

Your Ref: **PP-11498764**
Our Ref: HPD/CD/22/121
Date: 02 September 2022

Manchester City Council
Planning
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Dear Sir/Madam,

RE: UNIT 23, HARPURHEY SHOPPING CENTRE, LEE ROAD, MANCHESTER, M9 4DH

On behalf of our client, Power Leisure Bookmakers Ltd., we are instructed to submit a full planning application for the change of use of the abovementioned property from Use Class E to a betting shop (Sui Generis use).

The application has been submitted with the following documents via the Planning Portal (PP-11498764), which in addition to this letter comprise the application:

- Duly completed Planning Application Form;
- Completed Certificate B and Copy of Notice as served;
- Site Location & Block Plans (Dwg no. 14604-200-01);
- Existing and Proposed Ground Floor Plans (Dwg no. 14604-200-02 Rev A);
- Existing and Proposed External Elevations (Dwg no. 14604-200-04 Rev A);
- Paddy Power Brochure – A Retail Overview; and
- Copy of Appeal Decision (PINS ref: APP/P4415/W/16/3155713).

The statutory application fee of £462.00 has been paid electronically by card following submission of this application via the Planning Portal.

Separate applications have been submitted via the Planning Portal for external alterations and associated signage (PP-11498503), and for the installation of air condensers and satellite dishes (PP-11497022).

THE PROPOSAL

Our clients wish to occupy the application property for Sui Generis purposes, specifically for a Paddy Power betting shop.

The premises, which were last occupied by Homefair Blinds in August 2021, comprise of 105 sq. m. (1,130 sq. ft.) of gross internal commercial space on the ground floor level, only. We are also aware that despite continued marketing the application premises has continued to remain vacant.

The unit, which is situated within the Harpurhey District Centre, is not listed nor within a Conservation Area. Planning permission is only sought for the change of use of the premises and as stated above, any consequent alterations to its structure or appearance are the subject of separate applications (PP-11498503 & PP-11497022).

We have referred to the 'saved' policies of the Manchester Unitary Development Plan (1995) and the

Manchester Core Strategy (2012), and can see no reason for an objection to the proposed change of use, and consequently conclude planning permission should be approved in this case.

We shall, therefore, continue to set out the planning history for the site and to explain the nature of the proposal, and its acceptability in planning policy terms.

PLANNING HISTORY

Manchester City Council's on-line planning register does not hold any planning history pertaining to the original construction of the property, or any subsequent changes of use. Given that the unit was most recently occupied by Homefair Blinds, and as the Valuation Office Agency has consistently rated the property as a 'shop and premises' for a number of years, we consider that its established use is most likely to be Use Class E.

Notwithstanding, we understand that Paddy Power will require a change of use to a betting shop (Sui Generis), in order to occupy the premises.

PADDY POWER

Paddy Power is an international betting and gaming group which was founded in Ireland in 1998 with the aim of making betting an entertaining, fun and fair experience. As one of the newest bookmakers in the UK, Paddy Power has a relatively small number of trading shops compared to other bookmakers. They are therefore keen to increase their market share, and invest in Harpurhey District Centre.

Paddy Power aims to be a responsible operator in all of the areas it operates in and is committed to investing time to train staff, and to work closely with neighbours and community representatives. Further information on Paddy Power, and the benefits a betting shop can bring to town centres, is contained in the enclosed brochure.

NATIONAL PLANNING POLICY FRAMEWORK (2021)

The revised National Planning Policy Framework (NPPF), published in July 2021, aims to strengthen local decision making and to reinforce the importance of up to date plans. It states that *"The purpose of the planning system is to contribute to the achievement of sustainable development"* (Paragraph 7).

Paragraph 8 sets out the three dimensions of sustainable development; 'economic' in helping to build a strong, responsive and competitive economy, supporting growth, innovation and improved productivity, and by identifying and co-ordinating the provision of infrastructure; 'social' in supporting strong, vibrant and healthy communities, and; 'environmental' in protecting and enhancing our natural environment, built and historic environment.

The NPPF provides support for sustainable economic development. **Paragraph 81** states that *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*

To ensure the vitality of town centres, the NPPF states 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"* (Paragraph 86).

LOCAL PLANNING POLICY

The statutory development plan for the site currently comprises of the Manchester Core Strategy (2012), and the 'saved' policies of the Manchester Unitary Development Plan (UDP) (1995). The Policies Map accompanying the Core Strategy (2012) identifies the property as falling within the Harpurhey District Centre (subject to Policies C1, C2 and C3).

Policy C1 – Centre Hierarchy states that the *'development of town centre uses (as defined by the NPPF)*

will be prioritised in the centres identified in this policy, taking account of the different roles of the City Centre, District Centres and Local Centres. The policy goes on to recognise that district centres have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. Development in district centres should primarily respond to the needs of the catchment and recognise the need to support the vitality and viability of other centres.

The supporting text of the policy explains that the Core Strategy does not define the boundaries of Primary Shopping Areas, and that these will be addressed in a Development Plan Document (DPD). However, a DPD document has not been published or formally adopted by the Council.

Policy C2 – District Centres advises that 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. The Policy continues that new 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.
- 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.
- 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.

Policy C3 – North Manchester District Centres - Cheetham Hill and Harpurhey recognises that there is capacity for approximately 1,000 sq. m. convenience and 4,000 sq. m. comparison retail growth in North Manchester up to 2027. The Policy continues that the focus for additional floorspace should be in Harpurhey District Centre, which has the potential to provide increased retail floorspace alongside additional uses, including food and drink, employment and community facilities, together with the introduction of some new housing, and relatively small-scale employment areas.

Policy C10 – Leisure and the Evening Economy states that new development and redevelopment that supports the evening economy and supports a balanced and inclusive night-time/evening economy will be permitted, subject to the following considerations:

1. Cumulative impact - in areas where there is already a concentration of bars, and hot food takeaways 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.

PLANNING ASSESMENT

In light of the above, we have identified the following relevant issues:

Principle of Development

The application site is located within Harpurhey District Centre, which sits in the second tier of the Council's

hierarchy, and wherein new leisure development will be supported in accordance with Policies C1 and C2 of the Manchester Core Strategy (2012).

Whilst Policy C2 seeks to ensure that retail remains the principal use in primary shopping areas, in order to maintain the vitality and viability of these centres, it does not preclude changes of use to a betting shop in this location, nor does it seek to limit their number.

In this policy context, it should also be recognised that the Government's wholesale changes to the Use Classes Order (UCO) came into force 01 September 2020. As a result of the changes to the UCO many uses within the former A1, A2, A3, D1 and D2 use classes were incorporated into a new '*Commercial, Business and Service*' Class E. Premises in a variety of typical town centre uses can therefore be put to a wider range of other purposes without requiring planning permission for a change of use than was the case at the time the Core Strategy was adopted.

Whilst betting offices remain a Sui Generis use, the changes to the UCO have created a flexible system for town centre uses that can better reflect the diversity of uses found on high streets and to give businesses greater scope to adapt and diversify to meet changing demands. As such, these changes recognise the important role non-traditional A1 retailers can play in contributing to the vitality and viability of these areas now and in the future.

In considering the above, and as evidenced in the enclosed appeal decision (PINS ref: APP/P4415/W/16/3155713), it is widely accepted that betting shops are part of the mix of uses generally found in town centres, which complement retail and service uses throughout the day (and into the evening), thereby ensuring that the character of the retail core will be maintained.

It is also apparent that the vast majority of the units within the Harpurhey District Centre fall within Class E use. The proposal will bring a vacant unit (which has not been contributing to the local economy for some 12 months), back into productive use and return activity to the frontage which will be of significant benefit to the vitality and viability of the centre as a whole, whilst a positive and diverse mix of retail and service uses will be maintained.

Accordingly, the proposal is consistent with the Government's policy direction with regard to increasing flexibility in the make-up of town centres and their ability to adapt to new markets and opportunities, whilst Paragraph 86 of the NPPF (2021) confirms that in order to ensure the vitality of town centres, planning 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.

Furthermore, and whilst Policy C1 'Centre Hierarchy' makes limited reference to what use classes should be supported within existing district centres, the Policy (C1) does emphasise the importance of directing a comprehensive and accessible range of uses and facilities to these centres, including leisure. As such, and as a leisure facility, which will bring inward investment and in turn increase the attractiveness of the area to shoppers, this application therefore accords with its spatial setting, and is supported in principle by Policies C1, C2, C3 and C10 of the Core Strategy (2012).

In light of the above, and given that the proposed change of use is in accordance with planning policy, the principle of the proposed development should be entirely acceptable to the Council.

Impact on Vitality and Viability

Notwithstanding the above, we turn now to consider the impact of the proposed change of use on the vitality and viability of the centre.

As set out above, the Government's refreshed approach to the UCO aims to promote the vitality and viability of town centres by allowing more diversification in a way that can respond to rapid changes in the retail and leisure sectors.

In this regard, the application site has been vacant for 12 months. The change of use to a betting shop to enable Paddy Power to occupy the property and commence trading at the site would bring a vacant unit

back into beneficial use within the district centre, thus ensuring that the unit contributes to the vitality and viability of the area.

Ordinarily, and as the first aspect of a building that a passer-by will see, this application will breathe a new lease of life into the ground floor frontage of the property. An operating Paddy Power will also enhance the attractiveness of the area, and potentially lead to further investment, in accordance with Policy C2 of the Core Strategy (2012).

In addition, a Paddy Power would represent a new occupier to the district centre at a time when betting shops face an uncertain future with a number of household names announcing job cuts and store closures. It would also be a timely boost to the centre of Harpurhey District Centre, which has a number of vacant units.

The proposal itself, will also increase pedestrian footfall in the immediate area, and increase the number of linked trips to other town centre premises. In this respect, the ability of betting offices to generate significant footfall and contribute to linked trips has been evidenced in numerous appeal decisions. More recently, it was considered in respect of a proposed betting office in Harrow in April 2020 (PINS ref: APP/M5450/W/19/3241217), wherein the Inspector confirms that a betting office is a footfall generating use in its own right, and that people who visit betting offices also visit and spend money in other shops and services in the town centre.

Policy C2 of the Core Strategy (2012) focuses principally on district centres, where the application site is located. This policy emphasises the importance of directing a comprehensive and accessible range of uses and facilities to these centres, including leisure. Whilst in the current climate, we anticipate that a number of operating betting shops within the centre will close (as has been the case in a number of UK towns and cities and where it will be no different in Harpurhey), competitiveness is a key factor that can influence vitality and viability and a new leisure operator at this location will introduce choice and help this area of the District Centre remain as competitive as possible. This is also re-asserted in Policy C2, which states that development in district centres should 'promote choice and competition'.

It is also important to note that the current provision of betting shops comprises of just two, located as follows:

- William Hill – Unit 1, Harpurhey Shopping Centre, Lee Road, M9 4DH.
- Betfred – Unit 16, Harpurhey Shopping Centre, Lee Road, M9 4DH.

Drawing reference from the enclosed appeal in Rotherham (PINS ref: APP/P4415/W/16/3155713), the Inspector found that *"I consider the increase to 6 betting shops would result in a low concentration within the PPS"* and *"I did not experience a sense of over dominance or clustering effect of betting shops"* (Paragraphs 17 and 18, respectively).

The above demonstrates that the proportion of betting shops, in what is a district centre, clearly equates to a very small percentage of the overall number of units in Harpurhey's retail offer. In addition, and given their proximity, it cannot be said that there is currently a concentration or cluster of betting shops, or that there would be, as a result of the proposals.

On the contrary, a new Paddy Power unit would attract footfall to this part of the centre, particularly as the trading shop would offer a different betting experience to that on offer from other betting shops. Furthermore, and as set out above, customers will generally go on to spend elsewhere, thereby enhancing the vitality and viability of this area of the District Centre as a whole.

In addition, the proposal will also provide a boost to the evening economy. Unlike many traditional shops, the proposed Paddy Power betting shop would contribute to the evening economy by virtue of the intended opening times between 8.00 a.m., and 10.00 p.m., on any day, thus contributing to the vitality, viability and function of the District Centre beyond the traditional workday hours of nine to five.

Furthermore, potential occupiers who are willing to invest should be supported by the Council given that

such a commitment could trigger additional inward investment, and enhance confidence in the District Centre.

The proposed betting shop in this location will not undermine the vitality, viability, or the character, role and function of the Centre. Instead, by bringing long-standing vacant floorspace back to commercial and full productive use, it will make a positive contribution to the public realm, and improve the attractiveness of the area to shoppers.

Betting shops are comparable to traditional shops in terms of shopfront, footfall and propensity for linked trips, and the application site's location within a District Centre is conducive to this. The night-time economy is also a significant contributor to economic performance, and this application encourages evening/night-time use. The principle of evening opening is also well established in this area.

Accordingly, we do not consider that the proposal would have any impact by virtue of proximity to sensitive uses, or in terms of noise, odour, emissions, safety and security, refuse, parking or traffic congestion, over and above the existing position. Likewise, the property is not considered to be in close proximity to places that are regularly frequented by younger people (i.e., schools or youth facilities), or to community uses likely to be frequented by more vulnerable residents.

In addition to the benefits identified above, a Paddy Power can also bring significant economic benefits to a centre. The proposal will create 6 no. new jobs, which will be available for local people.

Based on the above assessment, we consider that the proposal will have a positive impact on the vitality and vibrancy of this part of the District Centre.

Providing for Economic Growth

Chapter 6 of the NPPF discusses building a strong, competitive economy. Paragraph 81 confirms that:

"Planning policies and decisions should create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

The Government's legislative changes to the Use Classes Order has provided additional flexibility to the planning system to allow town centres to quickly adapt and diversify, and to support the high street.

As the unit is currently vacant, it does not support any jobs or indeed, provide any meaningful contribution to the economy.

The proposal provides for economic growth as it signifies investment by Paddy Power in the unit. On average £250,000 is invested by Paddy Power in the opening of each new unit.

As set out above, the proposal will create 6 no. new job opportunities for local people. In addition, each new Paddy Power unit creates temporary employment opportunities for local construction workers, and on-going, and indirect employment through the supply chain for consumables, utilities and waste management.

On average, Paddy Power also pays £10,000 per unit/ per annum, on business rates to the Council.

Therefore, it is clear that the proposal would provide for economic growth.

SUMMARY & CONCLUSIONS

The principle of the proposed change of use to a licenced betting office is acceptable in this location and the proposals will enhance both the vitality and viability of this part of the District Centre. The proposal involves the bringing back of a long-standing vacant unit into beneficial use, which will lead to improvements to the appearance, and accessibility of the frontage, increased footfall, and linked trips to other facilities and services in the area.

In addition, the proposal presents welcome investment and local employment opportunities at a time when high streets throughout the UK are in decline, and whereby entrepreneurial solutions are required to reinvigorate the high street, facilitated by the Government's legislative approach to ensuring a degree of flexibility to uses in town centres.

The proposed development is in compliance with National Planning Policy and aligns with the provisions of the Manchester Unitary Development Plan (1995), and the Manchester Core Strategy (2012). As such, we conclude that the proposed change of use is entirely appropriate in planning policy terms.

Negotiations with the owners of the property are at an advanced stage and it is the intention to commence fit out on receipt of planning permission to confirm the use and, subject to the pertinent consents (under LPA refs: PP-11498503 and PP-11497022), as required. We would therefore appreciate it if you were able to facilitate an early decision so as to ensure this unit is reoccupied as quickly as possible.

We look forward to receiving your acknowledgement of receipt of this application and to its early favourable determination. Should you have any questions arising from this submission we request you contact myself (cday@hpduk.com) or Charlotte Mills (cmills@hpduk.com) at these offices.

Yours faithfully,



Claire Day BSc (HONS) MRICS FRTPI
DIRECTOR

Encs.

cc: Power Leisure Bookmakers Ltd.