

Planning
Manchester City Council
Town Hall
Albert Square
Manchester
M2 5DB

September 2022

Our Ref: 22/6637

Dear Sir/Madam

67 Deansgate, Manchester, M3 2BW

This planning application seeks full planning permission for the change of use at 67 Deansgate, Manchester from a former café (Class E) to an Adult Gaming Centre (AGC) (Sui Generis) (SG) use to allow Merkur Slots (UK) to occupy the unit. Advertisement consent for 1no. internally illuminated fascia sign; 1no. non illuminated fascia sign and 1no. externally illuminated projecting sign is also sought as part of this application.

Application Site and Surroundings

The application site comprises the basement; ground floor and first floor of 67 Deansgate, Manchester. The premises is situated on the Eastern side of Deansgate, with a diversity of uses present in the vicinity. Some include KFC, Pret A Manger, Rush Hair, Subway, The Botanist and Las Iguanas.

The application site forms part of the Primary Shopping Area and falls within the St. Ann's conservation area. However, it should be noted that the application site's context is very different the pedestrianised retail streets that form the Primary Shopping Area, with the unit fronting Deansgate Road (A65).

Proposals Access Arrangements

The proposal concerns the basement; ground floor and first floor of 67 Deansgate, seeking the change of use of the vacant unit from a former café to an AGC. Advertisement consent is also sought for 1no. internally illuminated fascia sign; 1no. non illuminated fascia sign and 1no. externally illuminated projecting sign. Access into the unit will remain the same as the existing, from the main entrance door fronting Deansgate. Access is also available from the rear of the property via Barton Square.

Planning Policy Context

Principle of Development

It should first be noted that the new E use class came into effect on 1st September 2020. This has created a flexible system for town centre uses that can better reflect the diversity of uses on high streets and give businesses greater scope to adapt

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and diversify to meet changing demands. In light of these significant changes, town centre policies that predate the E use class are now out of date and cannot be afforded the same weight when assessing town centre proposals. Notwithstanding, the Council's adopted local plan policies are addressed below.

Currently, the development plan regarding Manchester City Council comprises of the Manchester Core Strategy (July 2012) and saved policies within the Urban Development Plan 1995 (2012) and any relevant supplementary planning documents.

First and foremost, it is important to note that there is no policy that seeks to resist proposals for AGCs in adopted policy. Policy C1 'Centre hierarchy' and CC4 states that the City Centre is a regional focus for leisure uses. Therefore, the Council recognises that a vibrant evening economy is important, particularly as a source of economic activity. Policy C10 of the core strategy encourages evening uses that contribute to the vitality of Manchester's Centres, particularly the City Centre. The considerations for an application of this nature are as follows:

1. Cumulative impact – in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.
2. Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
3. new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area.

From 01 September 2022, drinking establishments and hot food takeaways were moved from classes A4 and A5, respectively, into Sui Generis. Deansgate (A65) is a busy road that connects the Arndale Centre with Oxford Road. The character of Deansgate is unique and very different to the pedestrianised shopping streets elsewhere within the Primary Shopping Area. The existing composition along Deansgate is one that accommodates a number of late-night uses, predominately bars all of which contribute positively to the vitality and viability of PSA.

There are no other Adult Gaming Centres in the immediate vicinity of the application site, indeed the nearest AGC is located on Piccadilly Plaza some 0.8 km away from the site. My client does not have an existing AGC in Manchester City Centre. It therefore cannot be argued that there is already a concentration of Sui Generis uses which are detrimental to the character or vitality and viability of the centre. The introduction of an AGC in a unit that has stood vacant since March 2020 and previously operated as a café (not a typical retail use) will not harm the character or vitality and viability of Deansgate or the wider PSA.

Policy C10 is supported by a <15% indicator of A4/A5 and Sui Generis uses, but this policy predates the September 2020 amendment to the Use Classes Order – it is therefore likely that the <15% indicator is already in breach. The level of weight to be given to this policy indicator is therefore questionable, and if the Council are minded to give weight to the indicator, then it should be used simply as a target with consideration given the site specifics of the proposal.

Further, it should be noted that the following gambling premises are established within the entire Primary Shopping Area only two of which are adult gaming centres:

- Casino Circle, Steam Packet House, 72-76 Cross St, M2 4JG
- Nobles Amusements, 39-41 Piccadilly Plaza, M1 4AJ
- Admiral Casino, Wellington House, 39 Piccadilly, M1 1LQ

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- William Hill, 47 Deansgate, M3 2AY
- Ladbrokes, 15 Cross St, M2 1WE
- Betfred, 10 Mosley St, M2 3AQ

Since no AGC's are located on Deansgate and only 2 AGC's are situated within the wider PSA. This is not significant, and this application would not cause a cumulative impact. Further, based on this, the introduction of an AGC in this location would not be detrimental to the character or vitality and viability of the centre, demonstrating compliance with adopted local policy.

It is important to highlight that AGC's are completely dissimilar to a typical betting shop. The submitted Merkur Planning Brochure (**Appendix 1**) seeks to address the myths surrounding AGCs and explains how they are different to betting shops. It also includes quotes from noise reports and appeal Inspectors. Merkur Slots Ltd (UK) venues (AGC's) are consistently considered as a leisure/entertainment use, of which, is an accepted Main Town Centre Use and should be noted that AGCs are very different uses both in the way that they operate and their customer base. Public concerns surrounding gambling and betting shops are largely due to the presence of Fixed Odds Betting Terminals (FOBTs). Merkur Slots venues do not offer these types of machines. Merkur Slots' machines offer low stakes ranging from 10p to a maximum of £2.

AGCs are recognised town centre uses within the National Planning Policy Framework (NPPF) (2021) and are common town centre uses that complement retail and service uses and help to contribute to a centres evening and night-time economy. The proposed AGC will bring a vacant unit which has not been contributing to the local economy back into use and return activity to the frontage which is a significant benefit to this part of Manchester City Centre. The introduction of the proposed AGC use will also result in additional benefits, including the redecoration of the existing tired frontage, increased footfall, contributing to linked trips and the creation of 12 new full-time jobs. In this respect, the new use will clearly complement the vitality and vibrancy of the centre, serving the local community within this part of Manchester City Centre and will contribute towards the vitality and viability of the centre. As a result, the introduction of an AGC in this location will support day-time and evening economies, whilst not undermining the role of the Primary Shopping Area.

Merkur Slots Ltd (UK) commissioned ESA Retail, an independent survey company, to carry out footfall, pedestrian flow and linked trip surveys at three of their trading AGC's across England. The result can be seen at **Appendix 2** and clearly demonstrates that Merkur AGC's are entirely appropriate and complementary uses within primary retail areas, which often have higher footfalls than some traditional Primary Frontage retail units. The nature of high streets has changed. Merkur AGCs attract people into centres, generate good levels of footfall, maintain high levels of pedestrian flow and generate linked trips.

To provide context, data was collected for the two units located either side of the AGC, so five units were surveyed in total. The frontages surveyed comprise a variety of independent and national operators and were predominantly retail (former A1 units). At each location, the AGC was either the busiest or second busiest in terms of the total number of customer movements. At High Road, Wood Green, London. Here, the AGC was adjoined by a Jewellers and a Clothes shop. Results concluded that Merkur recorded the most people entering and exiting the premises (103 people), whereas the Jewellers (66 people) and clothes shop (42 people) recorded less than the AGC combined. Therefore, it is clear that the introduction will not discourage pedestrian footfall towards retail uses in the vicinity and the introduction of an AGC would simply improve the vibrancy of the high street and accord with local policy, particularly policy C10, which encourages leisure uses that complement the vitality of the City Centre.

A recent appeal decision at Edgware Road in London highlights the positive impact AGC's have on the vitality and viability of the high street (**Appendix 3**):

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“The principal benefit of the AGC would be the complementary nature of its use alongside the other uses in the retail cluster, and the potential to generate linked trips and to stimulate additional footfall. This would bolster the vitality and viability of the retail cluster, sustaining its attractiveness to a wide section of residents, workers and visitors.”

The Inspector has considered the positive impacts an AGC would have on footfall and linked trips and play a significant role in enhancing the vitality and vibrancy of the retail cluster. Considering the viability and vitality of the centre more generally, AGCs are comparable to Class E shops in terms of footfall and propensity for linked trips and the site's location within the town centre is conducive. The evening economy is also a significant contributor to economic performance and this application encourages evening / night-time uses. The principle of late-night opening is established in this area of Manchester.

Notably, the unit has been vacant since March 2020, since then, the unit has been actively marketed by Emanuel Chartered Surveyors. The unit was extensively marketed across multiple nationwide platforms, Shop Property, Completely Retail. Importantly, no interest has been received from any retailers and a reduction in passing rate of £80,000 was offered, however, no interest from any retailers materialised.

Overall, the principle of the proposed change of use is entirely acceptable and the proposal will protect and enhance the vitality and vibrancy of this part of Manchester City Centre. It could also trigger inward investment within this particular area of Manchester and increase the attractiveness of nearby vacant units to potential occupiers. Figure 1.1 provides a clear internal image of a Merkur AGC.

Figure 1.1 – Merkur Slots Ltd



AGCs typically operate 24-hours and that is proposed for the new AGC at the application site. The surrounding area is mixed and has an established night-time economy, notably comprising restaurants, bars and pubs. Given the context of the site and the fact there is no residential properties in the immediate vicinity, there will be no significantly adverse impacts in full accordance with Para. 123 of the NPPF, provided the rectification works to the property outlined in the assessment are implemented.

Whilst longer hours of operation are sought, it is important to consider that Merkur Slots noise levels are generally very low and impacts on disturbance to surrounding residences are effectively mitigated and minimal. For example, as set out in the brochure, only background music is played within venues (similar to shops) and there are no tannoy systems. Further, the late-night customer base is predominately late shift workers looking to relax and larger groups are very rare due to the offer within the AGCs. As such, the nature of the use proposed would not result in adverse noise in either the day or night-time hours and

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the use is appropriate to the busy high street context and complies with saved urban development plan policy DC26 'Development and Noise'.

Regarding comings and goings, **Appendix 4** is a Noise Impact Assessment capturing customer behaviour at an existing site in Hull which operates 24 hours. The assessment makes a number of salient observations, including that patrons were typically alone or in a couple or small group and normal-level conversation was the only sound recorded which occurred infrequently. People occasionally stood outside to smoke and had brief conversations at normal speech level with no shouting or otherwise anti-social behaviour. The behavioural patterns of patrons that were detected by the noise consultant indicate that patrons do not typically congregate outside of the application site (unlike takeaways, pubs etc) and therefore not impeding local amenity. This evidence solidifies further compliance with local policy and supplementary planning guidance.

Despite common misconceptions, the submitted Merkur Planning Brochure contains further information on the benefits an AGC can bring to centres. The brochure includes planning inspector quotes. Inspectors have found:

"AGCs attract customers in comparable numbers to the shops around them and are designed to complement the shopping experience in town centres".

The brochure also demonstrates how AGCs do not attract anti-social behaviour and are not noisy uses for the following reasons:

- AGCs do not have (and have never had) the Fixed Odds Betting Terminals – machines associated with betting shops;
- The machines offer low stakes of between 10p and £2 – the average stake from customers is 30-40p;
- A large number of Merkur's AGCs contain bingo machines and tablets (this is what is being proposed at 67 Deansgate);
- 48% of customers are female;
- Complementary refreshments, teas and coffees are provided;
- AGCs are where people go to spend their spare change, have a game of bingo and enjoy their favourite pastime (these machines have been around for many years);
- Customers visit on their own or in couples – large groups are rare;
- The customer base during the late evening and into the early hours is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts;
- The machines generate low levels of noise, only background music is played (similar to shops) and there are no tannoy systems;
- Merkur have never had a licence revoked or reviewed and incidents are extremely rare.

Given the nature of the proposal and the commercial context of the site, 24-hour opening is considered acceptable in this location. Despite no residential units present in the immediate vicinity, a noise assessment has been undertaken to ensure the integration of an AGC in this location does not have any adverse impact on the surrounding amenity. The site assessment provides the following recommendations:

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Acoustic perimeter seals are installed around the frame of the door and at the bottom to prevent unnecessary sound transmission to the outside. It is also recommended that the door incorporates an automatic closer system. The connection between the separating floor and walls should be covered up using non-hardening sealant to help prevent sound transmission. Holes and gaps in the ceiling; walls and board box-ups are to be fully ceiled to prevent potential flanking paths. Further, it is recommended that any penetrations are sealed up with non-hardening sealant.

The recommendations will be implemented to ensure noise disturbance is prevented, meaning the limit of NR20 will be achieved and the site would be suitable for 24-hour operation, ensuring compliance with saved policy DC26 and criteria 2 of policy C10 of the Core Strategy.

St. Ann's Square Conservation Area

St. Ann's Square was the first conservation area to be designated by Manchester City Council, on 29 July 1970. It comprises an important part of the city centre around St. Ann's Square, extending as far south as John Dalton Street. St. Ann's Square was laid out in the Georgian period, early in the 18th century, and is one of the main spaces in the city centre. St. Ann's Square is in the commercial heart of the city, where almost every building accommodates shops on the ground floor. Encouragement of a variety of uses will help maintain the character of the area. Proposals in St. Ann's Square Conservation Area should be designed to enhance the existing quality of the built environment. Therefore, an advertisement scheme has been designed to ensure it is in fitting with that previously and currently accepted in the area.

Advertisement Consent

The proposal seeks to instal new signage at ground floor level, which will be occupied as 'Merkur Slots'. The proposals for 67 Deansgate are fully annotated in the submitted drawings.

The proposals consist of 1no. internally illuminated fascia sign at the front of the unit; 1no. non illuminated fascia sign at the rear of the unit and 1no. externally illuminated projecting sign.

The proposed Fascia sign at the front of the property comprises 'Merkur' and 'Slots' lettering. The letter rim and returns will be aluminium, coated RAL 9005 Satin Black and faces will be in 5mm Acrylic with foamex PVC. 'Merkur' lettering will be acrylic opal 069 and 'Slots' to be yellow acrylic 2252. Letters will be illuminated by Optika LEDs (Cool White). Importantly illuminance levels will be no more than 250cdm². The Red underscore will be made by rimless powder colour coated aluminium to match RAL3020 (Satin Red). This will also be internally illuminated by Optika LED's (Red HL2) and illuminance levels will be no more than 250cdm².

The proposed Fascia to the rear of the property will be made of new 18mm marine grade plywood timber fascia within a 50mm sw treated moulded frame. All exposed framework to be decorated to match RAL 9005 Satin Black and left ready to receive letters and logo. Individual affixed 'Merkur' and 'Slots' letters will be incorporated, and letter rim and returns will be in aluminium coated RAL 9005 Satin Black, faces in 5mm Acrylic with foamex PVC. 'Merkur' lettering will be white acrylic opal 069 and 'Slots' to be yellow acrylic 2252. The Red underscore formed in rimless powder colour coated aluminium to match RAL3020 (Satin Red). No illumination is proposed for this fascia sign.

The projecting sign is proposed as a new 50mm wide timber framed externally illuminated hanging sign affixed to background fascia via an aluminium bracket. The sign and bracket will be painted to match RAL9005. Further, a self-adhesive 'Sun Face' logo will be present on both sides of the projecting sign and will be externally illuminated, with illuminance levels no more than 250cdm².

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With the above in mind, advertisements have been prepared meticulously to ensure the design is sympathetic to the conservation area. For instance, Policy CC9 and DC18 indicate the effect of signs and advertisements should seek to enhance the character of its designated conservation area. This has been achieved via a meticulously planned scheme.

Summary

The principle of the proposed change of use is entirely acceptable and the proposals will protect and enhance the vitality and viability of this part of the city centre. The proposal involves the bringing back of a long-term vacant unit into beneficial use, which will lead to improvements to the appearance, and accessibility of the frontage, footfall, linked trips, new jobs and assist in diversifying the centre's offer. Given the site's long-term inertia, the proposals will have a neutral impact, particularly on the level of retail. Due to the Council placing much impetus on the City Centre as a regional focus for leisure uses and it is evident that late night uses are long established within the Primary Shopping Area, the loss of Class E is acceptable.

The proposals therefore comply with local and national policy, it is therefore respectfully requested that the application is approved without delay in accordance with para 11 of the NPPF.

Submission

- Site Location Plan Block Plan (A3)
- Existing Floor Plans Rev 00 (852-EX-01)
- Proposed Floor Plans Rev 00 (852-PL-10)
- Existing Signage Rev 00 (852-EX-02)
- Proposed Signage Rev 00 (852-PL-11)
- Proposed Waste Management Plan Rev 00 (852-PL-16)
- Appendix 1 - Merkur Slots (UK) Planning Brochure
- Appendix 2 - ESA Retail footfall, pedestrian flow and linked trip surveys
- Appendix 3 - Edgware Road Appeal
- Appendix 4 - Noise Report (67 Deansgate)

Yours sincerely,

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Harrogate

Enc.

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