

Planning

Growth & Development

Delegated officer report for planning application

Application no.	143835/FO/2025		
Date registered valid:	27 August 2025		
Proposal:	Installation of collection window and retention of entrance doors.		
Address:	1 Piccadilly Gardens, Manchester, M1 1RG		
Ward(s):	Piccadilly		Ward
Applicant:	PLK Chicken UK Ltd		
Agent (if any):	Mr Tom Roberts Firstplan		
Case officer:	Sam		Elliott
	Tel: 0161	219	2856
	Email: sam.elliott@manchester.gov.uk		
Recommendation:	Refuse		
Date of recommendation:	15/10/2025		

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 10 September 2025

Standard consultations:

Printed: 3 September 2025

Expired: 24 September 2025

Neighbour notifications

Printed: 3 September 2025

Expired: 24 September 2025

Site notice

Posted: 10 September 2025

Expired: 01 October 2025

Press advert

Published: 9 September 2025

Expired: 30 September 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to a ground floor unit at One Piccadilly Gardens located at the building's northwestern corner. One Piccadilly Gardens has 5 levels of office space above the ground floor commercial units, with the corner unit that is the subject of this application fronting both Piccadilly and Piccadilly Gardens. The unit is immediately bounded by other units serving food, public footways to the northeast and northwest.

At ground floor level there is a band of continuous double storey height glazing wrapping around its four elevations which promotes a feeling of street level activity that visually blends into the surrounding public realm. The ground floor units feature a regular pattern of slimline mullions around the unbroken pattern of large glazing panels, and double door entrances feature on the southeastern, southwestern and northwestern elevations.

One Piccadilly is also in the vicinity of the Grade II listed statues of Queen Victoria and the Duke of Wellington and a short distance to the Stevenson Square Conservation Area, with the Smithfield Conservation Area at a further distance.

Description of Area

The application site lies within the heart of the City Centre. One Piccadilly fronts onto Piccadilly Gardens. The Gardens serve as a key central area of public realm within the City Centre, with the space used by both residents, visitors to the City and workers, for leisure, rest and play spaces as well as being a location hosting a number of events throughout the year.

It also forms part of key active travel routes and an arrival point within the City Centre linking key routes from Piccadilly Railway Station and Chorlton Street Coach Station with the Transport Interchange which serves both buses and trams.

Given its central location, it is a short walking distance from the Northern Quarter commercial

area to the north, Canal Street to the southeast, China Town to the south, St Peter's Square to the southwest and the Market Street retail area to the west.

Comments from City Centre Neighbourhood Management highlight that the location is the key entrance to and transit point through Piccadilly Gardens for visitors and commuters arriving in Manchester via Piccadilly Train Station and London Road.

Against this backdrop, a high number of properties in commercial Class E uses populate the surrounding area, with cafes, restaurants, shops and offices being present throughout. In recent years there has been an increase in app-based food delivery across the City Centre, with a marked increase in deliveries from businesses around the Gardens and given the prevalence of these uses within the ground floor of the One Piccadilly building that offers takeaway options,. There has been a marked increase of deliveries from these Class E uses which operate via cycles and E-Bikes and riders can be observed riding on public footways around the Gardens, as well as congregating in groups on the footway and around the public realm prior to and in anticipation of an order for collection.

A new 'Operation Vulcan' initiative between GMP and MCC has been extended to Piccadilly Gardens to address long-standing issues of antisocial behaviour. It sets objectives to reduce this behaviour, improve perception of safety and security, supporting changes to the redevelopment of the public realm and perception of the area. In conjunction with these efforts, The Council is formulating proposals for physical changes in the Gardens, promoting it as an open, accessible gateway to the City Centre, which is green, pleasant and safe to move through and serves as a welcoming place that provides a good first impression of Manchester city centre. The short-medium term environmental changes to the Piccadilly Gardens are aimed at preventing congregation conflict points.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Background

The unit originally featured the pattern of large glazing panels typical of units at One Piccadilly on the northeastern elevation, and featured a single entrance on the northwestern elevation. A delivery hatch and side entrance doors were installed without planning permission some time prior to the determination of application 137200/FO/2023. In so doing, a former panel of glazing within the unit's elevation was removed and replaced with 4no. horizontal mullions, 3no. vertical mullions, 2no. panels of glazing and 2no. solid signage areas. This facilitated the installation of sideways-sliding window hatch that is recessed into the elevation, featuring its own mullions of differing thickness and a cill projecting beyond the elevation to serve as a counter.

Additional externally mounted advertisement vinyls surrounding the hatch were later installed without advertisement consent, serving to identify the hatch as a delivery collection point for riders. In addition, 3no unauthorised projecting signs were erected.

At the time of writing this report, this version of the service hatch remains on site.



Figure 1: Existing service hatch installed prior to the refusal of application 137200/FO/2023, photo taken 06/10/2025.

Application 137200/FO/2023 was submitted to regularise the alterations. The principle of the entrance doors was accepted; however the application was ultimately refused on the basis that the hatch:

by virtue of its position in the shop front, appearance/design, location and materiality, has undermined the design principles of the building. The development has had an unacceptable impact on visual amenity of the building and character of the local area

by virtue of its position and relationship with the adjacent public realm and highway has inadequate arrangements for servicing and deliveries due to lack of safe onsite provision. This has resulted in an unacceptable impact on highway and pedestrian safety as a result of servicing and deliveries conflicting with pedestrian and vehicle movements within the public realm together with local highway network restrictions

Application 137201/AO/2023 for the installation of 4 x internally illuminated fascia signs, 3 x internally illuminated projection signs and signage to canopy was also refused 08/11/2023.

Description of Development

Planning permission is sought for elevational alterations to amend the delivery window service hatch within the unit's northeastern facing side elevation, as well as the retention of the double doors within that same elevation. The proposed hatch would facilitate the continued collection of orders from the public Piccadilly footway via an external service window, enabling collection without needing to enter the premises.

The existing hatch window would be removed, being replaced by three horizontal and two vertical mullions, each with a 50mm thickness. This would facilitate 4no. glazing panels with a sideways-sliding window hatch in the upper portion. Within the elevation, the proposed hatch window would have a height of 1519mm and a width of 1438mm.

The mullions would match those of One Piccadilly in colour. The lower glazed panels would be frosted, though it is not confirmed whether the upper glazing panels would be wholly or partially frosted, nor whether they are to match the opacity and specification of the existing.

Correspondence with the applicant 06/10/2025 confirmed that the externally mounted advertisement hoardings surrounding the hatch would also be removed.

The application is supported by an Operation Management Plan.

The Council notes that no application for signage has been received relating to the delivery hatch and does not form part of this application.

The doubled door side entrance to be retained is set in from the property's northern corner by 1.42m and has a height of 2.54m. The door is completed in aluminium coloured grey to match the commercial unit's glazed shopfront frame.

Planning History

In addition to above the above, following the refusal of 137201/AO/2023 for the installation of 4 x internally illuminated fascia signs, 3 x internally illuminated projection signs and signage to canopy, and following the subsequent correspondence from Development Compliance, application 143663/AO/2025 for the installation of 2no internally illuminated projecting signs was submitted. This was approved 02/10/2025.

Consultations & Notification Responses

Publicity:

Neighbour notification letters were sent to surrounding properties. At the time of writing this report, no representations have been received because of this publicity.

Advertisement:

The proposal was advertised by site notice and in the MEN as affecting the setting of a listed asset(s) and a Conservation Area. At the time of writing this report, no representations have been received because of this advertisement.

Highways Services: Objects for the reasons set out below:

- Regarding the existing arrangement, delivery drivers are observed to park and stay in the public realm within close proximity to the existing servicing hatch, a very limited number of drivers use the short stay parking in Piccadilly Gardens and instead congregate around the restaurant. Concerns regarding existing situation remain.
- Regarding the proposed arrangement, short stay parking is available in the form of Sheffield Stands in Piccadilly Gardens, however a limited number of drivers are using the short stay parking and instead congregate around the restaurant. Noted that Sheffield stands within Piccadilly Gardens are not visible from the unit and have concerns that the Management Strategy does not suggest a robust way of ensuring the riders use short stay parking and are not congregating around the unit.
- Noted that the overall turnover of pre-packed food from the restaurant to the delivery driver is over a small time period, however understand that delivery riders congregate around the unit awaiting orders.
- Expressed concerns on the impact that cyclists congregating on the public realm are likely to have on pedestrian movements and safety given that Piccadilly Gardens is a busy public realm area, has a number of events and high footfall.

Neighbourhood Team: Have objected on the following basis:

- Location is the key entrance to and transit point through Piccadilly Gardens for visitors and commuters arriving in Manchester via Piccadilly Train Station and London Road.
- The Council is formulating proposals for physical changes in the Gardens, promoting it as an open, accessible gateway to the City Centre, which is green, pleasant and safe to move through and serves as a welcoming place that provides a good first impression of Manchester city centre.
- A delivery hatch opening onto this entrance point will likely considerably encourage the congregation of delivery riders in the immediate vicinity, detrimentally impacting the look, feel and perception of the entrance to the City Centre's paramount open public space.
- There have been concerns raised around anti-social behaviour attributable to delivery riders and their congregation in numbers in certain locations.

Greater Manchester Police (GMP): Have objected on the following basis:

- It would exacerbate anti-social behaviour within Piccadilly Gardens. This location is already a hot spot for anti-social behaviour including drug related activity and public intoxication and concerns have been raised with regards to the use of E-Bikes in the facilitation of crime such as robberies, drug dealing and theft from person.
- The hatch would exacerbate anti-social behaviour within Piccadilly Gardens by unintentionally encouraging loitering and congregation that increase the risk of obstruction and conflict, and risk further ASB
- The proposed hatch is not adjacent to a road so people would feel encouraged to ride upon the pavement breaching rule 64 of the Highways code which is subject to FPN.
- The proposed service hatch may undermine regeneration for the Gardens. The short-medium term environmental changes to the Piccadilly Gardens are aimed at preventing congregation conflict points. The long-term aims have been subject to DOCO assessment, and the hatch would undermine these plans having not been subject to this assessment.
- The PSPO does target loitering behaviours, but there are plans to extend it around the use of E-Bikes in designated areas which will include Piccadilly Gardens.

TFGM:

No comment.

Metrolink:

No comment.

Policy Context

The following policies are considered relevant to this application:

Places for Everyone

- JP-Strat2 – City Centre
- JP-C4 – Streets for All
- JP-P1 – Sustainable Places
- JP-P2 – Heritage
- JP-S4 – Resilience

The Adopted Core Strategy for the City of Manchester

- SP1 – Spatial Principles
- CC5 – Transport
- CC9 – Design and Heritage

- T1 – Sustainable Transport
- EN1 – Design Principles and Strategic Character Areas
- EN3 – Heritage
- DM1 – Development Management

The Unitary Development Plan for the City of Manchester

- DC10 – Food and Drink Uses
- DC14 – Shop Fronts and Related Signs
- DC18 – Conservation Areas
- DC19 – Listed Buildings
- DC22 – Footpath Protection

NPPF

- Section 8 (Promoting Healthy and Safe Communities)
- Section 9 (Promoting Sustainable Transport)
- Section 12 (Achieving Well Designed Places)
- Section 16 (Conserving and Enhancing the Historic Environment)

Listed Buildings and Conservation Areas Act 1990

- Sections 66 & 72

Shopfront and Signage Design Guide

Design Guide Commercial Frontages

Statement of Licensing Policy under the Licensing Act 2003 2024–2029

- Piccadilly

The Statement of Licensing Policy under the Licensing Act 2003 2024–2029 acknowledges that there are existing issues of crime and antisocial behaviour in the Gardens. It outlines that an initiative known as ‘Operation Vulcan’ between GMP and MCC has which has been operational within the Gardens for a number of years has been extended to continue to address ongoing issues of antisocial behaviour. It sets objectives to reduce this behaviour, improve perception of safety and security, supporting changes to the redevelopment of the public realm and perception of the area.

Principle of Development

Application 137200/FO/2023 was refused on the basis that the previous hatch design undermined the design principles of the building group and lacked adequate arrangements for servicing and deliveries in terms of ensuring that potential highway safety issues are adequately managed.

The principle consideration for this application is whether the revised hatch design and operational management strategy are sufficient to address these concerns, with consideration of the proposed hatch’s visual impact on the unit and building group, highways safety issues on the public Piccadilly footpath and around the Gardens. Given the context of the consultation responses outlined above, there has also been consideration about potential antisocial behaviour impacts since the current unauthorised hatch has been operational for some time.

The current proposal fails to address the previous concerns. The proposed hatch would disrupt the unit’s continuous glazing which forms the principal architectural feature of the building’s ground floor units, the proposal would not be in keeping with the ground floor unit’s overall design, eroding the design quality of the building as a whole.

Additionally, the Operational Management Plan has, in its presentation of an unrealistic and unworkable strategy, failed to set out an adequate strategy to address the concerns about highway safety and management of potential anti-social behaviour associated with the hatch in the vicinity of the site and around the Gardens.

In view of the above, the proposal would have an unacceptable visual impact and fail to promote an appropriate image and safe environment as Piccadilly Gardens is transformed and regenerated. It is therefore considered that the principle of the collection window is not acceptable.

Issues

Visual Amenity

PfE Policies JP-Strat2 and JP-P1, Core Strategy Policies SP1, EN1 and DM1 require that development has good design, improves the appearance of the area, is visually stimulating, and creates interesting environments, and requires consideration of factors including siting, layout, form, massing, materials and detail. With specific regard to shopfronts, saved UDP Policy DC14.1 requires the Local Planning Authority to ensure that proposals are in keeping with the character of the building and adjoining shopfronts.

The Council's Design Guide and Commercial Frontages document relating to the Piccadilly area further sets high standards of design, materials and workmanship. It specifies that for commercial units frameless glazing systems are encouraged where possible, however framed solutions which are sympathetic to the building may also be considered. Glazing should be maximised to increase transparency and optimise the display area to avoid dead frontages. The Council's Shopfront and Signage Design Guide also outlines that the windows of a shopfront should match in proportion, design, material and finish, and architectural features such as integrated glazing bars should be consistent across a shopfront.

The predominant architectural feature of One Piccadilly is the continuous double storey height glazing on all four elevations at both its ground and uppermost floors, recessed behind uniform brick columns. The building is designed such that there are continuous active frontages on the ground floor, that the glazing consists of uniform panels with slimline mullions which continue up through to the upper floors.



Figures 2-3: Double height glazing, active frontage and horizontal symmetry at One Piccadilly (left); and existing hatch façade in northeastern elevation (right).

The proposal includes a revised design of the service hatch installed within the northeastern elevation following the refusal of application 137200/FO/2023.

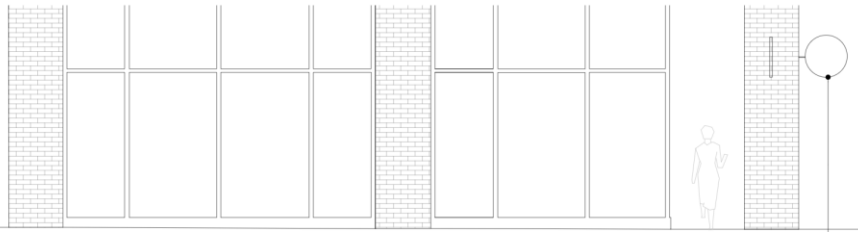


Figure 4: Original elevation prior to installation of service hatch.

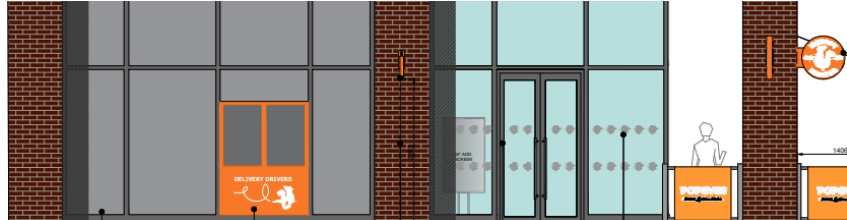


Figure 5: Service hatch and doors installed prior to, and refused in, application 137200/FO/2023.



Figure 6: Revised hatch as proposed in this application.

The existing hatch window would be removed, being replaced by three horizontal and two vertical mullions, each with a 50mm thickness. This would facilitate 4no. glazing panels with a recessed sideways-sliding window hatch in the upper portion. Within the elevation, the proposed hatch window would have a height of 1519mm and a width of 1438mm.

In consideration of the above, the Council considers that that the revised hatch design would continue to materially alter the visual cohesion of the frontage and form an awkward addition to the architectural expression of the prominent facade elevation. The formerly uniform glass pane would still be visually disrupted through the segmentation into 4no. separate panels and feature a partially recessed hatch window. Where the hatch's frames would be incorporated into the elevation against an otherwise consistent pattern of glazing, they would add a degree of bulk to the upper portion of the panel, appearing top-heavy despite being slimmer than the existing frame. While it is understood that the applicant intends to remove the exterior orange vinyl and the revised design does not feature the solid signage areas in orange and grey above and below the hatch window, the works would instead introduce obscure glazing to the panels below the hatch, resulting in a patchwork appearance to the glazing diminishing transparency and reducing display area.

The Council considers that the revised service hatch would continue to fail to appear well-integrated into the glazing, therefore undermine the architectural cohesion the principal architectural feature of the ground floor units. The hatch would disrupt the visual flow across the glazing and set it apart from the rest of the façade. As such, the design of the revised service hatch would continue to appear incongruous in the building's overarching design.

The incongruous addition would be widely seen, as the site is adjacent to the key Piccadilly Gardens public realm within the core of the City Centre. In this way, the negative visual impact of

the hatch would be prominent, highly visible and undermine the appearance of visible ground floor activity in an area of high footfall.

With regards to the retention of the double-door side entrance, this element of the scheme was considered acceptable in refused application 137200/FO/2023. Given the presence of side entrances on the building's southern facing side elevation, that the doors sufficiently resemble original entrances across One Piccadilly and that the door has not awkwardly segmented the glazing panel horizontally, the doors are similarly considered to constitute a legible and sufficiently integrated addition to the unit.

In view of the above, the proposed service hatch is considered not to be in keeping with the character of the building and would visually undermine the cohesion of the design principles on which the ground floor units were based. As such, the proposed service hatch is not considered to be acceptable in terms of visual amenity and contrary to Policies JP-Strat2 and JP-P1 of PfE; Policies DM1, EN1 and SP1 of the Core Strategy; Policy DC14.1 of the Unitary Development Plan, nor in line with guidance contained within the NPPF, the Council's Shopfront and Signage Design Guide and Design Guide Commercial Frontages.

Heritage

Given the scope of the proposal and its distance from the Smithfield and Stevenson Square Conservation Areas, it would not significantly impact their setting. In addition, it is acknowledged that the significance of the Grade II listed statues of Queen Victoria and the Duke of Wellington derives largely from their historical significance and materiality, rather than their setting. It is also considered that with the presence of modern large-scale development, including that of One Piccadilly, the setting of the listed statues has been largely compromised. In view of this, while the development would result in visual harm to One Piccadilly as outlined above, the development is not considered to significantly harm the setting or significance of the listed statues or the Stevenson Square Conservation Area.

On this basis, the proposal is considered to meet the statutory test to preserve as required by Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposal is moreover considered to be in accordance with Places for Everyone Plan Policy JP-P2, Core Strategy Policies CC9, EN3 and DM1, Saved Unitary Development Plan Policies DC18 and DC19, the National Planning Policy Framework as they relate to the preservation and enhancement of the settings of conservation areas and listed heritage assets.

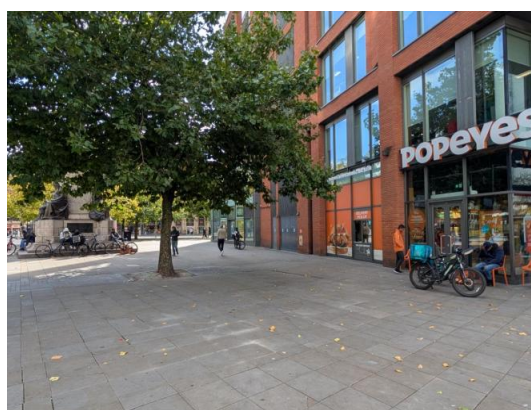
Highways Safety

PfE Policies JP-C4 and JP-P1 emphasise the 'movement and place' function of streets, requiring that development is safe, easy to move around for pedestrians, and free from obstacles. Core Strategy Policies SP1, CC5, T1 and DM1 and saved UDP Policy DC22 also require consideration of the impact on existing pedestrian routes, pedestrian safety and the pedestrian environment more broadly.

A well-used major area of public realm within the City Centre, Piccadilly Gardens forms parts of key active travel movement corridors through the heart of the City Centre and consequently it experiences a high level of footfall. Comments from City Centre Neighbourhood Management highlight that the location is the key entrance to and transit point through Piccadilly Gardens for visitors and commuters arriving in Manchester via Piccadilly Train Station and London Road.

The Council notes that neither prior to the installation of the hatch nor after its subsequent refusal has a management strategy been implemented to address highways concerns expressed to the applicant in application 137200/FO/2023 as set out above. It is noted that the Highway Services

has reiterated their previous concerns regarding the current situation at the site and the potential for adverse impacts on highway safety. Highway Services have undertaken site visits 09/09/2025 and 18/09/2025. Officers of the LPA have also conducted site visits on a number of occasions, confirming their findings as below:



Figures 7-10: Delivery drivers riding up to the hatch not having dismounted, leaving bikes unattended, drivers sat on chairs from Popeyes and congregation of delivery drivers at the Statue of the Duke of Wellington 10/09/2025.



Figures 11-12: Delivery drivers riding up to the hatch not having dismounted, leaving bikes unattended, and drivers sat on chairs from Popeyes 29/09/2025.



Figure 13-14: Delivery drivers riding up to the hatch not having dismounted, or using bike stands in rain 03/10/2025 (left); Riders not dismounting/using bike racks and leaving bikes unattended 06/10/2025.

The Council affirms its position outlined in the reasons for the refusal of application 137200/FO/2023. The current situation, by virtue of the hatch's position and relationship with the adjacent public realm and highway, is inadequate for servicing and deliveries and has resulted in an unacceptable impact on highway and pedestrian safety via conflicting pedestrian and vehicle movements within the public realm.

It is however noted that an Operation Management Plan has now been submitted with the current application as a response to previous concerns about impacts on highway safety as set out the reasons for refusal of application 137200/FO/2023. It is understood that this proposed Management Plan is not currently in operation. Notwithstanding this, it is not considered that the Operation Management Plan submitted with the current application would sufficiently address the highways issues previously identified.

The Operation Management Plan outlines policies for designated parking locations, queuing at the hatch and rider behaviour. It states that riders will park and secure their cycles and E-bikes in the existing short stay parking spaces located around Piccadilly Gardens (see Figure 15 below), with the restaurant manager responsible for informing and implementing this.



Figure 15: Proposed bike stand locations for delivery riders to park prior to collection of an order.

Any riders who do not follow these instructions are to be warned by the restaurant manager. Riders will be instructed not to queue at the unit until their order is ready, nor to obstruct the pedestrian or vehicular highway within the vicinity of the site. Drivers who are not compliant with these protocols would be warned and subsequently excluded from collecting from the site if repeat breaches occur.

It is considered that the Management Plan would rely on the staff's ability to see, and willingness to act upon, any and all instances of congregation and obstruction of the public footway. Particularly with a limited view out of the narrow aperture of the hatch window to the Piccadilly footway, drivers may instead congregate out of eyeshot and leave bikes unattended while they collect, slightly displacing the impact along the footway. Moreover, given the prevalence of delivery drivers congregating around the Gardens and in the vicinity of the site, it is also unlikely that staff would be able to identify any drivers associated with an order at Popeye's congregating prior to collection, nor would they realistically challenge any and all drivers in the vicinity should they be detected.

Staff would also have limited sightlines to the majority of the cycle parking locations identified, with limited awareness over the impact further afield within the Gardens. Staff would not have the ability to ensure all takeaway riders at any distance from the site park in line with highway network controls and restrictions, use parking bays, park for short periods of time, and in these cases would have no reason to issue a warning or exclude drivers from collections. Furthermore, the proposed Strategy would not deal with wider issue of congregation of riders around the Gardens in anticipation of an order, only addressing congregation during the wait time once an order has been placed. Thus, even if the Plan was to work effectively it would only displace the congregation of drivers along Piccadilly and around the Gardens without any realistic mechanism to address the impact.

In light of the above, it is considered that it would virtually be impossible for the operator to enforce the Operational Management Plan. The riders are not employees of the restaurant (rather this is third party operators such as Deliveroo) and have no effective mechanism to penalise or influence their behaviour. In addition, the areas used are within the public highway and there would be no enforcement regime that the operator could implement to require them to park in a more neighbourly fashion.

In addition, there would be no reasonable planning condition the Council could impose in this regard that would be enforceable.

Overall, it is considered that the proposal presents an unrealistic and unenforceable arrangement for managing the immediate vicinity of the site, relying on communication with multiple parties not under the direct control of the operator. The Management Plan would be unlikely to effectively manage highway safety concerns and the present highways issues around the hatch would persist which have been clearly evidenced in this report.

Comments received from Greater Manchester Police (GMP) note that the hatch is not adjacent to a road, encouraging riders upon the pavement in breach of rule 64 of the Highways code (subject to fixed penalty notice) and concur that the proposal would encourage loitering and congregation, increasing the risk of obstruction and conflict.

Whilst it is noted that this is a separate enforcement regime, there is concern that scarce resources to deal with other issues in the Gardens could be better employed.

It is therefore considered that the Operational Management Strategy does not present a realistic or workable solution to prevent the congregation and loitering of delivery riders within the vicinity

of the site or around the Gardens, doing little to prevent their forming of obstacles within the nearby busy footway and public realm spaces. On this basis it is considered that the proposal has failed to demonstrate that it would have an acceptable impact on highway safety and is thus contrary to PfE Policies JP-C4 and JP-P1, Core Strategy Policies SP1, CC5, T1 and DM1 and saved UDP Policy DC22 and the National Planning Policy Framework.

Crime and Antisocial Behaviour

Paragraphs 96 and 109 of the NPPF, PfE Policies JP-C4, JP-P1 and JP-S4 and Core Strategy Policies SP1 and DM1 require that development facilitates streets that are welcoming for all, safe, including by designing out opportunities for crime and antisocial behaviour, and provide spaces for people to rest, linger, socialise, as well as allow children to play, particularly in streets with a high 'place function'. Saved UDP Policy DC10.1a outlines that for development associated with food and drink uses the Council will have regard to the general location of the proposed development.

The street network around Piccadilly Gardens has a high 'place function' in facilitating travel through and around a key public space within the heart of the City Centre. As set out above, the Council recognises that the Gardens area already suffers from an increased level of crime and antisocial behaviour in comparison to other areas of the City Centre.

In addition, the existing anti-social behaviour issues around the Gardens have been acknowledged by the Inspector in appeal APP/B4215/W/25/3362307, which related to an appeal of restricted opening hours at the Piccadilly McDonalds where the appellant wished to extend to a 24-hour opening time (see appendix 3). The Council's Neighbourhood Team and GMP further note concern around anti-social behaviour attributable to delivery riders and their congregation in numbers in certain locations around the Gardens.

The Council's Statement of Licensing Policy under the Licensing Act 2003 2024-2029 outlines that a new 'Operation Vulcan' initiative between GMP and MCC has been extended to Piccadilly Gardens to address long-standing issues of antisocial behaviour. It sets objectives to reduce this behaviour, improve perception of safety and security, supporting changes to the redevelopment of the public realm and perception of the area. Comments from the Council's Neighbourhood Team note that the Council is formulating proposals for physical changes in the gardens that will place the gardens as an open, accessible gateway to the city centre, which is green, pleasant and safe to move through, ultimately serving as a welcoming place that provides a good first impression of Manchester city centre (see appendix 4).

As outlined in the above section, the proposed hatch would be insufficient in the management of delivery drivers, with either the existing highways impact persisting as the Management Plan becomes unworkable, or else displacing the congregation of drivers along Piccadilly and around the Gardens without any realistic mechanism to address the impact.

As set out above GMP have objected to the hatch on the basis that it would unintentionally result in further antisocial behaviour, encouraging loitering and congregation that increase the risk of obstruction and conflict around the Gardens. They note that proposed short-medium term environmental changes to Piccadilly Gardens are aimed at preventing these congregation conflict points, with works underway to remove benches and relocate the food market to ease congestion of E-bike delivery riders. The long-term aims have been subject to a Designing Out Crime Officers assessment and GMP views that the hatch would undermine these plans, having not been subject to this assessment. They further note that there are plans to extend the existing Public Service Protection Order around Piccadilly to restrict the use of E-Bikes in designated areas like Piccadilly Gardens.

On this basis, it is considered that in failing to demonstrate that the hatch would prevent congregation and loitering within the nearby busy footway and public realm spaces the proposal has also failed to demonstrate that it would not have unacceptable impacts in terms of creating conditions for antisocial behaviour. As such it is contrary to Sections 8 and 9 of the NPPF, the Places for Everyone Joint Development Plan Policies JP-C4, JP-P1 and JP-S4; Core Strategy Policies SP1 and DM1; and saved Unitary Development Plan Policy DC10.

Enforcement

Following the refusal of applications 137200/FO/2023 and 137201/AO/2023, Development Compliance contacted the applicant to highlight that the delivery hatch and 3 no. internally illuminated projecting signs were unauthorised, advising steps should be taken immediately to remove the unauthorised works.

Conclusion

As the proposed hatch would disrupt the unit's continuous glazing which forms the principal architectural feature of the building's ground floor units, the proposal would not be in keeping with the ground floor unit's overall design, eroding the design quality of the building as a whole contrary to Policies JP-Strat2 and JP-P1 of PfE; Policies DM1, EN1 and SP1 of the Core Strategy; Policy DC14.1 of the Unitary Development Plan, nor in line with guidance contained within the NPPF, the Council's Shopfront and Signage Design Guide and Design Guide Commercial Frontages.

Additionally, the Operational Management Plan presents an unrealistic and workable strategy to address highways concerns in the vicinity of the site and around the Gardens, failing to demonstrate that there would be an acceptable highways impact contrary to PfE Policies JP-C4 and JP-P1, Core Strategy Policies SP1, CC5, T1 and DM1 and saved UDP Policy DC22 and the National Planning Policy Framework.

In failing to deal with the congregation of drivers forming obstacles on the footway and increasing the risk of conflict and antisocial behaviour, the proposal is also considered contrary to Sections 8 and 9 of the NPPF, the Places for Everyone Joint Development Plan Policies JP-C4, JP-P1 and JP-S4; Core Strategy Policies SP1 and DM1; and saved Unitary Development Plan Policy DC10.

Other Legislative Requirements

Equality Act 2010

Section 149 (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.

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 a right to a fair hearing and to this end the local planning authority 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 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 recommendation given 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

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application.

Reasons for recommendation to refuse

1. Visual Amenity

The proposed delivery hatch, by virtue of its position in the shop front, appearance/design, location and materiality, would undermine the design principles of the building. The development would have an unacceptable impact on visual amenity of the building and character of the local area which is contrary to the provisions Policies JP-Strat2 and JP-P1 of Places for Everyone (PfE); Policies DM1, EN1 and SP1 of the Manchester Core Strategy (2012), saved Policy DC14.1 of the Unitary Development Plan for the City of Manchester (1995), as well as guidance contained within the Council's Shopfront and Signage Design Guide and Design Guide Commercial Frontages (2024) and of section 12 of the National Planning Policy Framework (NPPF).

2. Highways

The proposed delivery hatch, by virtue of its position, relationship with the adjacent public realm and highway has inadequate arrangements for servicing and deliveries due to lack of safe, onsite/in curtilage provision. The proposed operational management plan would not sufficiently or appropriately influence behaviour and rely on employees of the business to enforce the plan with third parties on public highway. There would also be resulting conflicts with pedestrians and creation of antisocial behaviour as a result of congregation of delivery drivers in its vicinity which would create obstacles to movement on the footway together with increases potential for conflicts between drivers and other users Piccadilly Gardens. The proposal would also fail to add positively to and promote an appropriate image and safe environment as Picadilly Gardens is transformed and regenerated. The proposed delivery hatch would therefore be contrary to, the Policies JP-C4, JP-P1 and JP-S4 Places for Everyone Joint Development Plan; Policies SP1, CC5, T1 and DM1 of the Manchester Core Strategy (2012); saved Unitary Development Plan Policies DC10 and DC22; and Sections 8 and 9 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Greater Manchester Police
Transport For Greater Manchester

Seasonal Events Area, Piccadilly Gardens, Piccadilly, Manchester, M1 1LS
Advertising Right Opposite 1, Portland Street, Manchester, M1 1RG
Sixth Floor, 9 Portland Street, Manchester, M1 3BE
Ask Italian, Ground Floor Unit B, 1 Piccadilly Gardens, Manchester, M1 1RG
BYRON, Ground Floor Unit A, 1 Piccadilly Gardens, Manchester, M1 1RG
Fourth Floor, 9 Portland Street, Manchester, M1 3BE
Fifth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Ground Floor Unit E2, 1 Piccadilly Gardens, Manchester, M1 1RG
Sixth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit 2, Piccadilly Gardens, Manchester, M1 1AF
BARBURRITO, Ground Floor Unit D1 To D2, 1 Piccadilly Gardens, Manchester, M1 1RG
Ground Floor, 1 Portland Street, Manchester, M1 3BH
Third Floor, 9 Portland Street, Manchester, M1 3BE
Gourmet Society, Fifth Floor, 9 Portland Street, Manchester, M1 3BE
Fourth Floor, 1 Portland Street, Manchester, M1 5BH
KAPLAN, Sixth Floor, 1 Portland Street, Manchester, M1 3BE
Fifth Floor, 1 Portland Street, Manchester, M1 5BH
Third Floor, 1 Portland Street, Manchester, M1 3BE
First Floor, 1 Portland Street, Manchester, M1 5BH
Second Floor, 1 Portland Street, Manchester, M1 5BH
First And Second Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Second Floor, 9 Portland Street, Manchester, M1 3BE
New College Group, Ground And First Floor, 9 Portland Street, Manchester, M1 3BE
1 Portland Street, Manchester, M1 3BE
Ground Floor Unit F, 1 Piccadilly Gardens, Manchester, M1 1RG
Fourth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
PIZZAEXPRESS, Ground Floor Units C1 And D3, 1 Piccadilly Gardens, Manchester, M1 1RG
Hotel Ibis Styles Manchester Portland, 3 - 5 Portland Street, Manchester, M1 6DP
4 Portland Street, Manchester, M1 4GS
Ground Floor Unit E1, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G1, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G2 And G3, 1 Piccadilly Gardens, Manchester, M1 1RG
Third Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
SHORYU, Ground Floor Units C2 To C3, 1 Piccadilly Gardens, Manchester, M1 1RG
Second Floor, 4 Portland Street, Manchester, M1 4GS

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL