MANCHESTER CITY COUNCIL

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Mark Davis
Luxury Leisure
362c Dukesway
Team Valley Trading Estate
Gateshead
NE11 0PZ

Agent (if used)

Miss Imogen Zulver
Lichfields
Ship Canal House
98 King Street
Manchester
M2 4WU

Part 1 – Particulars of the application/development

Proposal: Variation of condition 3 (hours)attached to planning permission referenced 126446/JO/2020 which allowed the use of the premises 24 hours, 7 days a week for a temporary 18 month period only, including provisions to allow the permitted operational hours to revert back to those originally approved thereafter (previously approved under application ref no 118338 as amended) to allow for a further 18 month extension.

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

Date of application: 7 May 2021

Application number: 130327/JO/2021

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers worked with the applicant / agent in a positive manner to address issues that arose during the determination of the application. In this instance the Council and applicant / agent mutually agreed to an 18 month temporary period of extended operating hours to allow a suitable period to monitor and assess the potential impacts of the development with regard to potential crime and disorder issues. Appropriate conditions were attached with the agreement of the applicant.

Condition(s) attached to this decision

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Site location plan GIS20521-01;

Dwg 1395 SK06 P1, 1395 (0)09 C4 and 1395 (0) 15 C2;

Management and operational measures detailed in the Standard security provisions for Admiral Adult Gaming Centres, Luxury Leisure: Security Statement - Piccadilly Gardens. measures outline in GMP (Design for Security) dated 19-02-18 and Rebecca Hilton's e-mail dated 22-06-18;

Waste Management Proforma received on 21-12-17;

APPROVED AMUSEMENT ARCADES, WELLINGTON HOUSE, 39 PICCADILLY, MANCHESTER NOISE IMPACT ASSESSMENT by Hepworth Acoustics On behalf of: Luxury Leisure Ltd dated Sept 2018 Report No: P18-472-R01v; and

Smoking Policy Manchester Piccadilly.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Core Strategy SP 1, CC1, T2, and DM1 and saved Unitary Development Plan Policy DC26.

2) 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 the interests of residential amenity in order to reduce noise and general disturbance in accordance policies SP1 and DM1 of the Core Strategy and saved Unitary Development Plan Policy DC26.

3) a) For a temporary period of 21 months only from the date of this planning permission the premises may operate for public use 24 hours 7 days a week.

Following the expiry of this temporary period of 21 months from the date of this planning permission these operational hours shall cease and revert to the operational hours set out in the below part b of this condition.

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

08.00 to 04.00 Monday to Sunday

For the absolute avoidance of doubt, the development shall operate in accordance with the above specified operational hours (condition 3 part b) following the expiry of the temporary 21 month period defined in part a of this condition.

Reason - In these exceptional circumstances an 21 month temporary extension of operating hours has been mutually agreed with the applicant to allow appropriate monitoring of the potential impacts of extended operational hours in regard to crime and disorder in the vicinity, and to safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and saved Unitary Development Plan Policy DC26.

4) The scheme for acoustically insulating the adjoining offices (including in the floors above) against noise from within the premises and for managing the noise from people

congregating externally to smoke shall be retained, managed and operated in accordance with the previously submitted and approved documents:

APPROVED AMUSEMENT ARCADES, WELLINGTON HOUSE, 39 PICCADILLY, MANCHESTER NOISE IMPACT ASSESSMENT by Hepworth Acoustics On behalf of: Luxury Leisure Ltd dated Sept 2018 Report No: P18-472-R01v; and

Smoking Policy Manchester Piccadilly

Reason - To secure a reduction in noise in order to protect adjacent building occupiers from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved Unitary Development Plan Policy DC26.

Informatives

Building Regulations 2010
This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements
Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:
http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information
The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 30 June 2021

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate . The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.