



Planning Statement including Heritage Appraisal

**CHANGE OF USE FROM SUBWAY (CLASS E) TO A NAIL BAR (SUI
GENERIS)**

16 MIDDLETON GARDENS, MIDDLETON, MANCHESTER M24 4DF

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1.0 INTRODUCTION

This statement has been prepared to support the submission of an application for full planning permission for the change of use of an existing unit to a nail bar (sui generis use). The property currently contains a Subway store (class E).

The proposed change of use to a nail bar will secure the occupancy of the site in a beneficial and appropriate town centre use that will contribute positively to the vitality and viability of the area. It is demonstrated below that the proposed use would have no harmful impact on the retail function of this part of the town centre. Instead, it will make a positive contribution through the generation of linked trips and employment and would add positively to the town centre mix and to the local economy.

Because the site is within the Conservation Area, this statement incorporates a Heritage Assessment as required by National Planning Policy Framework. This demonstrates that the development would preserve the historic character and significance of the Conservation Area.

It is, anticipated that the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme.

This statement now proceeds to give details of the site and the existing use. The details of the proposal are then set out. The planning merits of the scheme are then, discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF. It will be, demonstrated that the proposal would result in a sustainable form of development that would make a positive contribution to the local economy and Town centre vitality, whilst having no harmful impacts including in respect of amenity.

2.0 THE SITE

The site is a three-storey property located at Middleton Gardens within Middleton Town Centre. The application site comprises a ground floor commercial unit within an established town centre terrace. The property is occupied by Subway and forms part of a continuous parade of mixed commercial uses, including retail, food and drink, and leisure premises.

The unit has a modern shopfront at ground floor level, with glazing, a recessed entrance, and a prominent green branded fascia. Above the shopfront, the existing building is finished in dark slate alongside lighter render above the slate.

The surrounding buildings are generally three storeys in height and reflect the varied character of a traditional high street. Ground floor frontages have been, altered over time to accommodate modern commercial uses, while the upper floors retain more traditional proportions, window openings, and materials.

Immediately adjoining the Subway unit is a Cash Generator premises. On the other side of the Subway unit is The Roebuck public house, a traditional building painted rendered elevation, sash style upper windows, and a prominent pub fascia.

The wider setting has a strong pedestrian focus. The street is broad and paved, with cycle parking, street furniture, hanging baskets, canopies and outdoor commercial activity contributing to an active public realm. Overall, the site sits within an established commercial frontage where the shopfronts are varied. The neighbouring properties demonstrate a broad mix of architectural styles, materials, and signage treatments.

The site's location within the Middleton Conservation Area can be seen in the following image:

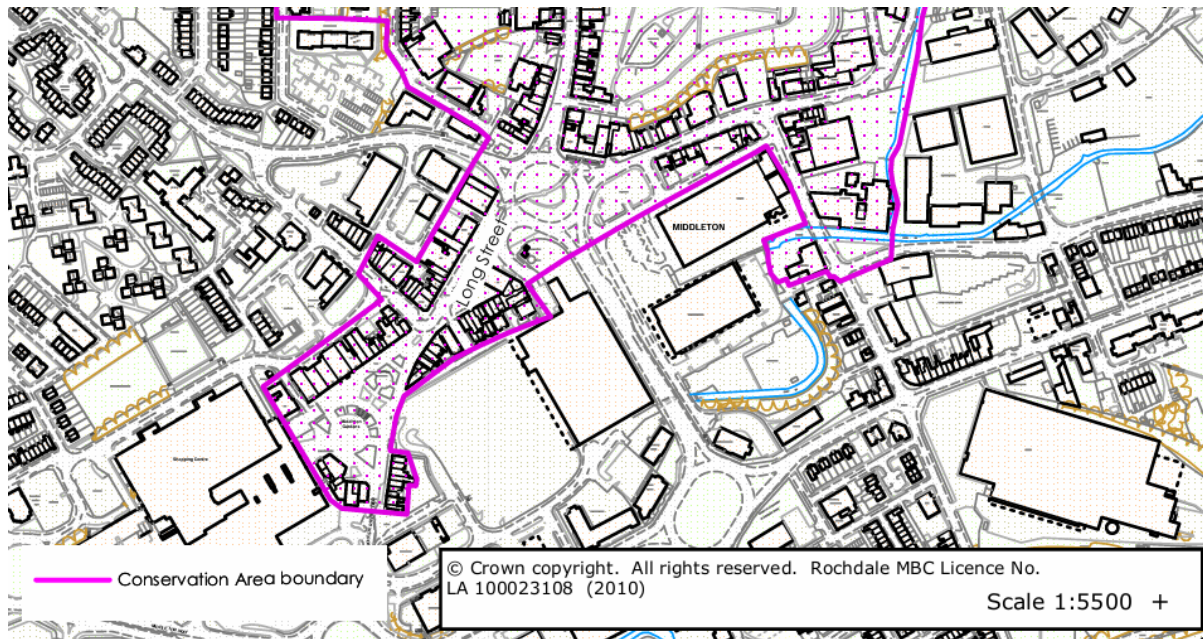


Figure 1 – Middletown Conservation Area.

The site is also located within flood zone 1.

3.0 THE PROPOSAL

Full planning permission is sought for the change of use of the ground floor of the unit to a nail bar.

Any new signage that does not benefit from deemed consent would be subject to a separate application for advertisement consent.

4.0 PLANNING HISTORY

The most recent planning history for the site relates to signage on the site for the current Subway use.

5.0 ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for Rochdale consists of the:

- Greater Manchester Places for Everyone (PfE) Joint Development Plan Document (DPD) (March 2024);
- Rochdale Core Strategy (CS) October 2016);
- Saved Unitary Development Plan (UDP) Policies (June 2006);

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) as updated in 2024 and the suite of documents comprising National Planning Practice Guidance (NPPG).

Allocations

The site is within the Town Centre Conservation Area and allocated as a Secondary and Central shopping area.

National Policy

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are, considered of direct relevance to the current proposal:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 6 - Building a strong, competitive economy
- Section 7 - Ensuring the vitality of town centres
- Section 12 - Achieving well-designed places

- Section 16 – Conserving and Enhancing the Historic Environment

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

The Core Strategy Development Plan Document was adopted in 2017. Some policies within the former Replacement Unitary Development Plan remain saved and continue to form part of the Development Plan until they are replaced through the adoption of a subsequent Allocations or Area Action Plan Development Plan Documents.

Accordingly, the following policies are considered relevant to this proposal:

Adopted Rochdale Core Strategy (CS):

E1 - Establishing thriving town, district and local centres
DM1 - General development requirements
P2 - Protecting and enhancing character, landscape and heritage

Saved Unitary Development Plan (UDP) Policies (June 2006);

S/4 - Secondary and central shopping areas
G/S/1 - Hierarchy and role of centres
DS1 - Achieving Good Design
BE/17 - New Development Affecting Conservation Areas
BE/18 - Changes of Use to Buildings in Conservation Areas

6.0 ASSESSMENT

Principle of Development

The application site is set within the Middleton Town Centre Secondary Shopping Area (SSA) where saved UDP policies G/S/1 and S/4 are applicable.

Core Strategy policy E1 states that the Council will focus 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.

This policy goes on to state that 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.

*Promote and protect existing and new market areas and areas of specialist shopping;
Support meeting local shopping needs in existing local centres where there is an opportunity for appropriate development;*

Protect and safeguard the core retail function of Primary Shopping Areas through restricting certain non-retail (A1) and retail uses within Primary and Secondary Shopping Frontages.

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

Require the application of the sequential approach, where the application site is not in an existing centre.

Seek to ensure that the number of non-retail (A1) uses at ground floor level in Primary Shopping Frontages does not exceed 20% of its total length.

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.

Policy G/S/1 states that the centres listed below will be promoted as the principal locations for shopping, offices, other commercial uses, entertainment, leisure, cultural and community facilities with the scale of development appropriate to the centre being related to its position in the hierarchy of centres.

The hierarchy of centres within the borough, defined by their scale and function, is:

- Main town centre: Rochdale
- Town centres: Middleton, Heywood, and Littleborough

To ensure the continued vitality and viability of the centres, new retail and leisure development should be sited in accordance with the principles of the sequential approach. Applicants should demonstrate that no suitable sites or buildings that are sequentially preferable are available or likely to become available within a reasonable period of time.

Policy S/4 states that at ground floor level fronting the street within the Secondary Shopping Areas in Rochdale, Middleton and Heywood town centres, and the Central Shopping Area in Littleborough town centre, only development of, or change of use to, shops, food and drink outlets and financial and professional services will be permitted. The development of other uses at ground floor level fronting the street will not be permitted.

Paragraph 91 of the NPPF states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

The Core Strategy supporting paragraphs state that:

The 'Primary and Secondary Shopping Areas' (PSA & SSA) identified in the UDP have been retained. These are the areas in town centres with the highest concentration of shops, and the policies seek to keep it that way in order to protect the retail core. However, we recognise that some non-retail uses, such as cafés, can improve the shopping trip experience in a centre and make it more attractive to shoppers, therefore complementary uses will be considered. In addition, previous economic activity has led to higher levels of vacant retail units in local centres that is damaging their image. The Council will therefore support a change of use if officers are satisfied, after taking all factors into account such as the likelihood of future retail use and that the use will help improve the centre.

Since the adoption of the UDP and Core Strategy, the Use Classes Order has been amended. From 1 September 2020, the former A1, A2 and A3 use classes were largely subsumed into the broader Class E commercial, business, and service use class. The Explanatory Memorandum to the 2020 Regulations explains that the changes were intended to recognise the diversity of uses found on high streets and in town centres, provide greater flexibility for businesses to adapt and diversify in response to changing demands, and support the viability of those areas now and in the future. The changes to the Use Classes Order demonstrate that the policy context for town centres has moved on since Policy S/4 was adopted. The assessment should therefore focus on whether the proposal would cause actual harm to the vitality, viability or retail function of Middleton Town Centre, rather than simply whether it falls outside the former use class categories referred to in the saved policy.

The proposed nail bar is a sui generic use, and it is accepted that the proposal does not fall within the specific uses listed under saved Policy S/4. The key issue is therefore, whether the use would undermine the retail role and function of the Secondary Shopping Area, or whether it would operate as a complementary town centre use which supports the vitality and viability of Middleton Town Centre.

A nearby appeal decision at 20 Middleton Gardens (APP/P4225/W/21/326854) considered this issue. That appeal concerned the change of use of a former bank to an adult gaming centre, also a sui generis use, within Middleton Town Centre. The Inspector accepted that

the proposal conflicted with saved Policy S/4, but found that this conflict carried limited weight having regard to changes to the Use Classes Order and the greater flexibility now available to town centre premises. The Inspector also found that the use would be likely to generate footfall, support linked trips to town centre shops, pubs and other businesses, contribute to the functioning of the Town Centre, and bring a vacant unit back into productive use. The appeal was, allowed on the basis that the proposal would not harm the vitality and viability of Middleton Town Centre.

This appeal decision is directly relevant to the present proposal. It demonstrates that a sui generis use should not be resisted solely because it falls outside the uses identified in saved Policy S/4. The proper test is whether there would be any demonstrable harm to the retail function, vitality, or viability of the centre.

In this case, the proposed nail bar would provide a customer-facing service within an established town centre location. It would attract regular visits from members of the public, maintain an active ground floor frontage, and support linked trips to nearby shops, cafés, and other services. The proposal would maintain an active frontage. It would provide a service commonly found within modern town centres and would contribute to the diversity, convenience, and attractiveness of Middleton. Customers visiting the premises would have clear potential to combine their visit with other town centre activities, including shopping, food and drink uses and other personal services.

Whilst saved Policy S/4 is restrictive in its wording, the 2021 appeal decision confirms that conflict with this policy should be, afforded limited weight where a proposal supports footfall, broadens the range of town centre uses and brings, or keeps, premises in active use. It also confirms that a suitable mix of uses can be complementary to the retail role of the centre, even where the specific use is sui generis.

The proposed nail bar would therefore represent a complementary town centre use. It would support the vitality and viability of Middleton Town Centre, maintain an active street frontage, and add to the range of services available to residents and visitors. The proposal would not harm the retail role of the Secondary Shopping Area.

Accordingly, whilst the proposal may result in a conflict with saved Policy S/4, that conflict should attract limited weight. The proposal is consistent with the broader objectives of Core Strategy Policy E1 and national town centre policy, which support the adaptation and continued vitality of town centres. The benefits of the proposal, including footfall, active frontage, linked trips, occupation of the premises and contribution to the diversity of town centre services, outweigh any limited policy conflict. The proposal is therefore acceptable in principle.

Heritage Assessment/Impact on the Character of the Area

The proposed site is located in the Middleton Town Centre Conservation Area. The proposal does not include any physical works to the external fabric of the building. Any signage would be subject to a separate application. The Middleton Town Centre Conservation Area Appraisal makes specific reference to Middleton Gardens, identifying it as an important public space within the town centre and part of Middleton's commercial core.

The appraisal describes Middleton Gardens as a dominant space, enclosed by a varied mix of buildings in terms of form, materials, and architectural style. It also recognises the area as a public amenity and a natural hub for the community, with links to the Arndale Centre and Middleton Market.

The appraisal is clear that the quality and activity of Middleton Gardens is important to the wider character of the conservation area. It notes that, without sufficient interest and activity, the space risks becoming a bland route between surrounding retail outlets. The proposal would not involve external alterations and would not affect any identified heritage features. It would retain an active ground floor use, support regular footfall, and contribute to the day-to-day activity around Middleton Gardens.

The proposal would therefore preserve the character and appearance of the conservation area. It would also support the role of Middleton Gardens as an active town centre space.

The scheme is wholly compliant with development plan policies in this respect and the guidance within section 16 of the NPPF.

Amenity and Pollution Control

The proposed nail bar is not inherently noisy use. The noise and general activity associated with the use is entirely compatible with the town centre location and would be no different to the existing use. As such, there will be no adverse impact to neighbouring properties.

The proposal complies with both local policy and the guidance within the NPPF in this respect.

Transport and Accessibility

Given the highly sustainable location of the site within Middleton Town Centre, there will be no discernible highways impacts of the proposed use. The scheme fully accords with local and national policy in this respect.

7.0 CONCLUSION

The proposed scheme represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above. The development would see the unit secured with an appropriate town centre use that would contribute positively to the Town centre economy and would maintain the vitality and viability of the Town centre. There would be no adverse effect upon the character of the conservation area, highway safety, or residential amenity. The application should, therefore, be approved without delay.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.