

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

14th September 2010

PLANNING APPLICATION 2010/182/COU

**CHANGE OF USE FROM RETAIL (A1) TO AN ADULT GAMING CENTRE
(SUI GENERIS)**

UNIT 14, KINGFISHER SQUARE, KINGFISHER CENTRE, TOWN CENTRE

APPLICANT: DIRECT LEISURE PARTNERS, BIRMINGHAM

EXPIRY DATE: 16th SEPTEMBER 2010

WARD: CENTRAL

The author of this report is Nina Chana, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: nina.chana@redditchbc.gov.uk) for more information.

(See additional papers for Site Plan)

Site description

The unit lies within Kingfisher Square which is on the lower ground floor of the Kingfisher Centre. The nearest access to/from the unit is the Bus Station.

The unit is currently vacant and sits in between two A1 retail units. One is a Newsagent and the other is a charity shop.

Proposal description

The application is for the Change of Use from A1 Retail to an Adult Gaming Centre which is better described as a 'mini' Amusement Arcade. The applicant is proposing to install thirty five gaming machines. There are no physical changes proposed as part of this application.

The agent has provided information which states that the proposal, if granted consent, would involve the installation of a variety of gaming machines. The opening hours would be the same as the Kingfisher Centre hours. They have also stated that there is a prerequisite under the terms of the Premises Licensing that no person under the age of eighteen would be permitted to enter the gaming centre and there would be a vigilant member of staff to monitor this. There would also be readily visible notices at the entrance stating that no person under the age of eighteen can enter the premises.

Relevant key policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

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www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National planning policy

PPS1 (& accompanying documents) Delivering sustainable development

PPS4 Planning for sustainable economic development

PPS6 Planning for town centres

Worcestershire Country Structure Plan

SD9 Promotion of town centres

Borough of Redditch Local Plan No.3

ETCR1 Vitality and viability of the town centre

ETCR2 Town centre enhancements

ETCR4 Need and the sequential approach

ETCR5 Protection of the retail core

SPDs

Community safety

Relevant site planning history

None

Responses in favour

None

Responses against

Two objections received:

The main concern is about having an amusement arcade in the Town Centre particularly in this location where there is a Newsagent next door and approximately 30% of their customers are under the age of eighteen.

Consultee responses

Development Plans

The proposal complies with policy therefore no objections

Crime Risk Manager

No objections

Community Safety

Awaiting comments

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Licensing

Awaiting comments

Procedural matters

This application is solely for the change of use of the unit. The agent has agreed that should this application be successful, his client will then proceed to submit a further application for a new shop front if necessary.

Assessment of proposal

The key issues for consideration in this case are the principle of the proposed development and its impact on the vitality and viability of the town centre.

Principle

In principle, the Change of Use from A1 Retail to a Gaming Centre complies with the policies of the Borough of Redditch Local Plan No 3 as listed above.

Policy E(TCR).5 sets out the protection of the retail core and states that the proposal should not result in the continuous frontage of more than two non-retail units. This unit is currently vacant and the units either side are both A1 retail as noted above, therefore the application is in compliance with the policy as the adjacent units are A1 units.

Other issues

Concerns have been raised regarding the regular pedestrian flow between the bus station and upper floors of the shopping centre which includes a significant quantity of school age children at particular times of the day. However, there are no planning policies to support the refusal of this application on the basis of any potential detrimental impact that this could cause. The views of the community safety team have been sought and will be reported in the Update, along with their significance in determining this application as the impact of a proposal on crime and disorder is a material consideration that should be given some weight when determining an application.

As the proposed use is classed as sui generis under the legislation, it is recommended that a condition be imposed that no other use be allowed in the unit except this or A1 retail, in order to prevent other uses without control.

Conclusion

The harm likely to be caused by a change of use such as that proposed here is considered to be considerable, however, the principle of the change of use complies with the adopted local policies, therefore your Officers are mindful of the following recommendation.

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Recommendation

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:

- 1) Development to commence within 3 years
- 2) Use to be as proposed or A1 only to ensure continued compliance with policy

Informatives

- 1) Reason for approval.