fascia would detrimentally affect the setting of this listed building and the St Anns Square Conservation Area.

Manchester City Centre Strategic Plan (2015 -2019)

This plan presents a vision for the City Centre and sets out the strategic action required to work towards achieving this over the period from 2015 - 2018. The Plan considers the contribution to be made towards achieving the overall vision by each of the district components of the City Centre and recognises the key role of Manchester City Centre in providing a positive image and framework for inward investment and explains that its continued strong economic performance within a high-quality urban environment will be fundamental to the prosperity of both Manchester and its city region.

The site of the applications falls within the area designated as the Retail Core, which is one of the largest retail centres outside London and was worth an estimated £3.4 billion to the local economy in 2013.

The key priorities for this area are:

- Sustaining PR to promote Manchester as the UK's top retail destination, locally, regionally, and nationally.
- A retail-focused magazine to promote the city's exceptionally diverse retail offer.
- Improving the performance of King Street. In spite of recent difficulties, King Street is still considered to be one of the city's most aspirational retail areas and work is underway to improve the offering.
- Integrating mobile solutions to ensure the retail core is up to speed with developments in technology and talking to customers in a cohesive way.
- Encouraging further national events, such as Vogue's Fashion Night Out, to assist in driving night-time retail footfall.
- Ongoing action to encourage more independent retailers and leisure operators into the city centre to further diversify the offer and attract footfall.
- Looking at introducing more markets into the city centre in different areas and throughout the year, building on the huge success of Manchester's Christmas Markets.
- Redeveloping the Ramada block on Blackfriars Street.

The proposed use would not support the achievement of the above-described key priorities for the reasons discussed in this report.

Conservation Area Declarations

St Ann's Square Conservation Area Declaration

The St Ann's Square Conservation Area is in the commercial heart of the City, where almost all buildings accommodate shops on the ground floor. It was the first conservation area to be designated by the City Council on 29 July 1970.

St Ann's Square is the focal point of this conservation area. It was laid out in the Georgian period, however the Grade I Listed St Ann's Church is the only surviving building of this time. The remaining buildings are later replacements that continue to enclose the square in a satisfactory and coherent manner, constructed in various styles over a long period and creating a rich tapestry of built form.

Each new building has been designed with due regard for the existing buildings and together they create an imposing street wall. This is also true of other areas of the conservation including King Street, which has a rich variety of buildings due to the renewal and repair of individual properties over a long time period. John Dalton Street however has been subject to more radical development and few of the buildings now have the narrow frontage that characterises the remainder of the conservation area.

Encouragement of variety will help to maintain the character of the area. Where buildings need to be replaced, high quality modern designs, taking cues from the remaining buildings are promoted. Building proposals should be designed to enhance the existing quality of the built environment.

Parsonage Gardens Conservation Area Declaration

The Parsonage Gardens Conservation Area contains several Grade II listed buildings, including Blackfriars Bridge, Century Buildings, Arkwright House and the Kendal Milne Building, but also a number of more recent buildings such as Alexandra House.

At the centre of the Conservation Area is Parsonage Gardens which is bordered by large and impressive buildings. Most are in orange-red brick or terracotta, with one modern-style steel and glass structure. Parsonage Gardens is surrounded by a rich mixture of buildings of various ages and styles.

The Grade II listed Arkwright House is a significant seven storey office block. Parsonage Gardens Conservation Area embraces a length of frontage to the River Irwell, and this also includes part of the Grade II listed bridge on Blackfriars Street, half of which is in Salford.

This heavy stone bridge was built around 1820. One of the three semi-circular arches is partly embedded in the riverbank on the Manchester side. The architectural emphasis of corners is a characteristic of Manchester buildings which contributes to the urban design character of the city centre. It is evident in the Parsonage Gardens area and its use in new developments will therefore be encouraged.

Legislative requirements

S149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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.

Section 66 of the Listed Building Act 1990_provides that in considering whether to grant planning permission for development that affects a listed building or it's setting the local planning authority 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.

S72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a conservation area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area

Principle of development

There has been a significant amount of regeneration in and around Deansgate over the past 20 years through private and public sector investment. Major change has occurred at Spinningfields, around the Great Northern Warehouse and around the Ramada Hotel. This should continue as a result of opportunities are presented by the Ramada redevelopment.

The proposal is for a ground floor adult gaming centre with storage on the upper floors and basement. No elevational alterations are proposed other than the installation of new signage which has been agreed. The premises would be open 24 hours a day, seven days a week. 12 full time jobs would be created by the use.

An adult gaming centre would not contribute positively to the vibrancy and the mix of established uses along Deansgate. It would have largely blank and inactive frontages to provide privacy to the users. This would adversely impact on the views into the premises and provide a dead and inactive frontage along this section of Deansgate. The principle of the development would therefore not be acceptable.

Consideration has also been given to the impact of the development on the visual amenity of the area together with other relevant matters.

Vitality and viability

The premises had been in continual active use for at least 12 years prior to the start of Covid 19 Pandemic but has been vacant since 2020. It is acknowledged that the vacant state of the premises has a negative impact on Deansgate.

The uses within this section of Deansgate between John Dalton Street and St Mary's Gate has uses with a ground floor frontage that comprise 29 Class E uses comprising 20 shops, 4 cafés, 1 office frontage, 4 food and drink uses, and 8 Sui Generis uses comprising drinking establishments, nightclubs, a betting shop, and hot food takeaways. It also includes 9 vacant commercial units, three of which are in Barton Arcade and one of which is the adjacent unit.

The last two years have been challenging for the high street and Manchester has not been immune. However, Deansgate remains a popular and active part of the city centre with small pockets of void premises such as the application site. The applicant advised that the premises has been marketed since late 2020. They advised that this was marketed across several nationwide platforms. There is currently no 'To Let' sign at the premises.

National operators on this part of Deansgate currently include Toni & Guy, House of Fraser, Las Iguanas, Weatherspoon, Slug and Lettuce, Trailfinders and Subway.

Deansgate is a viable and active part of the city centre with opportunities for linked trips and synergy with the evening economy.

Deansgate has relatively low void rates reflecting the high demand for premises due to its prominent road frontages and position adjacent to national retailers. There are other non-traditional retailers along Deansgate such as Betting Shops, which form a relatively low number when compared to retail, food and drink premises which dominates the high street.

The gaming use would be a non-traditional retail function that is not compatible with the retail, food and drink function of the high street. No marketing evidence has been provided about the marketing of the premises to attract more traditional high street users and therefore is cannot be said with any certainty that alternatives uses should now be considered.



PROPOSED FRONT ELEVATION - DEANSGATE (1:50)

PROPOSED REAR ELEVATION - BARTON SQUARE (1:25)

The proposal does not include elevational alterations. However, the nature of the use, and the need to provide privacy to users, would mean that both frontages to Deansgate and Barton Square would be obscured by a vinyl display and/or TV screens to obscure the activities and the gaming machines. The applicant has confirmed the use of vinyl and TV screens to the shop fronts, and it is assumed that this would also feature details on the gaming activities which can take place inside the premises.

The use would be present a lifeless and dead frontage to Deansgate, one of the best known and prominent high streets in Manchester. It would offer limited visual interest and activity to this important road and pedestrian and would not provide a suitably active street frontage which is evident elsewhere along Deansgate.

The inactive nature of the premises would exacerbate this small pocket of vacant uses in this section of Deansgate. This would have a negative impact on the vitality and character of Deansgate and the ongoing regeneration activity in this part of the city centre.

The proposal would have an unduly harmful effect on the vitality and viability of Deansgate, particularly the character and appearance of the area. There would be clear conflict with the provisions of policies SO1, SO2, SP1, C1, C10, EN1, CC1, CC10 and DM1 of the Manchester Core Strategy (2012) and Sections 6, 8 and 12 the National Planning Policy Framework, which seek to ensure, amongst other matters, that the vitality and vibrancy of the City's main centres.

Impact on Heritage Assets

The premises is within a building that is considered a non-designated heritage asset and has an overall positive contribution to the Conservation Area and the setting of the adjacent Grade II* Listed Barton Arcade.

A non-designated heritage asset would be reused, however no external changes are proposed. The applicant has confirmed that a frosted vinyl would be applied to all glazing at the rear of the building and that TV screens and two bands of bespoke vinyl would be added to the Deansgate shop front. This would provide little visual interest compared to typical retail displays, and the previous open and active shop front, which would be unduly harmful to the vitality and viability of Deansgate as a whole.

Highway considerations

The proposal would not have a material impact upon traffic and network capacity as it is sited close to plenty of available public transport facilities. No car parking spaces, or cycle parking spaces are proposed.

Full access and Inclusive Design

Level access would be provided into the property and the machines would be at an accessible height. An accessible WC would be provided on the ground floor. The ground floor would be accessible to all staff and customers. There would be no lift to the basement and first floor, which would be used for storage and staff facilities.

Waste and Recycling

There would be an internal bin store and waste would be recycled. These arrangements are considered to be acceptable and would have formed a condition has the proposal been acceptable.

Noise and Vibration

The premises and any plant would have been required to be acoustically insulated in order to prevent any unacceptable noise outbreak. These would have formed conditions had the proposal been acceptable.

Designing out Crime

The development would not enliven the street scene or provide an acceptable level of natural surveillance of the public realm. The views through the Deansgate shopfront would be partially blocked, but the views at the rear would be fully blocked meaning natural surveillance would be limited. More natural surveillance could be provided by other uses and natural surveillance would be particularly beneficial to Barton Square where activity is limited.

CONCLUSION

The proposed adulty gaming centre would not be consistent with national and local planning policy.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation REFUSE

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 advice about the information required to be submitted to support the application and to address issues.

Reason for recommendation

(1) The proposed gaming use would introduce a non-traditional retail use that is not compatible with the retail, food and drink function of Deansgate and create an inactive shopfront. The proposal would fail to contribute positively to Deansgate and provide a lifeless and dead frontage to the street. This would offer very limited visual interest and activity to this important road and pedestrian environment, provide insufficient natural surveillance, and would not provide the suitably active street frontage required in this location. The inactive nature of the premises would exacerbate this small pocket of vacant uses in this section of Deansgate and have an unduly harmful impact on the vitality, viability and character of Deansgate and the ongoing regeneration activity in this part of the city centre. The proposal is contrary to policies SO1, SO2, SP1, C1, C10, EN1, CC1, CC10 and DM1 of the Manchester Core Strategy (2012) and Sections 6, 8 and 12 of the National Planning.

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: 134971/FO/2022 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
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:

Relevant Contact Officer: Emily Booth **Telephone number**: 0161 234 4193

Email : emily.booth@manchester.gov.uk

