MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141497/JO/2024
Date registered valid:	19 November 2024
Proposal:	Variation of conditions 3 (servicing hours) and 4 (opening) attached to planning permission referenced 101457/JO/2013/N1 to allow servicing hours 07.00 to 23.00 hrs daily and opening hours 08.00 to 00.30 Sunday to Thursday, 08.00 to 01.30 Fridays and Saturdays and Bank Holidays
Address:	Unit 1 Harpurhey Shopping Centre, Rochdale Road, Manchester, M9 4DH
Ward(s):	Harpurhey Ward
Applicant:	Tenpin Ltd
Agent (if any):	Planning Potential Ltd
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**20 January 2025**

Application details

Type of application: Variation or Removal of Condition

Development type: Major Retail

Date of site visit: 11 December 2024

Standard consultations:
Printed: 21 November 2024 Expired: 12 December 2024

Neighbour notifications
Printed: 21 November 2024 Expired: 12 December 2024

Site notice
Posted: 11 December 2024 Expired: 4 January 2025

Press advert
Published: 26 November 2024 Expired: 10 December 2024

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 to Unit 1 Harpurhey Shopping Centre within the Harpurhey ward of north Manchester. The site relates to the former Wilko sited to the western edge of the District Centre and relates to a unit with up to 3 storeys consisting of red brick, grey roller shutters and corrugated and cladded roof. The unit is accessible from both Rochdale Road and the walkway to the north of the site.

Description of area

Rochdale Road sits to the west of the applicant site, Church Lane sits to the south of the site and a pedestrianised walkway sits to the north of the site leading to the shopping centre, car parks and Asda food store to the east.

The site is predominantly commercial in nature given the use as a District centre, with a mix of retail and leisure/ late night-uses.

Description of development

The application seeks consent for the variation of conditions 3 (servicing hours) and 4 (opening) attached to planning permission referenced 101457/JO/2013/N1 to allow servicing hours 07.00

to 23.00 hrs daily and opening hours 08.00 to 00.30 Sunday to Thursday, 08.00 to 01.30 Fridays and Saturdays and Bank Holidays.

The applicant relates to Tenpin bowling, who would operate at the unit.

101457/JO/2013/N1 supersedes the original consent for the Harpurhey District Centre development (065925/FO/NORTH1/02). Whilst 101457/JO/2013/N1 relates to unit 15 only within the consent, the current application relates to unit 1. However, both are recognised to sit within the wider district centre. As a result of the current proposal, the resulting permission would change the opening hours for two units (unit 15 and unit 1), and the servicing hours for one unit (unit 1).

Planning History

The applicant site of the Harpurhey District Centre is subject to several planning applications.

Applications relating to hours of operation include:
101457/JO/2013/N1- Unit 15 North City Shopping Centre- Variation of condition 11 attached to previously approved application 065925/FO/NORTH1/02 to allow a variation in opening hours for Unit 15 only to 08.00 to 22.00 Monday to Saturday and 09.00 to 22.00 on Sundays.
Approved 21 March 2013.

Previous applications for Unit 1 can be found under:
098868/AO/2012/N1- Installation of 5 no. vinyl graphics to windows.
Approved 20 April 2012.

098016/AO/2011/N1- Various illuminated and non-illuminated signage to Wilkinson's store (including fascia signage and projecting sign), logo sign to existing totem on Moston Lane and logo sign to existing clocktower and to existing trolley park sign.
Split- Approved and Refused- 27 January 2012.

076111/AO/2005/N1- Erection of internally illuminated sign.
Approved 10 August 2005.

073719/FO/2004/N1- Installation of new shop frontage to Rochdale Road and new shop frontage to pedestrian precinct.
Approved 21 December 2004.

073718/AO/2004/N1- Display of internally illuminated fascia signage.
Approved 20 December 2004.

Applications for the development of the site relate to:
065925/FO/NORTH1/02- Harpurhey District Centre, Rochdale Rd/Moston La/Church La/Upper Conran St- The relocation of the existing market hall & police station. The redevelopment to form 21 no units for use within use classes A1, A2 & A3, a new market area & replan & refurbishment of car park & malls.
Approved 5 December 2002.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Highway Services

Highway Services were consulted on the application and confirmed they have no objections to the variation of the servicing hours and opening conditions.

Environmental Health

Environmental Health were consulted on the application and confirmed they had no objection to the variation of conditions 3 (servicing hours) and 4 (opening hours) as applied for.

GMP

Greater Manchester Police were consulted and the following response was received:
GMP / Design for Security are satisfied with the proposals to vary planning condition 3 (delivery hours) & 4 (opening hours).

Issues

POLICY

The National Planning Policy Framework (NPPF) (December 2024)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective, b) a social, and c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:
Chapter 8. Promoting healthy and safe communities
Chapter 9. Promoting sustainable transport
Chapter 12. Achieving well-designed places.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012, updated March 2024 following Adoption of Places for Everyone Joint Development Plan.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:
Policy DM1 (Development Management)
Policy SP1 (Spatial Principles)

Policy EN19 (Waste)
Policy T1 (Sustainable Transport)
Policy C10 (Leisure and the Evening Economy)
Policy C1 (Centre Hierarchy).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

Policy DC10 (Food and Drink Uses) - This policy (DC10) is relevant to the proposed development and particular consideration has been given to the following:

Policy DC10.1 - States that, in determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises, the Council will have regard to:
a. The general location of the proposed development, including any reference to the area in other policies in the development plan;
b. The effect on the amenity of neighbouring residents;
c. The availability of safe and convenient arrangements for car parking and servicing;
d. Ease of access for all, including disabled people;
e. The storage and collection of refuse and litter.

Policy DC10.4 - Where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

Policy DC26.1 states the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both: a. the effect of new development proposals which are likely to be generators of noise; and b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states new noise sensitive developments (including large scale changes of use of existing land or buildings) such as housing, schools, hospitals, or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Policy DC26.4 states where the council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it and screening by natural barriers or other buildings or noncritical rooms within a building; and c) administrative steps, including limiting the

operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all these factors will be considered appropriate for inclusion in conditions on any planning permission

Policy DC26.5 states the council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:
JP- S1- Sustainable development
JP-P1- Sustainable Places.

ISSUES

Principle of Development

The application seeks consent for the variation of conditions 3 (servicing hours) and 4 (opening) attached to planning permission referenced 101457/JO/2013/N1 to allow servicing hours 07.00 to 23.00 hrs daily and opening hours 08.00 to 00.30 Sunday to Thursday, 08.00 to 01.30 Fridays and Saturdays and Bank Holidays. The principle of the use has already been established by the host and previous planning permissions. The only issue for consideration in this case, relates solely to the impact of the extended opening hours and servicing hours. Namely, the impact to residential amenity.

Residential Amenity

Policies DM1 and SP1 of the Core Strategy indicate that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents. Saved policy DC26 of the UDP requires consideration of uses likely to result in the generation of noise.

The change of use of Unit 1 from a Wilkinson shop (class E(a)) to Tenpin bowling alley (class E(d)) is considered a permitted change. It is recognised that the Harpurhey District Centre is a busy shopping centre, with late night uses including the McDonalds to the north (open 24 hours) and KFC to the north (open until 11pm).

Servicing hours:
In regard to the servicing hours, the applicant wishes to increase the hours to 07.00 to 23.00 hrs daily. The existing permission restricts servicing hours to 07:30 to 19:00 Monday to Friday 08:00 to 17:00 on Saturdays, no deliveries or servicing on Sundays or Bank Holidays. As such, deliveries would occur on Sundays and Bank Holidays, and hours would be extended for every other day as a result of the submitted application.

The servicing point for the unit is sited to the south, accessed from Church Lane. The Harpurhey Health Centre sits to the south of the applicant site but closes at 6.30pm on weekdays and is not open on the weekend. The nearest residential properties would be to the west side of Rochdale Road or to the south along Church Lane. As such, there are not considered to be any immediate residential properties to be impacted by the extended servicing hours, and the servicing would be contained within the commercial nature of the District Centre.

A noise impact assessment was also undertaken and submitted for review. As stated within section 6.1, the increased deliveries have been modelled and would be substantially below the existing background noise level during the worst- case daytime delivery period and therefore will result in no change to existing background noise level at the receptor. As such, the Noise Assessment concludes there is not expected to be a significant noise impact as a result of the extended hours to deliveries. Colleagues in Highway Services and Environmental Health have reviewed the proposal and have no objection to make in regard to the extended servicing hours.

Therefore, on balance it is considered that the increase in servicing hours of the premise would not result in detrimental impacts upon either the highway network or nearby residential amenity of occupants to the west side of Rochdale Road or to the south along Church Lane. As such, the revised servicing hours would not conflict with saved policies DC26 of the UDP and policies SP1, DM1 and T1 of the Core Strategy.

Opening hours:
The proposal seeks for the opening hours to be amended as followed:
08:00 to 00:30 Monday to Thursday
08:00 to 01:30 Friday and Saturday
08:00 to 00:30 Sunday
08:00 to 01:30 Bank Holidays

The previous consent of 101457/JO/2013/N1 allowed consent for the following hours:
07.30 to 19.00 Monday to Saturday
09.00 to 18.00 on Sundays

It is noted that the proposed hours would increase the opening duration in the evenings, operating as late as 01:30am on Fridays, Saturdays and Sundays. It is noted that this unit would start to operate as a late night use, in comparison to its previous use as a shop.

It is noted that this use would be contained within a District Centre surrounded by commercial units. It is also noted that the Centre is already home to late night uses including the McDonalds to the north (open 24 hours) and KFC to the north (open until 11pm). As such, there is an emerging precedence of late night uses in the immediate area and given the proposal of a bowling alley, the unit with increased opening hours is not considered to give rise to significant implications in terms of the intensification of the use or comings and goings, Further, GMP were consulted as part of the application and did not raise any objection to the opening hours being extended.

Given the commercial nature of the proposal and given residential uses would be separated from the use- located to the west side of Rochdale Road and to the south along Church Lane, the extended opening hours are not considered to significantly impact the quietness the neighbours could reasonably expect to enjoy, given the existing separation of the site.

A noise impact assessment was submitted to support the application, which confirms the evening and night-time background noise levels in the area are high. The noise assessment concludes that during the night-time period, noise sources from the bowling alley would be

below Manchester City Council's local criteria for the night-time period. Environmental Health reviewed the application and raised no objection. As such, the proposal is not considered to give rise to any adverse residential amenity implications, pursuant to Policy DC26 of the UDP and policy DM1 of the Core Strategy.

Further, the increase in hours would allow Tenpin to operate within their business model. Such opening hours can be seen at the Tenpin at Parrs Wood which similarly operates within a commercial setting.

Therefore, on balance it is considered that the increase in opening hours of the premise would not result in detrimental impacts upon either the highway network or nearby residential amenity of occupants to the west side of Rochdale Road or to the south along Church Lane. As such, the revised opening hours would not conflict with saved policies DC26 of the UDP and policies SP1, DM1 and T1 of the Core Strategy.

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.

Recommendation: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. Officers have worked with the applicant/agent in a positive and proactive manner, and appropriate conditions have been placed on the approval granted.

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

1) The car parking as already provided and demarcated shall be made available at all times for users of the development henceforth.

Reason - To ensure there is adequate car parking for the development, pursuant to policy DM1 of the Core Strategy.

2) The consent hereby granted does not allow for the installation of any fume extraction equipment or externally mounted actually equipment (including air conditioning units).

Reason - For the avoidance of doubt and because such equipment would require consent via a separate planning permission, pursuant to policy DM1 of the Core Strategy.

3) Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours:
Unit 1 only:
07:00 to 23:00 daily, including Bank Holidays

Units 2 to 12 inclusive:
07:30 to 19:00 Monday to Friday
08:00 to 17:00 on Saturdays
There shall be no deliveries or servicing on Sundays or Bank Holidays

Units 13 to 21 inclusive:
07:30 to 19:00 Monday to Friday
08:00 to 17:00 on Saturdays
There shall be no deliveries or servicing on Sundays or Bank Holidays

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant policy DM1 of the Manchester Core Strategy.

4) With the exception of Unit 15 (as identified on the location plan received from the agent via email on 15 February 2013) and Unit 1 only (as identified in the Planning Statement received by the City Council as Local Planning Authority on 12 November 2024), all units within the development shall be open between the following hours:
07.30 to 19.00 Monday to Saturday
09.00 to 18.00 on Sundays

Unit 15 only (as identified on the location plan received from the agent via email on 15 February 2013), shall be open between the following hours:
08.00 to 22.00 Monday to Saturday
09.00 to 22.00 on Sundays

Unit 1 only (as identified in the Planning Statement received by the City Council as Local Planning Authority on 12 November 2024), shall be open between the following hours:
08:00 to 00:30 Monday to Thursday
08:00 to 01:30 Friday and Saturday
08:00 to 00:30 Sunday

08:00 to 01:30 Bank Holidays

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant policy DM1 of the Manchester Core Strategy.

5) Refuse storage and collection for the development shall be carried out in accordance with the information submitted with the Back Group letter dated 19 August 2005 entitled 'Disposal of Refuse'.

Reason - To ensure an acceptable development and to protect amenity, pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Unit 4, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 5, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 6, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 7, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 8, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 9, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 10, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 15, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 17, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 18, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 19, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 21, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 16, North City Shopping Centre, Rochdale Road, Manchester, M9 4DH
Unit 22, North City Shopping Centre, Rochdale 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
Unit 49 - 51, North City Shopping Centre, Lee Road, Manchester, M9 4DH

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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA