

DELEGATED APPLICATION REPORT

Ward: Abbey

App Ref: 210577/FUL

Address: 134-135 Friar Street, Reading, RG1 1EX

Proposals: Change of use to Adult Gaming Centre (AGC) (Sui Generis)

Case Officer: Mr David Brett

Applicant: Chongie Entertainment Ltd

Date received: 13/04/2021

Valid from: 13/04/2021

Target Decision date: 21/07/2021, extension of time on decision agreed with agent from 08/06/2021

1. INTRODUCTION

The proposal site is a former betting shop at 134-135 Friar Street in the centre of Reading. The main building comprises a two storey mid-terraced property. The surrounding area is considered largely commercial, with a mix of primary frontages and town uses such as hotels and retail units.

134-135 Friar Street is located within an Air Quality Management Area and has been identified as a primary frontage within the Reading Borough Local Plan. The proposal site is not within a Conservation Area or considered in the setting of a conservation area. The main building is not listed or locally listed, however, there are listed and locally listed buildings within 100m east of the proposal site.

2. PROPOSAL AND SUPPORTING INFORMATION

The proposed development seeks the change of use for the premises from Sui Generis betting office to Sui Generis Adult Gaming Centre. It is proposed that the Adult Gaming Centre is open 24 hours per day from Mondays to Sundays, including Bank Holidays as specified on the application form.

Plans and documents considered:

- Existing and Proposed Floor Plan and Elevations - 20.0087 01
- Existing and Proposed Site Plan - 20.0087 02
- Location Plan - 20.0087 03
- Planning Statement Change of Use of Vacant Unit (Former Sui Generis Use) to Adult Gaming Centre (Sui Generis Use)
- Chongie Entertainment Limited Advertising and Media Policy
- Chongie Entertainment Limited Complaints Procedure
- Chongie Entertainment Limited Proceeds of Crime & Anti Money Laundering Policy
- Chongie Entertainment Limited Responsible Gambling

Received on 13/04/2021

3. RELEVANT PLANNING HISTORY

890107/ADV - Externally illuminated shop fascia signs. - Application Permitted on 21/06/1989

960051/FUL - New shopfront. - Application Permitted on 04/05/1996

960052/ADV - Fascia and projecting sign. - Application Permitted on 03/05/1996

030733/FUL - Use of premises for A2 purposes as a licensed betting office and installation of a new shopfront (Duplicate application) - Application Withdrawn on 14/11/2003

030734/FUL - Use of premises for A2 purposes as a licensed betting office and installation of a new shopfront - Application Permitted on 14/11/2003

031305/FUL - New shop front. New A/C condensers to rear elevation (within enclosed garden area) - Application Permitted on 29/01/2004

031316/ADV - Illuminated shop fascia and projecting sign - Application Permitted on 29/01/2004

041328/FUL - `Installation 1.0m diameter satellite antenna on flat roof mounting - Application Permitted on 06/10/2007

4. CONSULTATIONS

4.1 *The following addresses were consulted by letter.*

133 Friar Street, Reading, RG1 1EX - No response received.

136-137 Friar Street, Reading, RG1 1EX - No response received.

Flat 1, 136-137 Friar Street, Reading, RG1 1EX - No response received.

Flat 2, 136-137 Friar Street, Reading, RG1 1EX - No response received.

12 Union Street, Reading, RG1 1EU - No response received.

12A Union Street, Reading, RG1 1EU - No response received.

12B Union Street, Reading, RG1 1EU - No response received.

Reading Borough Council, Transport - Response received on 12/05/2021

- There are no transport objections to the proposed change of use.

Reading Borough Council, Environmental Protection - Response received on 27/04/2021

- I am concerned about the potential impact on adjoining premises as a result of noise from the proposed use, as it is proposed to operate 24 hours a day and there are likely to be relatively high noise levels from gaming machines operating at the premises as well as noise from the customers.
- Further information is required regarding the likely noise levels within the premises along with the current insulation measures in place in the form of an assessment which determines whether additional noise mitigation is required. Ideally this would be available prior to permission being granted, in case restrictions are needed on hours of use or substantial improvements are needed to the structure of the premise, if this is not possible and permission is to be granted then the below condition is recommended.

Reading Borough Council, Environmental Protection - Response received on 17/05/2021 following negotiations with the agent

- It is probably low enough risk to not require a noise assessment, if the planner agrees, although the operator will need to deal with this issue retrospectively if there are noise problems.

Reading Borough Council, Licensing - Response received on 12/05/2021

- We have reservations about the premises being granted permission for use 24 hours, every day of the week. The Gambling Act does not specify Prevention of Public Nuisance as a licensing objective and therefore has reduced weight (other than where the nuisance amounts to crime and disorder) in terms of considering a gambling premises licence application. There will be 3 Adult Gaming Centres within close proximity of each other, however, we recognise that this doesn't fit the 'cluster' definition as per paragraph 4.6.25 of the Reading Borough Local Plan adopted in 2019.
- Reading Borough Council currently has a Cumulative Impact Policy under section 5A of the Licensing Act 2003. This policy identifies that Reading town centre already has a large number of premises licensed under that act and the type, concentration and hours of these licensed businesses are a major factor in the high levels of crime and disorder and public nuisance within the town centre. Although this policy does not apply to the granting of Gambling Act 2005 premises licences, we believe that it is pertinent due to the proposed business wanting to operate at the above address, which is on one of the streets highlighted as being a problem area, particularly after midnight. There is potential that, despite Adult Gaming Centres not being a type or premises that we have problems with in Reading, having another business trading throughout the night may increase levels of crime and disorder and public nuisance.

Thames Valley Police, Crime Prevention Design Advisor - Response received on 06/07/2021

- Unfortunately due to current staffing levels and demand we have been unable to review and provide a response to this reference. This does not mean that Thames Valley Police is in support of this application.
- However, we take this opportunity to highlight the need for the applicant to identify and mitigate the potential for crime and anti-social behaviour which could negatively impact their business premise, the surrounding community and police resources, this should be adequately addressed within their supporting documentation.

A site notice was displayed from Saturday 1st May 2021, expiring on Saturday 22nd May 2021. No responses have been received.

5. EQUALITY ACT 2010

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

6. LEGAL AND PLANNING POLICY CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Reading relevant to the application site comprises the Reading Borough Local Plan (2019).

The '*National Planning Policy framework*' ('NPPF') 2018 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Reading Borough Local Plan, 2019) according to their degree of consistency with the 'NPPF' (the closer the policies in the plan to the policies in the 'NPPF', the greater the weight that may be given).

National Policy

National Planning Policy Framework
National Planning Practice Guidance

Reading Borough Local Plan (Adopted November 2019)

CC7 Design and the Public Realm
CC8 Safeguarding Amenity
EN15 Air Quality
RL1 Network and Hierarchy of Centres
RL2 Scale and Location of Retail, Leisure and Culture Development
TR3 Access, Traffic and Highways-Related Matters
CR1 Definition of Central Reading
CR2 Design in Central Reading
CR4 Leisure, Culture and Tourism in Central Reading
CR7 Primary Frontages in Central Reading

7. APPRAISAL

7.1 *Principle of Development*

The Glossary of the NPPF details that the main town centre uses are: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo

halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

In accordance with paragraph 5.3.14 of Policy CR4 of the Reading Borough Local Plan: “In order to diversify uses in the town centre and improve the Centre’s leisure offer, it is important to accommodate leisure, cultural and tourism activities that appeal to a wide range of age and social groups. Leisure and entertainment uses that would contribute to the 18-hour economy will be encouraged, and existing uses maintained. This should include a range of different, yet complementary evening and night-time economy uses to cater for all sections of Reading’s community, and offer alternative activities to drinking.” The Adult Gaming Centre use proposed is considered complementary to the night-time economy and offer an alternative activity to drinking in accordance with Policy CR4 of the Reading Borough Local Plan.

In accordance with policy CR7 of the Reading Borough Local Plan, 134-135 Friar Street has been identified as a primary frontage within the centre of Reading. Therefore, the use of the ground floor should be A1, A2, A3, A4, A5, C1, D1, D2 or related Sui Generis, unless it would be an entrance to upper floors. The most recent use of 134-135 Friar Street was as a Sui Generis betting shop (from at least April 2018 according to imagery on Google Street View). As stated within the planning statement provided (and by Policy RL4); betting shops were considered A2 use, however an amendment to the Planning Use Class Order in 2015 resulted in betting shops being classed as Sui Generis use.

The use proposed within this application is an Adult Gaming Centre, another Sui Generis Use. This is considered in itself to be a ‘centre use’. It is noted that there are two other Adult Gaming Centres within 200m of 134-135 Friar Street; one at 9 West Street (approved under application 160783), and another at 97-98 Friar Street. As the proposed development seeks to retain a ‘centre use’, the proposed development is considered suitable in principle, reinstating a centre use in a primary frontage in the centre of Reading. Therefore, the proposed change of use is considered in principle to be in accordance with policy CR7 of the Reading Borough Local Plan.

7.2 Design and Access

Policy CR7 of the Reading Borough Local Plan also requires frontages to be of a high visual quality (Other policies would also be relevant in terms of shopfronts and design). The agent states that an application to alter the frontage of 134-135 Friar Street would be forthcoming depending on the outcome of this change of use application. Any frontages that have the potential to hinder movement or cause unnecessary safety risk will not be permitted. The proposed change of use application does not involve any physical alteration to the property and it will remain compatible with the appearance of the area; any future separate application would be considered on its own merits.

In the interest of retaining 134-135 Friar Street as an active shopfront, it is considered appropriate to condition the approval of this application for this non-residential unit to retain an ‘active window display’ along the length of the frontage. This is to preserve the lively and attractive street scene in accordance with Policies CC7, OU5, and CR7 of the Reading Borough Local Plan. This is to safeguard the applicant making changes which may not in themselves facilitate a future application.

7.3 Safeguarding Amenity

As per paragraph 5.3.17 of the Reading Borough Local Plan; “Leisure, cultural and tourism development should not give rise to adverse impacts on the amenity of nearby residents and other town centre users, or to existing town centre spaces. Proposals will therefore be expected to mitigate any potential issues of noise disturbance (particularly night-time noise), traffic-related congestion, and anti-social behaviour and crime.”

Paragraph 4.5 of the Planning Statement submitted; the proposed AGC use is proposed to potentially operate a 24 hours a day, seven days a week, providing activity in the town centre supporting the evening and night time economy.

In accordance with Policies CC8 and CR4 of the Reading Borough Local Plan, noise arising from the development was initially raised as a concern by Environmental Protection. It was therefore requested that a noise assessment be submitted for this application. The agent challenged the need for a noise assessment, stating that AGCs do not use tannoys or speakers, and the sound level of the gaming machines are kept low. It was also stated that noise arising from people leaving the premises should not be a concern as drinking is not allowed at the AGC, while access would be monitored by door staff.

Due to the nature of the use as an AGC and the controls that would be in place by the applicant surrounding entry to and from the premises, officers are content that change of use and opening hours proposed would not give rise to harmful levels of noise to neighbouring residents. The risk of harmful levels of noise arising from the proposed use is considered low enough to not require a noise assessment. This is particularly in the view of the neighbouring context, uses (e.g. lack of immediate residential uses) and Friar Street being a considered a heavy contributor to the night life in Reading.

The Reading Borough Council Licensing Officer did raise concerns regarding the 24 use, stating that having another business trading throughout the night may increase levels of crime and disorder and public nuisance. The applicant submitted a Premises Licence application to Reading Borough Council at the same time as this planning application, for which a consultation response was provided by the Thames Valley Police (TVP) Licensing Officer. No objections to the Premises Licence were raised by the TVP Licensing Officer, with the Premises Licence granted under section 164 of the Gambling Act 2005 by Reading Borough Council not including any hours restrictions.

The TVP Crime Prevention Design Advisor (CPDA) was also consulted on this application based on the 24 hour use of the premises. The CPDA advised that they were unable to provide a direct response to this application but highlighted that the applicant would need to identify and mitigate the potential for crime and anti-social behaviour which could negatively impact their business premise, the surrounding community and police resources, this should be adequately addressed within their supporting documentation. A Proceeds of Crime & Anti Money Laundering Policy document and Responsible Gambling Policy document were submitted to support this application. The documents include a Potential Anti-Social Behaviour policy, which clearly defines procedures for dealing with any anti-social behaviour, promoting responsible gaming in accordance with the Gambling Act 2005 and the Social Responsibility Code provisions of the Gambling Commissions licence conditions and code of practice (LCCP). The policy also states that the premises will implement an age verification policy to prevent children and young people from entering the premises, operating a Challenge 21/25 policy.

To supplement the information and policy documents submitted within this application, and in the absence of a direct response from CPDA, it is considered appropriate to secure details of surveillance measures prior to occupation as a Sui Generis AGC in accordance with Policies CC7, CC8 and CR2 of the Reading Borough Local Plan. Particularly as this is an area of Reading where evening activity is expected, with several drinking establishments located along Friar Street. As raised by Licensing; it is considered necessary to obtain these details as the surrounding area has been identified as a problem area, particularly after midnight. It is not considered likely that the AGC use proposed would inherently potentially contribute further to the 'problem area', however, to aid in the surveillance of Friar Street as a whole, it is considered necessary to obtain surveillance details for 134-135 Friar Street via condition. This is to protect the amenity of future users of the proposed development and in the interests of safeguarding the character and appearance of the building and Friar Street, in accordance with Policy CC7, CC8, CR2 and CR4 of the Reading Borough Local Plan 2019.

Based on the information submitted within this application and the nature of the use proposed (no alcohol on site, gaming machines only, entry monitored by door staff), it is not considered necessary or reasonable in this specific instance to condition the opening hours of this application in order to protect neighbouring amenity. The proposed use is considered

appropriate for the town centre, with the premises located in what is considered a prime location for night life in the town. It is considered that the proposed development would not give rise to harmful levels of noise or anti-social behaviour given the nature of the use and the controls that would be put in place by the AGC, together with the recommended planning conditions referenced above.

Referring back to paragraph 5.3.17 of the Reading Borough Local Plan; the proposed development at 134-135 Friar Street is considered to mitigate potential noise issues. While concerns of crime and anti-social behaviour have been addressed in the submission of relevant policy documents, the documents have not been fully assessed by the CPDA. It is not considered that officers have sufficient evidence to substantiate that the proposed use would directly contribute to increased levels of crime and anti-social behaviour, however, details of surveillance measures will be secured via condition to aid in the monitoring of a 'problem area' for nightlife. In terms of traffic-related congestion; as explained by the Transport Team the proposed development is within an area that is well served by rail and bus links and also contains the largest proportion of public car parking spaces. There are no requirements for car parking in this zone as any demand for parking will be met by the town centre public car parks.

The proposed use is considered to potentially positively contribute to Reading, while demonstrating appropriate policies and procedures with regards to neighbouring amenity and potential anti-social behaviour. As already mentioned; further information is required regarding the surveillance measures at the premises, however, this will be secured via condition. Therefore, the proposed development is considered in accordance with policies CR4 and CC8 of the Reading Borough Local Plan.

7.4 Transport

The site is in a sustainable location for access. It is in the town centre where it is adequately served by public transport and there has been no objection from the Transport Officers. In particular, it is considered that the potential for trips being generated to/from the site is no greater than the most recent use.

7.5 Air Quality

This proposal has been considered against Reading Borough Local Plan policy EN15, as the proposal site is within an Air Quality Management Area (AQMA). As demonstrated in the policy, this proposal does not meet the requirements for an Air Quality Assessment (AQA) and is considered not enough of a detrimental impact air quality to warrant such an assessment due to the size and scale of the proposal.

8. CONCLUSION

The proposed development has been assessed and the proposed works are considered to be in accordance with the above relevant policies and planning permission can be granted.

9. RECOMMENDATION

GRANT

10. CONDITIONS

TL1: Time Limit (Standard)

The development hereby permitted shall begin no later than three years from the date of this planning permission.

REASON: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions.

AP1: Approved Plans

The development hereby permitted shall ONLY be carried out in accordance with the following approved plans and documents:

- Existing and Proposed Floor Plan and Elevations - 20.0087 01
- Existing and Proposed Site Plan - 20.0087 02
- Location Plan - 20.0087 03
- Planning Statement Change of Use of Vacant Unit (Former Sui Generis Use) to Adult Gaming Centre (Sui Generis Use)

Received on 13/04/2021

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

C00: CCTV

Prior to the first occupation of the Sui Generis unit hereby approved, details of formal surveillance measures (e.g. CCTV) on the Friar Street elevation shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented (e.g. CCTV monitored by Reading Borough Council) prior to the first occupation of the Sui Generis unit hereby approved and thereafter maintained in accordance with the details approved.

Reason: To protect the amenity of future users of the proposed development and in the interests of safeguarding the character and appearance of the building and the wider immediate area, in accordance with Policy CC7, CC8 and CR2 of the Reading Borough Local Plan 2019.

C00: Active Shopfront

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the non-residential unit hereby approved shall retain 'active window displays' along the length of the frontage, without the installation of window vinyls, roller shutters, or similar which would obscure visibility between the public realm and the unit.

REASON: in the interests of retaining a vibrant and attractive street scene and improving active surveillance, in line with Policies CC7, OU5 and CR4 of the Reading Borough Local Plan 2019.

11. INFORMATIVES

IF1: Positive and Proactive Working - approval

The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed agreed extended timescale for the decision to be issued.

IF5: Terms

Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.