

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 09 September 2021

Plans List Item Number: 3

Reason for bringing to committee

Significant Community Interest

Application Details

Location: CORAL, 12, BRADFORD STREET, WALSALL, WS1 1PB

Proposal: PROPOSED CHANGE OF USE FROM VACANT BETTING SHOP (SUI GENERIS) TO ADULT GAMING CENTRE (SUI GENERIS).

Application Number: 21/0327

Case Officer: Helen Smith

Applicant: Cashino Gaming Ltd

Ward: St Matthews

Agent: Planning Potential

Expired Date: 19-May-2021

Application Type: Full Application: Change of Use

Time Extension Expiry:

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to;
 - No further comments by a statutory consultee raising material planning considerations not previously addressed; and
 - The amendment and finalising of conditions.
2. Grant Advertisement Consent Subject to Conditions.



Proposal

These two applications seek planning permission (reference no. 21/0327) and Advert Consent (reference no. 21/0329) for the change of use of this premises from a vacant betting shop (sui generis) to an adult gaming centre (sui generis) by Cashino Gaming Ltd trading as Merkur Slots. The proposed site would be a 24 hour operation offering gaming slot machines and bingo to customers 7 days a week including Bank Holidays.

The total gaming floor area would be the same as the previous betting shop at 212 sq. metres with a staff kitchen area, staff area, offices and toilet facilities towards the rear of the unit along with an existing fire exit. These works would include minor portioning alterations and no external extraction system/flue is proposed for the new kitchen as they only propose providing teas, coffees and microwaveable snacks. There is a separate side access off a service road to the side to a staircase leading to the upper floors.

The planning agent has confirmed that the upper floors are empty and were previously used as storage by Coral and the proposal will use them for the same purpose.

The proposed fascia and projecting signage would be of timber construction with mini trough lighting providing external static illumination with an illuminance level of 250 cdm².

There is no customer or staff parking provision at this location. Six full-time equivalent employment opportunities would be provided.

These applications include a supporting letter from the Planning Agent dated 22/2/21 which states that the principle of the proposed change of use is entirely acceptable and the proposals will protect and enhance the vitality and viability of this part of the Primary Shopping Area. The proposal involves the bringing back of a vacant unit into beneficial use which will lead to improvements to the appearance and accessibility of the frontage, footfall, linked trips, new jobs, and will assist in diversifying the centre's offer. The letter also states that proposed change of use will have no impact on the current retail provision within the centre and that the proposals are considered would comply with the local and national policies.

Cashino Planning Brochure, deposited 24/02/21 has been provided in support of the application which the planning agent states demonstrates how adult gaming centres (AGCs) do not attract anti-social behaviour and are not noisy for the following reasons;

- AGCs do not have (and never have had) the Fixed Odds Betting Terminals – machines associated with betting shops.
- The machines offer low stakes between 10p and £2 – the average stake from a customer is 30-40p.
- A large number of Cashino's AGCs contain bingo machines and tablets (this is what is proposed for Bradford Street).
- 48% customers are female.
- Complementary refreshments, teas and coffees are provided.
- AGCs are where people go to spend their spare change, have a game of bingo and enjoy their favourite pastime (these machines have been around for many years).
- Customers visit on their own or in couples – large groups are rare.
- The customer base during the late evening and into the early hours is predominantly the local entertainment workforce and shift workers who like to relax after busy shifts.
- The machines generate low levels of noise, only background music is played (similar to shops) and there are no tannoy systems.
- Cashino have never had a licence revoked or reviewed and incidents are extremely rare.

Noise Impact Assessment by Archo Consulting deposited on 24/02/21 has been provided and the conclusions are based on a Merkur Slots site at 106 Newland Avenue, Hull which operates from 08:00 to 23:30 hrs and is applying for an extended operation until 02:00hrs. The assessment concluded that the patrons of this site did not behave anti-socially, did not shout or generate high levels of noise. Furthermore any noise generated by patrons will be imperceptible against the existing noise climate.

A Flood Risk Assessment by Planning Potential, deposited 31/08/21 has been provided which concludes that development is appropriate and there will be no increase in flood risk associated with this proposal.

Site and Surroundings

This application relates to a three storey unit and relates solely to the ground floor. The planning agent has advised that this site has been vacant for over a year.

The site is located within the Primary Shopping Area of Walsall Town Centre and Bradford Street Conservation Area. Bridge Street is listed on the National Heritage at Risk Register as 'very bad' and 'deteriorating'. The site has a double shop frontage with two separate entrances with ornate tiling below the front windows and dual gable features and chimneys at roof height.

The site is located along the edge of Flood Zone 2.

The site is within the immediate setting of Victorian Arcade (Including numbers 59, 61 and 66 Lower Hall Lane, 39 and 40 Digbeth and 2-9 Bradford Street listed buildings, Grade II. The site is within the intermediate setting of the war memorial and retaining walls and steps surrounding the War Memorial listed buildings, Grade II. The site is also within the intermediate setting of the Institute of Science and Art, Grade II listed building.

The building is shown on the Council's historic mapping as early as 1902 and as such is a non-designated heritage asset in the conservation area. There is an Article 4 Direction in place in respect of the painting of the exterior of any building or work.

There are residential properties located along the southern boundary of the application property known as Parzival Court at 13-14 Bradford Street. These residential buildings cannot be seen outside the site.

Admiral Casino and PlayLand Amusements are both within 170 metres of the application site.

Relevant Planning History

12 Bradford Street

05/2240/FL/W6 - 2 no. new entrance doors, recolour shopfront, erection of satellite dish and installation of air conditioning – GSC 3/1/06

05/2239/AD/W6 – (Coral) Two Fascia Signs and One Hanging Sign – Advert Consent granted 3/1/06

BC54288P/C - (Tavern in the Town) Erection of single storey rear extension – GSC 9/6/99

BC54286P (Tavern in the Town) - Installation of frontage facade floodlighting consisting of 16 various spot light type lights and new fascia advertisement board – GSC 7/6/99

9-11 Bradford Street

16/1145 - Change of use to Mecca electronic bingo centre with ancillary food and drink operation; alterations to entrance doors; and erection of air conditioning compressors – Refused permission by Planning Committee in November 2016 on the following grounds;

The proposed change of use to a mixed use (sui generis) incorporating bingo (D2 use class) with ancillary amusement arcade/gaming machines (sui generis) will be in a Primary Shopping Area on the main retail street and within the Bridge Street Conservation Area as defined by the Unitary Development Plan. As such the proposal is refused for the following reasons:

- *Harm to the character and appearance of the Conservation Area*
- *The proposed development would be out of place in a primary shopping street contrary to policy S4 and not an attractive environment to draw additional trade*
- *Conflict with adopted UDP Policy S4: The Town and District Centres: General Principles and the draft AAP Policy AAPS1: Primary Shopping Area*
- *Creation of a substantial area of dead window frontage which would not be an attractive frontage with a limited window display exacerbated by the 11 meter wide frontage detrimental to the vitality and amenities of the town centre and be visually out of place in the primary shopping frontage*
- *Potential to generate a fear of crime*

Being contrary to NPPF policies, BCCS policies CEN4 and ENV2, the saved Unitary Development Plan policies GP2, ENV29, ENV32, ENV35, S1 and S4 as it is considered that the overall scale of the proposed use will have a negative impact on the retail function of the Primary Shopping Area.

An appeal was made and allowed on 14/2/17 by the Planning Inspectorate who concluded there would be some degree of conflict with Policy SP4 of the UDP and the proposal would comply with other policies and would have benefits in respect of bringing back into use a vacant building and increasing footfall including in the evenings. On balance PINS concluded that the benefits of this proposal outweighed the disadvantages and that this proposal would not significantly conflict with the policies of the development plan taken as a whole.

Relevant Policies and Legislation

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 16 – Conserving and enhancing the historic environment**

National Planning Policy Framework, Section 16 and Annex 2: Glossary, pages 71 and 72.

- Defines significance as ‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.
- Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
- Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations.

- Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
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- Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm.

Reducing Inequalities

The Equality Act 2010 (the ‘2010 Act’) sets out 9 protected characteristics which should be taken into account in all decision making. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The Local List of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S4: The Town and District Centres: General Principles
- S9: Amusement Centres and Arcades
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- CEN4: Regeneration of Town Centres
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Walsall Site Allocation Document 2019

EN5: Development in Conservation Areas
T4: The Highway Network

Walsall Town Centre Area Action Plan 2019

AAP1: Walsall Town Centre Boundary
AAPS1: Primary Shopping Area
AAPLE1: New Leisure Development
AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness
AAPLV6: Securing Good Design
AAPT5: Car parking

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Shop Front SPD

- SF4: Colour finishes
- SF6: Advertisements
- SF7: Illumination

Other Relevant Policy/guidance:

- National Design Guide
- Historic England Good Practice Advice Note1: Conservation Area Designation, Appraisal and Designation.
- Historic England Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment.
- Historic England Good Practice Advice Note 3: The Setting of Heritage Assets.
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
- Black Country Historic Landscape Characterisation (2009)

The institution of Lighting Engineers, Technical Report Number 5: *Brightness of Illuminated Advertisements.*

- E2 – Low district brightness areas (e.g. rural or small village locations)
- E3 - Medium district brightness areas (e.g. small town centres, urban locations)
- E4 – High district brightness areas (e.g. town/city centres with high levels of night-time activity)

Recommendations for Maximum Luminance (cd/m2)

Illuminated Area (m2)	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Legislation

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

66 (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

72 (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Part 3 (Express Consent) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

Applications for express consent

9.— (1) An application for express consent shall be made to the local planning authority.

(2) Subject to paragraphs (6) and (7), the application shall be made electronically or in hard copy on a form published by the Secretary of State or a form substantially to the same effect.

(3) The applicant shall—

(a) include the particulars specified in the form; and

(b) send with the application (whether electronically or otherwise) a plan which—

(i) is drawn to an identified scale,

(ii) shows the direction of North,

(iii) identifies the location of the site by reference to at least two named roads, and

(iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that a lesser number is required, three copies of the completed form and the plan shall accompany the application.

(5) Where the application is one to which directions given by the Secretary of State under regulation 11 apply, the applicant shall send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 6th April 2007 and before 1st October 2007, may be made in writing on a form devised by the local planning authority.

(7) An application made after 30th September 2007 and before 1st November 2007 otherwise than by a local planning authority or an interested planning authority, may be made in writing on a form devised by the local planning authority.

(8) Where an application is made electronically, the applicant shall be taken to have agreed—

(a) to the use by the authority of electronic communication for the purposes of his application;

(b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and

(c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—

(i) withdrawing any address notified to the authority for that purpose, or

(ii) revoking that deemed agreement, and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(9) An application made electronically shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted.

(10) This regulation applies to applications for renewal of consent as it applies to applications for consent.

(11) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.

Power to deal with applications

14.— (1) Where an application for express consent is made to the local planning authority, the authority may—

(a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;

(b) refuse consent; or

(c) in a case to which paragraph (2) applies, decline to determine the application.

(2) This paragraph applies where the application relates to an advertisement to which section 70A of the Act, as modified as mentioned in paragraph (3), applies.

(3) For the purposes of this regulation, section 70A of the Act shall apply subject to the modifications specified in Part 1 of Schedule 4; and the provisions of that section as so modified are set out in Part 2 of that Schedule.

(4) Express consent may be granted—

(a) for the display of a particular advertisement or advertisements with or without illumination;

(b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or

(c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.

(5) The conditions imposed under paragraph (1)(a) may, in particular, include conditions—

(a) regulating the display of advertisements to which the consent relates;

(b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;

(c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works required for the reinstatement of the land.

(6) In relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, the local planning authority shall not impose any condition more restrictive than those imposed by regulation 6(1)(b) in relation to advertisements of that class.

(7) Subject to paragraph (6), an express consent shall be subject to the condition that it expires at the end of—

(a) such period as the local planning authority may specify in granting the consent; or

(b) where no period is so specified, a period of 5 years.

(8) The local planning authority may specify, as the date on which the period under paragraph (7)(a) is to begin, whichever is the earlier of—

(a) the date of the commencement of the display; and

(b) a specified date not later than 6 months after the date on which the consent is granted.

Consultation Replies

Planning Application – 21/0327

Conservation Officer – No objections to the proposed change of use subject to the inclusion of a planning condition in respect of internal works, if approved.

Designing out Crime Police Officer – No objections but advise that security will be important if granted permission and this can form part of an informative note for the applicants.

Fire Officer – No objections subject to compliance with Approved Document B, Volume 2, Buildings other than Dwellings, 2019 Edition incorporating 2020 amendments – For use in England. This can be included as an informative for the applicant if approved.

Local Highway Authority – No objections

Pollution Control – No objections

Strategic Planning Policy – No objections and advise that, if approved, part (b) of saved UDP Policy S9 will apply.

Advert Application – 21/0329

Conservation Officer – No objections to the revised proposal subject to the inclusion of standard advertisement planning conditions

Local Highways Authority – No objections

Strategic Planning Policy - No objections and advise that, if approved, part (b) of saved UDP Policy S9 will apply.

Representations

Objections from three residents have been received on the following grounds;

- Site was a crime hotspot.
- 24 hour opening inappropriate as this part of town has a high crime reputation.
- Victim of abuse and crime travelling past this venue twice a day during previous ownership of this gambling establishment.

Determining Issues

- Bradford Street Conservation Area (Heritage Asset)
- Principle of Development
- Character and Appearance of Development
- Surrounding Occupiers and Trade
- Flood Risk
- Safety and Security
- Parking and Access

Assessment of the Proposal

Bradford Street Conservation Area (Heritage Asset)

The site is within the immediate setting of a number of Grade II Listed Buildings and war memorial, named above along with 13 Bradford Street which is a locally listed building. Bridge Street is listed on the National Heritage at Risk Register as 'very bad' and 'deteriorating'. There are a number of unsympathetic signs in the Conservation Area, which have a negative impact on the character, appearance and setting of the Conservation Area. This is an area of Level 2 area of sensitivity under AAP Policy AAPLV5 and is within Bradford Street Conservation Area

The building is shown on the Council's historic mapping as early as 1902 and as such is a non-designated heritage asset in the conservation area. The Council's Conservation Officer is of the opinion that the proposed change of use of this premises would not harm the significance of the non-designated heritage asset subject to the inclusion of planning conditions, if approved. The requirement for a planning condition in respect of internal partitioning is being discussed with the Council's Legal Team and will be updated in the supplementary paper.

The initial signage was considered unacceptable and these details were amended by the planning agent in accordance with the recommendations made by the Council's Conservation Officer. Proposed signage would be of timber with mini-trough external, static, lighting and corporate colours would be accepted, subject to final approval in accordance with amended drawing no. BS/WAL/06 Revision A deposited on 6/7/21.

The level of illuminance of the proposed signage is considered to be lower at 250 cdm² than the maximum levels recommended by the Institution of Lighting Engineers, Technical Report Number 5: Brightness of Illuminated Advertisements and is considered acceptable for this identified E4 location.

The proposal is considered to be acceptable in heritage terms and is considered would not harm the setting or appearance of Bradford Street Conservation Area.

Principle of Development

While it is noted that there are already a number of licensed establishments operating along Bridgeman Street or nearby, (i.e. Admiral Casino and PlayLand Amusements, both within 170m) the proposed use may be expected to represent a similar trade draw and cater to the same market as the already permitted lawful use of betting shop. Despite the level of existing provision, the proposal is in-centre and does not need to evidence local need.

The proposal appears to provide an active and well-designed frontage that may be expected to positively contribute to the street scene (AAP Policy AAPS1 Primary Shopping Area and UDP Policy S4 Town and District Centres, General Principles), and in bringing a vacant unit into re-use is not expected to prejudice the retail function of the Primary Shopping Area.

The proposal does not appear to be in contradiction of UDP Policy S9 Amusement Centres and Arcades regarding prejudicial effect on the primary shopping frontage, harm caused by noise or other disturbance to sensitive uses nearby or the appearance of the building within the conservation area, and so the use is considered appropriate in this case.

In the event of a determination to grant permission, part (b) of Saved UDP Policy S9 will apply which states the following requirements;

(b) Where permission is to be granted for a proposal in a retail frontage, the

Council will normally require:-

I. Provision of a shop front and permanent shop window display.

II. Conditions to regulate opening hours to ensure that the use normally operates during shopping hours and that closing times are set so as to limit the impact on any nearby residents - in such situations, the Council will usually impose a condition requiring the premises to close at 23:00 hours Monday to Friday and 23:30 hours on Saturdays - later opening hours and Sunday opening will be considered on their merits.

III. Noise attenuation measures to restrict the impact on the surrounding area including upon nearby residents.

Increasingly town centres are being encouraged to diversify their offer in order to attract increased footfall and compete with other centres. Also the introduction of leisure uses is considered to help bring life into the centre especially at times such as evenings when there would be less activity. It is considered that the proposed use will accord with part d) of UDP S4 and Policy AAPS1 of the Town Centre AAP.

The planning agents have stated that the proposed use will protect and enhance the vitality and viability of this part of the Primary Shopping Area. The proposal involves the bringing back of a vacant unit into beneficial use which will lead to improvements to the appearance and accessibility of the frontage, footfall, linked trips, new jobs, and will assist in diversifying the centre's offer. The letter states that proposed change of use will have no impact on the current retail provision within the centre.

There needs to be a balance between protecting retail uses by resisting alternative uses and ensuring a vibrant shopping area that has fewer vacancies and higher footfall by encouraging a mix of uses. It is considered that in this case there is sufficient retail uses on Bradford Street and Park Street to ensure it remains a primary retail destination.

Given the high levels of vacancies in Walsall it is the Council's opinion that there is a need to encourage the occupancy of vacant units and attract a wider range of uses to increase foot fall and extend the day when customers may wish to use the town centre particularly as a result of the pandemic.

The previous planning proposal for Luda located at 9-11 Park Street has been considered as this gaming premises closed not long after its opening. However on comparison the current application is much smaller with potentially less overheads giving it greater viability. Luda occupied the ground and first floor areas of their premises whilst this location is ground floor only on a smaller scale.

The principle of the proposed use is supported and would enhance the vitality and viability of the town centre by bringing back into use a currently vacant unit within a primary shopping frontage and the conservation area, plus increasing foot fall, helping to diversify the town

centre offer, whilst widening the hours of the day when customers will want to visit and use the town centre. There is considered to be a real risk that this premises could remain vacant for some time and this proposal would bring this until back into use.

Character and Appearance of Development

The site is within Bridge Street Conservation Area and the pedestrianised area of Walsall town centre where there are a number of shop frontages, mostly with large glazed frontages that allow for a window displays to be provided to show customers current stock within the premises.

The change of use of the building is considered appropriate in principle from a historic environment perspective, with the main considerations being the appearance and design of the proposed new signage. The details of the timber replacement signage have followed from negotiations with the Council's conservation officer, considered acceptable, fully supported and will enhance, preserve and benefit the visual quality of the Bradford Street Conservation Area.

Surrounding Occupiers and Trade

The proposed use is similar to the previous use of the property although the applicant's planning brochure has explained the differences and how this use has not encouraged or resulted in any significant crime and anti-social behaviour at their other sites.

Consequently it is considered that this proposal would have a limited planning impact on any other surrounding uses in terms of their viability and on other traders and is likely to promote and improve pedestrian footfall and likely to increase trade at this locality.

A Noise Impact Assessment capturing customer behaviour at an existing Cashino site in Hull with a similar backdrop has been submitted in support of this proposal. Whilst this is for a different location the assessment makes a number of observations, including that patrons were typically alone or in a couple or small group and normal-level conversation was the only sound recorded which occurred infrequently. People were occasionally stood outside to smoke and had brief conversations at normal speech level with no shouting or otherwise anti-social behaviour. The behavioural patterns of Cashino patrons that were detected by the noise consultant indicate that patrons do not typically congregate outside of the application site and therefore not impeding local amenity.

The proposals do not involve any extensions or additions to the floor space only refurbishment and upgrading of the premises which is considered will not impact on the amenities of the surrounding occupiers.

Residential apartments at Parzival Court are not visible from Bradford Street and are located next to the application site with the entrance door fronting Bradford Street. Consequently it is considered that hours restricting opening times will be required to protect neighbours amenity. On balance, and subject to the inclusion of safeguarding conditions that meet the 6 tests, it is considered that the impact on residents' amenity will not significantly worsen as a result of this proposal. It should be noted that no objections from nearby residential occupiers have been received.

Flood Risk

The application site is predominantly located within Flood Zone 1 (area of lowest probability for flooding) and on the edge of Flood Zone 2. The applicant's Planning Agent has submitted a Flood Risk Assessment which concludes that the proposal will not increase flood risk at this location, and would not pose a risk to members of the public. It is therefore considered that no conditions are necessary in this regard.

Safety and Security

Three objectors have commented that the application address has a history of crime and anti-social behaviour relating to when this site was a betting shop. However, these objections do not clearly set out the specific concerns in relation to this current proposal being put forward in this planning application. It should be noted that only one objector has provided their address (not within Walsall Town Centre) and the remaining two objectors have not provided any address. It is not therefore possible to determine how these objectors would be impacted by the proposal.

The Designing Out Crime Police Officer has expressed concerns that slot machines premises can attract individuals who have little money and people with addictive personalities including those individuals with none or cheaper accommodation such as houses of multiple occupation, a number of which are in the vicinity of the application site. The Police have commented that the intention to provide complimentary refreshments could act as an attraction to such individuals looking for warmth and sustenance with the resulting temptation to spend what little money they have in slot machines.

The planning agent has advised that their clients would normally request 24 hour opening and this has been secured at many locations across the Midlands including in nearby Lichfield. The Planning agent has advised that the use doesn't attract large groups and that the games are played internally on tablets so the attraction is for individuals or couples. The set up internally, doesn't allow groups to congregate around a single machine as customers log-in to virtual live games as individuals only. The agent has clarified that this business operates very differently from other licensed premises and as a result attract a different clientele. They do acknowledge that there may be incidences of anti-social behaviour within the area, but have advised that no specific evidence has been presented that a well operated Casino Adult Gaming Centre will give rise to significant levels of antisocial behaviour and exacerbate existing issues.

The police have confirmed that between March 2020 and July 2021 there have been 29 incidents of crime along the length of Bradford Street but do not raise any objections to this proposal subject to provision of adequate security and have recommended the applicants' follow the principles of Secure by Design specifications and install CCTV if approved. As these are matters for the tandem licensing regime falling outside the scope of the planning process these recommendations can be included as an informative note for the applicants.

As an alternative to 24 hour opening hours, the Planning Agent has advised that midnight close Mon-Thurs and 2.00am Fridays and Saturdays would be considered acceptable if approved. They have commented that many units would be operating at these times (i.e. takeaways, clubs etc.) on Fridays and Saturdays.

However this site is adjacent to residential accommodation at 13-14 Bradford Street known as Parzival Court and it is therefore considered that operating hours should be limited to a midnight closure. Proposed permitted opening hours of 8:00hrs to midnight Mondays to Saturdays and 9:00hrs to midnight on Sundays and Bank Holidays at all times are recommended and will be secured by condition on any approval.

On balance, and subject to the inclusion of safeguarding conditions that meet the 6 tests, it is considered that the impact on any potential anti-social behaviour should not significantly worsen as a result of this proposal.

Parking and Access

This is a Town Centre location with access to various modes of transport and parking facilities. This is considered to be a sustainable location and the Local Highways Authority have no objections to the proposal on highways grounds.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the principle of the proposed

use is supported and would enhance the vitality and viability of the town centre by bringing back into use a currently vacant unit within a primary shopping frontage and the conservation area, plus increasing foot fall, helping to diversify the town centre offer, whilst widening the hours of the day when customers will want to visit and use the town centre. There is considered to be a real risk that this premises could remain vacant for some time and this proposal would bring this until back into an appropriate town centre use.

In weighing the planning balance concerns regarding attracting vulnerable individuals are noted and have been considered. The proposed slot machines offer low stakes between 10p and £2 and the applicants' advise that the average stake from a customer is only 30-40p. In this instance it is considered that the potential risks to customers can be minimised by restricting the permitted opening hours as set out in the report, with the premises closing overnight.

The proposal is not in contradiction of UDP Policy S9 Amusement Centres and Arcades regarding prejudicial effect on the primary shopping frontage, harm caused by noise or other disturbance to sensitive uses nearby or the appearance of the building within the conservation area, and so the use is considered appropriate in this case.

With regards to the fear of crime expressed by residents this has been noted and considered as part of this assessment. Whilst there are 29 recorded incidents of crime in the previous 16 months along the length of Bradford Street the Police have raised no objections to the proposal subject to there being adequate security and have recommended the applicants' follow the principles of Secure by Design specifications and install CCTV if approved, and as these are matters for the tandem licensing regime these can be included as an informative note for the applicants.

The proposed new signage and illuminance levels are considered appropriate for this Town Centre location within the Bradford Street Conservation Area.

Taking this all into account it is concluded that the benefits of this proposal are outweighed the disadvantages and that this proposal would not conflict with the policies of the development plan. The use of safeguarding conditions in respect of the portioning works, use, opening hours and advertisement controls will further ensure that the Conservation Area and amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP4, CEN4, ENV2, ENV3 and ENV5 of the Black Country Core Strategy and saved policies GP2, GP5, GP6, ENV14, ENV27, ENV28, ENV32, ENV35, S1, S2, S4, S9, T7 and T13 of Walsall Unitary Development Plan; Policies EN5 and T4 of Walsall' Site Allocation Document; policies AAP1, AAPS1, AAPLE1, AAPLV5, AAPLV6 and AAPT5 of Walsall Town Centre Area Action Plan and Supplementary Planning Document policies DW1, DW2, DW3, DW4, DW5, DW6, DW7, DW8, DW9, DW10 of Designing Walsall and policies SF4, SF6 and SF7 OF THE Shop Front SPD.

Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the initial design of the proposed signage, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to;

- No further comments by a statutory consultee raising material planning considerations not previously addressed; and
- The amendment and finalising of conditions.

2. Grant advertisement consent subject to planning conditions

Planning Application Conditions – Reference No. 21/0327

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 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 permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents: -

- Site Plan, deposited 24/02/21
- Existing Floor Plan, drawing no. BS/WAL/01 deposited 24/02/21
- Proposed Ground Floor Plan, drawing no. BS/WAL/05 Rev. A deposited 24/02/21
- Appendix 1, Working Together, deposited 24/02/21
- Appendix 2, Noise Assessment, deposited 24/02/21
- Letter from Planning Potential dated 22/02/21 including Design and Access and Heritage information, deposited 23/03/21

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3: The development hereby permitted shall be used only as an electronic bingo centre and slot machines that are not fixed odds betting terminals with ancillary non-alcoholic refreshments such as teas, coffees and soft drinks, and for no other purpose at any time.

Reason: To define the permission and to protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

4: The development hereby permitted shall not be open to customers otherwise than between the hours of 08:00am hours to 24:00pm hours Mondays to Saturdays and 09:00am hours to 24:00 hours Sundays, Bank and Public Holidays (*see Notes for Applicant).

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

Advertisement Consent Conditions – Reference No. 21/0329

1. The adverts are hereby approved for 5 years during the period of 9/9/21 to 9/9/26.

Reason: Pursuant to the requirements of Part 3 Section 14(7) (8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

2. The development shall only be carried out in accordance with the following documents and drawings:

- Proposed Fascia Sign and Projecting Sign Details, drawing no. BS/WAL/06 Rev. A, deposited 06/07/21
- Site Plan, deposited 24/02/21

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: It is a requirement of the Regulations that the site owner's permission be obtained before any advertisement is displayed.

4. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or
- Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

Reason: In the interest of public safety.

5. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interest of public safety and amenity

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair on visual amenity.

Reason: In the interest of public safety and amenity

8. The hereby approved internally illuminated fascia signs as shown on approved plans shall not exceed 250 cdm2 luminance levels at any time.

Reason: To ensure satisfactory appearance in the Conservation Area and in the interest of public safety and amenity and to comply with UDP Policies ENV29, ENV32 and GP2.

Planning Application – Reference No. 21/0327

This permission does not grant consent for any security shutters for which a separate application will be required. Further advice regarding the appropriateness of security shutters can be found in the Councils Shop Front SPD as well as contacting the conservation officer conservation@walsall.gov.uk.

Fire Officer

Comments on the internal layout will be made at the Building Regulation Application stage. Please also consider that if the fascia sign consists of luminous tube signs, designed to work at a voltage normally exceeding the prescribed voltage then it is required to be provided with a cut-off switch. This is in accordance with The Regulatory Reform (Fire Safety) Order 2005, PART 5 MISCELLANEOUS, Section 37. Fire-fighters' switches for luminous tube signs etc.

Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

a. External access enabling fire appliances to be used near the building.

b. Access into and within the building for firefighting personnel to both:

i. search for and rescue people

ii. fight fire.

c. Provision for internal fire facilities for firefighters to complete their tasks.

d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

Section 15: Vehicle access

Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

a. 15% of the perimeter.

b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)

Buildings fitted with fire mains

15.4 For buildings fitted with dry fire mains, both of the following apply.

a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.

15.5 For buildings fitted with wet fire mains, access for a pumping appliance should comply with both of the following.

a. Within 18m, and within sight of, an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

Design of access routes and hard-standings

15.7 Access routes and hard-standings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height. a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that **WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes** (ADB Vol 2, Table 15.2)

Section 16: Fire mains and hydrants

Provision of fire mains

16.2 Buildings with firefighting shafts should have fire mains in both of the following.

- a. The firefighting shafts.
- b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

Provision of private hydrants

16.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

16.9 If additional hydrants are required, these should be provided in accordance with the following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.
 - i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

16.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251. 16.11 Guidance on aspects of provision and siting of private fire hydrants is given in BS 9990.

Water Supplies

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Section 17: Access to buildings for firefighting personnel

Provision of firefighting shafts

17.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts containing a firefighting lift. The number and location of firefighting shafts should comply with paragraphs 17.4 to 17.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 17.3 and Diagram 17.2).

17.3 A building with basement storeys should have firefighting shafts in accordance with the following.

a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.

b. There are two or more basement storeys, each with a minimum area of 900m². The firefighting shafts do not need to include firefighting lifts.

The approval of Building Control will be required to Part B of the Building Regulations 2010. Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Designing Out Crime Police Officer

Alarm and CCTV installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

Recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Below is a link to secured by design commercial, police approved crime reduction information guidance.

https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf

Secured By Design security standards are explained.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Condition no. 5

* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday