

Application Number	Date of Appln	Committee Date	Ward
113852/FO/2016	8 Sep 2016	12 Jan 2017	Hulme

Proposal Change of use of the ground floor unit from retail (A1) to a betting shop (sui generis)

Location 30 Hulme High Street, Manchester, M15 5JS

Applicant Power Leisure Bookmakers Ltd, C/O Agent

Agent Mr Sam Deegan, Planning Potential Ltd, 14-15 Regent Parade, Harrogate, HG1 5AW

Update following the Committee meeting held on 15th December 2016

Members will recall that a committee site visit was undertaken prior to the previous committee meeting on 15th December 2016. At that meeting Members were minded to refuse the related application on the grounds of parking, noise impacts, litter and disamenity from the proposed use and activity outside the premises. Members requested that officers bring the applications back to Committee with potential reasons for refusal based on those matters for further consideration.

Parking – Highway Services have reviewed the application following the meeting on the 15th December and have provided the following assessment. The application unit fronts on to the footway of Hulme High Street, situated directly adjacent to a length of double-yellow waiting restrictions which extend northwards up to the Greenheys Lane West junction. Hulme High Street, and the surrounding highways are supported by various lengths of double-yellow waiting restrictions together with Pay-and-Display parking provision (Mon – Fri 8am – 6pm up to 3-hours), parking subject to limited waiting (Mon – Fri 8am – 6pm up to 2-hours), and Goods Vehicle Loading bays.

Public parking is also available at the Hulme High Street Retail Park (limited up to 2-hours), situated to the east. Access between the Hulme High Street units and the car park is facilitated by a pedestrian route located adjacent to the market.

Due to the level of commercial uses operating within the local area, existing on-street parking demand can be relatively high during busy periods, with some parking taking place on double-yellow waiting restrictions within the vicinity of the site.

However, in consideration of the unit's extant permission (A1 retail) and the site's former use as a grocery store (up to January 2016), it is considered that the proposed change of use to a betting shop would not give rise to an increase in local parking demand. Ultimately this is a commercial unit within a district centre which will attract a level of traffic borne custom whether in A1 use or the proposed sui generis use. The centre has the benefit of a large public car park which is open to use by all customers of the centre regardless of which shops are being visited.

In light of the above it is not considered a reason for refusal based on parking concerns could be sustained.

Noise – Members were also concerned about the impacts of the proposed air conditioning units to be installed to the rear of the premises, they also heard from

objectors about potential impacts caused from inside the premises. These concerns relate to the accompanying application reference number 113855/FO/2016 which appears elsewhere on the agenda. However, in the interests of clarity consideration of this matter is also set out here.

Officers have reviewed the comments of Environmental Health who have also assessed additional information provided by the applicant. Environmental Health raise no objection to the proposals in relation to noise or disamenity caused by the air conditioning units. A revised condition is proposed to ensure that the details supplied are installed to ensure they satisfy the requirements of Environmental Health Officers.

Members also heard from objectors about the potential noise disturbance to upper floor residents caused from activity inside the premises. In response to these concerns it is important to note that the application property is a ground floor commercial unit within a mixed use building specifically designed and constructed for these purposes. There are a range of existing uses within the ground floor commercial units that have similar relationships to upper floor apartments. However it is considered that the addition of an acoustic insulation condition could be reasonably attached to a decision to overcome these concerns and would not be a reason to refuse the application that could be sustained given the nature of the premises within a premises specifically designed and constructed for these purposes.

In addition to the above considerations the application proposals allow the introduction of control on the hours of opening of the premises that was currently not the case for the previous use.

On the basis set out above it is not believed a reason of refusal on noise could be sustained in relation to either this application or the application relating to the air conditioning units (planning application reference 113855/FO/2016).

Litter – The application site currently has a lawful use as A1 retail unit, therefore the potential occupiers that could operate from the unit includes newsagents, grocers, sandwich shop, post office amongst others. In addition the property could be used as a Café or Restaurant (A3 use) under permitted development rights.

Given this, it is not considered that the proposed use would generate a significant increase in the amount or types of litter generated than would otherwise be the case by other occupiers that could lawfully operate from this commercial unit.

Disamenity – The application property is a purpose built ground floor commercial unit, one of a number of similar units that front Hulme High Street and that forms part of Hulme District Centre.

Hulme High Street contains a variety of commercial uses that have entrances directly onto Hulme High Street with residential apartments above; as such the application property has the same relationship to residential properties as other commercial units. As indicated above both the lawful use of the property and permitted changes to the use of the unit could result in similar movements and activities of customers

and patrons as the proposed use as a Betting Shop. On this basis a reason for refusal based upon disamenity to existing residents could not be sustained.

Related applications – As noted above this application is one of a series related to this property, in relation to the other applications the following is noted:

Application reference 113855/FO/2016 for the installation of 3 no. satellite dishes and 3 no. air conditioning units to the roof of the building – Consideration of the impacts in relation to noise are set out above, it is not considered that a reason for refusal based upon noise impacts could be sustained on this application.

Application reference 113853/FO/2016 Installation of a new shop front. It is not considered that any of the reasons raised by Committee could be directly attributed to this application proposal.

Summary – The issues raised by Members as set out above, have been carefully considered. In this instance it is not considered that there are reasons to refuse the applications that could reasonably be sustained. Based upon the considerations and additional comments received the Committee is asked to consider the original recommendations in the context of this supplemental report.

Description

At the meeting of 17th November 2016, Members resolved to defer consideration of this application for a site visit. This application relates to a ground-floor unit, within the middle of a mixed use parade. The property is located on the west side of Hulme High Street, within Hulme District Centre. The property is a vacant grocery store (Class A1).

There are commercial properties either side of the application site. To the rear is a service yard. Directly above the ground-floor properties are self-contained flats. Facing the site across Hulme High Street are further commercial uses.

There are double yellow lines directly to the front of the property, with limited parking spaces along the high street, for permit holders or pay and display. However, there is an abundance of free parking available on the Asda retail park, which is a short distance away.

The applicant is seeking to change the use of the premises from a vacant grocery storey (Class A1) to a betting shop (sui generis). The proposed opening hours would be 8am to 10pm seven days a week.

This application relates solely to the proposed change of use. Three further separate applications have been received for the installation of a new shop front and elevational alterations to the rear, proposed signage, and proposed satellite dishes and air conditioning units. The associated applications appear elsewhere on this agenda, with the exception of the signage application.

Consultations

Local residents – 17 letters of objection have been received. The grounds for objecting are summarised below:

- The change of use would cause unacceptable disturbance or loss of amenity to nearby properties due to noise, safety and security, refuse, parking and traffic congestion;
- A betting shop is needless and provides no relevant service to local people in an area which is predominantly made up of families;
- There is already an issue with crime and disorder, such as begging and drug users in the area and expects that this will get worse with the clientele that a betting shop will attract;
- This is a quiet residential block of apartments and the nature of such a business use would potentially cause immense nuisance due to noise, litter and traffic;
- Will provide a gathering point for people to congregate and engage in anti-social behaviour;
- Believes that the area already has enough establishments of a similar nature;
- A betting shop would undermine the regeneration that has occurred within the area;
- Would send out the wrong message that gambling is okay to impressionable youths;
- The betting shop would take more from the community (i.e. revenue, gambling losses), than it would give (i.e. jobs, zero hour contracts);
- Want businesses that will benefit the community, not jeopardise it;
- Hulme High Street is already exceptionally congested with traffic, the addition of a betting shop will add to this making crossing the road even more dangerous;
- The betting shop would be particularly loud in the evenings;
- Men congregating outside the premises would be intimidating to women and vulnerable people in the area.

Ward Member for Hulme – Cllr Lee-Ann Igbon wishes to record her objection to the proposal. She does not believe that the proposal meets the needs of the community and brings extended health and safety, crime and anti-social behaviour issues.

The road has issues with cars speeding, illegal parking, street robbery, adults and young people hanging around food outlets, rubbish and high commuter use due to colleges and university. This would increase that and encourage residents to access a facility that brings nothing to the community but increased negative behaviour.

Central Neighbourhood Team - There would be no regeneration benefits from this use.

In terms of the impact on the High St, the Neighbourhood Team would want to engage with the business with regard to customer parking, congestion on the street, and littering, to ensure there was not a negative impact.

Environmental Health – Have no objection in principle, subject to conditions to be added to any approval regarding acoustic insulation, hours of opening and delivery times.

GMP – Have raised no objection.

Highways - Any comments received will be reported to Committee.

Policies

National Planning Policy Framework

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the 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 (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a presumption in favour of sustainable development. This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

As set out in the remainder of this report the proposals are considered to comply with the Manchester Core Strategy and on the basis it constitutes is sustainable development and complies with the National Planning Policy Framework.

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

- creating well designed places,
- making a positive contribution to health, safety and well-being,
- considering the needs of all members of the community, and
- protecting and enhancing the built and natural environment.

Policy DM1 is relevant to the proposed development as it seeks to protect the amenity of an area from the adverse impact of development including road safety and traffic generation.

Policy C10 is also relevant to the proposed development in that it addresses the evening and night time economy. The policy states that 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.

As set out within this report the proposal for a betting shop at the application property is considered to accord with the policies of the Core Strategy and will provide a use that compliments the current mix of uses within the district centre.

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

The below saved policies of the Unitary Development Plan are considered relevant:

Policy DC26 – is relevant as it seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted

Guide to Development in Manchester – States that throughout the City, the Council will encourage development that complements Supplementary Planning

Document and Planning Guidance. The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester. The following aspects of the guide have been given consideration in this case:

- i. Paragraph 4.11 - States that all developments should be supported with a waste management strategy to ensure that adequately sized bin storage areas, access for collection crews and vehicles, and other aspects of waste management are designed into the development at the earliest stage;
- ii. Paragraph 11.24 – States that district and local centres are an important feature of neighbourhoods and contribute to the image and sense of place of an area;
- iii. Policy 11.25 – State that, whether they play a district or local function, centres should accommodate a range of facilities and services, not simply shops and hot food premises.

Issues

Principle – The principle of the change of use to a betting shop is considered to be acceptable for the following reasons.

The premises is located within an identified district centre. The property is a vacant ground floor shop unit which was previously used as a grocery store under use class A1. The unit has been vacant since January 2016.

The premises is well served by public transport and there is a large car park within 150 metres of the premises.

Viability and Vitality of the Centre

A survey of all properties within the centre was undertaken. There are no other betting shops in this location. The uses are predominately A1, with some intervening A3 and A5 uses. There is not a high level of vacancy within the centre. This application would not adversely impact upon the mix of uses in the centre.

Matters which require consideration are whether there will be any unacceptable impacts on residential amenity (as a result of noise and disturbance from the use), any associated car/cycle parking and servicing implications together with waste management.

Each matter will be addressed in turn.

Residential amenity – It is understood that there are residential properties above the premises on upper floors; however, the proposed change of use would not significantly increase the amount of comings and goings to the premises over and above those associated with the previous Class A1 use.

Whilst residents living in a district centre would not expect the same level of amenity as those in a residential area, it is considered prudent to require that acoustic insulation measures are undertaken to overcome noise disturbance. Environmental Health have suggested a suitably worded condition.

The premises will operate the following opening hours:

Monday to Sunday 08:00 to 22:00 including Bank Holidays.

The operating hours proposed are reasonable, as the use would cease at an appropriate time in the evening. Environmental Health have confirmed that the operating hours proposed by the applicant are acceptable.

No hours of operation are currently in place for the unit, this proposal allows us to control the opening of the premises through the abovementioned condition.

As such, it is not considered that the noise and disturbance associated with the operation of the premises will be excessive or over and above what is typical for a location like this within a district centre.

It should be duly noted that a separate planning application has been submitted for the installation of air conditioning units to the rear, and as such this element of development will not be dealt with as part of this application.

It is not considered that there will be any unduly harmful impacts associated with the change of use upon residential amenity that would warrant refusal of planning permission. The premises capacity, even in a worst case scenario, is not considered to be excessive.

On balance it is therefore considered that the proposed use would not give rise to an adverse impact on the amenity of residents and that the proposed development therefore accords with Core Strategy policies DM1 and C10 and Saved Unitary Development Plan policies DC10 and DC26.

Parking – The premises has double yellow lines directly outside of the premises, with limited on street parking bays available, however, within 150 metres of the premises is the Asda retail park which has an abundance of free parking, which could readily be used for patrons of the premises travelling by car.

Waste Management – The bins (which predominately contain paper waste) are to be stored internally in the staff area within the unit and to be taken to the back of pavement once a week for City Council collection.

Anti-social behaviour/Morality – The use of a premises for gambling is a licensable activity, and as such a license was recently granted for the premises under the Licensing Act. It is understood that as part of the requirement for the license the applicant had to demonstrate that their operation will:

1. Prevent gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;

2. Ensure that gambling is conducted in a fair and open way; and
3. Protect children and other vulnerable people from being harmed or exploited by gambling.

Failure to demonstrate compliance with the above objectives means that a licence will not be granted, and of course, if at any time a betting shop operator is found not to be complying with the objectives in the future, their licence can be reviewed and ultimately revoked.

Therefore, it is considered that the licensing process and the conditions of the license address many of the issues raised by objectors.

In terms of the potential for anti-social behaviour and patrons loitering outside of the premises, Greater Manchester Police have raised no objections to the proposed change of use on these grounds.

Conclusion - The proposed application for a change of use from A1 retail to a betting shop (sui generis) has been fully considered against the relevant aforementioned planning policies. On balance it is considered that the proposal will not adversely impact on the vitality of Hulme district centre nor would it cause harm to the amenities of local residents living in and adjacent to the Hulme district 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 the right to a fair hearing and to this end the Committee 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 Head 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 approval of the application is proportionate to the wider benefits of approval 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

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.

Reason for recommendation

Conditions to be attached to the decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:
Proposed ground floor plan 2016/50/04 rev B received by email 4th November 2016.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 0730hrs to 2000hrs, Monday to Saturday, no deliveries/waste collections shall take place on Sundays or Bank Holidays.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) The premises shall not be open outside the following hours:-
Monday to Sunday (including bank holidays) 0800hrs to 2200hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) The development shall be carried out in accordance with the submitted waste management scheme as detailed on drawing no. 2016/50/13 rev A and the accompanying waste management strategy received by email by the local planning authority on the 11th November 2016. The approved details shall be implemented in full prior to the first occupation of the approved building and be retained thereafter.

Reason - In the interests of public health and residential amenity and to insure that there is satisfactory refuse facilities prior to the commencement of the change of use pursuant to policies DM1 and SP1 of the Core Strategy.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 113852/FO/2016 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

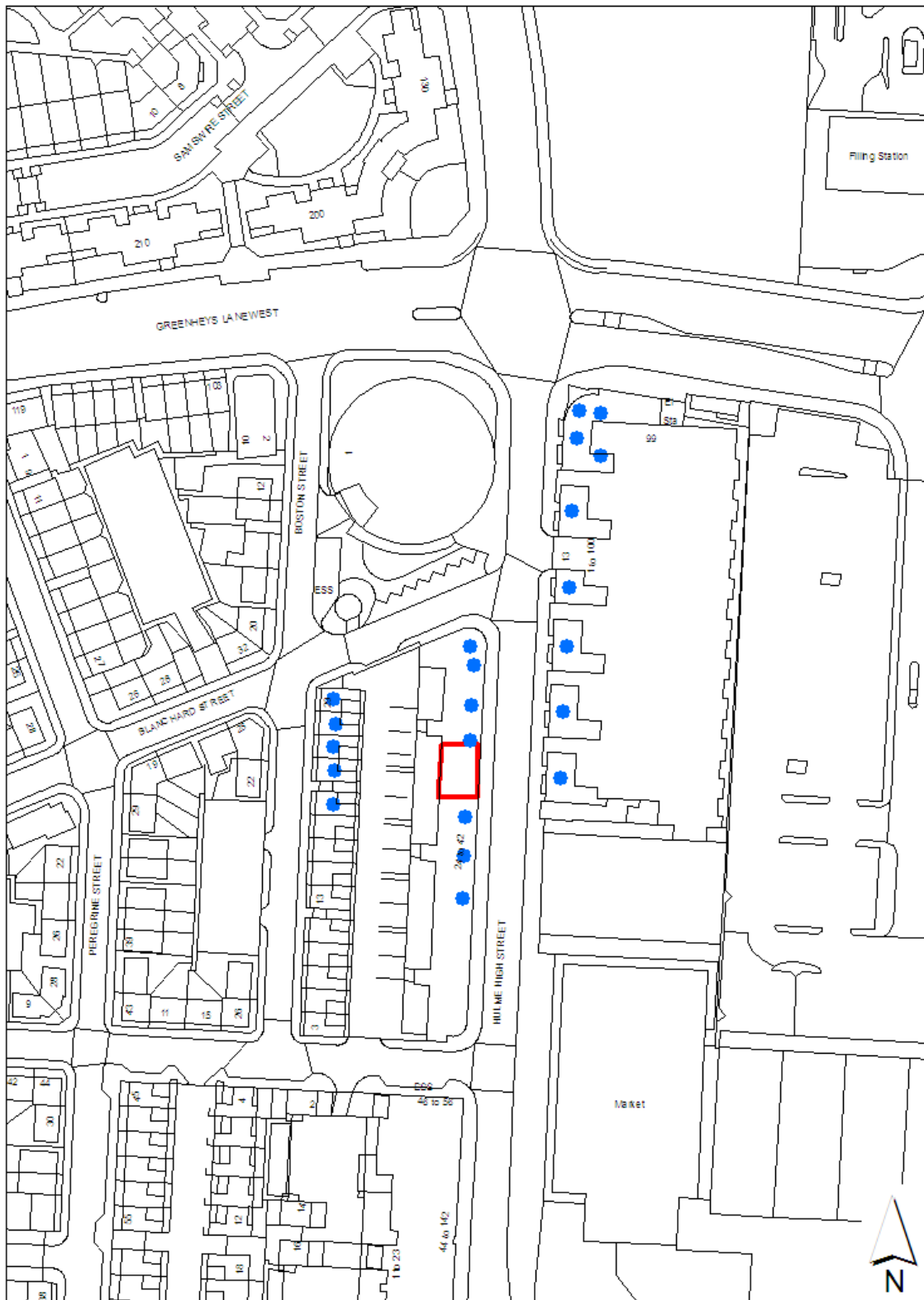
Environmental Health
Central Neighbourhood Team
Greater Manchester Police

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

12, 16, 24, 26 Betsham Street, Manchester, M15 5JN
14 Southcombe Walk, Manchester, M15 5NX
32, 38, 39, 41, 59 Peregrine Street, Manchester, M15 5PZ and M15 5PU
Flat 29, 34 Hulme High Street, Manchester, M15 5JS
Apartments 45, Apartment 54, 40 Hulme High Street, Manchester, M15 5JS
100 Life Building, 13 Hulme High Street, Manchester, M15 5JR
74 Hulme High Street, Hulme, Manchester, M15 5JP

Relevant Contact Officer : Melanie Tann
Telephone number : 0161 234 4538
Email : m.tann@manchester.gov.uk



□ Application site boundary ● Neighbour notification
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