

Planning Committee Report	
Planning Ref:	FUL/2022/1351
Site:	241 Walsgrave Road
Ward:	Upper Stoke
Proposal:	Change of use from E class to adult gaming centre (sui generis)
Case Officer:	Liam D'Onofrio

SUMMARY

Planning permission is sought for the change of use of a former Bank from a Financial and Professional use (Use Class E) to use as an adult gaming centre (sui generis). No physical alterations to the building are proposed as part of the change of use.

KEY FACTS

Reason for report to committee:	More than five objections received
Current use of site:	Vacant building (formerly Barclays Bank)
Proposed use of site:	Adult gaming centre (sui generis)

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions listed within the report.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal makes provision for necessary developer contributions.
- The proposal accords with Policies: DE1, DS3, R3, AC3, AC4 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

Planning permission is sought for a change of use vacant former Barclays Bank (Class E) to sui generis for the purpose of developing an Adult Gaming Centre (AGC). It is proposed that the use will open 24 hours a day and that there will be 12 full time employees.

The applicant Merkur Slots have provided the following information to demonstrate that AGCs do not attract anti-social behaviour and are not noisy uses:

- *AGCs do not have (and have never had) the Fixed Odds Betting Terminals - machines associated with betting shops;*
- *The machines offer low stakes of between 10p and £2- the average stake from customers is 30-40p;*
- *A large number of Merkur Slots AGCs contain bingo machines and tablets (this is what is being proposed at Walsgrave Road);*
- *48% of customers are female;*
- *Complementary refreshments, teas and coffees are provided;*
- *AGCs are where people go to spend their spare change, have a game of bingo and enjoy their favourite pastime (these machines have been around for many years);*
- *Customers visit on their own or in couples- large groups are rare;*

- *The customer base during the late evening and into the early hours is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts;*
- *The machines generate low levels of noise, only background music is played (similar to shops) and there are no tannoy systems.*

The scheme is also supported by a noise impact assessment and Footfall, Pedestrian Flow and Linked Trip Survey.

SITE DESCRIPTION

The application site relates to the former Barclays Bank building, which is located on the corner of Walsgrave Road and Clay Lane. The site is within the Ball Hill District Centre and surrounded by other commercial premises. Residential properties are located to the north of the site.

PLANNING HISTORY

There have been a number of historic planning applications on this site relating to Barclays Bank; the following is the most recent/relevant:

Application Number	Description of Development	Decision and Date
ADV/2022/1387	Advertisement consent for two internally illuminated fascia signs and two externally illuminated projecting signs	Pending

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

- Policy DE1: Ensuring High Quality Design
- Policy DS3: Sustainable Development Policy
- Policy R3: The Network of Centres
- Policy AC1: Accessible Transport Network
- Policy AC2: Road Network
- Policy AC3: Demand Management
- Policy AC4: Walking and Cycling

Supplementary Planning Guidance/ Documents (SPG/ SPD):

- SPD Coventry Connected
- Appendix 5 Car and Cycle Parking Standards

CONSULTATION

No Objections received from:

- Environmental Protection
- Planning Policy

No objections subject to conditions have been received from:

- Highways
- West Midlands Police

Immediate neighbours and local councillors have been notified; a site notice was posted on 16/06/22.

21 letters of objection have been received, raising the following material planning considerations:

- a) Village high street feel has degraded / independent businesses and banks have been replaced with betting shops, pawn shops, nail bars and more takeaways. The area has become dirty, fly tipped, littered, polluted and feels dangerous with a desperate amount of alcoholics and drug addicts in the area
- b) The use will add to more litter, begging, crime and anti-social behaviour to the area.
- c) Ball Hill needs places that serve the needs of local people in a positive way/ why can't we have something child friendly?
- d) These places attract awful kinds of people and set a terrible example to our children.
- e) There are too many betting shops in the area.
- f) Coventry Council let's put our heads together and raise our expectations about what could be brought to our area and not go further into the gutter.
- g) Concern about the noise and general disturbance from the use.

Five letters of objection have been received, raising no observations.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- h) Objections regarding the closure of the Bank branch – which is not within Council's Control.
- i) Use would serve to encourage participation/lose money/increase debt - particularly in such a prominent shopping area.
- j) The premises are very close to a primary school and secondary school and this type of business is a gateway to gambling.
- k) The Government are weeks away from publishing their review into gambling reform with tighter restrictions expected.
- l) Gaming Centres should be banned.
- m) Suggestions of preferred uses at the premises.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are the principle of development, the impact upon the character of the area, the impact upon neighbouring amenity and highway considerations.

Principle of development

Policy R3 'The Network of Centres' states that to support the city centre, the Council will designate, enhance, maintain and protect a network of Centres consisting of Major District Centres, District Centres and Local Centres. These Centres will be the preferred locations for new shops, and other Main Town Centre and community facility uses which do not serve a city-wide catchment. In all these Centres:

- a) A balance will be sought between shops (Class A1), and other Main Town Centre and community uses in order to protect the vitality and viability of the centre as a whole;
- b) Proposals that reduce the concentration of A-class uses within a centre below 51% will not be approved;
- c) a residential element will be promoted and encouraged, subject to the creation of a satisfactory residential environment and so long as it does not undermine the functionality of the centre; and
- d) improvement to the environment and accessibility will be promoted and encouraged.

The application site is within Ball Hill District Centres. Policy R3 states that District Centres will contain a scale of development which is demonstrated to not impact negatively on higher order centres and supports the needs of their district of the city for bulk convenience shopping as well as an element of comparison shopping, service and catering uses. Social, community, leisure and small-scale office uses will also be acceptable.

In terms of Policy R3a) and b) the vacant building was a former bank and did not fall within Class A1 (shops). Nevertheless, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987 (as amended), revoking the formerly distinct Use Classes A1 - Retail, A2 – Financial and Professional, A3 – Food and Drink, A4 – Drinking Establishments, A5 – Hot Food Takeaways, Class B1 – Business and part of Class D1 – Non-residential institutions and D2 – Assembly and Leisure; merging a number of these retail, commercial and leisure uses into a new Use Class E - Commercial, Business and Service.

Use Class E includes retail, food and drink, financial services, professional services, indoor sport and recreation, medical or health services, creches, day nurseries or day centres, office/research and development facilities and industrial processes (light industry with no noise/smell/fumes etc.) – all of which the current building could lawfully operate. Casinos, betting offices and amusement arcades are excluded from Class E and are 'sui generis', in a use class of their own, thus requiring a formal change of use.

The proposed use can be considered as a main town centre use, as identified within Annex 2 of the NPPF. As Policy R3 confirms that District Centres will be the preferred locations for new shops, and other Main Town Centre the proposed adult gaming centre is deemed to be compliant with both National and Local Policy (R3) and the use is acceptable in principle.

Furthermore, there is a recognised benefit to bringing the vacant building back into use in terms of safety/security, employment opportunities and increased footfall to the benefit of the vitality and viability of the District Centre.

It is noted that representations raise concerns regarding the 'morality' the use; however, this is not a matter for the assessment of the planning application. The Government's White Paper on Gambling is also highlighted within the representations. This is yet to be published but should form separate guidance and legislation to Planning.

Concerns raised regarding crime, anti-social behaviour and littering are relevant to the planning assessment and considered in greater detail within the neighbour amenity section of the report.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The proposed change of use proposes no physical changes to the building. An advertisement consent for new signage has been sought separately.

Impact on residential amenity

Local residents have highlighted the existing levels of crime, anti-social behaviour and litter within Ball Hill District Centre and expressed their concerns that the proposed change of use will exacerbate an already poor situation.

West Midlands' Police have been consulted on the scheme and they have confirmed that they have also spoken to West Midlands' Police Coventry Partnerships Licensing Team regarding this application, who have also liaised with the local police neighbourhood team. As a result, the Police raise no objections, although this position is dependent upon the below recommendations being introduced to the site:

- The applicant/agent should introduce the crime prevention advice contained within the Commercial Secured by Design (SBD) document, regarding cash handling, alarms etc.
- The premises should benefit from fully digital overt/covert 24/7 CCTV coverage including any external front and rear entrance and exits and associated lighting scheme.
- There should be a minimum of two members of staff on duty at all times.
- All staff should undertake comprehensive training regarding robbery and crime prevention, in accordance with the Safe Bet Alliance.
- Shop windows should ideally be kept free from adverts to allow for natural surveillance.
- Roller shutters or grilles should be to an identified certified standard.
- Panic buttons should be located behind the counter and rear staff area.
- The floor area behind the counter should be raised to maximise staff visibility and also making them appear more imposing and in control. Counter tops should be as wide and high as possible. Tills fronting customers are preferable as they enable staff to maintain vision of the serving area and beyond
- Adequate provisions should be introduced to secure storage of staff member's personal belongings. Staff only areas must be protected by a lockable door of solid construction and capable of withstanding bodily attack.
- To prevent drug use within any potential customer's toilet fluorescent blue lighting is recommended to be installed.
- A risk assessment in relation to transferring cash from the premises must be completed.

The case officer has asked the applicant for an Operational Management Plan to ensure that these Police recommendations are provided. This can be secured by condition to ensure the AGC operates in accordance with Police recommendations.

There is a William Hill on the opposite corner of Walsgrave Road/St Osburgs Road (within the former HBSC Bank) and a Shipley's Amusements and Ladbrokes on Walsgrave Road, which are similar uses – open until 10pm. Although residents' fears are carefully noted there is no indication that this type of use generates crime, anti-social, noise or litter.

A noise report has been submitted and Environmental Protection have raised no objection to the scheme in terms of noise or disturbance. The applicant suggests, from experience, that customers typically visit on their own or in couples and large groups are rare and the Operational Management Plan will help to ensure that the proposed use is well-managed.

Ball Hill is a vibrant centre and it is considered that comings and goings associated with the proposed use will be easily absorbed into the active streetscene. The site does also front Clay Lane and there are residential properties to the north. The scheme initially proposed a 24-hour operation and despite all the on-site controls officers were concerned that comings and goings could disturb residents at quieter periods in the night. The applicant has agreed to a 12am close, which will be conditioned accordingly.

Other similar uses close at 10pm and the acceptability for later opening until midnight for this site is considered to be finely balanced; however, give the supporting noise report and operational management plan the change of use is not considered to result in any significant impact upon the amenities or safety of surrounding occupiers.

Highway considerations

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

The site does not have any existing off-street car parking, as with many of the commercial units within the district Centre. The site is within a sustainable location with good public transport links. The applicant has sought to dispel the common misconception that AGC's are not complementary town centre uses by providing footfall surveys from three of their existing sites (Hull, Lowestoft and Wood Green London). The survey results show that Merkur AGCs generate good levels of customer movement and activity in centres/linked trips, which is comparable to the activity associated with traditional retail units in Primary Shopping Frontages.

The Highway Authority is satisfied with the provided evidence regarding linked trips, given that the site is located in an existing district Centre and is also a short distance from the city centre. In respect of this application the Highway Authority considers that the impacts of the development are not severe and has no objections to the current proposal subject to a condition to secure cycle parking in accordance with Appendix 5.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development. The applicant has confirmed that the existing level threshold entrance off Clay Lane will remain accessible for customers, as the main entrance has a stepped access.

Conclusion

The proposed change of use is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity or highway safety, subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, DS3, R3, AC3 and AC4 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASON

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)*

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drg No. 1:1250 location plan, 1:500 site plan, 999-PL-10 Rev 00, Archo Consulting Noise Assessment Reference: PR2001_88_FINAL Dated: 20/05/2022, Merkur Slots Footfall, Pedestrian Flow and Linked Trip Surveys, Operational Management Plan & Security Measures - July 2022, Merkur Slots Secured by Design Measures.

Reason: *For the avoidance of doubt and in the interests of proper planning*

3. The use hereby permitted shall only operate in full accordance with the control measures and recommendations contained within the approved noise report by Archo Consulting Noise Assessment Reference: PR2001_88_FINAL Dated: 20/05/2022 and the Operational Management Plan & Security Measures - July 2022 and Merkur Slots Secured by Design Measures.

Reason: *To safeguard the amenities of the adjoining occupiers of the development in accordance with Policy DE1 of the Coventry Local Plan 2016.*

4. Prior to occupation of the building hereby permitted, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in full accordance with the approved details

prior to first occupation of the building and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.

Reason: *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local 2016.*

5. The premises shall not be open to the public other than between 08:00 hours and 00:00 hours.

Reason: *To safeguard the amenities of nearby occupiers in accordance with Policies DE1 and DS3 of the Coventry Local Plan 2016*

