APPLICATION NUMBER: 20/01202/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/01202/FUL	Mubeen Patel	15 December 2020

Address: 40 Yorkshire Street Rochdale OL16 1JN

Proposal: Change of use from betting office (sui generis) to adult gaming centre (sui generis)

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/a
	Neighbour comments received?	N

EIA	**Screening opinion completed and saved to Onbase?**	N/a

CONDITIONS	**Pre-commencement conditions proposed?**	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	**APPROVE**

CHECKED AND SIGNED OFF BY: AT **DATE: 18.12.2020**

SITE

The application relates to no. 40 Yorkshire Street which is currently vacant and has in the recent past been used a bookmakers located within the Rochdale Primary

Shopping Area. Yorkshire Street, which is largely pedestrianised, lies to the south of the main retail core of the town centre and links the town's two shopping centres, the Exchange Shopping Centre and the Wheatsheaf Centre. The site lies within the Town Centre Conservation Area.

PROPOSAL

The application seeks permission to change the use of the ground and part of the first floor from a betting office (sui generis) to adult gaming centre (sui generis). The previous occupier of the unit was Coral Bookmakers, the site is currently vacant and the new intended occupier would be Admiral Casino.

No hours of opening have been provided.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

The Core Strategy was formally adopted by the Council on 19th October 2016 and partially replaces the 2006 Unitary Development Plan. The following policies are relevant:

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

SO4 Promoting a greener environment
G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport
T2 Improving accessibility

SD1 Delivering sustainable development
DM1 General development requirements

Rochdale Unitary Development Plan (RUDP):

A number of policies contained within the Unitary Development Plan have been saved following the adoption of the Core Strategy. The following saved policies are relevant:

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

RELEVANT SITE HISTORY

14/00259 - Externally illuminated fascia sign to shopfront including an externally illuminated projecting hanging sign to front elevation. Approved.

14/00258/FUL - Change of use of ground and part of first floor from Class A1 (retail) to Class A2 (financial and professional services) to include new shop front together with the installation of 3 no. air conditioning condenser units to the rear elevation and 2 no. satellite dishes to the side elevation – Appeal Allowed.

14/01416/DOC - Submission of details to comply with condition 3 on planning permission 14/00258/FUL – Completed.

CONSULTATION RESPONSES

Env Health - Noise/Odours

This section has no objections to the proposal.

Conservation and Design

There are no comments or objections raised in response to the above application.

REPRESENTATIONS

Letters of notification were sent to surrounding properties, a site notice was displayed and a press notice published. No observations have been received.

ANALYSIS

The application site is located within Rochdale Town Centre, as defined under the Unitary Development Plan Proposals Map and is also located within the Primary Shopping Area (PSA) of Rochdale Town Centre and therefore saved UDP Policy S/3 – Primary Shopping Areas is relevant. 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.

Policy E1 of the Rochdale Core Strategy supports a focus of retail and leisure development within existing centres in order to maintain vitality and viability.

Although the proposal does not propose an A1 retail use in this Primary Shopping Area (PSA) location, it should be acknowledged that the current Use Class of the ground floor is Sui Generis (betting office) and there would be no significant change in the operation of the proposed adult gaming centre (sui generis) from its current use.

It should also be noted that the ground floor is currently vacant and proposal would maintain occupancy within the PSA where vacancy rates are high, it would also introduce a use which attracts a high footfall, and would not lead to an over-

dominance of non-A1 uses. Consequently, it is considered that it would not harm the vitality and viability of the PSA and the town centre as a whole.

Therefore, the proposed development would make a positive contribution to the town centre by bringing a vacant part of the building back into a viable and vibrant use. The site is well positioned in relation to existing uses and services within the town centre and would benefit from access to sustainable transport in the form of the nearby Metrolink stop and bus interchange. The proposed use is considered to accord with the requirements and ambitions of Policy E1 of the Core Strategy and saved UDP Policy S/3 and is therefore acceptable in principle.

Impact on Heritage Assets

Policy P2 of the adopted Core Strategy states that the Council will protect the Borough's heritage by conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings. Saved UDP Policy BE/17 only permits development that preserves or enhances the character and appearance of the conservation area.

Policy P3 of the adopted Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design. Policy DM1 of the Core Strategy states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area, in addition to requiring a number of other basic planning considerations.

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to pay special regard to the desirability of preserving the setting of a listed building. A similar requirement for the preservation and enhancement of character of a conservation area is found in Section 72 of the Act.

The NPPF at Paragraph 192 advises that when determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

No external alterations to the building are proposed as part of this application. In looking at the change of use itself, the proposed use maintains public access as a proposed public use. The Council's Conservation Officer has raised no objections in response to the application. The works would only affect the internals of the property and as such the proposal would have a neutral impact upon the Rochdale Town Centre Conservation Area. As such, it is not considered that the change of use itself would cause any harm to the character and significance of the conservation area.

Impact upon neighbouring uses:

The surrounding area is highly commercial in character, being located within the Primary Shopping Area, 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 small gaming centre, 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 betting office. The use is of a scale and character appropriate to the size, role and function of the area and it is compatible with the nature of surrounding uses. The hours of opening would be controlled by the Councils Licensing Authority. The Councils Environmental Health Officer offers no objection to the proposal

The proposed development is therefore considered to accord with the requirements of Core Strategy policies G9 and DM1, and the relevant provisions of the National Planning Policy Framework.

RECOMMENDATION

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:-

- Existing Floor Plans, Elevation Plans, Location Plan – Drawing no; 1515 (0)03 A1
- Proposed Floor Plans, Elevation Plans, Location Plan – Drawing no; 1515 (0)03 A1, received by the Council on 17/12/2020

and the development shall be carried out in complete 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 adopted Rochdale Core Strategy, the saved Rochdale Unitary 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:

Report Author Mubeen Patel