

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140220/FO/2024	
Date registered valid:	19 June 2024	
Proposal:	Use of vacant Bank (E(c) use class) as a betting shop (Sui Generis use class) including alterations to shopfront.	
Address:	130 Market Street, Manchester, M60 1AY	
Ward(s):	Deansgate	Ward
Applicant:	Done Brothers (Cash Betting) Ltd	
Agent (if any):	Mrs Laura Chandler ID Planning	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Refuse	
Date of recommendation:	13/08/2024	

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 5 July 2024 Expired: 26 July 2024

Neighbour notifications

Printed: 25 June 2024 Expired: 16 July 2024

Site notice

Posted: 1 July 2024 Expired: 22 July 2024

Press advert

Published: 2 July 2024 Expired: 16 July 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to the ground floor unit to the corner of Market Street and Piccadilly. The unit currently houses a e-cigarette shop and was formerly a branch of bank Santander. Neighbouring uses are a Greggs bakery and a bubble tea shop. The unit is located adjacent to a Metrolink tram line.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area relates to the congruence of Market Street, a major retail thoroughfare, and Piccadilly Gardens, the focal area of public realm in Manchester's City Centre. The character of the area is predominantly retail, food and entertainment uses, with some residential and hotel to the upper floors of buildings. The area is very busy with pedestrian foot traffic and is well serviced by bus and tram services. This particular portion of the City Centre is not covered by a conservation area, but there are a number of listed buildings in the vicinity including the Grade II-listed 1-3 Piccadilly and former Debenhams building at 109-125 Market Street.

Description of development

The development relates to a change of use of vacant Bank (E(c) use class) as a betting shop (Sui Generis use class) including alterations to shopfront, comprising the repainting of the existing window frames, doors and pillars.

Consultations & Notification Responses

Publicity - a notice was displayed on site advertising the works as those affecting the setting of a listed building and of a conservation area. A press notice was displayed in the local press advertising the works as those affecting the setting of a listed building and of a conservation area. Letters were sent to surrounding occupiers notifying them of the development. Two representations have been received as a result of this publicity, summarised as follows:

- inappropriate use in the retail core of the city.
- could lead to a net increase in City Centre betting shops.
- does not contribute positively to mix of uses.
- would harm visual amenity and not respond well to the architecture of the building.

Environmental Health - no objections, conditions requested (Construction Management Plan, Hours as applied for, Noise Impact Assessment, Refuse)

Highways Services - no objections, further information on waste management and cycle storage requested. Further information satisfactory. Informative on construction management and working near Metrolink required.

Secured by Design at Greater Manchester Police - no objections, secure cash and staff room, CCTV, panic alarms and alarm system recommended. Also SbD for new shopfront - no alteration proposed so not applicable.

Greater Manchester Police Neighbourhood Policing - no comments

Issues

The main policies that relate to this application are DM1 (Development Management), SP1 (Spatial Principles), CC2 (Retail), C10 (Leisure and the Evening Economy) of the Manchester Core Strategy (2012).

Principle

The area under consideration falls within the City Centre Primary Shopping Area (PSA) identified in Policy CC2 of the Manchester Core Strategy (2012). Premises within this area are designated for retail uses, with some ancillary commercial leisure uses and development within the area should maintain the predominant retail use.

The ground floor unit of 130 Market Street is currently Class E which would allow for use as a retail shop or other associated leisure use such as food and drink provision. The applicant currently has a betting shop premises located at 10 Mosley Street, a short distance away from the application site. The operator would be vacating 10 Mosley Street to move into the premises at 130 Market Street. Thus, the change of use under consideration would create an additional lawful Sui Generis betting shop uses at this locale.

The City Council has therefore sought assurances from the operator that the unit to be vacated would not be brought back into use as a betting shop. As no such assurance can be provided, it is considered that the proposal would therefore lead to a concentration of Sui Generis betting shop uses around Piccadilly Gardens, which could contribute to an incremental loss of retail floorspace within the PSA, which would be in conflict with the aims of Policy CC2.

Furthermore, as per the plan provided by the applicant, there are already 7no. betting shop uses either fronting onto or in the direct environs of Piccadilly Gardens. Policy C10 requires the City Council to consider the cumulative impacts of night-time uses and whether a concentration of

uses would be detrimental to the character of the area. As the area is designated for retail and ancillary leisure uses, a net increase in Sui Generis betting shop uses is considered to be detrimental to the character of the area.

Visual amenity

The proposal includes some minor elevational alterations, including the repainting of door frames, window frames and pillars and the installation of a new security door. Given the minimal changes this would create to the exterior of the building, this element of the proposal is not considered unduly harmful to the visual amenity of the building and would not warrant a refusal.

Conclusion

By virtue of the net increase in betting shop uses, which would lead to a concentration of such facilities in a designated retail area, the application is recommended for refusal.

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 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

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, it is considered there are not amendments that could be made to the proposal that would render it acceptable.

Condition(s) to be attached to decision for approval

1) The proposed change of use to a Betting Shop (Sui Generis), by virtue of its location and proximity of other similar uses, would lead to a concentration of gambling facilities within the Primary Shopping Area, particularly around Piccadilly Gardens. This would undermine the predominantly retail character of the area. The proposal is therefore contrary to policy SP, CC2 and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

GMP - CC Neighbourhood Policing
Highway Services
Environmental Health
Greater Manchester Police

Royal Buildings, Mosley Street, Manchester, M2 3AB
130 - 132 Market Street, Manchester, M60 1AY
Royal Buildings, 2 Mosley Street, Manchester, M2 3AN
First Floor Suite 3, Royal Buildings, 2 Mosley Street, Manchester, M2 3AN
2A Mosley Street, Manchester, M2 3AN
124 - 126 Market Street, Manchester, M1 1WA
First Floor, Royal Buildings, 2 Mosley Street, Manchester, M2 3AB
Second Floor, Royal Buildings, 2 Mosley Street, Manchester, M2 3AN
Third Floor, Royal Buildings, 2 Mosley Street, Manchester, M2 3AN
128 Market Street, Manchester, M1 1WA
Fourth Floor, Royal Buildings, 2 Mosley Street, Manchester, M2 3AN
First Floor Commissionaires Room, Royal Buildings, Mosley Street, Manchester, M2 3AB

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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
Area Team Boundary - Name: CENTRAL