



Planning Statement including Heritage Appraisal

**CHANGE OF USE FROM SUBWAY (CLASS E) TO ADULT GAMING
CENTRE**

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 an adult gaming centre (sui generis use). The property currently contains a Subway store (class E).

The proposed change of use to an adult gaming centre 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 currently 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:

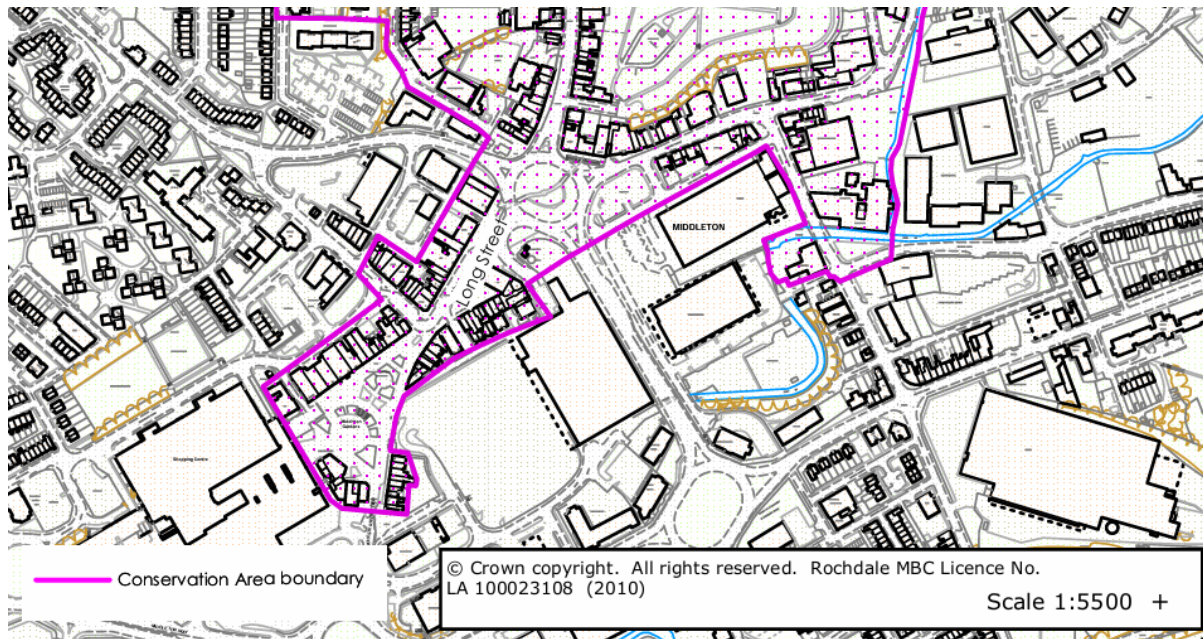


Figure 1 – Middletown Conservation Area.

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 an adult gaming centre.

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 and an application for a change of use to a nail bar. The change of use application was withdrawn prior to a decision being made.

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 2026 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 relevance to the current proposal:

- Decision making policies
- Achieving sustainable development
- Building a strong, effective economy
- Ensuring the vitality of town centres
- Achieving well designed places

- Pollution, public protection, and security
- 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 Document.

Accordingly, the following policies are, considered to be 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 located within Middleton Town Centre and the designated Secondary Shopping Area. Saved Policies G/S/1 and S/4 of the Rochdale Unitary Development Plan and Policy E1 of the Rochdale Core Strategy are therefore relevant to the principle of development.

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 must, however, be considered in the context of subsequent changes to the Use Classes Order, current national planning policy, and relevant appeal decisions.

Saved Policy G/S/1 identifies Middleton as a town centre within the borough's hierarchy of centres. It promotes town centres as the principal locations for shopping, offices, other commercial uses, entertainment, leisure, cultural and community facilities. The proposed adult gaming centre is therefore located within an established centre where commercial, leisure and entertainment uses are directed to.

Core Strategy Policy E1 seeks to focus retail, leisure, cultural, office, residential and other development within the borough's town centres to maintain them as thriving and sustainable shopping and leisure destinations. Within Secondary Shopping Areas, the policy seeks to retain a high proportion of retail uses while accommodating a wider range of retail and town centre uses where appropriate.

The supporting text to Policy E1 recognises that complementary non-retail uses can improve the town centre experience and make a centre more attractive to visitors. Saved Policy S/4 is more restrictive. It states that ground-floor, street-facing premises within the Secondary

Shopping Area should only be used as shops, food and drink outlets or financial and professional services. Other uses are not supported by the wording of the policy.

The proposed adult gaming centre is a sui generis use and does not fall within the specific uses identified in Saved Policy S/4. The relevant issue is therefore whether the proposal would cause actual harm to the retail role, vitality, or viability of the Secondary Shopping Area, or whether it would operate as a complementary town centre use.

Changes to the Use Classes Order

Saved Policy S/4 predates the introduction of Class E by a considerable period. From 1 September 2020, the former A1, A2 and A3 use classes were largely incorporated into the broader commercial, business, and service Class E.

The Explanatory Memorandum accompanying the 2020 amendments confirms that Class E was introduced to reflect the diversity of uses found within modern high streets and town centres. It was intended to provide greater flexibility for businesses to adapt and diversify in response to changing demands and to support the continued viability of town centres.

The policy context has, therefore, moved on materially since Saved Policy S/4 was adopted. A premises within Class E can move between a broad range of retail, financial, professional, office, medical, leisure, educational and other commercial service uses without requiring planning permission. Some of those uses could generate substantially less footfall and street-level activity than the proposed adult gaming centre.

The assessment should therefore focus on the actual effect of the proposal upon the retail function, vitality, and viability of Middleton Town Centre. The proposal should not be resisted simply because it falls outside the former use categories identified in Saved Policy S/4.

A recent appeal decision concerning 20 Middleton Gardens (Appeal Ref APP/P4225/W/21/3268541, dated 1 July 2021), is a directly relevant material consideration and helpfully discussed the key considerations for the principle of the development. The appeal concerned the change of use of a former bank to an adult gaming centre within the

same Middleton Town Centre Secondary Shopping Area. The proposed use was sui generis and engaged the same development plan policies as the present application. At paragraphs 11 to 14, the Inspector recognised that the premises could be occupied by a wide range of Class E uses without planning permission. The Inspector found that the proposed adult gaming centre was likely to generate greater footfall over a typical day than many potential Class E uses.

The Inspector also found that the use would provide opportunities for linked trips to shops, pubs and other town centre businesses and make a modest contribution to the functioning of the centre. It was concluded that the adult gaming centre would form part of a suitable mix of uses complementary to the retail role of Middleton Town Centre. Therefore, the vitality and viability of the centre would not be undermined.

The Inspector also considered the potential concentration of adult gaming centres. At paragraphs 18 and 19 it was concluded that the establishment of an additional non-retail unit would not be materially harmful to the vitality and viability of the town centre. Although concerns had been raised about the concentration of gambling premises, no substantive evidence had been provided to demonstrate that specific planning harm would arise.

At paragraph 21, the Inspector accepted that the development conflicted with Saved Policy S/4 and, to a limited extent, Policy E1. However, the restrictive provisions of those policies were considered out of date considering the flexibility introduced by Class E. The policy conflict was consequently afforded limited weight and limited weight should be afforded to this policy in the determination of this application.

At paragraph 22, the Inspector concluded that the benefits arising from footfall, a greater diversity of uses and bringing vacant premises back into productive use outweighed the identified conflict with the development plan. The appeal was allowed because the proposal would not harm the vitality or viability of Middleton Town Centre.

This decision is particularly relevant because it concerns the same proposed use, the same Secondary Shopping Area, and the same development plan policies. It establishes that an

adult gaming centre should not be resisted, solely because it is a sui generis use falling outside the wording of Saved Policy S/4. The relevant test is whether there is substantive evidence of actual harm to the retail function, vitality, or viability of the centre.

The proposed adult gaming centre would provide an active, customer-facing use within an established town centre location. It would attract regular visits throughout its operating hours, maintain an active ground-floor frontage, and provide opportunities for linked trips to surrounding shops, cafés, pubs, and other services.

The proposal would:

- Maintain the active commercial occupation of the premises.
- Generate pedestrian activity throughout the day.
- Support linked trips to other businesses within Middleton Town Centre.
- Contribute to the range and diversity of town centre leisure and entertainment uses.
- Provide natural surveillance of the street frontage.
- Support the continued economic use and maintenance of the premises.

The use would not create a closed or inactive frontage. Customers would visit the premises throughout the day, with clear potential to combine their visit with shopping, food and drink and other town centre activities. The proposal would retain an active commercial frontage and complement the wider range of uses within Middleton Town Centre.

Any concern regarding the concentration of adult gaming centres must be supported by evidence of identifiable planning harm. The presence of other gambling premises would not, by itself, provide a sound basis for refusal. This is consistent with the Inspector's findings in the Middleton Gardens appeal, where perceived over-concentration was afforded no determinative weight in the absence of substantive evidence.

Matters relating to the regulation and operation of gambling premises are, also, controlled through the separate licensing regime. The planning assessment should remain focused on

the land-use effects of the development, including its effect on the vitality and viability of the centre, neighbouring amenity, the character of the frontage and public safety.

The updated National Planning Policy Framework recognises that town centres must be capable of adapting to changing community and business requirements. Policy TC2 requires substantial weight to be given to the benefits of development which supports the overall vitality and viability of a town centre, including where this is achieved through the diversification and intensification of uses. The proposed adult gaming centre would support these objectives by maintaining an active commercial frontage, generating footfall, supporting linked trips, and adding to the diversity of leisure and entertainment uses available within Middleton Town Centre.

The proposal accords with Saved Policy G/S/1 because it would provide an appropriate leisure and entertainment use within Middleton Town Centre. It also supports the overarching objectives of Core Strategy Policy E1 by promoting vitality, viability, footfall, and a broader range of town centre uses.

To the extent that the proposal conflicts with the restrictive wording of Saved Policy S/4, that conflict should be afforded limited weight. The policy predates Class E and does not reflect the flexibility now available to town centre premises. This conclusion is supported by the Inspector's findings in the directly comparable Middleton Gardens appeal.

The proposed adult gaming centre would maintain an active frontage, attract regular visitors, support linked trips, and contribute to the diversity and functioning of Middleton Town Centre. There is no substantive evidence that it would harm the retail role, vitality, or viability of the Secondary Shopping Area. The benefits of the proposal therefore outweigh any limited conflict with Saved Policy S/4. The development 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 20 of the NPPF.

Amenity and Pollution Control

The proposed use is not an 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. The existing use as a Subway operates from 09:00 to 23:00 from Monday to Saturday and 09:00 to 22:00 on Sundays. This demonstrates that commercial activity extending into the evening is already established within this part of Middleton Town Centre.

The Middleton Gardens appeal also demonstrates that the operation of an adult gaming centre can be appropriately controlled through planning conditions. The Inspector did not identify noise or amenity as a reason to withhold permission. Conditions preventing amplified

sound or music from being audible at the site boundary were considered necessary and reasonable to protect the amenity of other town-centre users. Subject to equivalent controls, there is no reason to conclude that the present proposal would result in unacceptable noise, disturbance, or loss of amenity.

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.