

Application Number	Date of Appln	Committee Date	Ward
087714/FU/2008/S2	22nd Sep 2008	20th Nov 2008	Didsbury East Ward

Proposal Change of use of ground floor from shop (A1) to betting shop (A2)

Location 683 - 693 Wilmslow Road, Didsbury, Manchester, M20 6RE,

Applicant David Pluck (North West) Ltd, 343 Woodchurch Road, Prenton,
Birkenhead, CH42 8PE

Agent

Description

This application relates to part of the former Boots retail shop on the East side of Wilmslow Road. The site falls within Didsbury District Centre. It is proposed to change the use of the premises from a shop (Class A1) to a betting shop (Class A2).

The applicant is solely applying for the change of use at this stage and not for any associated signage or elevational alterations.

Consultations

Local Residents/ businesses - Two letters of objection have been received the main comments of which are outlined below:

i) We act as planning consultants to retained client who trade from nearby premises. Our client wishes to strongly object to this proposal on the grounds of non compliance with City Wide Policy DC13.1 of the Adopted 1995 Manchester Plan.

As you know, Didsbury is identified as a District Centre in the Hierarchy of Centres where the Local Planning Authority seek to ensure there is a balanced mix of uses with retail being the predominant use. City Wide Policy DC13.1 states -

in determining applications for non-retail uses in shopping areas (excluding the City Centre) the Council will have regard to:

- A. the contribution of the proposed activity to the viability and vitality of the shopping area;
- B. the contribution the proposed development would make in terms of urban regeneration;
- C. the availability of adequate, safe and convenient arrangements for car parking and servicing;
- D. the effect of the proposed development on the street scene; and
- E. the balance between retail and non-retail uses in the shopping area.

The subject proposal does not comply with criteria A, D and E of Policy DC13.1.

ii) The supporting statement to DC13.1 explains that the Council does not wish to restrict a diversity of uses from operating in District Centres but that they do

not wish to see the (shopping) role of these centres being undermined by the growth of non-retail uses

iii) In non-compliance with Part A - vitality and viability we note that when permission was granted for the subdivision of this unit (ref: 084640/FO/2007/S2) in December 2007, it was for the creation of an additional Class A1 retail unit which would have added to retail vitality and viability in Didsbury District Centre. This proposal now seeks to remove this additional Class A1 retail unit from this centre. As such no benefit to retail vitality has been gained from the 2007 approval.

iv) As to Part D, we should point out that the subject premises are located at the busy Barlow Moor Road / School Lane /Wilmslow Road crossroad. In effect this is the 'gateway' into the District Centre. With this proposal in place there will be an over-concentration of non-retail uses at this key location which will harm the retail character of the centre. For example, immediately adjoining the subject site is a large Natwest Bank (15m frontage), directly opposite is a Tapas Restaurant (4m frontage) and a large Abbey Bank with a 13m frontage. To the north on the junction of School Lane and Wilmslow Road is an Estate Agent with a 7m frontage and on the diagonally opposite corner is Fugu Restaurant which has a 14m frontage on to Wilmslow Road. One more non-retail use in this prominent location can only have a harmful effect on the street scene and the vitality and viability of the centre as a whole.

v) The proposed change of use will also create a long run of contiguous non-retail frontage which will harm shopping vitality and viability. The subject unit has a 5.5m frontage which is adjoined by a large Natwest Bank which has a 15m frontage. Adjoining this on the other side of Kings Lyn close is a kebab house (4.5m frontage) and a Halifax Bank (7m) As such the proposal if approved will lead to a run of 4 non retail uses in a row and fully 32m of continuous non-retail frontage resulting in a negative cumulative effect on retail character and vitality. This allied to the above points must surely justify a refusal.

vi) With regard to Part E of DC13.1 we have surveyed all of the uses on Wilmslow road within the defined boundary of the District Centre i.e. all of the uses on both sides of Wilmslow Road from its junction with Moorland Road to the north down to its junction with Dene Road to the south.

vii) Our survey indicates that in total there are 91 commercial uses on Wilmslow Road. Of these, 45 uses or 49.4% of the frontage is in non-retail use. With this A2 use in place this figure will rise to 50.5% such that purely in planning unit terms, Class A1 retail uses will no longer predominate. As such, notwithstanding the above points, we believe on this point alone there are sufficient grounds to refuse this application.

viii) Further, if one considers the retail / non-retail split on frontage length terms then there is an even stronger case for objection. Along Wilmslow Road there is a total approximate frontage length of 598.5m. Of this, approximately 363.5m of the frontage is currently in non-retail use. This represents a non retail frontage of 60.7% such that, clearly non-retail uses dominate the street scene. With this A2 use in place this figure rises to 369m or 61.6%. Surely any further dilution of the retail offer on Wilmslow road must now be halted. This proposal tips the

balance further in favour of non-retail uses and is thereby contrary to both Policy DC13.1 of the UDP and also the provision of Planning Policy Statement 6 which holds that retail uses should predominate in town centre locations.

ix) Whereas we acknowledge that the above application is a relocation of an existing use, we should point out this proposal will add a further non-retail in a centre where the retail offer is already significantly marginalised. We note that exiting Betting Office at No. 776 will still remain in non-retail A2 use with this proposal in place.

x) As such we implore the Council to refuse this application on the grounds of non-compliance with Policy DC13.1 of the UDP and that it will have a negative impact on the retail character, vitality and viability of Didsbury District Centre. Currently experience lack of sleep due to excessive noise when people leave the premises, this will occur even later if the proposed hours are approved and will considerably lower the quality of life and right to a decent nights sleep.

xi) I own M J Leeming Opticians at 1a School Lane, Didsbury. This is just opposite the new development, formerly Boots Chemists. I am somewhat surprised not to have had any notification by letter, of the proposed change of use for this property. I believe that a Bookmakers is proposing to move into the property. I am opposed to the proposed change of use from A1 to A2 as it would represent an unacceptable change in character of the village from what should be predominately retail, to in effect, majority non-retail. I believe that this is also Council planning policy, also. To allow this change of use would therefore flout your own Policy.

Didsbury Civic Society - raised the following concerns:

- i) The high profile prime location is unsuitable for a bookmakers shop
- ii) In accordance with 13.1 in determining applications for non retail use in Shopping areas the council does not wish to see the viability of the shops being undermined by the growth of non retail premises. We have conducted a survey of Wilmslow rd and out of a total of 91 premises 49 were non A1.
- iii) If David Pluck Bookmakers move from his current location, leaving an A2 in his wake we will lose 2x A1 shops.

Licensing Unit - The premises are not licensed at present either under the Gambling Act 2005 or Licensing Act 2003. They obviously will need to apply for a Premises Licence under the Gambling Act 2005 to trade as a betting shop.

GMP Architectural Liaison Unit - No objection to proposal.

GMP Crime Prevention Team - No comments received at time of writing report.

Issues

Unitary Development Plan - Reference is made to the following policies:

- i. H2.2 - particular reference is made to the consideration of development in terms of its impact on residential amenity in terms of noise disturbance;

- ii. DC13.1 In determining applications for non-retail uses in shopping areas (excluding the City Centre) the Council will have regard to:
- a. the contribution of the proposed activity to the viability and vitality of the shopping area;
 - b. the contribution the proposed development would make in terms of urban regeneration;
 - c. the availability of adequate, safe and convenient arrangements for car parking and servicing;
 - d. the effect of the proposed development on the street scene; and
 - e. the balance between retail and non-retail uses in the shopping area.

The Regional Spatial Strategy for the North West, adopted in September 2008 provides planning guidance for the North West region. Since 2004, the RSS has formed part of the statutory development plan, as such, the weight to be attached to its policies has increased. The following policies are considered of relevance in this instance:

Policy DP2 (Enhancing the Quality of Life) seeks to revive local economies and ensure that developments provide a high quality of life for this and future generations.

Policy W1 (Strengthening the regional economy) states that plans and strategies should promote opportunities for economic development.

Planning Policy Statement Note 1 (PPS1): Creating Sustainable Communities

PPS1 encourages the promotion of urban and rural regeneration to improve the well-being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. In addition to this PPS1 clearly outlines the importance of creating sustainable communities.

Future of Existing Premises - The applicant has declared that should they be granted planning permission they will close their existing premises within the District Centre and move to these new premises. Clearly there is no guarantee what the vacant unit will then be used for, but the number of vacant units is low.

Mix of Uses - With regard to the concerns over the loss of a Class A1 retail unit, it has to be noted that the former Boots site was one Class A1 unit, which has been split into 2 units, with Costa Coffee operating from part of the former unit as Class A1 shop. Therefore, the change of use of the remaining part of the unit to Class A2, does not lessen the previous number of Class A1 units within the Didsbury District Centre. In addition there are changes currently where several of the existing Class A2 units such as Estate Agents are currently closing or reducing in size, and returning to Class A1 uses in response to economic circumstances.

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 Unitary Development Plan, the Head of Planning 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. He 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

on the basis that the proposal is an appropriate use which contributes towards the vitality and viability of the District Centre and is in accord with the City Council's Unitary Development Plan in particular policies H2.2 and DC13 and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

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) This permission relates to the change of use of premises. No approval is implied or granted for any building or engineering operation associated with the change of use.

Reason - For the avoidance of doubt and to define the plans and development to which permission relates, pursuant to PPS1 - Delivering Sustainable Development.

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: 087714/FU/2008/S2 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
Licensing Unit
Greater Manchester Police

Steve Hobson, Crime Reduction Officer
Didsbury Civic Society
Natwest, 699 Wilmslow Road, Manchester, M20 6NW
1 Kings Lynn Close, Manchester, M20 6WD
683-687, Wilmslow Road, Manchester, M20 6RE
Stroll House 681a, Wilmslow Road, Manchester, M20 6RA
Abbey National Plc, 712-714, Wilmslow Road, Manchester, M20 6DQ
Amalons Solicitors, Barlow House 708-710, Wilmslow Road, Manchester, M20 2DW
Amelans Solicitors, Barlow House 708-710, Wilmslow Road, Manchester, M20 2FW
Cheese Hamlet, 706 Wilmslow Road, Manchester, M20 2DW
Casa Tapas, 704 Wilmslow Road, Manchester, M20 2DW
702 Wilmslow Road, Manchester, M20 2DW
Evans (fish & Fruit) Ltd, 1 Barlow Moor Road, Manchester, M20 6TN
5a, Barlow Moor Road, Manchester, M20 6TN
Nelson Inn, 3 Barlow Moor Road, Manchester, M20 6TN
Richard Raper Planning, Town Planning & Development Consultants, 82A Otley Road, Leeds, LS6 4BA

Representations were received from the following third parties:

Didsbury Civic Society, Underbank House,, Millgate Lane., Didsbury.
Haris Kasuji, Richard Raper Planning, Town Planning & Development Consultants, 82A Otley Road, Leeds, LS6 4BA

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