

Report to Planning and Licensing Committee



Date of Meeting	5 August 2021
Portfolio	Councillor John Blundell, Cabinet Member for Economy and Communications
Report Author	Ryan Killeen
Public/Private Document	Public

<b>Application:</b> 20/00786/FUL	<b>Township:</b> Middleton	<b>Ward:</b> South Middleton
<b>Appeal Reference:</b> APP/P4225/D/21/36268541		<b>Decision level:</b> Delegated
<b>Site Address:</b> 20 Middleton Gardens, Middleton, M24 4DF		
<b>Proposal:</b> Change of use of ground floor from bank (Class A2) to amusement arcade (adult gaming centre) (Sui Generis)		
<b>Applicant:</b> Jeffries Amusements		<b>Agent:</b> Roger Etchells
<b>Planning Inspectorate Decision:</b> Appeal Allowed – 1 July 2021		
<ul style="list-style-type: none"> <li>– The application was refused on the basis that an Adult Gaming Centre would not support the continued vitality or viability of Middleton Gardens through the introduction of a non-retail outlet. The Council contended that some non-retail uses would complement the shopping role of the Town Centre, but did not consider an adult gaming centre suitable.</li> <li>– The application was submitted to the Council prior to the Use Classes Order (UCO) amendments regulations, which came into force on 1 September 2020.</li> <li>– The Inspector highlighted that the effect of the UCO amendment regulations, which place a unit formerly under A2 use class now within Class E, and a change to another Class E use would not require planning permission. This included uses such as offices, health or medical services, or a nursery.</li> <li>– The Inspector considered that use as an adult gaming centre would be more likely to create footfall than many Class E uses. They also considered that there would be no less potential for linked trips to Town Centre shops, pubs and other businesses, and the appeal scheme would make a modest contribution to the town centre.</li> <li>– The applicant currently operates an adult gaming centre within the same Secondary Shopping Area within close proximity to the appeal site, which they were to cease trading at and vacate following the granting of permission. The inspector stated that if a use could be found for the vacated unit, then it would result in a reduction in the number of vacant units, and if not, the net position would remain unchanged.</li> <li>– Despite no evidence of the property being marketed for a period of 6 months, this had been overtaken by the UCO amendment regulations, where other uses which would make less contribution to the vitality and viability of the town centre would be permitted without Planning Permission.</li> <li>– The Inspector concluded that the proposal would form part of a suitable mix of uses which would be complementary to the Town Centre’s retail role, and the vitality and viability of the centre would not be undermined. The appeal was therefore allowed.</li> </ul>		