



PLANNING STATEMENT

In Support of an Application for Removal of Condition 3 (Opening Hours)
of Planning Approval 160783

At
9 West Street
Reading
RG1 1TT

PREPARED ON BEHALF OF

SAL AGC LIMITED

NORTHERN PLANNERS

FEBRUARY 2017

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1 BACKGROUND

- 1.1 Application (Ref: 160783), approved on the 13 September 2016 established the principle of development on this site, which was a Change of Use of the premises from a Hair and Beauty (Mixed A1 Retail and Sui Generis) to Tanning Salon on the First Floor and Adult Gaming Centre on the Ground Floor (Sui Generis).
- 1.2 Adult Gaming Centres (AGCs) are a common feature on the high street throughout the country. By law, they admit only those over eighteen and are strictly controlled through the licensing system set out in the 2005 Gambling Act. They offer customers the opportunity to play gaming machines and bingo and their operators are bound by the increasingly strict 'social responsibility' requirements of the Gambling Commission's Licensing Conditions and Codes of Practice.
- 1.3 The applicant wishes to remove Condition No. 3 (Opening Hours) which states:
- "The uses hereby permitted shall not be open to customers outside the following times: 09:00 – 22:00 Mondays to Sundays.*
- Reason: in order to protect the neighbouring premises from unreasonable disturbance arising from the use. Sites and Detailed Policies Document (2012, Altered 2015) Policy DM4."*
- 1.4 This application is submitted to remove Condition No. 3 because there is no justifiable planning reason to restrict the opening hours of this business. These hours were suggested by the licensing officer, however, different considerations apply in licensing and planning and they operate under separate regimes. Should the Local Planning Authority deem it necessary to restrict the opening hours, it is considered that these should be consistent with other late night operators in the area.
- 1.5 Like shops, amusement centres require well-frequented locations in which to operate satisfactorily. They cannot trade satisfactorily in areas remote from retail and business activity and the pedestrian flows that go with it. They trade successfully in busy town centre shopping and commercial areas and introduce an alternative source of entertainment to those living, working and visiting the town centre.

2 THE SITE AND ITS CONTEXT

- 2.1 The application site is an end of terrace two storey building which is situated on West Street in Reading Town Centre. It is immediately adjoined by a hot food takeaway operating to later opening times than the planning permission on the application site allows for. The surrounding area comprises a mix of uses with a wide variety of retail and commercial businesses. The vast majority, if not all of these uses have no restriction placed on their hours of operation by the local authority.



9 West Street

Photograph 1 – No. 9 West Street

- 2.2 The application site occupies a sustainable location within the town's development limits, being accessible to a range of services and facilities and is well served by excellent public transport links. West Street is a wide bus-priority street. The location benefits from an extensive transport system via road, rail, bus and pedestrian access. The building is located just off the A329 which links directly with the M4 Motorway (junction 10). Reading railway station lies 500 metres to the north. The local area is served by an extensive bus service.
- 2.3 The application site lies within the designated Reading Central Area and the designated Primary Shopping Area. The site is not located in a conservation area and the building is not listed.

3 PLANNING HISTORY

- **160783** – Change of Use of the premises from a Hair and Beauty Use (Mixed A1 Retail and Sui Generis) to Tanning Salon on the First Floor and Adult Gaming Centre on the Ground Floor (Sui Generis). (Application Permitted)
- **07-00424-ADV** – Small projecting sign and shopfront signage (Application Permitted)
- **93 - 00268 – FUL** – New Shop Front (Application Permitted)

4 PLANNING POLICY

- 4.1 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. Material considerations include relevant policies from the National Planning Policy Framework (NPPF).
- 4.2 The following policies are relevant to the determination of this planning application:

National Planning Policy Framework (2012) (NPPF)

- Section 1: Building a Strong, Competitive Economy
- Section 2: Ensuring the Vitality of Town Centres

Reading Borough Core Strategy (January 2008) (Altered 2015)

- CS26 - Network and Hierarchy of Centres

Reading Borough Sites and Detailed Policies Document (2012) (Altered 2015)

- DM4 - Safeguarding Amenity

Reading Central Area Action Plan (Adopted January 2009)

- RC 7 – Leisure Culture and Tourism in the Centre

4.3 Policy CS26 of the Reading Borough Council Core Strategy identifies Reading Centre as a Regional Centre and seeks that both the vitality and the viability of the town centre are maintained and enhanced. The site of the application lies within both the defined town centre and the primary shopping centre as defined in the Reading Central Area Action Plan. West Street is also one of the several streets that are defined as having an ‘active frontage.’

4.4 Policy DM 4 of the Reading Borough Sites and Detailed Policies Document aims to ensure that development will not cause a significant detrimental impact on the living environment of existing or new residential properties.

4.5 Reading Central Area Action Plan promotes Reading Town Centre as a focus for a broad range of different but complementary uses. Paragraph 5.17 states,

“The evening economy of Reading has significantly expanded in recent years with new drinking establishments opening in the centre. Reading attracts people in the evening from across a wide area. This has been a critical element to the success of the centre of Reading, and the centre should continue to provide an 18-hour welcome to assist in developing the vision. In order to ensure the vibrancy of the centre in the evenings and that is not dominated by those who come to the centre to drink, a wide range of evening uses should be encouraged including leisure, entertainment, arts and culture.”

4.6 Policy RC 7 encourages leisure, cultural and tourism uses that would attract a wide range of people into the centre. Paragraph 8.15 of the Reading Central Area Action Plan states that,

“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. Dispersing these uses throughout the Centre ensures that they are widely accessible to users, and contribute to the overall vitality, vibrancy and liveability of the Centre.”

4.7 Paragraph 23, of the NPPF, advises that planning policies should be positive and promote competitive town centre environments. Local authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

- 4.8 The NPPF advises local planning authorities that they should approach decision taking in a positive way to foster the delivery of sustainable development (para 186). Local Planning authorities should look for solutions rather than problems and decision-makers at every level should seek to approve applications for sustainable development where possible. (Paragraph 187).
- 4.9 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system. (Paragraph 19).
- 4.10 Paragraph 206 of the NPPF states that 'Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.'

5 PLANNING APPRAISAL

Existing levels of Activity in the Area

- 5.1 The site is located within a high-street location, with a wide variety of uses. There are no 'sensitive' uses including schools and religious buildings adjoining the site. Given the range and overall provision of uses, the proposal would not result in a concentration of similar uses.
- 5.2 There is a mix of opening hours of the units along West Street. For example, Silvers (Amusements) operates 24 hours.



Photograph 2 – Silvers Amusements on the corner of Friar Street and West Street

- 5.3 A number of food and drink establishments near the site of the application open late into the evening. Such venues include:
- The Beijing Noodle Restaurant (open until 11:30 pm Monday to Thursday), until 12 pm Friday to Saturday and until 11 pm Sunday.
 - Roosters Piri Piri is open from 11 am until Midnight.
 - Chicken Ranch – Fast food Café and Take Away open from early morning to 10 pm
 - Thai Corner Restaurant – various range of opening hours between 12 pm and 11 pm
- 5.4 The above venues, combined with the existing concentration of pubs, bars and restaurants generate a significant amount of activity in the area. Any activity generated by the proposed extended opening hours needs to be considered in the context of the significant amount of activity that already exists in the area, beyond the 22.00 hours closing time imposed by the current planning permission.
- 5.5 Paragraph 23 of the NPPF states that “local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.” It is considered that allowing the proposed extended opening hours in this location would not be detrimental to the vitality and viability of the town centre.
- 5.6 It is acknowledged that the extended hours are likely to cater to people who are already in the area. The area acts as an extension to the city centre for such evening leisure and entertainment activity. The current opening hours do not cater for shift workers and night-time jobs (e.g. taxi drivers, waiters, and cleaners).
- 5.7 The existing level of pedestrian and vehicular activity in West Street would mean that the extended opening hours would be unlikely to result in noise and disturbance in excess of what would reasonably be expected since many neighbouring premises are open beyond 22:00 hours. There is nothing to suggest that these types of uses in relation to the existing range of late night activity give rise to concerns about safety, security or anti-social behaviour. Furthermore, there is no evidence to suggest that there have been any problems associated with the 24/7 - hour operation of Silvers Amusements.

Impact on Neighbouring Amenity

- 5.8 AGCs function closely with the retail and other provision of high streets in which they are located, serving shoppers primarily visiting the retail centre for retail shopping and other uses including leisure, pubs, as well as acting as a primary attractor for others. Access to AGCs is restricted by statute to those aged over eighteen. The applicants operate a policy of ‘over 21’s’ in relation to entry to their premises.
- 5.9 The applicant is aware that some of the upper floors on West Street may be used as residential accommodation, following a visual survey of surrounding uses, although it should be noted that some of this accommodation may be related to the ground floor uses which are open later than the applicant’s premises. The only activity that would be associated with the entrance to the building would be adults entering and leaving the premises. This would tend to constitute a steady flow of people spread over the opening times, rather than any sudden peaks in activity.

- 5.10 No objection was received during the original application process regarding opening hours. There is no evidence to suggest that Silvers or any other gaming centre have given rise to complaints from the police or member of the public. There is no evidence of criminal activity associated with the use as an AGC and no alcohol is served on the premises (in accordance with the Gambling Act 2005). AGCs cannot be held to have an association with issues of nuisance or disorder.
- 5.11 There is, however, evidence (see paragraph 5.3 above) to show that there are other facilities and services on West Street that attract people both short-term and for longer periods than the hours set by the current planning permission. There is no reason therefore why the current opening hours have been set to close before other establishments in the area.

6 SUMMARY AND CONCLUSIONS

- 6.1 There is no justifiable planning reason to restrict the opening hours of this business. The proposal to remove Condition no.3 limiting the opening hours of the premises would fit in with the opening hours of other late night establishments in the area. The proposal would enhance the leisure/entertainment offer in the area and would cater for sole or additional visits. There is no evidence to contend that extending the opening hours are likely to be materially harmful to the amenity of the general area.
- 6.2 The proposal, therefore, accords with the relevant aims of the National Planning Policy Framework and Development Plan policies CS26, DM4 and RC7 in that it would not harm the amenity of the area but would enhance the leisure and entertainment offer to visitors, enhancing the quality of life and the tourist and evening based economy. In view of the town centre location of the premises, the proposal to remove Condition No. 3 relating to opening hours is considered to be acceptable.

Northern Planners
February 2017