MANCHESTER CITY COUNCIL

Planning

Delegated Officer Report

Summary of application details

Application reference:	PLA-2026-001179
Application type:	Removal/variation of conditions
Proposal:	Variation of Conditions 1 (Plans), 2 (Acoustics), 3 (Hours) attached to planning permission reference 126480/JO/2020 to permit extension of hours to 5:00 Monday to Sunday.
Site address:	83 Piccadilly Manchester M1 2BZ
Ward(s):	Piccadilly
Date application valid:	29 July 2026
Applicant name:	Kentucky Fried Chicken (Great Britain) Limited
Agent (if any):	Mr. Adam Beamish
Case officer:	Lea Joseph
Recommendation:	Refuse
Date of recommendation:	21 September 2026

Description of site, building and/or area

The application site is the ground floor unit of a mixed used building. The ground floor is partitioned and hosts two separate commercial occupiers. A gym use is present at the basement level. An internal plant room is at the rear of the unit; this is shared by the application site, the 2no. commercial units and the residential units.

The existing plant arrangement includes 6no. units including 1no. extraction fan and 1no. air intake fan, both connect to external louvres.

The site is Grade II listed, and within the Stevenson Square Conservation Area. The building has a rectangular layout. The façade is composed of stucco and kept in good condition. The building has distinctive coved pargetted eaves, pilasters, and arched windows.

The surrounding area has a mixed character; including restaurants, bars, hotel and residential uses. Piccadilly Station is within close proximity of the site. The is within the Piccadilly area, within walking distance of the Northern Quarter and the Gay Village.

Description of development

Permission is sought for the variation of the wording of Conditions 1, 2 and 3 to permit an extension of hours to 05:00, Monday to Sunday. The current permitted hours are:

> Monday to Saturday 08:00 to 23:00;
> Sunday 08:00 to 22:00

The proposed hours are therefore 08:00 to 05:00, seven days a week. Condition 2 (Acoustics) and Condition 1 (Plans) also require variation to account for new acoustic assessment submitted with this application. The site would be open to the public and service third-party delivery orders.

Relevant planning history

104548/FO/2013/C2 | Works to existing retail unit to form two demises, comprising A1 shop use at 81 Piccadilly and mixed restaurant and takeaway use (sui generis) at 83 Piccadilly, formation of new entrance, side elevation alterations and internal alterations. (Approved January 2015)

126481/LO/2020 | Listed building consent for external and internal alterations to existing unit associated with internal and external advertisements and restaurant fit-out, comprising external painting of shopfront and replacement louvre, new internal wall openings, modification to internal rear partitions, new internal ceiling, walls, floor and window treatments. (Approved May 2020)

126480/JO/2020 | Variation of conditions 2 (specified plans) and 3 (acoustics) attached to planning permission referenced 104548/FO/2013/C2 to allow modified kitchen & cooking equipment.

Condition 2 of the above permission:

a) The premises and any external plant shall be acoustically insulated and treated to limit the break out of noise in accordance with the recommendations within the submitted documents and plans:

- *Mechanical Ventilation & Environmental Control Equipment, stamped as received by the City Council as local planning authority on 16 June 2020;*
- *Noise Impact Assessment, stamped as received by the City Council as local planning authority on 28 May 2020;*
- *Recirculation Canopy System (Purified Air), stamped as received by the City Council as local planning authority on 16 June 2020; and*
- *Drawing No. PVR 1.8 T/O (Fume Extraction), stamped as received by the City Council as local planning authority on 16 June 2020; and*
- *Email correspondence from Nova Acoustics (8th July 2020) regarding noise forwarded by Andrew Burns (Atalier MB), stamped as received by the City Council as local planning authority on 10 July 2020.*

b) Within 6 months of the date of this planning permission, a verification report shall be submitted to and approved in writing by City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's reports. The report shall also undertake post completion testing to confirm that acceptable criteria has been met for both internal noise and external plant noise.

Any instances of non-conformity with the recommendations in the report shall be detailed along with any further measures required to ensure compliance with the agreed noise criteria. Any further mitigations measures proposed shall be implemented within a timescale to be agreed with the City Council as local planning authority and shall be retained and maintained thereafter.

Reason - In the interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

Condition 3 of the above permission:

Notwithstanding the approved plans and documents as specified in condition 2, the premises shall not be open to the public nor shall there be any home deliveries outside the following hours:

Monday to Saturday 08:00 to 23:00 hours;
Sunday 08:00 to 22:00 hours

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

058729/FO/CITY2/00 | Conversion of 1st to 5th floors of 77-83 Piccadilly, 3 China Lane, 13-15 Paton Street, 56-68 Dale Street to form 106no. apartments & 6no. units to be used for Class A1 (Shop) or Class A3 (Food and Drink) with new build linking into 56-58 Dale Street, associated landscaping works and 19 car parking spaces. (Approved November 2000).

Consultation, notification and publicity responses

Consultations

Environmental Health – Object and recommend refusal on the basis that the acoustic support submitted for this application fails to demonstrate that the noise from the extension of hours, including from deliveries will not cause a noise disamenity to the nearest noise sensitive receptors. There is also no evidence that Condition 2b of planning permission 126480 has ever been discharged.

Greater Manchester Police – Object to the proposal; advised that extending operating hours will exacerbate existing issues and generate further disorder.

Notifications and publicity

A site notice and press notice were published. Letters were sent to surrounding neighbours and businesses. Seven objections have been received. They are summarised below:

- The existing use causes a number of issues for residents including noise, odour and general disturbance.
- External noise nuisance is caused by customers congregating outside the establishment, vehicles, delivery activity and door slamming
- The heavy impact of the door opening and closing reverberates through the properties above the site.
- Extending the operating hours would inevitably prolong this disturbance and further effect living conditions of residents
- Cooking smells transfer to the apartments even when windows are closed. During summer months residents must choose between keeping windows closed in an attempt to reduce exposure to smells and noise or opening them and experiencing external noise disturbance. This situation would be worsened if the operating hours were extended.
- The submitted acoustic assessment does not reflect the reality of residents. The assessment places considerable weight on the background noise environment of the area at Piccadilly whereas noise nuisance is also experienced from extraction equipment, deliveries, servicing arrangements and customer activity at Back Piccadilly and China Lane.
- The use of average noise levels does not reflect the level of disturbance that can be caused by sudden quick sounds such as door slamming.
- The period of time measured in the assessment does not provide an accurate portrayal of the noise environment for a late-night takeaway.
- Residents have complained directly to the business, but no action has been taken to address their concerns.
- Noise, vibration and fumes from idling delivery trucks also impact residential amenity at the site.
- While the application information sates the proposal would have no material impact on residential amenity this is not reflective of the daily reality and technical assessments should not be weighted with more importance than community members.
- Since the applicant began trading at the site in 2021 there have been odour issues that have not been remedied. These have negatively impacted viability of our adjacent business due to the requirement to ventilate the site, which is done when the KFC is not operating; if the hours were extended, we would no longer have the necessary downtime to pump fresh air back into the site and it would make day to day operations impossible.
- Unlike the previous Wok & Go, the applicant fails to meaningfully mitigate their negative impacts on residents. KFC disturbs residents with antisocial behaviour, smells and waste management issues. KFC has treated residents with contempt, they do not address

complaints, and this pattern of behaviour shows they cannot be trusted to meet the requirements of any conditions that would be imposed on a positive decision.
- The benefit of being able to purchase hot food after 11PM is not outweighed by the various additional adverse impacts caused by the proposal.
- Extending the operating hours to 05:00 would remove the overnight quiet period, worsen air and noise pollution and increase risks of crime and anti-social behaviour. The existing permission has an hours restriction to preserve amenity and this application would undermine those protections.
- I object to this application because we are already negatively impacted by odour and shouting, fighting and crime at the site and the company does not show respect for residents.
- I object to this application because we experience noise and disturbance from staff activity, delivers, customers, transfer of waste to external bins. The applicant has not addressed issues around odour; external noise is likely to increase with longer hours as customers congregate outside the site. Later hours lead to later delivers and waste handling would be more disruptive when the background noise levels are lower.

Councillor Lyons (Ward Member for Deansgate) requested that objections made by residents are taken into account, particularly given the residential accommodation is immediately above the premises.

Relevant policies

The following policies are relevant to consideration of this application within the development plan:

Places for Everyone Joint Development Plan (2024-2039)
JP-P1 Sustainable Places

Manchester Core Strategy (2012-2027)
SP1 Spatial Principles
C8 Local Centres
C10 Leisure and the Evening Economy

Saved Unitary Development Plan (1999) policies
DC10 Food and Drink Uses
DC26 Development and Noise

Other Material Considerations:

National Planning Policy Framework (2026)
Chapter 17 Pollution, public protection and security

Assessment

Residential Amenity

The application site is on Piccadilly, approximately 50m from Piccadilly Gardens. The adjacent No.81 Piccadilly has retained the existing hours arrangement and does not form part of the application. The principle of the proposed use has been established by the previous approvals at the site.

Amongst the nearest evening uses Piccadilly Tavern closes at 23:00 Monday to Thursday, and 00:00 Fridays and Saturdays. Amongst similar 'fast-casual' restaurant-takeaway uses within the vicinity--Costa Coffee at 1 Portland Street, Greggs at Piccadilly the latest closing time is 19:30. Subway, located at Clayton House, has a latest closing time of 01:30, on Friday and Saturday however the permission for the site was granted in 1982 (reference 018855) with no conditions imposed. Great British Doner at 87 Piccadilly was granted consent in 2025 with a closing time of 23:00 (reference 143708/FO/2025).

As is set out in policies DC26, DC10, C8 and C10, proposals for late night food and drink uses require careful consideration of potential amenity impacts. This includes noise, disturbance and existing safety issues within the area affected by the proposal.

The application site is at the ground floor of a block of residential flats, the conversion to residential on the 1st to 3rd floors of the application site pre-dates the applicant's occupation of the ground floor premises by 20 years. As part of the previous variation application (reference 126480/JO/2020) to facilitate the establishment of the use at the application site, an acoustic assessment was submitted. This assessment considered internal/operational noise, including from deliveries as well as external plant noise. All plant equipment is sited within a centralised room at ground floor, 1no. extraction duct and 1no. air intake fan connect to the site's exterior.

National Planning Policy Framework Chapter 17, decision-making policy P3 states developments should be appropriate for their location, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise and not result in levels of noise exposure which would have a significant observed adverse effect.

Previous planning permission and compliance

In reference to external plant noise the previously submitted assessment concluded that:

[..] the plant noise incident on the NSR [Noise Sensitive Receptor] falls above the typical background sound level during the most sensitive period of operation. This indicates the potential for adverse impact on the NSR.

In reference to internal noise the assessment concluded that:

The Proposed Development adjoins a dwelling and thus there is a high likelihood that the neighbouring dwelling will be impacted by structure-borne noise transferring through the adjoining partition, as well as flanking sound.

Mitigation measures, including 2no. external acoustic louvres, 1no. silencer for the proposed extract duct and internal alterations to improve insulation of ceilings and floors were recommended. The report stated that **all** recommendations outlined in Section 4 must be implemented "to ensure all surrounding residential dwelling are not impacted by any proposed plant units." Additional insulation to the plant room was also recommended during the period of consideration and is discussed further below.

Thus, the previous variation of condition (126480) was assessed for potential adverse impacts on residential amenity, and the variation was granted on the basis that potential noise nuisance would be controlled by condition. The officer report states:

Environmental Health have raised no objection to the proposal subject to a verification of the acoustic measures [..]

Taken together the above information demonstrates that the use was not considered to have an unacceptable impact on residential amenity subject to multiple internal and external mitigation measures, Condition 3 stated that these measures were to be fully implemented by the applicant and approved in writing by the Local Planning Authority by April 2020.

Since the permission was granted, there are no records of a verification report being submitted for these conditions, thus it is unclear if the any of required internal or external attenuation measures were never implemented. The covering letter submitted by the applicant for this application acknowledged that the "treatment of joisted floors of the host building and installation of a new internal ceiling to the premises", as consented in application 126481/LO/2020, have not yet been implemented. No further Listed Building consents have been submitted by the applicant. Thus, it is likely proposed internal insulation measures were never implemented on the site.

Internal noise transfer

The noise assessment, submitted as part of this application, measured noise levels from the external elements of the extraction and fresh air systems, and predicted noise from comings and goings of delivery drivers and patrons. The assessment concluded that the extended operating hours would have no negative impacts or loss of residential amenity.

The assessment did not assess internal operational noise, including noise from the internal plant room. Thus, the assessment does not account for noise transfer to adjoining residences by way of internal partitions (walls, ceilings), nor 'flanking' noise (indirect noise transfer between spaces).

The basis of the acoustic assessment, the background noise level, was measured across a period of two hours, from 01:00 to 03:00 on Saturday June 20th. This method weakened the resulting analysis and conclusions for two reasons. First, in order to accurately assess the impact of the proposed operating hours, data should have been collected across the entirety of the extended period (i.e. from 23:00 to 05:00, on weekdays and weekends). Secondly, background noise levels may be exceptionally high on a Saturday. As the site is located within a heavily trafficked area, within walking distance of multiple drinking establishments, and other evening leisure uses. This Saturday night atmosphere may have concealed the external noise generated by the plant equipment; it is unlikely that these same levels of noise would be recorded on a weekday between 01:00 and 03:00. Indeed, background noise levels set out in the acoustic assessment for application 126480/JO/2020, in which data was gathered continuously from Friday January 3rd, 2020, at 13:30 to Sunday January 6th at 09:00 indicate a clear reduction in background noise in the late evening-early morning periods.

Table 9. Measurement data MP2

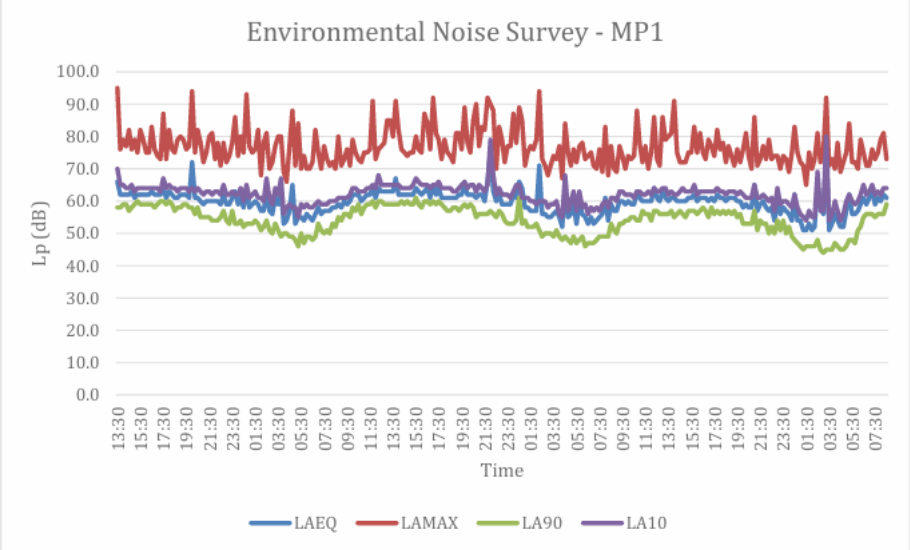
Date	Start Time	$L_{Aeq\ 15\ min}$	$L_{A90\ 15\ min}$
20/06/26	01:00	58	56
20/06/26	01:15	58	56
20/06/26	01:30	58	56
20/06/26	01:45	58	56
20/06/26	02:00	58	56
20/06/26	02:15	58	56

Table 10. Measurement data MP3

Date	Start Time	$L_{Aeq\ 15\ min}$	$L_{A90\ 15\ min}$
20/06/26	02:30	61	56
20/06/26	02:45	61	56

Background levels at LA90 set out in acoustic assessment, Ned Johnson Acoustics, for application PLA-2026-001179.

Appendix D – Environmental Sound Survey



Graphic summary of background noise levels included in acoustic assessment, prepared by Nova Acoustics for application 126480/JO/2024.

Thus, the Ned Johnson acoustic assessment is too limited, its fails to cover the entirety of the new proposed hours thereby missing potential increases in noise occurring after 03:00, and noise during weekdays and it did not include assessments of any internal sources of noise. It is therefore considered that the proposal has not effectively evidenced that it would meet the necessary requirements for noise as it pertains to the nearest residential uses directly above the application site. The proposal could result in late night disturbance to residents. This is contrary to the requirements of Manchester Core Strategy policies C8, C10 and DM1, saved policies DC10 and DC26, and National Planning Policy Framework Chapter 17.

Seven objections have been received in respect of this matter which have also been supported by Councillor Lyons. These objections provide clear evidence of internal noise disturbance travelling through the building and external noise impacting exterior windows due to patrons, delivery drivers and others congregating outside of it.

The application for variation is unacceptable given the given the existing scheme is operating without appropriate controls and mitigation in place to prevent noise traveling throughout the upper levels of the building. There is also inadequate information to support future operations of the uses during the extended operating hours without having an unduly harmful impact on amenity.

Comings and goings

The application site is located in close proximity to evening economy uses, including Canal Street within the Gay Village, drinking establishments along Piccadilly, and the Northern Quarter.

Patrons of these uses are likely to be attracted to the site during the extended hours of 23:00 to 03:00 and to a lesser extent 03:00 to 05:00. Visitors to the site from these premises are likely to be noisy in their comings and goings from the premises and as they loiter outside. This can include, shouting, screaming, singing, car honking, and arguing.

The application site will also remain open for online delivery orders; thus, noise levels during these sensitive hours are likely to increase as drivers arrive to the site and wait to collect orders. This noise can include talking, laughing, honking and shouting.

It is therefore considered that the external noise from patrons attracted to the site from nearby late-night uses could have an undue negative impact on the residential amenity of the adjoining properties during sensitive nighttime hours. Furthermore, no management plan or arrangement has been proposed by the applicant. As noted, the submitted noise assessment has not effectively measured these external noise sources. Five objections have noted issues of shouting, car idling, door slamming causing disturbance in the evenings.

The proposed variation is therefore considered to be contrary to the provisions of Core Strategy policies SP1, DM1, DC26, DC10.

Crime and Anti-Social Behaviour

National-decision making policy P5(a) states that development proposals should identify potential safety risks and proportionate mitigation opportunities which can be addressed through the design of the scheme, with regard to both crime generation and fear of crime.

The Piccadilly area has excessively high levels of crime and anti-social behaviour.

There is a high number of offenses associated with late night restaurant-takeaway uses, more so than other uses within the area. The extension to the operating hours from 23:00 to 05:00 would exacerbate existing crime and antisocial behaviour in the area.

There are wider efforts in the immediately vicinity, around Piccadilly Gardens, in particular to improve the quality of the environment

The Greater Manchester Police have objected to the proposal, due to significant concerns that the extended hours would negatively impact the existing issues within the area.

A similar application to extend hours at Nos. 11-13 Piccadilly (McDonalds) was refused in December 2024 and subsequently appealed (reference APP/B4215/W/25/3362307). In their decision to dismiss the appeal the Inspector stated:

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

For the reasons set out above the proposal is considered to be contrary the provisions around safety and security set out in Core Strategy policies C10 and DM1, and Places for Everyone policy JP-P1.

Impact on Heritage Asset and Conservation Area

The application does not include external alterations or changes to the appearance of the site. Any future alterations for sound mitigation would require Listed Building Consent.

Thus the proposal is considered to have no impact on the historic significance of the site and the Stevenson Square Conservation Area.

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 polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the 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.

Conclusion

The proposed extension of hours would result in a divergence from the existing pattern of development of the area, with a resulting negative impact on residential amenity. The proposal is also likely to exacerbate crime, nuisance and antisocial behaviour within the area. The applicant has not effectively demonstrated the proposed change to the operating hours would be acceptable under the requirements of Places for Everyone (2024) policy JP-P1, Core Strategy (2027) policies SP1, C8 and C10, Saved polices DC10 and DC26, and the National Planning Policy Framework.

Article 35 Declaration
In assessing the merits of a planning application, officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. All such issues have been resolved due to the discussions within the applicant and the conditions.

Recommendation: **Refuse**

Reasons for refusal

1) The proposed extension of opening hours of the existing takeaway-restaurant would constitute a potential noise nuisance to the adjoining upper floor residential accommodation late at night, by virtue of the potential increased noise from external and internal plant, and movements associated with the comings and goings of customers and delivery drivers from the site in combination with customers from other existing night-time uses. This would result in an unduly harmful impact on residential amenity which is contrary to the provisions of policies JP-P1 of Places for Everyone, policies SP1, C8, C10 and DM1 of the Manchester Core Strategy (2012), saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF.

2) The proposal would exacerbate existing crime and antisocial behaviour within the immediate area and around Piccadilly Gardens/approach to Piccadilly station. The proposed application is therefore contrary to Core Strategy Policies DM1, C8, C10, and SP1 and saved Unitary Development Plan Policies DC10 and DC26, Places for Everyone policy JP-P1 and the National Planning Policy Framework (NPPF).

Planning Inspectorate

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

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.

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