

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 144471/FO/2025

**Date registered valid:** 3 December 2025

**Proposal:** Change of use of ground floor from Class E to Sui Generis Adult Gaming Centre, with installation of 2no replacement air conditioning units and elevational alterations including new doors to Portland Street and Reyner Street.

**Address:** Basement To First Floor, 58 - 60 Portland Street, Manchester, M1 4QT

**Ward(s):** Deansgate Ward

**Applicant:** Ian Miller Luxury Leisure

**Agent (if any):** Haris Kasuji RR Planning Ltd

**Case officer:** Emily Booth  
Tel: 0161 234 4193  
Email: [emily.booth@manchester.gov.uk](mailto:emily.booth@manchester.gov.uk)

**Recommendation:** Refuse

**Date of recommendation:** 28 January 2026

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 12 December 2025

### **Standard consultations:**

Printed: 10 December 2025      Expired: 3 January 2026

### **Neighbour notifications**

Printed: 10 December 2025      Expired: 3 January 2026

### **Site notice**

Posted: 12 December 2025      Expired: 5 January 2026

### **Press advert**

Published: 16 December 2025      Expired: 9 January 2026

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

**Listed building:** Not applicable

**Conservation area:** George Street Conservation Area 1985

**Tree Preservation Order:** Not applicable

## **Description of site/building**

The building subject of this application was occupied by Natwest and is located at 58 - 60 Portland Street, Manchester, M1 4QT. It is located on the corner of Portland Street and Nicholas Street.

The building has a stone facade at ground level that has a banding detail. The upper sections of the elevations are faced in brick with stone dressings and details including square mouldings and a dentil style band. The rear elevation is plainer and predominantly constructed of brick but is not without interest. The building curves at the corner of Portland Street and Nicholas Street and has a stone canopy in this location.

The building is not listed but is considered to be a well presented and maintained non-designated heritage asset that makes a positive contribution to the surrounding George Street conservation area.

## **Description of area**

The building is bounded by Portland Street, Nicholas Street, Reyner Street and the Grade II Listed 54 Portland Street.

The site is located within George Street conservation area. It is located opposite the Grade II listed 70 & 72 Portland Street, 20 Nicolas Street and is adjacent 54 Portland Street. There are a number of other Grade II Listed buildings close to the site including 74-80 Portland Street, 70-72 Portland Street, 44-50 Portland Street, 55 Faulkner Street, 41-43 Faulkner Street, 45-47 Faulkner Street, 49 Faulkner Street.

In this context, all external works must also be considered in terms of their impact on the setting of these listed buildings and the surrounding conservation area.

The site is surrounded by cafes, bars, takeaways, restaurants and hotels. It is also fairly close to Piccadilly Gardens Interchange and as a result Portland Street is part of a busy bus route.

### **Site history**

Application referenced 142537/FO/2025 was approved in May 2025 and allowed external alterations to make good facade following removal of various fixtures and fittings.

### **Description of development**

Planning permission is sought for the use of the basement, ground floor and first floor of the building as an Adult Gaming Centre (Sui Generis)

The following external works are also proposed:

- The installation of air-conditioning units on the rear.
- The replacement of the white framed front entrance door and surround with a grey (RAL 7037) framed glass door with bright yellow (RAL 1021) powder coated aluminium surround.

The front entrance door on Portland Street would be the main entrance.

### **Consultations & Notification Responses**

Publicity - The application was advertised in the local press as affecting a listed building and a conservation area, a site notice was displayed on site. No replies were received.

Environmental Health - Commented as follows:

Due to potential disamenity from noise occurring 24 hours a day we recommend that this application is refused.

In addition, the application includes an acoustic report which made recommendations to upgrade glazing and add a lobby door system which based on predicted noise breakout will meet MCC criteria. They have not measured the actual noise breakout from the premises which given the proximity to residents should be undertaken. This will ensure that there is no unacceptable noise breakout from the rear blocked up windows.

The plant noise assessment is based on noise from external plant at another casino. To date the specifications for the plant in this location are not known. An updated noise assessment based on the plant to be installed at this location is required, especially as the plant will operate for 24 hours immediately adjacent to existing residents.

Greater Manchester Police - No comments received.

GMP - CC Neighbourhood Policing – Commented as follows:

From a policing point of view, there have concerns about the possible arrival of another casino/adult gaming centre in this area of Manchester City Centre. The data available is relevant to the policing beat area on which this premises lies and it can be seen that the area suffers from what we would describe as concerning levels of crime, especially when looking at offences of violence, intimidation and theft.

Licensing Officers and to the Neighbourhood Beat Sergeant and Constables for the area, similar establishments already act as a beacon to those wanting to cause disruption and commit criminal offences. Many rough sleepers and known prolific offenders congregate outside such establishments, adding to the anti-social behaviour problems for the area and attracting those who wish to pick pocket or sell illicit drugs.

GMP and in Manchester City Council continue to make concerted efforts to improve the area and bring those who commit offences to justice the arrival of another such establishment would cause great harm to these efforts and increase demand on police and public sector services and resources in an already rapidly growing part on Manchester.

It is this rapid growth that needs careful consideration from a crime and disorder point of view and adding another adult gaming centre would only serve, to see policing plans be undermined and therefore reduce the appeal of the area to the public and reduce confidence in the Police and Manchester City Council.

## **Issues**

### **Policy**

The Places for Everyone Plan - Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:

- Policy JP-Strat2 - City Centre
- Policy JP-P1 - Sustainable Places
- Policy JP-P2 - Heritage
- Policy JP-P 6 - Health

The Manchester Core Strategy - Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:

- Policy SP1 - Spatial Principles
- Policy CC9 - Design and Heritage
- Policy EN1 - Design Principles and Strategic Character Areas
- Policy EN3 - Heritage
- Policy DM1 - Development Management
- Policy CC10 – A Place for Everyone

Saved Unitary Development Plan for Manchester (1995) - The following saved UDP Policies are of relevance to this application:

- Policy DC18 - Conservation Areas
- Policy DC19 - Listed Buildings
- Policy DC26 - Development and Noise

National Planning Policy Framework (NPPF) (2024):

- Chapter 8 - Promoting healthy and safe communities
- Chapter 12 - Achieving well-designed and beautiful places
- Chapter 16 - Conserving the Historic Environment

#### Draft National Planning Policy Framework - 16th December 2025

The government has published a consultation National Planning Policy Framework which is intended to improve housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making.

Whilst this is a draft NPPF for consultation it is considered that the development proposals are in accordance with the general thrust of policy contained within it. As set out in the printed report no adverse impacts have been identified through consideration of the application proposals that would outweigh a positive decision in this instance.

#### Planning (Listed Buildings and Conservation Areas) Act 1990

Sections 66, and 72 of the Listed Buildings and Conservation Areas Act 1990 require that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

#### The National Design Guide (January 2021)

Illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

#### The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester.

In Chapter 2 'Design', paragraph 2.7 outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment and encourages "the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Under these criteria the acceptability of the proposal has been considered:

#### **Principle of the Development and Regeneration -**

The proposals affect an historic building that is considered to be a non-designated heritage asset. It is within a mixed commercial and residential location with a mix of more modern and historic buildings nearby. Directly to the rear of the site is Faulkner Court, Faulkner Street, which is used as supported housing.

The proposed use includes 24 hour opening hours, would cause a noise disturbance and would include inappropriate external alterations. The application has also failed to demonstrate that there would be no unacceptable noise outbreak from the premises.

Portland Street has started to see signs of investment and regeneration including with the new development on the opposite side of the road. A use of this type would work against further improvements.

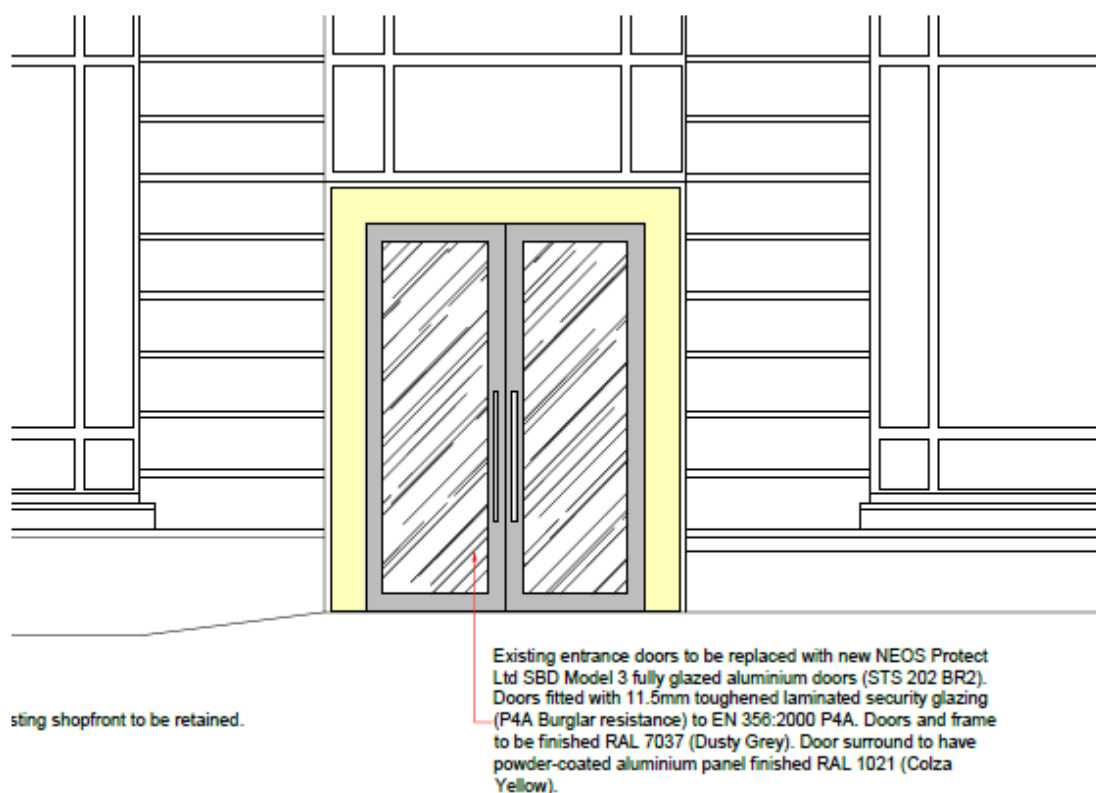
The local area also suffers from high crime levels and anti-social behaviour.

The principle of development is not acceptable in this instance and would be contrary to Places for Everyone Policies JP-Strat2, JP-P1, JP-P2, Policies CC10, EN1, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

### **Layout, Scale and Appearance including the impact on heritage assets -**

As existing the building has a well-maintained appearance that contributes to the character of the conservation area and is in keeping with the age and character of the surrounding listed buildings.

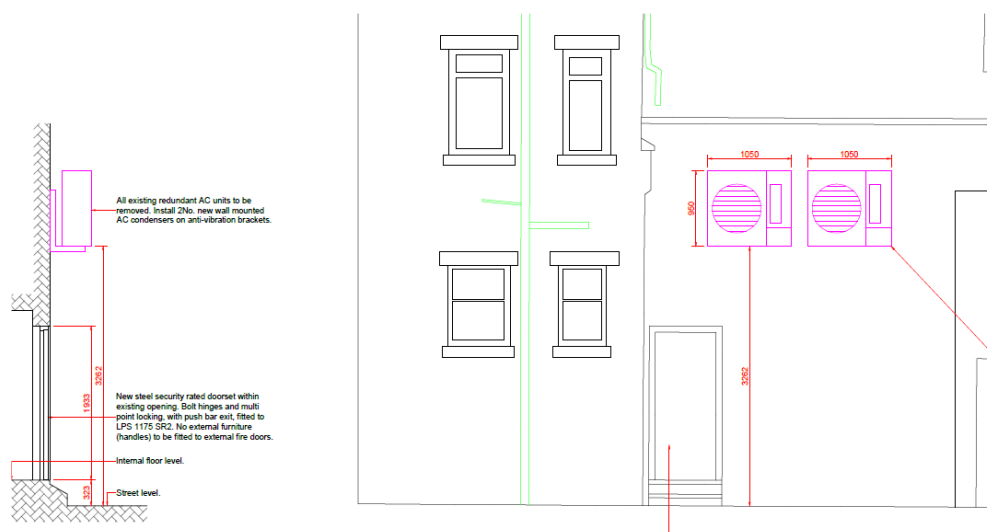
The proposals would install a door and frame in unsympathetic colours unsuited to the character of this non-designated heritage asset. The choices of bright yellow and grey are not colours suited to use on historic buildings. The frame of the door is also much thicker than required in this location and has a poor-quality appearance, that is not in keeping with the appearance and age of this building.



The air-conditioning units are proposed to replace existing unauthorised units. No thought has been put into the location of these units and no internal areas of the three floors of this use have

been assessed to install them. There also seems to be a possibility to install them on the roof, where they would be screened.

Neither of these much more sympathetic locations have been explored by the application.



The proposals cause harm to the Conservation Area and the non-designated heritage asset. This harm would amount to a medium level of less than substantial harm. The applicant has not presented any public benefits associated with the scheme which would outweigh this harm. The City Council considers that the required public benefits do not exist to outweigh this harm. Whilst the proposal would result in the occupation of the building this in itself would not be a sufficient public benefit to outweigh the harm caused. The Council is of the view that the interventions to the building could be made in a less harmful way to the building and achieve the same benefit.

Given the above the proposals are considered to be contrary to Places for Everyone Policies JP-Strat2, JP-P1, JP-P2 and Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, saved UDP policies DC18 and DC19; Sections 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990; and guidance contained in Sections 12 and 16 of the National Planning Policy Framework

### **Residential Amenity and the amenity of surrounding occupiers**

This is a critical issue, as amongst other things, it examines the impact that the scheme would have on nearby and adjoining occupiers. It includes the consideration of issues such as impact on noise and disturbance.

The closest residential accommodation is directly behind the site on the other side of Reyner Street. This accommodation is for over 55-year-olds and is particularly sensitive to noise issues.

A 24-hour operation is proposed, and this would be unacceptable given how close the residential accommodation is located to the site. The use would generate comings and goings throughout the day which would result in noise and disturbance. This would be particularly acute in the late evening and early morning when background noise levels in the city centre are lower. With patrons being attracted to the premises on a 24-hour basis, any raised voices, shouting and vehicle movements (including engine noise, doors slamming and music) associated with the premises would be noticeable to nearby residential accommodation. It is considered that this would be of such a magnitude that it would be considered unduly harmful to residential amenity.

It is acknowledged that patrons would use the entrance on Portland Street. However, patrons are highly likely to approach and exit the site from a variety of directions which will include those want to access prime locations in the city centre such as the central business district, retail core, public transport area as well as Piccadilly Gardens and the centre of China Town. Patrons would therefore pass the residential buildings in China Town.

Environmental Health share this view and recommend the application be refused accordingly.

There are also concerns in respect of noise outbreak from the premises.

The acoustic report is also deficient as the report does not include measurements of the actual noise breakout from the premises which given the proximity to residents should be undertaken. The plant noise assessment is based on noise from external plant at another casino and so also deficient.

The chosen location of the air-conditioning units is also as close as possible to the residential accommodation at the rear increasing the risk of noise disturbance.

The deficient information that has been submitted strongly indicates that the proposal would cause unacceptable noise levels in the location resulting in an unduly harmful impact on residential amenity.

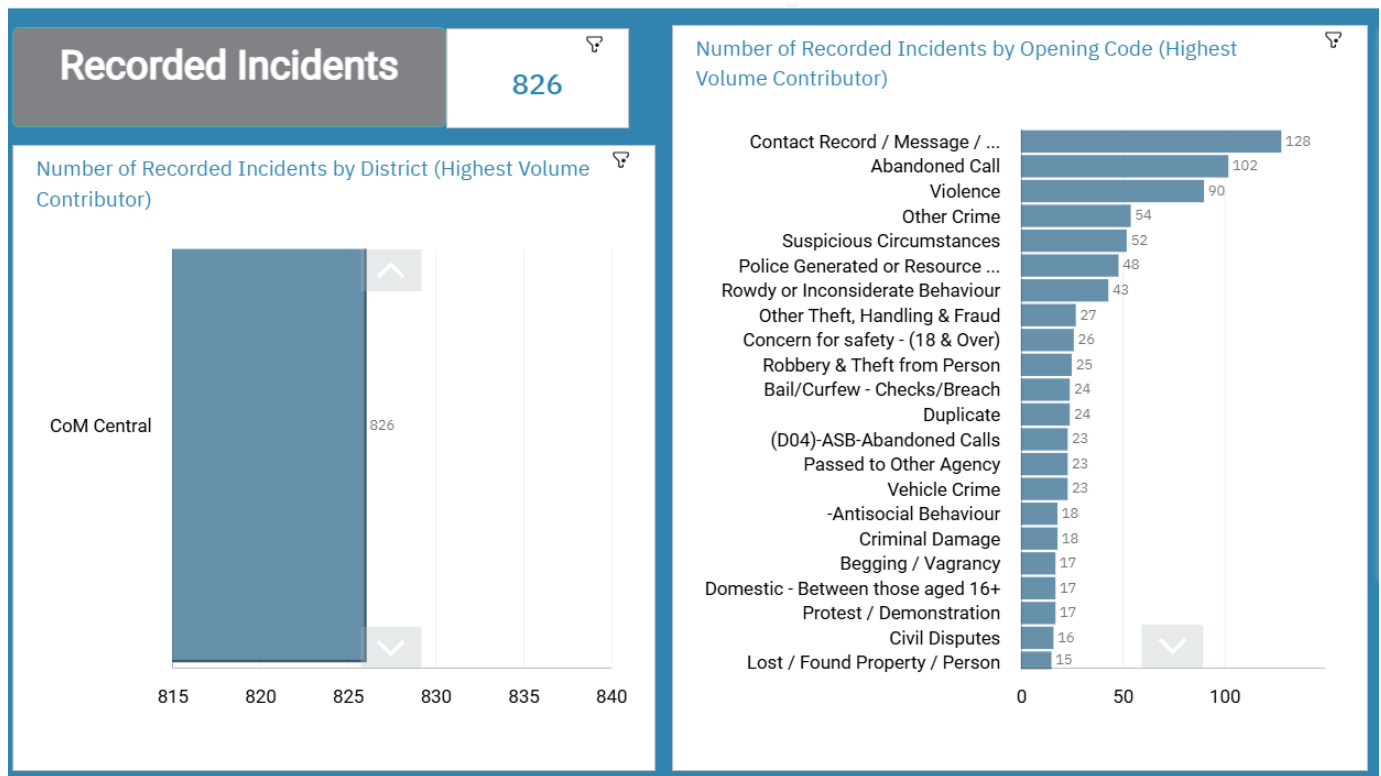
The use as currently proposed would undermine the creation of a sustainable local community in this popular and renowned part of the city centre.

Given the above the proposals are considered to be contrary to Policies SP1, CC10, EN8 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester in relation to the impact on residential amenity and Policy JP-P1 and JP-P6 of Greater Manchester's Places for Everyone Guidance and Government Guidance contained in Section 8 (Promoting healthy and safe communities) and Section 12 (Achieving Well Designed Places).

### **Crime and Disorder**

The comments made by Greater Manchester Police explain how the intended use would impact on an area of the City Centre that already suffers from what we would describe as concerning levels of crime, especially when looking at offences of violence, intimidation and theft.

The figures for this are below:



Due to how the report is generated Anti-social behaviour often gets put in as Rowdy or inconsiderate behaviour instead of as ASB.

This table summarises the key points:

| Type                     | # of incidents |
|--------------------------|----------------|
| Violence                 | 90             |
| Anti-social behaviour    | 61             |
| Robbery and theft        | 25             |
| Other theft              | 27             |
| Adult concern for safety | 26             |
| Criminal damage          | 18             |
| Begging                  | 17             |
| Drug related crime       | 14             |
| Burglary                 | 13             |

The arrival of another adult gaming establishment would cause great harm to the efforts of the City Council and Greater Manchester Police and increase demand on the services and resources in an already rapidly growing part of Manchester as these recorded and non-recorded incidents would increase.

A recent appeal decision at McDonalds in Picadilly Gardens referenced: APP/B4215/W/25/3362307 took a similar view with regards to 24 hours uses in areas of high crime and anti-social behaviour. In this decision the Inspector noted the following:

*Whilst the objection from the Greater Manchester Police (GMP) has been officially withdrawn, there is nothing before me to negate the validity of the crime data within Piccadilly Gardens. This data, which covers several months, and includes various types of crimes, indicates that there is a particular increase in crimes late in the evening and night, particularly after 21:00. The third parties' representations reinforce the issue of antisocial behaviour and crime in the immediate area of the appeal site.*

*The proposed opening times for the appeal site would attract more people in the area later in the evening and night. Most patrons who would use the restaurant/takeaway late at night would likely come from events or drinking establishments within the area. I acknowledge that the submitted crime data concerns Piccadilly Gardens. However, given the close proximity of the appeal site to the public space, and the interconnectivity of the places within the city centre, the proposal would likely exacerbate the existing antisocial behaviour and crime issues within the immediate area.*

*Accordingly, I find that the proposed variation of the disputed condition would exacerbate the crime and antisocial behaviour issue in the area. Thus, it would be contrary to the aims of CS Policy DM 1. It would also conflict with paragraph 96 of the National Planning Policy Framework (the Framework), which states that planning decisions should aim to achieve safe places, so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion.*

This appeal decision is appended to this report within Appendix 3.

Given the above the proposals are considered to be contrary to Policies JP-Strat2, JP-P1 and JP-P6 of Greater Manchester's Places for Everyone Guidance policies SP1, CC10 and DM1 of the Adopted Core Strategy for the City of Manchester and Government Guidance contained in Section 8 (Promoting healthy and safe communities) and Section 12 (Achieving Well Designed Places).

### **Disabled Access**

Level access is existing into and throughout the site. There is an accessible WC proposed and there is a small lift, but it is not clear if this can be used to access the basement and first floor as the area of the first floor shown on the drawings doesn't include this and no basement plans have been received. Confirmation of this would have been sought if the application could have been approved.

Given the above the proposals, we do not have enough information to confirm that this use is in accordance with Policies SP1, CC10 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester in relation to the provision of an accessible use and Policy JP-P1 and JP-P6 of Greater Manchester's Places for Everyone Guidance and Government Guidance contained in Section 8 (Promoting healthy and safe communities) and Section 12 (Achieving Well Designed Places).

### **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**

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. The proposal is contra to Council policy and there was no information that the applicant could provide which would overcome those concerns. The applicant that the proposal was unacceptable and the application was determined in a timely manner.

### **Reasons for recommendation to refuse**

1) The 24-hour opening hours for the proposed Adult Gaming Centre would lead to unacceptable levels of noise and disturbance from the coming and going of customers external to the property particularly during more sensitive times of the day such as late evenings and nighttime. This proposal would cause unduly harmful impacts on nearby sensitive residential accommodation including that directly to the rear of the property [Faulkner Court, Faulkner Street]. The proposal would therefore be contrary to policies DM1 (Development Management) and SP1 (Spatial Principles) of the Manchester Core Strategy (2012) and saved policy DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester (1995), Policy JP-P 1 (Sustainable Places) JP-P 6 (Health) of Greater Manchester's emerging Places for Everyone Guidance and National Planning Policy Framework (NPPF) particularly Section 8 (Promoting healthy and safe communities).

2) There is insufficient evidence to demonstrate that the noise outbreak from the building and use together with the external plant would not cause unacceptable noise levels. In particular, it has not been possible to demonstrate that the proposal would not cause any unduly harmful impacts on nearby sensitive residential accommodation including that to the rear of the property. The proposal would therefore be contrary to policies DM1 (Development Management) and SP1 (Spatial Principles) of the Manchester Core Strategy (2012) and saved policy DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester (1995), Policy JP-P 1 (Sustainable Places) JP-P 6 (Health) of Greater Manchester's emerging Places for Everyone Guidance and National Planning Policy Framework (NPPF) particularly Section 8 (Promoting healthy and safe communities).

3) The external alterations proposed to the entrance on Portland Street and the air-conditioning units proposed to be installed on the Reyner Street elevation detrimentally affect the character of this well presented and maintained non-designated heritage asset by virtue of their siting, scale, design and appearance. They would result in obtrusive features in a prominent and highly visible location in the City Centre. The proposed alterations would impact on the setting of the non-designated heritage asset subject of this application and the George Street Conservation Area. The proposed alterations are low quality and are not in keeping with the appearance of

this historic building and are incongruous. The proposal would result in less than substantial harm to the significance of these designated and non-designated heritage assets and the required public benefits do not exist to outweigh the harm identified. The proposed alterations would therefore be contrary to Places for Everyone Policies JP-Strat2, JP-P1, JP-P2 and Core Strategy Policies SP1, CC9, EN1, EN3 and DM1 , saved UDP policies DC18 and DC19; Sections 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990; and guidance contained in Sections 12 and 16 of the National Planning Policy Framework.

4) The proposed 24-hour opening times for the use would attract more people to the area later in the evening and night. This would likely exacerbate the existing anti-social and crime issues within the immediate area particularly due to the close proximity of Manchester China Town, where there are known crime and anti-social behaviour issues, together with being on a route to and from Piccadilly Gardens interchange. The proposals are therefore considered to be contrary to policies JP-Strat2 and JP-P1 of Places for Everyone, SP1 and DM1, of the Core Strategy, Section 7 and 8 of the National Planning Policy Framework.

## **Appendix 1 – List of consultees & neighbours notified**

Environmental Health  
Greater Manchester Police  
GMP - CC Neighbourhood Policing

78 Portland Street, Manchester, M1 4QX  
Flat 31, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
76B Portland Street, Manchester, M1 4GU  
Flat 15, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 10, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 6, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 5, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 23, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 14, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Second Floor, 41 Faulkner Street, Manchester, M1 4EE  
Sub Basement And Basement, 41 Faulkner Street, Manchester, M1 4EE  
First Floor And Second Floor, 36 Charlotte Street, Manchester, M1 4FD  
44 - 46 Faulkner Street, Manchester, M1 4FH  
45 - 47 Faulkner Street, Manchester, M1 4EE  
42 Portland Street, Manchester, M1 4GS  
Flat At, 80 Portland Street, Manchester, M1 4QX  
Flat 2, 55 Faulkner Street, Manchester, M1 4FF  
Second Floor And Third Floor, 59 - 61 Faulkner Street, Manchester, M1 4EF  
57 Faulkner Street, Manchester, M1 4EF  
Flat 28, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 6, 70 - 72 Portland Street, Manchester, M1 4GU  
Flat 13, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 25, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Third Floor, 41 Faulkner Street, Manchester, M1 4EE  
Ground Floor, 41 Faulkner Street, Manchester, M1 4EE  
Fourth Floor Office, 36 Charlotte Street, Manchester, M1 4FD  
Basement And Ground Floor Restaurant, 36 Charlotte Street, Manchester, M1 4FD  
First Floor To Third Floor, 45 - 47 Faulkner Street, Manchester, M1 4EE  
Ground Floor, 45 - 47 Faulkner Street, Manchester, M1 4EE  
WING FAT SUPERMARKET LTD, 49 Faulkner Street, Manchester, M1 4EE  
57 Portland Street, Manchester, M1 3HP  
Second Floor, 36 Charlotte Street, Manchester, M1 4FD  
Sub Basement, 36 Charlotte Street, Manchester, M1 4FD  
80 Portland Street, Manchester, M1 4QX  
Flat 6, 55 Faulkner Street, Manchester, M1 4FF  
Flat 7, 55 Faulkner Street, Manchester, M1 4FF  
Flat 3, 55 Faulkner Street, Manchester, M1 4FF  
Basement, 57 Faulkner Street, Manchester, M1 4EF  
Flat 26, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
23 Nicholas Street, Manchester, M1 4EN  
Ground Floor, 76A Portland Street, Manchester, M1 4GU  
Flat 29, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
First Floor And Second Floor Room 7, 41 Faulkner Street, Manchester, M1 4EE  
44 Portland Street, Manchester, M1 4GS  
50 Portland Street, Manchester, M1 4QU  
46 Portland Street, Manchester, M1 4QU  
52 Portland Street, Manchester, M1 4QU  
60 Portland Street, Manchester, M1 4QU

Flat 4, 55 Faulkner Street, Manchester, M1 4FF  
Basement And Ground Floor, 59 - 61 Faulkner Street, Manchester, M1 4EF  
Flat 17, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 7, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
20 Nicholas Street, Manchester, M1 4GU  
70 - 72 Portland Street, Manchester, M1 4GU  
72 Portland Street, Manchester, M1 4GU  
Flat 11, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 18, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 1, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Second Floor Rooms 8 And 9, 41 Faulkner Street, Manchester, M1 4EE  
41 Faulkner Street, Manchester, M1 4EE  
Ground Floor To Fourth Floor, Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD  
Basement, 52 Portland Street, Manchester, M1 4QU  
First Floor, 59 - 61 Faulkner Street, Manchester, M1 4EF  
Flat 16, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 5, 70 - 72 Portland Street, Manchester, M1 4GU  
70 Portland Street, Manchester, M1 4GU  
Flat 7, 70 - 72 Portland Street, Manchester, M1 4GU  
76A Portland Street, Manchester, M1 4GU  
Basement And Ground Floor, 76A Portland Street, Manchester, M1 4GU  
Flat 9, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 27, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 33, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 22, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
39 Faulkner Street, Manchester, M1 4EE  
Second Floor, 44 Portland Street, Manchester, M1 4GS  
56 Portland Street, Manchester, M1 4QU  
First Floor, 44 Portland Street, Manchester, M1 4GS  
55A Faulkner Street, Manchester, M1 4FF  
Ground Floor To Second Floor, 57 Faulkner Street, Manchester, M1 4FF  
59 Portland Street, Manchester, M1 3HP  
Flat 2, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 3, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 19, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Basement, Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD  
Flat 2, 54 Portland Street, Manchester, M1 4QU  
Flat 3, 54 Portland Street, Manchester, M1 4QU  
Flat 5, 55 Faulkner Street, Manchester, M1 4FF  
Flat 1, 55 Faulkner Street, Manchester, M1 4FF  
Flat 21, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 24, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 4, 70 - 72 Portland Street, Manchester, M1 4GU  
Flat 2, 70 - 72 Portland Street, Manchester, M1 4GU  
Flat 3, 70 - 72 Portland Street, Manchester, M1 4GU  
Flat 12, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Third Floor Office, 36 Charlotte Street, Manchester, M1 4FD  
48 Portland Street, Manchester, M1 4QU  
54 Portland Street, Manchester, M1 4QU  
First Floor, 52 Portland Street, Manchester, M1 4QU  
Fourth Floor, 52 Portland Street, Manchester, M1 4QU  
Flat Above, 78 Portland Street, Manchester, M1 4QX  
59 - 61 Faulkner Street, Manchester, M1 4EF  
Flat 32, Faulkner Court, Faulkner Street, Manchester, M1 4EE

Flat 1, 70 - 72 Portland Street, Manchester, M1 4GU  
74 Portland Street, Manchester, M1 4GU  
First Floor And Second Floor, 74 Portland Street, Manchester, M1 4GU  
Flat 4, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 30, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 20, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Flat 8, Faulkner Court, Faulkner Street, Manchester, M1 4EE  
Basement, 45 - 47 Faulkner Street, Manchester, M1 4EE  
Second Floor, 52 Portland Street, Manchester, M1 4QU  
Flat 1, 54 Portland Street, Manchester, M1 4QU  
58 - 60 Portland Street, Manchester, M1 4QU  
First Floor And Second Floor, 60 Portland Street, Manchester, M1 4QU  
Third Floor, 44 Portland Street, Manchester, M1 4GS  
Fourth Floor, 44 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  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Conservation Area - George Street Conservation Area 1985  
Area Team Boundary - Name: CENTRAL

## **Appendix 3 – Appeal Decision**



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## Appeal Decision

Site visit made on 7 July 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 8 August 2025**

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### **Appeal Ref: APP/B4215/W/25/3362307**

#### **11 - 13 Piccadilly, Manchester M1 1LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by MCD Manchester Ltd against the decision of Manchester City Council.
  - The application Ref is 141254/JO/2024.
  - The application sought planning permission for the change of use from A1 – shop to Sui Generis (A3/A5) – restaurant/take away to include the installation of external mounted equipment without complying with a condition attached to planning permission Ref 107543/FO/2014/C2, dated 9 April 2015.
  - The condition in dispute is No 3 which states that: The premises shall not be open outside the following hours: 06:00 to 24:00 daily.
  - The reason given for the condition is: In interests of residential amenity in order to reduce noise and general disturbance.
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### **Decision**

1. The appeal is dismissed.

### **Background and Main Issues**

2. A McDonald's restaurant is trading at the appeal site. The appellant wishes to extend the opening hours from those originally imposed to 24 hours every day of the week. The Planning Officer's report outlines concerns regarding regeneration, which have not been included in the Council's reason for refusal as outlined within the decision notice. As the appellant has referred to the Council's concerns regarding regeneration in their statements, I have allocated a 'regeneration' section in my assessment below, without prejudice to either party. Accordingly, the main issues are the effect that varying the opening hours would have on:
  - crime and antisocial behaviour;
  - regeneration of the area; and
  - the living conditions of neighbouring residents, with particular regard to noise and activity.

### **Reasons**

#### *Crime and antisocial behaviour*

3. Policy DM 1 of the Manchester's Local Development Framework Core Strategy Development Plan Document adopted 2012 (CS) states that all developments

should have regard to, amongst other things, community safety and crime prevention.

4. The appeal site is located in the city centre of Manchester, across Piccadilly Gardens, which is a large public space. There is a mix of uses within the surrounding area, including restaurants, takeaways, shops, drinking establishments and residential units. The information outlined within the Planning Officer's report indicates that most of the nearby restaurants and takeaways are open until 23:00.
5. Whilst the objection from the Greater Manchester Police (GMP) has been officially withdrawn, there is nothing before me to negate the validity of the crime data within Piccadilly Gardens. This data, which covers several months, and includes various types of crimes, indicates that there is a particular increase in crimes late in the evening and night, particularly after 21:00. The third parties' representations reinforce the issue of antisocial behaviour and crime in the immediate area of the appeal site.
6. The proposed opening times for the appeal site would attract more people in the area later in the evening and night. Most patrons who would use the restaurant/takeaway late at night would likely come from events or drinking establishments within the area. I acknowledge that the submitted crime data concerns Piccadilly Gardens. However, given the close proximity of the appeal site to the public space, and the interconnectivity of the places within the city centre, the proposal would likely exacerbate the existing antisocial behaviour and crime issues within the immediate area.
7. The appellant has drawn my attention to the conditions of the approved licensing application, which require, amongst other things, improvements to the CCTV provision at the site, training of staff members and provision of competent door supervisors. The submitted Site Management Plan also includes measures associated with managing antisocial behaviour and security of the premises. The extension to the opening hours would also allow amendments to the shift patterns of the employees. The management staff is said to be trained to contribute towards a safer environment and the extended opening hours would provide a space for those who require assistance during the night.
8. Notwithstanding the elements outlined above, most of the proposed measures seek to address, rather than prevent, issues related to crime and antisocial behaviour within the area, which is contrary to the crime prevention aim of CS Policy DM 1 and the 'Objectives for Piccadilly' outlined within Statement of Licensing Policy under the Licensing Act 2003 2024-2029. Furthermore, I am unconvinced, due to the limited evidence before me, that safer employees shifts cannot be accommodated without the proposed alteration to the opening times.
9. Accordingly, I find that the proposed variation of the disputed condition would exacerbate the crime and antisocial behaviour issue in the area. Thus, it would be contrary to the aims of CS Policy DM 1. It would also conflict with paragraph 96 of the National Planning Policy Framework (the Framework), which states that planning decisions should aim to achieve safe places, so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion.

### *Regeneration*

10. CS Policy CC 1 concerns the Primary Economic Development Focus: City Centre and Fringe and identifies the city centre as a strategic economic location. CS Policy CC 4 relates to Visitors – Tourism, Culture and Leisure and indicates that proposals to improve the appearance, use and accessibility of all cultural and visitor attractions and associated facilities will be supported. CS Policy SP 1 outlines the Spatial Principles which will guide the strategic development of Manchester to 2027.
11. The Council indicates that a landscape architectural company was selected to lead the design of Piccadilly Gardens, and that works have begun to mitigate the crime and antisocial behaviour within the area.
12. Notwithstanding my findings above regarding the effect of the proposal on the existing crime and antisocial behaviour issue, given the nature and scale of the proposal, and in the absence of substantive evidence in this regard, I consider that the proposed variation of opening hours alone would be unlikely to affect the attractiveness of the area to such an extent as to discourage future investment and thus to be detrimental to the regeneration of the area.
13. Accordingly, the proposed variation of the disputed condition would not have a significant effect on the regeneration of the area. Consequently, there would be no conflicts with the aims of CS Policies CC 1, CC 4, and SP 1, as outlined above.

### *Living conditions*

14. The submitted Noise Impact Report dated October 2024 (NIR) investigates the potential noise impacts arising from the proposal. The NIR examines the four principal noise sources: background noise, patron noise, potential increase in ambient noise and plant noise. Two monitoring positions were chosen for the surveys carried out over several days: monitoring position 1 above the roof of the corridor overlooking the plant associated with McDonalds and monitoring position 2 on the boundary of the adjacent street food stalls overlooking the pedestrianised area in front of McDonalds.
15. In terms of the assessment of patron noise, considerations and/or assumptions were taken into account, which include a prediction of the number of patrons using the restaurant based on a survey conducted at a McDonalds restaurant that operated 24 hours over nights during the Pride event at St Annes Square, and a client survey for the typical patron attendance between 23:00 and 00:00 of 110 patrons on a typical evening and 325 patrons on event evenings.
16. In addition to the initial NIR, which considered the closest residential unit as being on the second floor at 15 Piccadilly Gardens, the submitted Memorandum dated March 2025 provides a revised calculation which takes into account the first-floor receptors at 15-17 Piccadilly. The Memorandum indicates that calculations show that the BS 4142 assessment rating level at the first-floor receptor is 1 dB above the background level between 03:00 and 04:00. For the remainder of the nighttime the levels are predicted to be lower than the background. Overall, the results of the NIR and Memorandum indicate that the proposed extension to the opening times would have a low impact on the living conditions of the occupiers of nearby residential units with particular regard to noise and the associated level of activity.

A Noise Management Plan is recommended to assist in controlling any potential noise impact.

17. Given the evidence before me, the proposed variation of the disputed condition would not cause unacceptable harm to the living conditions of the occupiers of nearby residential units with regard to noise and level of activity. Therefore, it would not conflict in these regards with the aims of CS Policies C 10 and DM 1, and saved Policies DC10.1, 10.4, and DC26.1 of the Unitary Development Plan, which collectively require developments to not cause unacceptable impact on neighbouring uses in terms of noise and disturbance.

### **Other Matters**

18. The appeal site is located within Smithfield Conservation Area and in close proximity to Grade II listed buildings. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and preserving the setting of the listed building. The Council expressed no concerns regarding the effect of the development on the designated heritage assets. Given the nature of the development, I am also satisfied that the development would have a neutral effect on the designated heritage assets.
19. The approved timings under the Licencing Act 2003 do not weigh in favour of the proposal, which I have considered strictly on its planning merits.
20. I acknowledge the appellant's willingness to improve the quality and safety of the area. However, this does not alter my conclusion above, which was drawn based on the evidence before me.

### **Conclusion**

21. The proposed variation of the disputed condition would be acceptable in terms of its effect on living conditions of the neighbouring residents and regeneration of the area. However, I have found that it would exacerbate the existing antisocial behaviour and crime issue, and to this extent there would be conflict with the development plan when considered as a whole. Consequently, the appeal should be dismissed.

*Andreea Spataru*

INSPECTOR