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Rochdale Council,
Planning and Regulation,
PO Box 32,
Telegraph House,
Baillie Street,
Rochdale,
OL16 1JH

Dear Sir/Madam

Proposed change of use from betting office (sui generis) to adult gaming centre (sui generis) and advertisement consent for new signage at 40 Yorkshire Street, Rochdale, OL16 1JN

We act as planning consultants to Luxury Leisure, a market leading provider of gaming and entertainment venues with over 230 high street and seaside gaming venues in the UK.

The company wishes to operate a new adult gaming centre (AGC) from the above vacant former betting shop premises. It is one of the quirks of the planning system that adult gaming centres are classed as sui generis uses in their own right and there is no permitted development right to inter-change from a betting shop to an adult gaming centre. As such, this proposal is for change of use from one sui generis licenced gaming establishment (betting shop) to another licenced gaming establishment (AGC) on the high street. This application is to establish the principle of change of use to AGC use as well as advertisement consent for a new fascia and projecting sign. There are also minimal changes which comprise repainting of the existing shopfront from blue to grey.

With regard to the development plan, Policy E1 of the October 2016 Rochdale Core Strategy supports retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations for people living, working and visiting the borough. However, element of Policy E1 of Core Strategy document has been superceded by recent changes to the Use Classes Order which came into effect on

1st September 2020. The government now favours a diversity of use in town centre locations with Class E permitted development rights allowing for use, or part use, for all or any of the following purposes—

a) *for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
b) *for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
c) *for the provision of the following kinds of services principally to visiting members of the public—*
   (i) financial services,
   (ii) professional services (other than health or medical services), or
   (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
d) *for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
e) *for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*
f) *for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
g) *for—*
   (i)an office to carry out any operational or administrative functions,
   (ii) the research and development of products or processes, or
   (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The impact of this change in legislation is that it effectively negates town centre development plan policy on change of use and primary and secondary shopping frontages, with all manner of uses now being acceptable in a town centre location during the day and in the evening without restriction.

As to the proposed use, both the Core Strategy and the saved the UDP itself is mute on the subject of change of use from an existing sui generis licenced gaming establishment being a betting office to a proposed licenced gaming establishment being an adult gaming centre. The principle of sui generis licenced gaming activity is already established at this site. The subject proposal is for a small scale AGC with the change of use relating to only the ground floor of the premises. The subject property is located in an area of mixed use within the prime shopping area where there are also some other similar premises. There are no physical changes proposed aside from repainting the shopfront and there will be no impact on the existing shopping frontage. An active frontage will be maintained. Footfall to the subject property will be restored as well as the wider area through linked shopping trips. The premises already benefits from acoustic insulation which is fitted as standard in betting shop premises and there will be no impact on the amenity of any nearby occupiers. Indeed we confirm that there are no residential occupiers either above or in the neighbouring premises to the side front and rear.

Internally, there will be no noisy amusement arcade equipment which attracts under 18's and has an impact on amenity. Unlike an 'arcade' which is noisy to attract passing custom of all ages, there is a statutory obligation as per betting shop uses to exclude under 18's from AGC's. Such AGC establishments are commonly found at the heart of hundreds of shopping centres throughout the UK and are not uncommon even in defined primary shopping frontages. Indeed, many shopping centres have more than one AGC in the town centre. There is no evidence that AGC uses have harmed any interest of acknowledged importance. Such uses rely on pedestrian flows and trade successfully in busy town centres and contribute as a complementary use to the overall attraction of town centres to the shopping public. As an acceptable town centre use, AGC's are found in busy locations where there is *even* residential use above or in adjoining properties. The use itself however is not an inherently noisy activity nor in relation to the comings and goings of customers. There are no adverse impacts on nearby residential occupiers and there is no evidence of any anti-social behaviour being exacerbated by such uses.

We should also add that the proposed use is strictly governed and regulated under the council's licensing regime where Rochdale Council as Licensing Authority is legally obliged to take into consideration issues of the prevention of crime and disorder, public safety, the prevention of public nuisance which includes amenity concerns such as noise, threats to community safety, litter, odour, smoke, and light; and the protection of children from harm. Hours of use also fall under the licensing regime and as such we leave those matters to be considered under the licensing regime as governed by the Gambling Act 2005.

The NPPF also advises local authorities to grant planning permission where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date unless *there is a clear reason for refusing the development which is referenced in the NPPF or any adverse impacts of* doing so would *significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole*. There are no specific policies in the NPPF which prohibit the proposed use. Indeed, the general direction of the NPPF is to support diversity and a range of uses. In relation to ensuring the vitality of town centres, competitive town centres that provide customer choice and a diverse retail offer are preferred.

The retail shopping function of the street will remain unaffected. There will be no harm to retail vitality viability or diversity as the proposal is to swap an existing licensed gaming activity for another similar licensed gaming activity. AGC's are established *bona fide* town centre uses which add to the diversity and choice of uses in town centre locations and which have no harmful impact on retailing activity. Class E uses will continue to predominate in the town centre as a whole. The proposed change of use will also create 12 jobs at the subject property and the applicant will also invest in the property. At a time when high street jobs are being lost on a daily basis investment such as this in the high street should be supported.

We note that there is a high degree of vacancy in the town and it is hoped that the reoccupation of the subject property will help to restore some confidence in the town centre.

With regard to the proposed signage, the new fascia sign will be non-illuminated and is therefore permitted development whereas the projecting sign will be externally illuminated. We note that advertisement consent 14/00259/ADV for Externally illuminated fascia sign to shopfront including an externally illuminated projecting hanging sign to front elevation was previously approved at this site such that the precedent for illuminated signage is already established.

For all of the above reasons we commend this application for your approval.

Should you require any additional information, please contact these offices in the first instance.

Yours sincerely,

HARIS KASUJI BA MA MRTPI