



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.
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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