

October 2023



Planning, Design and Access Statement including a Heritage Statement

**Proposed change of use of 24 Middleton Gardens,
Middleton, Manchester, M24 4DF from (E use class) to a
betting shop (sui generis use class)**

On behalf of

Done Brothers (Cash Betting) Ltd

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3. Marketing Evidence from BHT Chartered Surveyors

1.0 Introduction, Site Context, Marketing and Planning History

Introduction

- 1.1 This Planning, Design and Access Statement including a Heritage Statement has been prepared on behalf of Done Brothers (Cash Betting) Ltd to support a Full Planning Application for the proposed change of use of 24 Middleton Gardens, Middleton, Manchester, M24 4DF from (E use class) to a betting shop (sui generis use class).

Site Context

- 1.2 The unit lies facing the pedestrianised area of Middleton Gardens with the rear facing Factory Street. Parking, vehicle access and waste services access the property from the rear. The street frontage contains a mixture of uses including a McDonalds and Halifax Bank adjoining the change of use unit.
- 1.3 Figure 1 below shows the shop frontage of the unit currently:

Figure 1:



- 1.4 The lawful use of the unit was for A1 use that now falls under the new E use class in accordance with amendments made to the Town and Country Planning (Use Classes) Order in September 2020.
- 1.5 The unit sits within the secondary shopping area of Middleton town centre within the secondary shopping frontage as identified under saved Policy S/4 of the UDP and detailed in Policy E1 of the Core Strategy and on the Maps of the Draft Site Allocations Plan for Rochdale.
- 1.6 The Unit is not listed but is within the Middleton town centre Conservation Area which was adopted in 1978 and further extended in 2009.

Marketing History

- 1.7 Marketing evidence is provided from the Marketing Agents BHT at Appendix 3 of this Statement detailing what marketing has occurred of the unit to try and secure a retail operator prior to this planning submission to change the use to a betting shop.
- 1.8 24 Middleton Gardens was formerly occupied by Bright House, a national rent to own company. Bright House entered administration in March 2020 resulting in the gradual closure of all of its stores with final stores closed by December 2022 in order to maximise collection activities and also allow time to find buyers for each store.
- 1.9 The unit was extensively marketed for a retail use from January 2021 and continued for a 2-year period by Rob Stollery MRICS, a consultant at BHT. For a 2-year period through 2021-2023, the unit was actively marketed with a general lack of interest generated. Betfred expressed interest in leasing the property in late 2022.
- 1.10 The lack of retail interest generated in the unit is also supported by the fact that the Virgin Money at 22/23 Middleton Gardens was marketed by Cushman Wakefield and occupied by Jefferies Casino (a sui generis use) in mid-2022. Jefferies relocated from 39/41 Middleton Gardens and their unit was marketed by Sanderson Weatherall, a change of use of was obtained to Class E1 and it still remains vacant which both clearly shows lack of retail demand in this location.

Planning History

- 1.11 Following a search of the Local Authority's Public Access Webpage, the following Planning History is recorded:

15/01436/ADV - One internally illuminated fascia sign and two internally illuminated ATM surrounds. Approved

13/00266/ADV - Replacement of internally illuminated fascia and buckle sign, installation of two non-illuminated ATM header signs and one non-illuminated window sign. Approved

02/A5214 – Internally illuminated fascia and projecting disc sign. Approved

00/A5056 – Internally illuminated fascia sign. Approved

01/D39550 – New shopfront. Approved

2.0 The Proposed Development

Use

- 2.1 The proposed development seeks full planning permission for the proposed change of use of 24 Middleton Gardens, Middleton, Manchester, M24 4DF from vacant (E use class) to a betting shop (sui generis use class).

Design

- 2.2 No physical alterations are proposed to the shopfront with the submitted proposed elevation plan showing how the shopfront design and fascia sign will appear on the street frontage.
- 2.3 The proposals seek to paint the existing shopfront blue RAL 5017 in the Applicant's corporate colours. This is a similar shade and design to the adjacent Halifax Bank unit. The current roller shutter will be removed as part of the shop refit proposals to open the unit frontage.
- 2.4 The design of the shopfront is appropriate for the Conservation Area and complements the adjoining Halifax Bank unit in accordance with Core Strategy Policy P3 which seeks to improve design of new developments.

Access

- 2.5 The unit would be accessed via the existing double front doors. An emergency exit with an alarmed door that opens outwards only is retained to the rear of the building as shown on the existing and proposed layout plan.

Other material matters

- 2.6 The unit has remained vacant despite being marketed for a retail use since January 2021. The occupation of the long-term unit has many positive impacts on the vitality and viability of Middleton town centre and would provide a Bookmaker service and employment creation in the town centre alongside supporting economic growth.
- 2.7 Betfred is the world's biggest privately-owned betting company and one of the UK's biggest privately-owned retail outlets. Licensed betting shops are regarded as being main town centre uses under Annex 2 (Glossary) of the National Planning Policy Framework (NPPF 2021) as they are defined as a leisure and entertainment use. Betting shops as a main town centre use, have been evidenced to support the main retail function of town centres nationwide.

3.0 Planning Policy Review

- 3.1 The Fifth Edition of the National Planning Policy Framework (NPPF) was published on the 5th September 2023 and replaces the guidance in the previous 2021, 2019, 2018 and 2012 versions of the document. The framework sets out the Government's planning policies for England and how these are expected to be applied. The following policies are considered applicable to the proposed change of use application.
- 3.2 Paragraph 8 of the NPPF confirms the purpose of the planning system is to contribute to the achievement of sustainable development "There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- **An economic role** – build a strong, responsive and competitive economy
 - **A social role** – creating a high-quality built environment, with accessible local services
 - **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment
- 3.3 The proposed development comprises a main town centre use within a town centre. By bringing a long-term vacant unit back into active use, this supports the local economy including generating employment opportunity. The proposals meet a social role by providing a Bookmaker service for residents in Middleton town centre and also it meets an environmental role by providing an active shop frontage.
- 3.4 Section 6 of the NPPF provides guidance on supporting economic development. Paragraph 80 confirms 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.
- 3.5 Section 7 of the NPPF provides guidance on ensuring the vitality of town centres. Paragraph 85 confirms 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.

The Development Plan

- 3.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 3.7 The Development Plan for Rochdale relevant to the proposed change of use comprises of:
- Rochdale Core Strategy (adopted October 2016)

- Saved Policies of the Rochdale Unitary Development Plan 1999-2016 (adopted 1999 and extended in 2006 to cover the period to 2016)
- Middleton Town Centre Masterplan (adopted 2022)
- Shopfronts and Security Shutters SPD (adopted 2012)

Rochdale Core Strategy (2016)

- 3.8 The following Core Strategy Policies are relevant to the proposed change of use.
- 3.9 Policy E1 - Establishing thriving town, district and local centres - focuses 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. To do this the Council will:
- Promote a scale of retail and leisure development in the above centres which is appropriate to their size, catchment and role taking into account the most up to date retail capacity figures.
 - Protect and safeguard the core retail function of Primary Shopping Areas through restricting certain non-A1 retail and retail uses within Primary and Secondary Shopping Frontages.
 - Support the expansion of the evening economy through a number of mixed uses such as restaurants/bars/ theatres which will enhance the vitality of the centre, making it a more vibrant, active and safer place in the afternoon and evening.

In considering proposals for main town centre uses the Council will:

- (d). Seek to ensure a high proportion of A1 retail uses in the Secondary Shopping Frontages whilst accommodating, where appropriate, a wider range of other retail and town centre uses;
- (e). Support a change of use of a vacant retail unit (marketed for at least 6 months for retail use) in a Secondary Shopping Frontage where applicants can demonstrate that the use will clearly assist, and not harm, the vitality and viability of the centre.
- 3.10 Policy E1/M - Establishing Middleton as a thriving town centre - In Middleton town centre the Council will support and develop the proposals set out in the Middleton Town Centre Masterplan for the redevelopment, refurbishment and improvement to the centre and its public realm; and strengthen and improve the attractiveness of pedestrian links to, and the use of, Middleton Gardens.
- 3.11 Policy P2 - Protecting and enhancing character, landscape and heritage – the Council will protect and enhance the borough's character, the distinctiveness of its town centres, housing areas and countryside, and the qualities of its landscapes, utilising the considerable potential of these assets in development and regeneration schemes.

- 3.12 Policy P3 - Improving design of new development – the Council will require all new developments, including associated landscaping, regardless of location in the borough, to adhere to high standards of design.

Saved Policies of the Rochdale Unitary Development Plan (UDP) 1999-2016

- 3.13 The UDP for Rochdale Borough was adopted in March 1999 and originally covered a Plan Period up until 2001. The Plan then underwent a review leading to adoption in June 2006 of the replacement UDP that further extended the Plan Period to 2016. Following the adoption of the Core Strategy in 2016, some of the UDP Policies were 'saved' to be read in conjunction with the Core Strategy Policies. The relevant saved Policies of the UDP applicable to the proposals are as follows:
- 3.14 Policy G/S/1 sets out the hierarchy or role of centres and identifies Middleton as a town centre that will be promoted as the principal locations for shopping, offices, other commercial uses, entertainment, leisure, cultural and community facilities.
- 3.15 Policy S/4 sets out guidance for secondary and central shopping areas. The policy states that at ground floor level fronting the street within the Secondary Shopping Areas in Rochdale, Middleton and Heywood town centres, only development of, or change of use to, shops, food and drink outlets and financial and professional services will be permitted.

Middleton Town Centre Masterplan (2022)

- 3.16 The Masterplan sets out the future vision for Middleton town centre. One of the key design proposals is to bring vacant units back into use and provide active and attractive shopfronts in the Middleton Gardens area.

Shopfronts and Security Shutters SPD (2012)

- 3.17 This SPD provides further guidance on appropriate shopfront design.

New Draft Local Plan (not yet adopted)

- 3.18 Rochdale Council is part of the Greater Manchester Combined Authority (GMCA) including Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan Councils. These Councils are creating a new Joint Local Plan, Places for Everyone, which will become the new overarching Local Plan for Greater Manchester for the period until 2037. Once adopted, the new Draft Local Plan will replace the Rochdale Core Strategy and saved Policies of the UDP.
- 3.19 The Places for Everyone Draft Plan was submitted for Examination on the 14 February 2022 and remains under examination by the Planning inspectorate at the time of submission of this change of use Application. As the Policies within are not yet adopted, the proposed change of use has been assessed against the adopted Development Plan Policies detailed above.

4.0 Planning Assessment

Principle of Development and Impact on the Vitality and Viability of Middleton Town Centre

- 4.1 The proposal seeks to bring a long-term vacant unit within Middleton town centre which has been closed since 2020 back into active use as a betting shop with a Sui Generis use class.
- 4.2 Licensed betting shops are regarded as being main town centre uses under Annex 2 (Glossary) of the National Planning Policy Framework (NPPF 2023) as they are defined as a leisure and entertainment use. Betting shops as a main town centre use, have been evidenced to support the main retail function of town centres nationwide including linked shopping trips.
- 4.3 The unit as it currently appears, harms the vitality and viability of the town centre and the Conservation Area as it is closed up with no shopfront and has a metal shutter door covering the entire shop frontage which conflicts with the design guidance held within the Shopfronts and Security Shutters SPD (2012).
- 4.4 It is acknowledged that the unit is within the secondary shopping area and has a secondary shopping frontage as detailed under Policy E1 of the Core Strategy and Policy S/4 of the saved UDP Policies.
- 4.5 Core Strategy Policy E1 confirms that support will be given to retail and leisure development in Middleton town centre. Policy E1 continues that the core retail function of the Secondary shopping frontage will be protected and safeguarded through the restriction of certain non-A1 retail and non-retail uses.
 - 1) The Policy doesn't specify what non-retail uses are to be restricted and it is also noted that A1 use class was revoked in September 2020 when changes were made to the GDPO with the introduction of the new E use class which provides greater flexibility for town centres. The current unit has a lawful E use class but has been unable to secure a viable retail operator despite being vacant and marketed since January 2021 following the closure of Bright House.
- 4.6 Policy E1 continues to states that when considering proposals for main town centre uses the Council will (d). Seek to ensure a high proportion of A1 retail uses in the Secondary Shopping Frontages whilst accommodating, where appropriate, a wider range of other retail and town centre uses.
- 4.7 As previously stated, Licensed betting shops are regarded as being main town centre uses under Annex 2 (Glossary) of the National Planning Policy Framework (NPPF 2023) as they are defined as a leisure and entertainment use. Betting shops as a main town centre use, have been evidenced to support the main retail function of town centres nationwide.

- 4.8 Part (e) of Policy E1 confirms that the Council will support change of use proposals of a vacant retail unit if it can be demonstrated it has been marketed for at least 6 months for retail use in a Secondary Shopping Frontage, and where applicants can demonstrate that the use will clearly assist, and not harm, the vitality and viability of the centre.
- 4.9 Marketing evidence from the Agents is submitted at Appendix 3 of this Statement which confirms that the site has been marketed since January 2021 but has been unable to secure a viable retail operator. As such, an alternative Sui Generis use is now proposed that is a recognised main town centre use that will support the main retail function of the secondary shopping area and frontage and the future vision for Middleton town centre. The proposal accords with the requirements of Core Strategy Policy E1 (part e) and can be supported.
- 4.10 The proposal also accords with saved UDP Policy G/S/1 which identifies Middleton town centre as a principal location for shopping, offices, commercial uses, entertainment, leisure, cultural and community facilities. As previously discussed, a betting shop is a recognised main town centre leisure and entertainment use that supports the wider retail function of town centre.
- 4.11 The proposal also accords with saved UDP Policy S/4 which states that changes of use to shops, food and drink outlets and financial and professional services will be permitted in the Secondary Shopping Areas. Notwithstanding that this Policy was originally adopted in 1999 and the function of town centres has changed significantly since this time, the policy recognises that a range of flexible uses are acceptable in the Secondary Shopping Frontage.
- 4.12 Betting shops can reasonably be considered to be a professional service as they offer a Bookmaker service in the town centre whilst retaining an open and attractive shop frontage with changing window displays to support and enhance the vitality and viability of the town centre, strengthen its offering of shops and services and make a positive contribution to the built environment. In this regard the proposal also accords with saved UDP Policy S/4.
- 4.13 The change of use proposal supports Core Strategy Policy E1/M which sets out the vision of the Middleton Town Centre Masterplan (2022) for the redevelopment, refurbishment and improvement to the town centre including improving the attractiveness of pedestrian links to, and the use of, Middleton Gardens. Evidence is submitted at Appendix 1 of this Planning Statement which details how betting shops support linked trips to other shops and services in town centres and also increases pedestrian footfall.
- 4.14 Taking all of the above into account the principal of the change of use is acceptable and policy compliant when assessed against national and local planning policies and the proposal would demonstrably support the vitality and viability of the town centre.

Supporting the Town Centre Evening Economy

- 4.15 The proposal will increase footfall and provides an opportunity for linked trips to the wider town centre as well as contributing to the centre's later afternoon / evening economy up to 22:00 when traditional retail shops are typically only open 9-5pm. This is further detailed at Appendix 1 of this Statement and supported by Core Strategy Policy E1.

Supporting employment creation

- 4.16 The proposal is for a new betting shop in Middleton Town Centre. A brochure for Betfred is provided at Appendix 2 of this Statement which details that each new Betfred store creates 6 new jobs as follows:
- 1 Manager
 - 1 Deputy Manager
 - 3 Cashiers
 - 1 Cleaner

5.0 Heritage Statement

- 5.1 The proposed change of use unit is not listed but is within the Middleton town centre Conservation Area which was adopted in 1978 and then extended in 2009. As such, Core Strategy Policy P2 is applicable.
- 5.2 As detailed, the unit is long term vacant and has been closed since 2020 with a roller shutter door across the shop frontage as can be seen at Figure 1 of this Statement. This is detrimental to the character and appearance of the Conservation Area and conflicts with guidance for positive shopfront design in the Shopfronts and Security Shutters SPD (2012).
- 5.3 One of the key design proposals in the Middleton Town Centre Masterplan (2022) is to bring vacant units back into use and provide active and attractive shopfronts in the Middleton Gardens area. By bringing the unit back into use, the roller shutter door would be removed.
- 5.4 The proposed change of use would re-open the shopfront, provide an active and changing window display and a new fascia so it would appear similar to adjacent businesses along the street frontage.
- 5.5 The proposed shopfront colours of blue and white are similar to the adjacent Halifax unit and would complement the existing street frontage. No physical changes to the shopfront are proposed other than repainting with the existing double door access retained for the proposed Sui Generis use.
- 5.6 The proposal seeks to improve, conserve and enhance the Town Centre Conservation Area and the pedestrianised area facing onto Middleton Gardens where public realm improvements are proposed as part of the town centre Masterplan. In this regard, the proposal accords with Core Strategy Policy P2.

6.0 Conclusions

- 6.1 This Planning, Design and Access Statement including a Heritage Statement has been prepared on behalf of Done Brothers (Cash Betting) Ltd to support a Full Planning Application for the proposed change of use of 24 Middleton Gardens, Middleton, Manchester, M24 4DF from (E use class) to a betting shop (sui generis use class).
- 6.2 The unit is on the ground floor and has been vacant since January 2021 despite being actively marketed for a retail use but unable to secure any offers. As such an alternative but complementary main town centre Sui Generis use as defined by Annex 2 Glossary of the NPPF is proposed which supports the wider retail function of the town centre and the secondary shopping frontage.
- 6.3 Details of marketing undertaken is available to view at Appendix 3 of this Statement which demonstrates that it is unviable to retain the unit for purely retail use, the site has been marketed for a significant period of time but has been unable to secure a viable retail operator therefore a complimentary Sui Generis town centre use is now proposed to strengthen and support the wider retail function of the Town centre.
- 6.4 The principle of the change of use is demonstrably acceptable being compliant with National Policy in the Framework and Core Strategy Policies E1, E1/M. P2 and P3, saved UDP Policies G/S/1 and S/4 and the Middleton Town Centre Masterplan (2022) as demonstrated in Chapter 4 of this Statement.
- 6.5 The proposed change of use would support and enhance the vitality and viability of the town centre by bringing a vacant unit back into active use with a shop frontage and changing window displays within the secondary shopping frontage. This supports the vision of the Middleton town centre Masterplan (2022).
- 6.6 The proposal will provide a new Bookmaker business in Middleton town centre, creating 6 new jobs and contributing to economic development and local spend in the town centre as detailed at Appendix 2 of this Statement.
- 6.7 The proposal will increase footfall and provides an opportunity for linked trips to the wider town centre shops as well as contributing to the centre's later afternoon / evening economy up to 22:00 when traditional retail shops are typically only open 9-5pm. This is further detailed at Appendix 1 of this Statement and supported by Core Strategy Policy E1.
- 6.8 In view of the above, it is considered the proposal satisfies both national and local policy and represents a suitable and sustainable use for the long-term vacant unit. The proposal addresses all the relevant material considerations and, in this respect, we would invite the Council to assess the application and offer its support for the proposal.

Appendices (submitted as separate documents)

1. Betfred Market Research Findings Report
2. Betfred Brochure
3. Marketing Evidence from BHT Chartered Surveyors