

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/01326/FUL Newbury Town Council	12 August 2020 ¹	Change of use of the ground floor from betting shop (Sui Generis) use to adult gaming and amusement centre with bingo (Sui Generis). Installation of associated signage comprising 1no. externally illuminated fascia sign and 1no. externally illuminated projecting sign. 11 - 13 Market Place, Newbury RG14 5AA Cashino Gaming Ltd
¹ Extension of time agreed with applicant until 16 November 2020			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01326/FUL>

Recommendation Summary: To **DELEGATE** to the Head of Development & Planning to **GRANT PLANNING PERMISSION** subject to Conditions.

Ward Member(s): Councillor Martha Vickers
Councillor Andy Moore

Reason for Committee Determination: 10 or more objections and a petition of objection of at least 20 signatures to a recommendation determination of Approval.

Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link

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1. Introduction

- 1.1 This is a planning application for the change of use of ground floor of 11-13 Market Street from a betting shop (Sui Generis) to use as an adult gaming and amusement centre with bingo (Sui Generis). Installation of associated signage comprising 1no. externally illuminated fascia sign and 1no. externally illuminated projecting sign.
- 1.2 The application site lies within the Newbury Conservation Area, a Primary Shopping Frontage and the Town Centre Commercial Area. It is also within the Environment Agency Flood Zone 2.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision
13/00078/FULD	Change of Use and minor alterations of first and second floor offices to three one-bedroomed residential flats.	Approved
13/01125/FUL	Change of Use of premises for A2 purposes as a licensed betting office.	Approved
13/01497/FUL	Installation of a new shopfront, satellite dish and three replacement a/c condenser units.	Approved
13/01498/ADV	New externally illuminated fascia sign and an externally illuminated projecting sign.	Approved
13/02498/COND1	Application for approval of details reserved by Condition 4 - Condensing Units Acoustic Details and Calculations of approved reference 13/01497/FUL. Installation of a new shopfront, satellite dish and three replacement a/c condenser units.	Approved
13/02501/FULD	Application for approval of details reserved by Condition 3 - Scheme of Sound Insulation of approved reference 13/00078/FULD. Change of Use and minor alterations of first and second floor offices to three one-bedroomed residential flats.	Approved

3. Procedural Matters

Environmental Impact Assessment (EIA)

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

Publicity

- 3.2 Site notice displayed on 01 July 2020 at the location site; the deadline for representations expired on 22 July 2020.

Community Infrastructure Levy (CIL)

- 3.3 CIL is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.4 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Newbury Town Council	The Council has raised objection as the proposal Members feel that it is not in keeping with the aspirations of the Market Place and the future progression of the atmosphere in the Market Place.
WBC Highways	No comments to make.
WBC SuDS Team	No comments to make.
WBC Conservation	No objection.
WBC Public Rights of Way	No comments received by the date of writing.
WBC Environmental Health	Do not consider that the background music will cause elevated noise levels and do not support an imposition of a restriction on the operating hours.

Thames Valley Police	No objection.
Environment Agency	No comments received by the date of writing.
Rambles' Association	No comments received by the date of writing.

Public representations

- 4.2 Representations have been received from 11 contributors, 0 of which support, and 11 of which object to the proposal. A petition of objection of 201 signatures has also been received.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

Amenity	<ul style="list-style-type: none"> Concerns about the sound from the proposed development will transmit to the upper floor residential accommodation and there is a concern about the absence of a specialist noise survey in this application. Noise disturbance to residents of Market Place
Other issues	<ul style="list-style-type: none"> Concerns about the continuing spread of gambling and late night facilities will have an adverse impact on the high street Concerns about the potential gambling and anti-social behaviour Concerns about the costs of problem gambling Concerns about the background of the company operating the proposed centre Concerns about the proposed 24 hours operation as the former betting office was closed at 10pm Concerns about the encouragement people who come out of the pubs Concerns about the impact on the learning centre opposite to the site This licence (planning) application should be refused

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP2, CS1, CS11, CS13, CS14, CS16 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies ECON.5, SHOP.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- 5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Outdoor advertisements and signs: a guide for advertisers (2007)
- Cycle and Motorcycle Advice and Standards for New Development (2014)
- Newbury Town Council Design Statement (2017)

6. Appraisal

Principle of development

- 6.1 Paragraph 85 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 6.2 The Spatial Strategy policies in the West Berkshire Core Strategy (WBCS) provide the overarching strategy for development in West Berkshire. The application site is within the Primary Shopping Frontage and the Town Centre Commercial Area. Though it is currently vacant, the application site was a betting office subject to a planning permission (13/01125/FUL). The officer report for this application states that casinos are an appropriate town centre use and a betting office would also constitute an appropriate town centre use as both uses involve gambling.
- 6.3 Though Newbury Town Council has raised an objection to the proposed development, it is noted that the Town Council published a Newbury Town Design Statement in 2017. The Statement identifies that Market Place is a cultural/leisure/recreation quarter and it is considered that the proposed development can be considered as leisure/recreation use. Given that there is no other policies restricting the adult gaming centre within town centres, the principle of development is therefore accepted in this case.

Design and Appearance

- 6.4 Achieving well-designed places is one of the core planning principles of the NPPF. Policy CS14 clearly sets out that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Policy CS19 seeks to ensure development is appropriate in terms of location, scale and design.
- 6.5 While there are no other changes to the appearance to the ground floor of the building, the proposal is also seeking to install a number of associated signage comprising an externally illuminated fascia sign and an externally illuminated projecting sign.
- 6.6 The Conservation Officer has raised no objection to the proposed development and it is not considered that the proposed development would have an adverse impact on the character of the Newbury Conservation Area.

Amenities

- 6.7 A number of letters of objection have raised concerns that the noise from the proposed development will transmit to the upper floor residential accommodation.
- 6.8 Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. Local planning authorities should grant permission

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 6.9 Thames Valley Police and Environmental Health Officer have been consulted in this application and both have raised no objection to the proposed development. Given that the proposed development will not cause elevated noise levels, it is not considered that it is necessary to impose any operating hours restriction.
- 6.10 The applicant has submitted a Noise Assessment Report and it concludes that the noise levels of proposed development comply with the criteria within the BS8233:2014 and the application site will be suitable for 24-hour operation if all defects identified in Table 1 of the Report are rectified. It is recommended that condition is imposed to ensure that all rectification works identified in the Report shall be completed before the development hereby permitted is brought into use.

Community Infrastructure Levy

- 6.11 Community Infrastructure Levy (CIL) was implemented in West Berkshire on 1 April 2015 and it is a levy charged on most new development within the local authority area. The money is used to pay for new infrastructure required as a result of the new development. This infrastructure can be wide-ranging, including schools, road schemes, health facilities and sports and leisure facilities.
- 6.12 The applicant has been advised to contact the CIL team to ascertain whether the proposal is CIL liable.

Other Matters

- 6.13 This is a planning application and it is not a licence application. The Council Licensing Team has confirmed that they have received a betting premises licence application and a Hearing will be held on 09 November at the Licensing Committee.
- 6.14 There is also a concern about the absence of a specialist noise survey in this application. However, it is considered that an adequate noise assessment is submitted in this application and the conclusion of the assessment report has also reinstated that the noise levels of the proposed development comply with the criteria.
- 6.15 There is a concern about the potential impacts of gambling, costs of problem gambling and the negative impacts of anti-social behaviour. Moral objections to a development including gambling are not relevant planning issue and cannot be taken account in reaching a decision.
- 6.16 There is a concern about the background of the company operating the proposed centre. Again, background of the applicant is not relevant planning issue and cannot be taken account in reaching a decision. It is also the case that restrictive covenants are not material considerations in the determination of planning applications.

7. Planning Balance and Conclusion

- 7.1 11-13 Market Place lies within the Newbury Conservation Area, a Primary Shopping Frontage and the Town Centre Commercial Area. For reasons set out above the proposed development is considered to be in accordance both national and local planning policies.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1	<p>Approved Documents</p> <p>The development hereby permitted shall be carried out in all respects in accordance with the following plans/drawings:</p> <ul style="list-style-type: none">• Drawing Ref. MP/NEW/01 Existing Floor Plans and Shopfront Elevation (Rev. A) dated 12 June 2020• Drawing Ref. MP/NEW/04 Proposed Fascia Sign and Projecting Sign Details (Rev. D) dated 30 September 2020• Drawing Ref. MP/NEW/06a Block Plan dated 12 June 2020 <p>Reason: To ensure that the development is carried out in accordance with the submitted details and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.</p>
2	<p>Commencement</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the permission.</p>
3	<p>Materials as specified</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms.</p> <p>Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework 2019 , Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).</p>
4	<p>Noise Mitigation</p> <p>The development hereby permitted shall not be brought into use until all rectification works identified in Table 1 of the approved Noise Assessment Report (Ref: PR2001_28_FINAL) dated 01 October 2020 have been provided. Thereafter these works shall be permanently retained in accordance with approved details.</p> <p>Reason: To protect the amenities. This condition is in accordance with the National Planning Policy Framework 2019 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

Informatives

1	In determining this application the Local Planning Authority has worked positively and proactively with the applicant by: scoping of the application and assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations. Further, the Local Planning Authority has: identified all material considerations and determined the application within the timeframe agreed with the applicant. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2019.
2	For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the Customer Call Centre on: 01635 519111.