

APPLICATION NUMBER: 25/00163/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.
25/00163/FUL

CASE OFFICER
Bob Melling

DETERMINATION DATE 26.08.2025 **EXT OF TIME** 17.10.2025

Address: Ground Floor Unit, 44-46 Yorkshire Street, OL16 1EA.

Proposal: Change of use from shop (use class E) to betting office (Sui Generis).

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|-----------|----------------------------|---|-----------------------|---|
| PUBLICITY | Weekly list expired? | Y | Site notice expired? | Y |
| | Neighbour letters expired? | Y | Press Notice expired? | Y |

| | | | | |
|------------|---|---|--|---|
| DELEGATION | Significant departure from local plan? | N | Contrary to national policy? | N |
| | Applicant a Council Member or officer? | N | Contrary to previous decision? | N |
| | Major with 10 or more objections and recommending approval? | N | Called in or Planning Panel objection? | N |

| | | |
|----------|-----------------------------------|---|
| COMMENTS | Planning Panel comments received? | N |
| | Neighbour comments received? | N |

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|-----|--|---|
| EIA | Screening opinion completed and saved to Onbase? | N |
|-----|--|---|

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|------------|--|-----|
| CONDITIONS | Pre-commencement conditions proposed? | N |
| | Pre-commencement conditions agreed (or notification period expired)? | N/A |

| | |
|----------------|-----------------------------|
| RECOMMENDATION | GRANT SUBJECT TO CONDITIONS |
|----------------|-----------------------------|

CHECKED AND SIGNED OFF BY: RK

DATE: 13/10/2025

SITE

The application relates to 44-46 Yorkshire Street. The site is bound by Yorkshire Street to the north, retail development to the east, with further retail uses and the historic Pack Horse Yard abutting the site to the west. The site is separated from the neighbouring retail development on the east by The Bank passageway which provides access between Yorkshire Street and Baillie Street. The application building is currently vacant but was most recently occupied by Poundworld until their departure in 2018.

44-46 Yorkshire Street was formerly two separate buildings that have been merged to form one single unit. The application building has been significantly altered over the years. To the Yorkshire Street elevation, a modern ground floor shopfront has been installed, including signage and roller shutters. Above the modern shop front on the Yorkshire Street elevation is an art deco style frontage.

The application site is located within the Rochdale Town Centre Conservation Area, the designated Town Centre, the Primary Shopping Area and the Defined Urban Area.

PROPOSAL

Permission is sought for the change of use of the ground floor from a retail use (Class E) to a betting office (sui generis). The former occupier of the unit was the now defunct 'Poundworld'.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional Policy

Places for Everyone Joint Development Plan (PfE)

JP-S1 Sustainable Development

JP-P1 Sustainable Places

JP-P2 Heritage

Adopted Rochdale Core Strategy (CS):

SO1 Delivering a more prosperous economy

E1 Establishing thriving town, district and local centres

E5 Encouraging the visitor economy

SO3 Improving design, image and quality of place

P1 Improving image

P2 Protecting and enhancing character, landscape and heritage

P3 Improving design of new development

SO5 Improving accessibility and delivering sustainable transport

T2 Improving accessibility

SD1 Delivering sustainable development
DM1 General development requirements

Rochdale Unitary Development Plan (RUDP):

G/D/1 Defined Urban Area
BE/17 New Development Affecting Conservation Areas
S/3 Primary Shopping Areas

RELEVANT SITE HISTORY

25/00164/ADV Application for two internally illuminated fascia signs, 2 no projecting sign and 5no internal digital display screens –
Pending consideration.

CONSULTATION RESPONSES

Env Health - Noise/Odours

No comments received to date

Conservation And Design

No comments received to date

GMP - Design For Security

(Summary) – No objections.

REPRESENTATIONS

Letters of notification were sent to surrounding properties, a site notice displayed in the vicinity and an advertisement was published in the local press. No representations were received.

ANALYSIS

Procedural Note

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ('the UCO Amendment Regulations'), amending the Town and Country Planning (Use Classes) Order 1987 ('the UCO'), came into force on 1 September 2020. This introduced a new Commercial, Business and Service Use Class E which, as the Explanatory Memorandum to the UCO Amendment Regulations notes, is intended to better reflect the diversity of uses found on high streets and in town centres, to provide flexibility for businesses to adapt and diversify to meet changing demands, and to support the viability of these areas now and in the future.

To this effect, references to former Use Class A1 have been superseded by Use Class E for the purposes of this report. A minor policy conflict has therefore arisen in the determination of this application, although the proposed use continues to fall within the *sui generis* Use Class.

Principle of Development

The application site is located within Rochdale Town Centre as defined under saved UDP policy G/S/1 and is also located within the Primary Shopping Area (PSA) of Rochdale Town Centre as defined under saved UDP policy S/3. This policy states:

Within the Primary Shopping Areas of Rochdale, Middleton and Heywood, the change of use of shops at ground floor or mall level will not be permitted unless:

a) It is needed to enable an adjacent use to expand, provided that this does not lead to over-dominance or more than two separately occupied non-A1 uses adjacent to each other, and it will not adversely affect the vitality and viability of the Primary Shopping Area; or

b) The proposed development, because of its particular nature and qualities, will make an exceptionally valuable contribution to the vitality and viability of the centre.

The policy wording of CS policy E1 states that the Council will *'protect and safeguard the core retail function of Primary Shopping Areas through restricting certain non A1 [sic] retail and retail uses within Primary and Secondary Shopping Frontages'*.

CS policy E1 also sets a requirement for vacant retail units to be marketed for at least 6 months before a change to another use will be supported. In this event, it must be demonstrated that the use will clearly assist, and not harm, the vitality and viability of the centre.

The unit to which this application relates has been vacant since 2018 and has been marketed for at least 6 months with limited meaningful interest. The local planning authority (LPA) may therefore support a change of use if they are satisfied that the proposed use will not adversely affect the vitality and viability of the centre.

Firstly, it should be noted that the proposals would see the relocation of the existing betting office at 7 Yorkshire Street, and, on this basis, the proposals are not considered to give rise to an over-dominance of occupied non-retail uses in the centre. Moreover, the proposed betting office would be adjacent to Class E uses.

Given the long-term vacancy of the existing retail unit, which clearly impacts on the image of the town centre, it is acknowledged that the proposed betting office would increase occupancy within the PSA.

From a town centre vitality perspective, it is of the utmost importance that town centres are open and encouraging to all. This does include uses that may be unpopular to some but do indeed contribute to a vibrant mix of uses. When taking into consideration the wider impacts of the proposed use on the centre, the use can be considered to have a role to play when considering the needs of society as a whole and the viability of the town centre.

The NPPF establishes that main town centre uses can consist of leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

While a betting office is not explicitly listed in the NPPF definition, betting offices have historically been treated as a type of main town centre use given they are a commercial leisure/service use that commonly locates in high streets and centres.

At the very least, a betting shop would be considered as complimentary to the core town centre offering. Consequently, given the facts and circumstance relating to the application site, it is considered that the proposed use would not harm the vitality and viability of the PSA or the town centre as a whole. On this basis, no significant concern worthy of a potential refusal of planning permission for the proposed use is put forward and the principle of development is accepted.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

CS policies DM1 and P3 require development proposals to demonstrate high quality design. CS policy P2 requires development to protect and enhance character, landscape and heritage. In addition, PfE policy JP-P2 explains that development proposals affecting designated and non-designated heritage assets will be considered having regard to the NPPF.

Paragraph 213 of the NPPF states: *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*

The only external alterations proposed under the current application consist of the re-painting of the shop front and the removal of the existing roller shutters. The other external alterations shown on the plans are subject of a pending application for advertisement consent and are not considered under the current application. No concerns are had with either the re-painting, which would be in a similar colour, or the removal of roller shutters. It is considered that the removal of the existing roller shutters would indeed have a positive impact on the character of the street scene. Moreover, it is considered that the proposed use would remain commensurate with its town centre location and, as such, it is not considered that the change of use itself would cause any harm to the character or significance of the Conservation Area.

Impact on Neighbouring Uses

The surrounding area is highly commercial in character, being located within the PSA, and the upper floors of neighbouring properties appear to be used for storage rather than residential purposes. It is not considered that the use of this premise as a betting office would cause undue harm to the amenity of existing or future occupiers through the generation of unacceptable levels of noise and disturbance or hours of operation over and above the previous use of the premise as a retail unit. The use is of a scale and character appropriate to the size, role and function of the area it is compatible with the nature of surrounding uses. The hours of opening would be controlled by the Licensing Authority and no objections have been raised by Public Protection.

The proposed development is therefore considered to accord with the requirements of CS policies G9 and DM1, and the relevant provisions of both Places for Everyone and the NPPF.

RECOMMENDATION

GRANT subject to the following conditions:

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

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:-

- Location Plan. Dwg no. 1426WT-44.46LP. Rev 0
- Proposed Shopfront Elevation. Dwg no. 1426WT-44.46SE. Rev 10
- Existing Floor Plan and Proposed Floor Plan. Dwg no. 1426WT-44.46LP. Rev 5

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Notes for Applicant:

INFORMATIVE:

The applicant is reminded of their obligations under the Town and Country Planning (Control of Advertisements) Regulations 2007. Advertisement Consent must be obtained prior to the installation of any signage or advertisements associated with the use hereby approved.

Report Author Bob Melling