

# **PLANNING COMMITTEE**

**14th February 2018**

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**Planning Application 17/01460/FUL**

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

**8-10 Unicorn Hill, Redditch**

**Applicant: Ladbrokes Coral Group plc**  
**Ward: Abbey Ward**

**(see additional papers for site plan)**

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## **Site Description**

This Town Centre site lies to the northern side of Unicorn Hill near to its junction with Bates Hill. The property lies within the Town Centre Conservation Area. 8-10 Unicorn Hill forms part of a terrace of mid to late 19<sup>th</sup> century buildings each having commercial uses to their ground floors. The adjacent property, to the west of the application site is the 'Fishermans Catch' whilst to the east lies a now vacant but former recruitment premises. Further to the east, completing the terrace are the TSB Bank and the Money Shop.

## **Proposal Description**

The proposal relates to change of use of the ground floor of this former betting office (sui generis / unclassified use) to an adult gaming centre (AGC), which is similarly a sui generis planning use. An AGC is an 'amusement with prizes' use where gaming machines (often referred to as 'fruit machines') are provided for paying customers over 18 years of age.

No external alterations or advertisements are proposed.

## **Relevant Policies**

### **Borough of Redditch Local Plan No. 4**

Policy 30 Town Centre and Retail Hierarchy  
Policy 31 Regeneration of the Town Centre  
Policy 36 Historic Environment  
Policy 38 Conservation Areas

### **Others**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

## **Relevant Planning History**

None relevant

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### **Consultations**

#### **Worcestershire Regulatory Services**

No objection. Notes that the premises already benefits from acoustic insulation arising from the existing permitted use as a betting office. Such noise transmission issues can be controlled through the building regulations

#### **Town Centre Co-ordinator**

No objection

#### **Highway Authority**

No objection

#### **Licencing**

Under the terms of the Gambling Act 2005 an Adult Gaming Centres premises licence would be required. The Gambling Act 2005's provisions control AGC's.

In the case of AGC premises licences, the licensing regime does not automatically impose any restriction on the hours of use of an AGC. However, it would be possible for a condition to be attached to the AGC premises licence to control the hours of operation if representations are received about the application and it is deemed appropriate to promote the licensing objectives which are:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

We do not currently have any license applications pending at this site. There was a previous betting premises licence held by Coral Racing Limited, but that was surrendered in September 2017

#### **Police Crime Risk Manager**

No comments received

#### **Conservation Officer**

Nos 8-10 Unicorn Hill forms the end of a terraced group of mid-late 19th century shops, now primarily in commercial and non-retail use. The building is currently vacant. It forms the south-western boundary of the Church Green Conservation Area which was expanded in 2006 to include the northern end of Unicorn Hill. The building does make a positive contribution to the Church Green Conservation Area, contributing to the character and identity of the locality. Whilst the building is not statutorily listed or included on the local list, and has been subject to the addition of an unsympathetic modern shopfront, the building is of some architectural value and contributes positively to the townscape of the area.

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The proposal is for a change of use from a betting office (sui generis) to an adult gaming centre (sui generis) with no proposed external alterations. The proposal complies with Paragraph 131 of the National Planning Policy Framework (NPPF) which refers to the desirability of putting heritage assets into viable uses consistent with their conservation; given the previous use of the building and the absence of external alterations the proposed use is therefore considered consistent.

In principle I have no conservation objections to this proposal and would support bringing a vacant building back into a viable use.

### **Public Consultation Response**

Two representations have been received raising objections which are summarised as follows:

- The proposal would cause substantial harm to the character and appearance of the conservation area
- Noise and disturbance would occur at all times of the day and night. Restricting trading times would only restrict this harm to more limited hours
- Unconvinced that existing sound insulation would be sufficient to mitigate noise caused by the use of so many machines
- Noting that the premises are intended to be open 24 hours the proposal is likely to bring problems into the area late at night and in the morning. The 24 hour trading hours are therefore considered to be inappropriate
- The smoking area would be outside (as with the betting office) resulting in gatherings on the pavement during the day and night
- Any proposals to convert vacant upper floors to residential use would be thwarted by this proposal considering the negative impact the proposal would have upon the amenities enjoyed by nearby occupiers.
- It is suggested in favour of the application that the use would create 5 jobs. This is misleading considering that staff would have been dismissed / relocated at the point in time when the former betting office closed, thus cannot be seen as a benefit the applicant is bringing to the town

A petition containing 82 signatures has been received, similarly objecting to the application on the grounds that the proposal would be harmful to the character and appearance of the shopping area and the trade of nearby businesses.

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### **Assessment of Proposal**

Paragraph 23 of the NPPF (the framework) states that planning policies should be positive and promote competitive town centre environments. There are no specific policies in the NPPF which prohibit the proposed use and the general direction of the framework is to support diversity and a range of uses.

Policy 30 of the adopted local plan reiterates NPPF objectives in relation to ensuring the vitality of town centres and supports (*inter alia*) the redevelopment and diversification of the Town Centre; the appropriate reuse and redevelopment of land and existing floorspace within or immediately adjacent to the Town Centre; and a vibrant and safe, high quality, evening economy comprising a mix of leisure and entertainment uses.

The glossary of the NPPF defines main town centre uses and your officers are satisfied that the proposed use is a main town centre use which is likely to contribute to the vitality and viability of the town centre and add to the diversity of uses on offer in the town in accordance with national and local policies. It should be noted that the existing use is a betting office and that therefore a retail use would not be lost by granting consent.

The premises have been vacant since July 2017 and Policy 38.3 of the adopted Local Plan encourages the reuse of vacant buildings in the Church Green Conservation Area.

No external alterations to the unit are proposed as part of this application and the existing shop front would be retained. It should be noted that there is no regulatory requirement for an adult gaming centre to block out views from the street, notwithstanding this, the applicant has explained that the premises would retain a 'shop like' appearance with an active window display. A condition to this effect is recommended.

The site is within a high street location wherein a certain amount of evening activity is to be expected. It is notable that there have been no objections to the use from Worcestershire Regulatory Services. The applicant is seeking 24 hr operating hours and in planning terms there are no valid reasons to withhold this request having regard to the overarching aim and objectives of the framework. A licence application for this property has not yet been submitted by the applicant but the Licensing Officer has commented that the Gambling Act 2005's provisions are effective in controlling Adult Gaming Centres (AGCs) where access to AGC's is restricted by statute to those aged over eighteen.

In conclusion, your officers have concluded that no material harm would be caused by allowing the change of use from a 'similar' betting office use to an AGC use. The proposal would contribute to the vitality of the town centre by bringing a presently vacant property back into use in what may be considered to be one of the town centre's more secondary shopping streets and no conflict with adopted policies has been identified.

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### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: - In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be implemented in accordance with the following plans and drawings:

Drawing no: COU/110917/MS/204 - Location and Proposed Ground Floor Plan

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area

- 3) An active window display shall be provided at all times in the window fronting Unicorn Hill.

Reason: In order to safeguard the visual amenities of the area

### **Informatives**

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.
- 2) This permission relates to the change of use of this building to an AGC only. A separate application for Advertisement Consent may be required for any signage to advertise the business. The applicant should contact the Local Planning Authority for further advice on this matter.

### **Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received.