

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132178/JO/2021

Date registered valid: 9 November 2021

Proposal: Variation of planning condition 5 (Opening Hours) associated with planning permisison 131602/FO/2021 to allow Bingo Hall to open Monday to Sunday (including Bank Holidays) from 08:00 to 02:00 ,

Address: Unit 21 Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH

Ward(s): Harpurhey Ward

Applicant: LOL Bingo Unit 21 Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH

Agent (if any): Mr Jonathan Phillips Bidwells LLP Seacourt Tower, West Way, Oxford, OX2 2JJ

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 1 February 2022

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 15 November 2021 Expired: 6 December 2021

Neighbour notifications

Printed: 15 November 2021 Expired: 6 December 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application site relates a commercial unit located within the Harpurhey District Centre that also includes the Harpurhey District Office, North City Shopping Centre, health centre, Police Station, petrol station and a drive thru restaurant/take away.

This application seeks to vary condition 5 of planning permission 131602/FO/2021, which granted permission on 8 November 2021 for the change of use of the premises to a bingo hall use with ancillary amusement machines, at Units 21/22 Harpurhey Shopping Centre, Lee Road, Harpurhey, M9 4DH. Condition 5 restricts the hours of use to 1000-2200 each day.

The proposal seeks to vary the condition to allow the opening hours to be :

Monday to Friday 08:00hrs - 02:00hrs Saturday, Sunday and Bank Holiday 08:00hrs - 02:00hrs

The application site itself comprises two units within a large storey brick-built building.

The application site faces Moston Lane and the area is characterised by a retail predominately retail and other commercial uses town. There are residential properties adjacent the site namely Moston Lane, Dalbeate Street and Raftord Road.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and no representations were received

Greater Manchester Police - commented that the area suffers from very high levels of crime (over 1,700 crimes were recorded between 01/01/21 and 31/12/21, within 500m of the site), in particular less serious wounding, theft and criminal damage. During that period, there were 26 recorded personal robbery offences (many of which were violent), as well as some business robberies where staff were threatened with violence/weapons. I understand that the nearby KFC drive-through restaurant closes at 9pm, the nearby McDonalds is drive-through only late at night and the Asda petrol station is only open as a pay-at-pump facility late at night. I also understand that footfall in the area is minimal from when the Asda supermarket closes (at 9/10pm) until staff arrive at the centre the next working day (e.g. from approx. 5am on market days).

Should the premises be open until 2am, it will be somewhat remote/isolated in an area that benefits from limited levels of activity, passive surveillance and direct overlooking at that time of night. Staff working at the premises and customers coming to and from the premises late at night/in the early hours of the morning are likely to be vulnerable, particularly given the existing crime levels in the area and the nature of the business (with offenders likely to assume that cash will be on-site and customers may be arriving/leaving with cash). If planning permission was granted and a condition imposed relating to a security protocols to be adopted within the premises late at night, this would still not address the inherent vulnerability of customers (and staff) coming to/from the premises late at night/during the early hours of the morning in this high crime area. For these reasons, we would not support the premises being open after 10pm, as already approved.

Environmental Health were consulted and raised concerns regarding the hours of operation being 12.00 pm at night would have a harmful impact on the local residents.

The Highways Team were consulted and raised no objection to the proposal.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making.

The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF states that to achieve this, there are three overarching objectives, which need to be pursued mutually. Firstly, the economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth. Secondly, the social role is required to support communities by creating a high-quality built environment with accessible local services to reflect the needs of the community. Lastly, the environmental role should protect and enhance the natural, built and historic environment.

However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

Section 6 of the NPPF 'Building a strong, competitive economy' seeks to help to create conditions in which businesses can invest, expand and adapt. It recommends that significant weight be placed on the need to support economic growth and productivity, taking account both of local business needs and wider opportunities for development.

Manchester Core Strategy 2012

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting.
- Development should have regard to the character of the surrounding area.
- Effects on amenity and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Design for health.
- Green Infrastructure including open space, both public and private.

SP1

Spatial Principles The key spatial principles which will guide the strategic development of Manchester to 2027 are:

The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high-quality city living.

The emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

All development should have regard to the character, issues and strategy for each regeneration areas described in the North, East, Central and South Manchester and Wythenshawe

Core Development Principles

Development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character.
- making a positive contribution to the safety and wellbeing of residents

Policy C10 Leisure and the Evening Economy with the Core Strategy stating that District and local centres play a vital role and In some areas concentrations of uses associated with the evening economy have led to problems with anti social behaviour, while other parts of the City suffer from lack of activity during the evening. It is important that the uses within centres are carefully balanced so that evening/night-time uses are complementary to neighbouring uses. The policy states that when considering the impact of a proposed restaurant/take away regard will be had to this policy and also factors including the character of the centre and its frontage and the nature of the use proposed and the potential impacts of the proposal on the wider community.

This policy aims to encourage evening and night time economy uses that contribute to the vitality of the Manchester's centres and that support the creation of a safe, balanced and socially inclusive evening economy, stating that centres, in particular the City Centre and District Centres, have an important role as the focus for the City's evening economy.

Where permission is granted, the Council will seek to ensure that any potential harm to the area, from the proposal, can be controlled, for example by limiting the hours of operation and the Core Strategy notes that smaller groups of shops are often found within primarily residential areas and are therefore less commercial in character, stating that proposals for commercial uses which are busy in the evening in Local Centres will be carefully considered to ensure that the amenity and character of the surrounding area is protected.

For the reasons outlined within the issues section of this report the proposal is not considered to be in accord with policies contained within the Core Strategy.

Policy C2 District centres Development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services.

Development in District Centres should: Prioritise delivery of key 'visitor' services, including retail, public and commercial services and food and drink. The Council will ensure that retail remains the principal use in Primary Shopping Areas, but also ensure that provision is made in District Centres for commercial and service uses, leisure and community facilities and other uses which make a positive contribution to vitality and viability of centres. Subject to impact on the time during which District Centres are active;

New development should respect and enhance the character of existing centres.

Policy C3 North Manchester District Centres - Cheetham Hill and Harpurhey

There is capacity for approximately 1,000 square metres convenience and 4,000 square metres comparison retail growth in North Manchester up to 2027. The focus for additional floorspace should be in Harpurhey.

Redevelopment within Harpurhey District Centre has the potential to provide increased retail floorspace alongside additional uses, including food and drink, employment and community facilities. There are opportunities to introduce some new housing into both centres with relatively small scale employment areas also identified in Harpurhey.

There are also Saved Unitary Development Plan Policies which are relevant to the consideration of this application.

Saved UDP Policy DC26.1 - Relates to the proposals contribution to the local noise environment and the impact of existing noise sources on the development has been assessed, particularly in relation to the dwellinghouses in proximity to the restaurant

Saved UDP policy DC26.3 states that developments likely to result in unacceptably high levels of noise will not be permitted in residential areas.

Principle

The application site situated within the Harpurhey District Centre of Manchester is located in close proximity to residential properties and a mix of commercial uses within the shopping centre itself. The vast majority of the commercial premises contribute to the daytime economy and cease operation in the early evening. The proposed extension to the opening hours would fail contribute positively to the overall character, local amenity and vitality of Harpurhey District Centre by introducing a late-night use to the area when the District Centre is not active. This would also have an unduly harmful impact on nearby residential amenity, and public safety due to increased comings and goings in the District Centre creating noise and disturbance into the early hours of the morning as well as limited natural surveillance leaving patrons and staff vulnerable. Therefore, the extending hours to the early hours of the morning is contrary to the provision of policies SP1, C2, C3, C10 and DM1 of the Manchester Core Strategy (2012), saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF.

Residential Amenity

The application site is located on a prominent position on a major radial route on the edge of a commercial shopping centre. As such, it is considered that the increase in hours would have the potential to attract trade from within the neighbourhood and wider community , including those travelling past from the city centre in the early hours of the morning and that the comings and goings from both car borne traffic and visiting members of the public to the site would adversely affect the amenity of nearby residents night/ early morning hours. Therefore, the proposal is contrary to DM1 as the development does not have regard to the harmful effects on amenity and traffic generation. The proposal is not sensitive to existing environmental conditions, such as noise in this instance. Policy C10 recognises that district and local centres play a vital role and In some areas concentrations of uses associated with the evening economy have led to problems with anti social behaviour and It is important that the uses within centres are carefully balanced so that evening/night-time uses are complementary to neighbouring uses.

The policy states that when considering the impact of a proposals, regard will be had to the character of the centre and the nature of the use proposed and the potential impacts of the proposal on the wider community. This proposal would bring noise and activity into a location that would be at odds with the operation times of many of the businesses within the district centre resulting in noise and activity not conducive to the existing environmental conditions.

Although the policy aims to encourage evening and night time economy uses in some areas that may contribute to the vitality of District Centres, the council will seek to ensure that any potential harm to the area, from the proposal, can be controlled, for example by limiting the hours of operation where stating that proposals for commercial uses which are busy in the evening in Local Centres will be carefully considered to ensure that the amenity and character of the surrounding area is protected. Therefore, the proposal to extend the hours of operation is an unacceptable form of development.

Furthermore, policy DC26 of the unitary development plan relates to the proposals contribution to the local noise environment and the impact of existing noise sources on the development has been assessed, particularly in relation to the dwelling houses in proximity to the Bingo Hall , states that developments likely to result in unacceptably high levels of noise will not be permitted in residential areas. The extension of the hours, to the early hours of the morning would result in heightened activity in an area that currently experiences good levels of amenity due to low environmental noise conditions, which would be interrupted to an unacceptable level currently enjoyed. Therefore, the proposal is contrary to saved policy Dc26.

Security and Public Safety

Greater Manchester Police (GMP) accessed the proposal against crime statics analysis for the surrounding area received from the local policing team, who cover the area where the premises are located and raised concerns that the area suffers from very high levels of crime (over 1,700 crimes were recorded between 01/01/21 and 31/12/21, within 500m of the site), in particular less serious wounding, theft and criminal damage. During that period, there were 26 recorded personal robbery offences (many of which were violent), as well as some business robberies where staff were threatened with violence/weapons. Greater Manchester Police confirmed that the nearby KFC drive-through restaurant closes at 9pm, the nearby McDonalds is drive-through only late at night and the Asda petrol station is only open as a pay-at-pump facility late night. I also understand that footfall in the area is minimal from when the Asda supermarket closes (at 9/10pm) until staff arrive at the centre the next working day (e.g. from approx. 5am on market days).

GMP concluded that should the premises be open until 2am, it will be somewhat remote/isolated in an area that benefits from limited levels of activity, passive surveillance and direct overlooking at that time of night. Staff working at the premises and customers coming to and from the premises late at night/in the early hours of the morning are likely to be vulnerable, particularly given the existing crime levels in the area and the nature of the business (with offenders likely to assume that cash will be on-site and customers may be arriving/leaving with cash). If planning permission was granted and a condition imposed relating to a security protocols to be adopted within the premises late at night, this would still not address the inherent vulnerability of customers (and staff) coming to/from the premises late at night/during the early hours of the morning in this high crime area. For these reasons, we would not support the premises being open after 10pm, as already approved. Therefore, the proposal is contrary to policy DC1 which states that all development should have regard to community safety and crime prevention and SP1 states all development should make a positive contribution to the safety and wellbeing of residents.

Character

The Council will ensure that retail remains the principal use in Primary Shopping Areas such as Harpurhey District Centre, but also ensure that provision is made in District Centres for commercial and service uses, leisure and community facilities and other uses which make a positive contribution to vitality and viability of centres, subject to new development respecting and enhancing the character of existing centres. Harpurhey district centre is characterised by mainly retail premises and is considered to have an acceptable mix of other uses that make a positive contribution to its character. The character of the area is also characterised by the hours of operation of the business. The predominant hours of operation within the district centre are daytime hours. The applicant states other uses operate within the district centre late into the evening. However, the example given by the application relates to the petrol station at Asda which operates till 10pm during the week and the Drive through element of the McDonalds that operates into the early hours and no other units within the shopping

centre have planning permission granted to operate into the late evening. Therefore, allowing the Bingo Hall to operate in isolation would be at odds with the character of the district centre and contrary to Core Strategy for Manchester policies DM1, SP1, C2, C3 and C10.

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 this instance it was not considered possible to negotiate an appropriate solution that was acceptable to the Local Planning Authority, as the nature of the proposal was considered to be fundamentally unacceptable due to the inadequate level of dedicated car parking and amenity space provided, the standard of accommodation proposed, the means of access proposed and the waste management arrangements, and resulting impacts that this would have.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1) The proposed extension to the opening hours would fail to contribute positively to the overall character, local amenity and vitality of the Harpurhey District Centre by introducing a late-night use to an area in the District Centre that is not active. This would also have a unduly harmful impact on nearby residential amenity, due to the close proximity of Moston Lane, Dalbeattie Street and Radford Drive and public safety due to increased comings and goings in the District Centre creating noise and disturbance into the early hours of the morning as well as limited natural surveillance leaving patrons and staff vulnerable. The proposal is contrary to the provision of policies SP1, C2, C3, C10 and DM1 of the Manchester Core Strategy (2012), saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

8 Huncote Drive, Manchester, M9 4AZ
2 Hersham Walk, Manchester, M9 4BD
6 Hersham Walk, Manchester, M9 4BD
4 Hersham Walk, Manchester, M9 4BD
Mancat, Rochdale Road, Manchester, M9 4AF
Units 8 To 14, Harpurhey Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 31, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Moston Lane Petrol Filling Station, Rochdale Road, Manchester, M9 5AR
Macdonalds, Walter Street, Harpurhey, Manchester, M9 4DS
6 Huncote Drive, Manchester, M9 4AZ
Unit 33B, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 33A, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
KFC Restaurant, 10 Moston Lane, Manchester, M9 4DS
Harpurhey District Office, 6 Moston Lane, Manchester, M9 4DD
Units 49 And 51, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 45, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 43, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 41, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 39, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 35, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 33, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 31A, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 1A, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit A, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 29, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 27, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Forster Dean Ltd, Unit 25, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 23, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 19, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 17, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 15, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 12, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 11, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Farmfoods, Unit 10, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 9, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
BrightHouse, Unit 8, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Barnardo's, Unit 7, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 6, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 5, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 4, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 3, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 2, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
North City Library, Rochdale Road, Manchester, M9 4AF
North Manchester Sixth Form College, Rochdale Road, Manchester, M9 4AF
Barnes Green Post Office, Lee Road, Manchester, M9 4DL
2 Lee Road, Manchester, M9 4DH
3 Lee Road, Manchester, M9 4DH
4 Lee Road, Manchester, M9 4DH
5 Lee Road, Manchester, M9 4DH

6 Lee Road, Manchester, M9 4DH
7 Lee Road, Manchester, M9 4DH
8 Lee Road, Manchester, M9 4DH
9 Lee Road, Manchester, M9 4DH
10 Lee Road, Manchester, M9 4DH
1 Lee Road, Manchester, M9 4DH
5 Rockfield Drive, Manchester, M9 4BF
8 Hersham Walk, Manchester, M9 4BD
5 Monkwood Drive, Manchester, M9 4BB
2 Huncote Drive, Manchester, M9 4AZ
3 Monkwood Drive, Manchester, M9 4BB
1 Monkwood Drive, Manchester, M9 4BB
4 Huncote Drive, Manchester, M9 4AZ
9 Longdell Walk, Manchester, M9 4AW
7 Longdell Walk, Manchester, M9 4AW
5 Longdell Walk, Manchester, M9 4AW
3 Longdell Walk, Manchester, M9 4AW
15 Longdell Walk, Manchester, M9 4AW
13 Longdell Walk, Manchester, M9 4AW
11 Longdell Walk, Manchester, M9 4AW
1 Longdell Walk, Manchester, M9 4AW

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1