Planning Potential

Statement of Case

537 Stockport Road, Manchester, M12 4NE



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1. Introduction

1.1. This Statement of Case is submitted in respect of an appeal made by Merkur Slots Ltd against the non-determination of a planning application ref: 140955/FO/2024 seeking the change of use from Use Class E unit (former bank) to an Adult Gaming Centre (AGC) (Sui Generis) at 537 Stockport Road in Manchester.

1.2. The planning application (app ref: 140955/FO/2024) was submitted to Manchester City Council on 6th September 2024. Due to the level of objection received, including a petition, Officers advised the application would need be considered at Planning Committee.

1.3. Officers then stated in a phone call that the application would be recommended for refusal but have not shared any of the local comments and therefore not allowing us to rebut and dispel common misconceptions about AGCs. Appendix 1 details the discourse that has taken place between the agent and assigned case officer.

1.4. Due to the application now being beyond the statutory timeframe, the level of uncertainty as well as the reticence from the LPA to disclose comments both from statutory consultees and local residents, the appellant is exercising their right to submit a non-determination appeal.

1.5. The planning application was supported by a detailed Noise Assessment which assesses the sound insulation performance of the building and potential external customer noise. Subject to recommendations, the noise report concludes 24-hour opening would be entirely appropriate.

1.6. The appeal statement begins by setting out the site characteristics, appeal proposals and background to the appeal. Subsequently, relevant planning policies against which the appeal should be assessed are identified as well as any appropriate guidance.

1.7. The Statement of Case considers and justifies the main issues prior to concluding that the proposed development represents a high-quality scheme in full accordance with local policy – both adopted and emerging – as well as the sustainability objectives set out in the National Planning Policy Framework (NPPF) (2023).

1.8. In the absence of any form of a summary from the LPA relating to the local objections, it is difficult to refute and disprove the anecdotal claims. That said, the appellant will take the opportunity to respond to common themes that arise when there are local objections.

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2. Appeal Site and Surrounding Area

2.1. The application site comprises 537 Stockport Road and is situated in a sustainable location within Longsight District Centre. The site is a former Bank (Class E), and the unit has sat vacant since November 2023.

2.2. The predominant use of the area is retail however there are a variety of other commercial uses within the centre. The site sits adjacent to a Greggs, also fronting Stockport Road. It should also that nighttime uses, such as takeaways, are established in the area.

2.3. The property is not statutorily or locally listed, and the site does not fall within a conservation area.

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3. Relevant Planning History

3.1. Historical planning applications available on the Council's public access confirm the use as a Bank (Class E, former A2) and associated advertisement consent.

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4. The Appeal Proposals

4.1. The appeal proposals seek a change of use from a vacant bank (Class A2/Class E) to an Adult Gaming Centre (Sui Generis) at 537 Stockport Road, Manchester. The proposals will return a vacant unit into active use, generating footfall and link trips, 6-12 new jobs and enhancing the offer within this part of the city centre.

4.2. Access will remain the same as existing.

4.3. The proposals will enable Merkur Slots Ltd (UK) to occupy the unit.

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5. Planning Policy Context

5.1. The Development Plan for Manchester City Council comprises of the Manchester Core Strategy (July 2012) and saved policies within the Urban Development Plan 1995 (2012) and any relevant supplementary planning documents.

5.2. There are no policies restricting AGC use, nor does policy list an AGC as an unacceptable use within district centres.

Development Plan Policies

5.3. The key policies of relevance to this appeal are listed below.

5.4. It should be reiterated that Officers have not commented on whether the principle is deemed to be acceptable or not, instead only commenting on the level of local objections. The proposal is policy compliant.

Manchester City Council Core Strategy (July 2012)

- Policy C1 'Centre Hierarchy'
- Policy C2 'District Centres'
- Policy C5 'Central Manchester District Centres – Hulme, Longsight and Rusholme'
- Policy C10 'Leisure and the Evening Economy'

5.5. Other material considerations which are relevant in the case of this appeal include the National Planning Policy Framework (2023) and the National Planning Practice Guidance (NPPG).

National Planning Policy

National Planning Polity Framework (NPPF) (December 2023)

5.6. Paragraph 38 of the NPPF states that states that Local Planning Authorities (LPAs) should approach decision-taking in a positive way to foster the delivery of sustainable development. The framework also notes that LPAs should look for solutions rather than problems, and decision-takers, at every level should seek to approve applications for sustainable development where possible.

5.7. Paragraph 90 of the NPPF states that planning decisions should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaptation to Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability. It continues to add that planning policies should allow town centres to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive characters.

5.8. Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

5.9. Paragraph 135 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

National Planning Policy Guidance (July 2019) (NPPG)

5.10. The NPPG (2019) provides supplementary planning guidance, including retail and other town centre uses. The Town Centres and Retail PPG sets a number of indicators for assessing the health of a town centre – these are of relevance to vitality and viability. They include a diversity of uses the proportion of vacant units at ground floor level and customer experiencer behaviour (Paragraph: 006 Reference ID: 2b-006-20190722) (Revision date 22nd July 2019).

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6. Appellant Statement of Case

6.1. This section sets out key justification for the appeal proposals for the change of use from Class E to Sui Generis Use (AGC) at 537 Stockport Road in Manchester.

6.2. Annexe J of the PINS Procedural Guide ("the Procedural Guide) sets out that where an appeal is against non-determination, the Appellant must address the areas that the Appellant considers most likely to comprise the local planning authority's objections to the development proposed.

Principle of Development

6.3. It should first be noted that the new E use class came into effect on 1st September 2020. This has created a flexible system for town centre uses that can better reflect the diversity of uses on high streets and give businesses greater scope to adapt and diversify to meet changing demands. In light of these significant changes, town centre policies that predate the E use class are now considered out of date and cannot be afforded the same weight when assessing town centre proposals.

6.4. Whilst the proposed AGC is a sui generis use, which does not fall within Use Class E, the new Order is clearly material in terms of how it affects the Council's shopping/town centre policies' ability to retain retail uses, as a variety of uses can now occupy retail units without the need for planning permission. These uses include gyms, offices, children's creches and nurseries and light industrial uses. This is an important material consideration. Notwithstanding, the proposals have been assessed against the shopping/town centre policies of the development plan.

6.5. Policy C10 of the core strategy encourages evening uses that contribute to the vitality of Manchester's Centres, particularly District Centres which have an important role as the focus for the City's evening economy. The considerations for an application of this nature are as follows:

1. Cumulative impact – in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.

2. Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.

3. New uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area.

6.6. Policy C10 states that new uses in Manchester centres should support both the day-time and evening/night-time economies. As mentioned, Longsight currently contains a good mix of uses and the proposal would not lead to a concentration of similar uses. Whilst not a traditional retail use, it would nevertheless attract customers and footfall and contribute to the vitality and viability of this part of the city centre. It would not therefore undermine the function and character of Longsight and the wider District Centre.

6.7. In the absence of any AGCs located within Longsight District Centre, an allowed appeal would not cause a cumulative impact. Further, based on this, the introduction of an AGC in this location would not be detrimental to the character or vitality and viability of the centre, demonstrating compliance with adopted local policy, including criteria set out in Policy C10.

6.8. When analysing core strategy policies C5, it is clear that Longsight is denoted as a district centre whereby the Council are looking to retain and attract visitors to the centre. The Policy states that "t*he improvement to the quality of the environment in Rusholme and Longsight is a priority to help retain and attract shoppers and visitors*."

6.9. AGCs are uses which serve visiting members of the public. The submitted footfall survey data submitted with the application demonstrates that a Merkur Slots AGC will generate good levels of footfall, maintain high levels of pedestrian flow past the unit and encourage linked trips with shops and other services with the primary shopping frontage and the wider centre. The survey sites are located in a variety of different types of centre, up and down the country, including primary shopping frontages with town centres.

6.10. Policy C2 elaborates on this further, confirming that development will be supported in district centres where proposals for leisure uses make a positive contribution to the vitality and viability of centres. Longsight is a busy district centre, located on a major radial route through central Manchester. Resultingly, the existing composition along Longsight is one that accommodates a number of late-night uses, predominately bars, restaurants and takeaways all of which contribute positively to the vitality and viability of the district centre.

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6.11. AGCs are established main town centre uses and are regarded as uses that complement retail and service uses, whilst also contributing to a centre's day-time, evening and night-time economy. The change of use in this instance will ensure that Merkur Slots will contribute towards the vitality and viability of the District Centre as a whole.

6.12. The site is a former bank (former A2 use). As the planning history demonstrates, the site has not been in A1 retail use for some time. As such, the appeal proposals will not lead to the loss of a retail unit. The proposals will involve the loss of a longstanding non-retail unit to another non-retail unit. The proposals will maintain the current status quo and will have a neutral impact upon the retail provision within the District Centre. There are no other Adult Gaming Centres in the immediate vicinity application site, nor within the wider District Centre. The applicant does not have an existing AGC in Longsight District Centre, meaning it cannot be argued that there is already a concentration of Sui Generis uses which are detrimental to the character or vitality and viability of the centre. The introduction of an AGC in a unit that has stood vacant since November 2023 and previously operated as a bank (not a typical retail use) will not harm the character or vitality and viability of Longsight District Centre. If anything, the change of use will achieve long term investment into the unit.

6.13. The high levels of footfall together with Merkur Slots' window displays with include colourful signage and symbols, and tv screens which provide promotional information as well as daily news and weather forecasts, ensures an active frontage and a well-designed shop display, which will site well within the eclectic mix of shop displays found along the frontage.

6.14. Merkur Slots AGCs are well run premises which will not increase the likelihood of anti-social behaviour or increase fear of crime (the latter of which must be based on substantive evidence in planning decision-making).

6.15. Additionally, the proposals are considered to make a positive contribution to the overall diversity of the centre and will be beneficial to the primary shopping frontage by bringing a vacant and tired looking frontage into an active/trading frontage. It will also generate new jobs.

6.16. The proposals clearly fully comply with the pertinent policies of the adopted Core Strategy and the proposals for change of use of the appeal site to an AGC is acceptable in principle.

Amenity

6.17. AGCs typically operate 24-hours, and that is proposed for the AGC at the appeal site.

6.18. It is important to consider that Merkur Slots noise levels are generally very low and impacts on disturbance to surrounding uses are effectively mitigated and minimal. For example, as set out in the submitted brochure, only background music is played within venues (similar to shops) and there are no tannoy systems. Further, the late-night customer base is predominately late shift workers looking to relax and larger groups are very rare due to the offer within the AGCs. As such, the nature of the use proposed would not result in adverse noise in either the day or night-time hours and the use is appropriate to the busy high street context and complies with local plan policy.

6.19. Notwithstanding, a worst-case noise assessment has been prepared concluding that there will be no harmful noise impacts from 24-hour operation on the nearest residential premises (15m away) in full accordance with criteria 2 of core strategy policy C10 and Para. 185 of the NPPF, provided the rectification works to the property outlined in the assessment are implemented. These rectification works which relate to noise breakout from the building are outlined in Appendix C of the submitted noise report. All recommendations will be implemented meaning the limit of NR20 will be achieved and the site would be suitable for 24-hour operation, ensuring compliance with Local Plan policy DM1.

6.20. As part of the noise assessment, case studies from 10 other Merkur Venues have been included regarding internal noise levels and external noise levels (comings and goings and noise from patrons smoking outside), demonstrating Merkur Slots customers are typically quiet.

6.21. The applicant is happy for the OMP to be conditioned as part of any forthcoming decision. Based on the above the proposals are in full accordance with local and national policy on noise.

Active frontage

6.22. The proposals will also bring a vacant unit back into active use. When considering adopted Policies C1 and SP1, it is noted that emphasis is placed on the character of areas and the impact vitality and viability. With this in mind, a submitted windows manifestations plan has been submitted and is a move away from the applicant's typical approach to window displays (which includes vinyl to the

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glazing comprising colourful signage and imagery and tv screens with promotional material and daily news/weather) and comprises a more bespoke approach. For clarity, the proposed display would incorporate the following:

- 25% Vinyl to the glazing (bespoke)
- TV Screens
- Posterboards (Set-back)

6.23. This approach has been adopted elsewhere and an example can be seen at Figure 1 which shows an existing venue in Plymouth which was allowed at appeal.

Figure 1 – Existing Merkur Slots Venue at 116 New George Street, Plymouth



6.24. The Planning Inspector (see Appendix 1) in this case commented as follows:

'The proposal would provide a suitable active frontage that would be beneficial to the character and appearance of the area. It would rectify and repair the harmful effect the empty premises have on the townscape in this location'.

6.25. Combined, the window display manifestations plan and the footfall data clearly demonstrate that the propped Merkur Slots AGC will provide an active frontage, via the implementation of an appropriate frontage/window display which maintains visual interest that will clearly add vibrancy, animation and activity to this part of the frontage, demonstrating full compliance with local planning policy

6.26. Based on the above, an AGC at this location is in full accordance with local policies the local development plan and the National planning policy, as the change of use will result in use that would remain active and be of visual interest.

6.27. Based on the above, an AGC at this location is in full accordance with the council's overarching policies for Longsight District Centre. The proposals will protect and enhance the vitality and vibrancy of this part of the Longsight and the District Centre as a whole.

Consultee responses

6.28. Environmental Health Comments had been received, which seeks to limit opening hours. Given the robust technical evidence submitted and there being no residential premises in the immediate vicinity, 24hr operation has been demonstrated to be acceptable at this location. This was relayed to Officers but no response has been received.

Other matters

6.29. It is important to highlight that AGCs are completely dissimilar to a typical betting shop. The submitted Merkur Planning Brochure seeks to address the myths surrounding AGCs and explains how they are different to betting shops. It also includes quotes from noise reports and appeal Inspectors. Merkur Slots Ltd (UK) venues (AGC's) are consistently considered as a leisure/entertainment use, of which, is an accepted Main Town Centre Use and should be noted that AGCs are very different uses both in the way that they operate and their customer base. Public concerns surrounding gambling and betting shops are largely due to the presence of Fixed

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Odds Betting Terminals (FOBTs). Merkur Slots venues do not offer these types of machines. Merkur Slots' machines offer low stakes ranging from 10p to a maximum of £2.

6.30. AGCs are established main town centre uses and are common district centre use that complement retail and service uses and help to contribute to a centres evening and night-time economy. The proposed AGC will bring a vacant unit which has not been contributing to the local economy back into use and return activity to the frontage which is a significant benefit to this part of Longsight District Centre. The introduction of the proposed AGC use will also result in additional benefits, including the redecoration of the existing tired frontage, increased footfall, contributing to linked trips and the creation of 12 new full-time jobs. In this respect, the new use will clearly complement the vitality and vibrancy of the centre, serving the local community within this part of Manchester and will contribute towards the vitality and viability of the centre. As a result, the introduction of an AGC in this location will support day-time and evening economies, whilst not undermining the role of the District Centre.

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7. Conclusion

7.1. This Statement of Case is submitted in respect of an appeal made by Merkur Slots UK Ltd against the non-determination of a planning application at 537 Stockport Road, Manchester for the change of use of a vacant Class E unit (former bank) to an Adult Gaming Centre (SG).

7.2. Due to the level of objection received, including a petition, Officers advised the application would need be considered at Planning Committee. Officers then stated in a phone call that the application would be recommended for refusal but have not shared any of the local comments and therefore not allowing us to rebut and dispel common misconceptions about AGCs. Appendix 1 details the discourse that has taken place between the agent and assigned case officer.

7.3. Due to the application now being beyond the statutory timeframe, the level of uncertainty as well as the reticence from the LPA to disclose comments both from statutory consultees and local residents, the appellant is exercising their right to submit a non-determination appeal.

7.4. It has been demonstrated that an AGC use is entirely appropriate in this location and will not have any harmful impact on the vitality and viability of the District Centre.

7.5. It has also been demonstrated through the submission of a robust noise report that there will be no harmful impacts in terms of noise and disorder, and that 24-hour opening is entirely acceptable at the appeal site.

7.6. The significant environmental, social and economic benefits associated with the proposal include:

- Bringing a long-term vacant unit back into active use
- Provide good levels of footfall, maintain pedestrian flow past the unit and encourage linked trips
- Bring choice and competition to the Town Centre
- Provide new jobs

7.7. The proposals comply with local and national policy, and it is respectfully requested that the appeal be allowed.

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