

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134846/FO/2022

Date registered valid: 2 September 2022

Proposal: Change of use from vacant retail unit (Class E) to a betting shop (Sui Generis use)

Address: Unit 23, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH

Ward(s): Harpurhey Ward

Applicant: Power Leisure Bookmakers Ltd, Waterfront Hammersmith Embankment, Chancellors Road, London, W6 9HP

Agent (if any): Miss Claire Day, Hybrid Planning & Development Limited, The Old Vyner Street Gallery, 23 Vyner Street, London, E2 9DG

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 20 October 2022

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 10 October 2022

Standard consultations:

Printed: 7 September 2022

Expired: 28 September 2022

Neighbour notifications

Printed: 7 September 2022

Expired: 28 September 2022

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

The application site relates to a vacant, ground floor retail unit situated within a two-storey commercial parade, located within a pedestrianised street forming part of Harpurhey Shopping Centre.



View of application site

The host unit incorporates a roller shuttered frontage with shopfront behind.

It is understood that the unit was last occupied by Homefair Blinds.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated within Harpurhey district centre – a defined primary shopping area located just off the main north/south arterial route of Rochdale Road.

An image showing the defined boundaries of the centre is shown below.



The centre forms one of two district centres within north Manchester is primarily anchored by Asda and Lidl supermarkets, as well as a college, leisure centre and McDonalds and KFC restaurants.

The centre comprises a number of blocks of small-scale retail and food and drink uses focused around pedestrianised streets which also accommodates an outdoor market area. The northern bounds of the centre is flanked by an expanse of surface level car parking.

The wider area is predominantly residential in character.

Description of development

Planning permission is sought for the change of use of a vacant retail unit to form a betting shop (sui generis) proposed to be occupied by Paddy Power.

The application has been accompanied by 3 further, separate applications as follows:

134844/FO/2022

Elevational alterations to front and rear involving new shopfront.

134845/AO/2022

Advertisement Consent for the installation of 1 no. internally illuminated fascia sign and 1 no. internally illuminated projecting sign.

134843/FO/2022

Installation of 3 no. external air condenser units and 2 no. satellite dishes to rear.

Consultations & Notification Responses

Local Residents/Occupiers – 2 representations have been received from neighbouring occupiers who object to the proposal. Principal comments are summarised below:

-The betting shop will potentially cause further negative impact to the local area and population which is already significantly affected by health, social and economic deprivation.

-The introduction of a further betting shop in the area would cause an over concentration of betting/gambling establishments in the area which would harm the retail function and the vitality and viability of the district centre.

-The loss of a retail (Class E) would reduce flexibility for changes of commercial uses within the centre.

-No marketing evidence has been submitted to justify any attempts to secure a retail occupier for the unit.

Neighbourhood Manager – It is reported that all 3 ward members object to the proposal. It is considered that there are enough bookmakers in Harpurhey.

Greater Manchester Police (Design for Security) – No objection. Various security measures are recommended with respect to lighting, CCTV, alarms, access and fittings.

Highway Services – The following comments are made:

Trip Generation and Junction Capacity

In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

Site Accessibility

The site is well accessed by sustainable modes

Parking

No parking concerns.

Cycle Parking

Secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. Given the use class of the building, this should accommodate 2 cycles.

Refuse and Servicing

It is requested that details of the proposed bin store and waste collection are submitted for comment.

Environmental Health

Conditions are requested in terms of hours of operation, servicing hours and waste management arrangements.

Policy

The following policy and guidance is considered relevant to the consideration of this application.

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

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

The following policies within the Core Strategy are considered relevant:

Policy C1 (Centre Hierarchy) - Development of town centre uses will be prioritised within Manchester City Centre, District Centres, and Local Centres in order to maintain their vitality and viability, provide services as locally as possible and minimise the need to travel by car. Within North Manchester the district centres are defined as Cheetham Hill and Harpurhey, and the local centres are defined as Victoria Avenue/ Rochdale Road (Charlestown), Hollinwood Avenue/ Greengate (Moston), Lansdowne Road/ Crumpsall Lane (Crumpsall), Worsley Avenue/ Kenyon Lane (Lightbowne), Moston Lane (Harpurhey), and Collyhurst (as part of redevelopment).

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. Housing will also be considered an appropriate use within District Centres, providing it supports the vitality and viability of the centre. In delivering this vision provision will be made by 2027 for approximately: 20,000 square metres net convenience retail floorspace 15,000 square metres net comparison retail floorspace

The delivery of this floorspace should respect the network of centres across the city and in neighbouring districts. Development within this overall capacity which has the potential to impact on the current or future vitality and viability of other centres in Manchester or other

districts will only be acceptable if there is no prospect of the affected centres accommodating growth themselves. The Core Strategy sets a framework for the delivery of the identified capacity. The identification of specific sites, particularly those which require an extension to existing District Centre boundaries, will be addressed through a subsequent Development Plan Document.

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 overall character and local amenity, the Council will support development which extends the time during which District Centres are active;
- Promote the development of employment which provides opportunities for local people;
- Promote the efficient use of land, particularly through considering options for multi-storey development. New development should positively contribute to the reuse and regeneration of land and premises, together with wider regeneration and investment strategies;
- Contribute positively to the diversity and mix of uses within centres without undermining their primary retail function. Development should also promote a range of retailers and shop formats;
- Promote choice and competition particularly where development will support the independent sector;
- Remedy deficiencies in areas with poor access to facilities.

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

New development should deliver improvements to the quality and accessibility of the centre environment. Opportunities should be taken to adopt sustainable building design and practises to assist in adapting to climate change (see also Green Infrastructure Policy EN9).

Policy C3 – North Manchester District Centres (Cheetham Hill & 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.

There could be small increases in retail provision in Cheetham Hill, but development for other uses which promote vitality during the daytime will be supported. New development should improve connections between the centre and the existing large foodstore.

Development which brings a broader range of commercial and public uses to Cheetham Hill will be supported.

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.

Policy C10 Leisure and the Evening Economy – refers to new development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations:

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. Balance - 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.

When considering the impact of a proposed bar or hot food take away regard will be had to the above policy and also:

- The existing number of similar establishments in the immediate area and their proximity to each other;
- The type and characteristics of other uses, such as housing, shops and public houses;
- The existence of vacant shop units and the condition of the unit;
- The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- The character of the centre and its frontage, and the nature of the use proposed;
- The potential impacts of the proposal on the wider community; and
- Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

Policy DM1 (Development Management) - states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy SP1 (Spatial Principles) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Policy S1.2 contained with Part 1 (Shopping) of the UDP states:

The Council in partnership with the private sector will encourage, where appropriate, the improvement and re-development of existing District Centres in order to ensure that they remain the focus for both shopping and a full range of community facilities. These centres comprise Cheetham Hill, Chorlton, Didsbury, the district centre in Sportcity, Fallowfield, Gorton, Harpurhey, Levenshulme, Longsight, Newton Heath, Northenden, Openshaw, Rusholme, Withington and Wythenshawe.

Particular emphasis will be given to improving safety and enhancing environmental quality, tackling traffic problems and increasing economic viability. Priority will be given to following centres:- Cheetham Hill, the district centre in Sportcity, Gorton, Harpurhey, Levenshulme, Longsight, Newton Heath, Openshaw, Wythenshawe.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Section 4 (Decision Making) provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 7 (Ensuring the Vitality of Town Centres) states at Paragraph 86 that:

‘Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation’.

Planning History

No planning history relating to this unit.

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning

application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed change of use is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance. Principal concerns relate to the impact upon the retail function and character of the district centre and the associated impact of the proposed use upon the vitality and viability of the centre. There is further concern that that proposed use would add to the negative feel of the area and would introduce a further use that would harmfully impact upon the vulnerable within the local community. This is considered further below.

Impact upon the Centre

Policies C1, C2 and C3 seek to support thriving district centres and protect the primary retail function of district centres, whilst policy C10 supports a balanced and socially inclusive evening/night-time economy, but consideration should be given to the existing number of similar establishments in the immediate area, their proximity to each other and the potential impacts on the wider community.

Policy C2 in particular, states that the Council should ensure that retail remains the principal use within Primary Shopping Areas and any proposal for a change of use should contribute positively to the diversity and mix of the uses within the centre without undermining the primary retail function of a centre.

Saved policy S1.2 similarly seeks improvements to the Council's district centres to ensure they remain the focus for shopping and community facilities. Particular emphasis is given to improving environmental quality and increasing economic viability.

Policies DM1 and SP1 of the Core Strategy both indicate that consideration should be given to the effects of development upon the well-being of residents and the character of the surrounding area.

In this case it is considered that the addition of a further betting shop within the centre would contribute to the erosion of the centres' retail function.

The aforementioned policy seeks to protect, support and promote the role of existing shopping centres, particularly by means of achieving a satisfactory balance of shops and appropriate uses and to encourage the retention of shops.

Harpurhey district centre already contains 2 betting shops comprising a William Hill shop within the same parade and a Betfred shop to other side of the block. In addition, there is a casino/gaming arcade also within the host parade and a LOL bingo to the other side of the centre.

Of the 25 units within the centre, 4 are already occupied by betting/gambling establishments. The proposed change of use would increase this to 5, representing 20% of the total number of units being occupied by non-retail uses related to gambling.

It is maintained that the displacement of an existing retail use with a further betting shop would contribute negatively to the role, function and character of the centre.

Whilst the centre is showing signs of decline, this represents a snapshot in time in terms of economic vitality and there is nothing to suggest this will not improve in the future. Despite a

number of units being occupied by discount or charity retailers, or indeed vacant, the centre is still vibrant and enjoys significant footfall.

In the case of the application, a concentration of non-retail uses, coupled with existing vacancy rates would significantly undermine the primary retail function of the centre which underpins its main purpose. This in turn would harm vitality and viability of the centre as a shopping destination beneficial to the local community.

The creation of a further non-retail use would harm the balance of uses within the centre and create a cluster of gambling establishments which would contribute to the negative feel of the area and create a use that would be attractive to more vulnerable members of the community, in an area where social and economic deprivation is high.

Whilst it is acknowledged that the unit is presently vacant and makes no contribution to the function of the centre, no evidence has been submitted to demonstrate how long the unit has been marketed for an alternative retail occupier.

Notwithstanding this, recent changes to the Town and Country Planning (Use Classes) Order 2020 introduced a new use class – Class E. This is designed to allow greater flexibility for changes of use, which in some instances would have previously required planning permission. The unit currently has wider potential to accommodate a variety of commercial occupiers.

It is notable that betting shops (*sui generis*) were omitted from Use Class E. This is presumably due to the potential impact that betting shops can have on the function of primary shopping areas and in turn, no flexibility in occupier by nature of betting shops being *sui generis*.

In summary, it is considered that the proposed use would lead to an over concentration of betting/gambling centres within the centre, harming the balance of retail and non-retail uses, whilst impacting upon the vitality and viable of the centre.

Whilst there may be some benefits arising from the reoccupation of the unit and associated shopfront works/signage, betting shops typically have obscured shop frontages, lacking transparency in the street-scene. They are also not open to all members of the community (under 18s excluded) and typically do not engage with browsing shoppers or generate the same footfall as a retail use. In this respect, any benefits resulting from the scheme would be outweighed by the harm caused by the loss of a unit that could be re-occupied by a Class E use and the flexibility this brings. This would ultimately be harmful to the diversity and role of the centre.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed change of use to a betting shop would lead to the loss of a retail unit within Harpurhey district centre. This in turn would erode the retail function of a Primary Shopping Area, undermining the vitality and viability of the shopping centre. As such, the proposal is contrary to saved policy S1.2 of the Unitary Development Plan for the City of Manchester, policies C1, C2, C3, C10, DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Unit 31, 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
Betfred, 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
Cardfactory, 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 21, Harpurhey Shopping Centre, Lee Road, Manchester, M9 4DH
Unit 19, Harpurhey Shopping Centre, 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

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: NORTH AREA