

Application Number 20/00540/FUL

Proposal	Full planning permission for the change of use from A2 use to an adult gaming centre (sui generis), installation of a new shopfront and advertisement consent for new signage.
Site	17 Queens Walk, Droylsden Shopping Centre, Droylsden
Applicant	Cashino Gaming Ltd
Recommendation	Members resolve to grant planning permission
Reason for Report	A Speakers Panel decision is required because of the significant number of objections received.

1.0 APPLICATION DESCRIPTION

- 1.1 The application seeks full Planning consent for the proposed change of use of 2 vacant units previously used as a bank and building society (A2 use) to an adult gaming centre (Sui Generis) at 17 Queens Walk, Droylsden and would employ six full time staff.
- 1.2 The external works proposed are for a new powder colour coated shopfront and install new internal powder coated electronically key operated roller shutter. A separate application for external signage has been submitted and will be determined by delegated powers.
- 1.3 The proposal will retain both doorways from Queens Walk and the Car Park (clock tower elevation). Internal alterations are proposed which include the conversion of 2 units into one.
- 1.4 The proposed hours of opening would be 07:00 to 00:00 daily (including Bank Holidays). There would be no increase over the existing total gross internal floor space area.

2.0 SITE & SURROUNDINGS

- 2.1 The application relates to unit 17 Queens Walk within the Droylsden shopping centre. The unit sits within a larger (primarily retail) complex which also includes the 5 storey Concord Suite which served as the towns primary civic building. The unit is situated in the end unit at the northern end of Queens Walk which heads north away from Villemomble Square towards the car park. Both the square and Queen's Walk are fully pedestrianised. The last confirmed use of the units are as A2 uses as a bank and building society though are presently unoccupied. This is common to the whole of the centre which is currently suffering a significant number of unoccupied units.
- 2.2 The units form part of a 'terrace' of shop units within the precinct as it emerges from the northern end of Queen's Walk. This terrace is two 2 storeys in height and is constructed from buff brick. The appearance is somewhat utilitarian which is reflective of its 1960/70's construction.
- 2.3 Parking provision is provided to the north in the large public car park which serves the shopping centre and associated businesses.

3.0 PLANNING HISTORY

- 3.1 None relevant

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Town centre

4.2 Part 1 Policies

1.3: Creating a Cleaner and Greener Environment;

1.5: Following the Principles of Sustainable Development;

1.12: Ensuring an Accessible, Safe and Healthy Environment;

4.3 Part 2 Policies

T1: Highway Improvement and Traffic Management.

T10: Parking

T11: Travel Plans.

C1: Townscape and Urban Form

4.4 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2016

4.5 National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable travel

Section 11 Making effective use of land

Section 12 Achieving well-designed places

4.6 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 PUBLICITY CARRIED OUT

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised by way of Neighbour notification letters to 19 addresses and display of a site notice outside the premises.

6.0 RESPONSES FROM CONSULTEES

- 6.1 The Head of Environmental Services (Highways) has raised no objection
- 6.2 The Head of Environmental Services (Environmental Health) – requested hours of opening and service hours be amended to be in line with those granted under the licence application.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 In response to the consultation undertaken there have been 202 letters of objection and 2 letters of support.
- 7.2 The following concerns have been raised with the individual objection letters which are summarised as follows:

- The development will increase crime, anti-social behaviour and social deprivation.
- Concern about impact of the development on vulnerable children and addicts.
- The introduction of the proposed use is out of character for Droylsden town centre, and more family friendly shops and local businesses are needed.
- Excessive number of existing such uses within the town centre.

8.0 ANALYSIS

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:
- approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 8.4 The main issues to consider in the determination of this application are:
- The principle of the development;
 - Amenity
 - Highway safety
 - Impact on visual amenity impact

9.0 PRINCIPLE

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 212 - 217 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework (NPPF) states at Paragraph 85 planning policies should support the role that town centres play by taking a positive approach to their growth, management and adaptation. Although the UDP predates the NPPF by a number of years the policies are nevertheless relevant and consistent with the required approach.
- 9.4 In the context of this application, UDP Policy 1.5 aims, in part, to prioritise the re-use of empty or underused buildings to enable their occupation by appropriate uses which can contribute

to the local economy. This is further supported by Policy 1.7 which states that the role of allocated Town Centres as focal points for commercial and leisure uses can be achieved by allowing flexibility to adapt to changing requirements and providing opportunities for development where needed. Policy S4 also reflects the objectives of policies 1.5 and 1.7 by stating that outside the Primary Shopping Areas in allocated Town Centres, the Council will permit a diversity of uses which contribute to the overall appeal of the town centre, help to minimise the extent of empty properties, and improve the appearance of the centre.

- 9.5 It is considered that the proposed change of use of the vacant ground floor unit to enable the proposed use as an adult gaming centre is an appropriate use in the highly-accessible town centre location. Although the loss of the A2 bank and building society weighs against the scheme the fact that the units are currently vacant must be taken into account as the proposal would bring this vacant floorspace back into active use contributing to the overall appeal of the town centre.
- 9.6 The proposal is thereby considered an inherently sustainable development to the benefit of the vitality and viability of the town centre without impinging unduly on any existing amenities. It is therefore considered to comply with the underlying aims and objectives of UDP policies 1.5, 1.7 and S4 and is acceptable in principle.
- 9.7 Policy S7 specifically considers developments for amusements centres and requires that such uses are only permitted where they do not;
- Harm the amenity of surrounding residential or other sensitive areas;
 - Do not create a danger to road users, and;
 - Cumulatively do not lead to an unacceptable change in the character of the area.
- These issues are considered in more detail in the following sections.

10.0 IMPACT ON ANY EXISTING AMENITIES

- 10.1 Despite the presence of the neighbouring sheltered housing the character of the area being town centre is primarily commercial with the existing expected variety of late night uses. The proposed sui generis use for adult gaming is such that one might reasonably expect to encounter in the town centre.
- 10.2 Having been consulted on the application the Head of Environmental Services (Public Protection) has raised no objections to the proposal apart from a suggestion that the proposed hours of use be amended in line with those granted by the licensing process and the servicing hours for the business be restricted so as to protect the amenities of occupants of nearby dwelling houses. This has been accepted by the applicants and the proposed hours are now 09:00 am to Midnight, Monday to Sunday including Bank Holidays.
- 10.3 The agent has confirmed that the proposal would be sound insulated, would not play amplified music or have noisy machines and tannoy systems typically found in other amusement centre uses. Furthermore, the proposal would have footfall levels similar to many high street shops, does not have an alcohol licence and would not allow entry to anyone under 21 or who is intoxicated.
- 10.4 Being a town centre location it is considered that activities at, and operation of, the proposed use would not add significantly to the general activities in the locality, or alter unacceptably, in terms of the impact on existing residential amenities, the character of the area. Moreover, the entrance to the unit, where activities and comings and goings would be concentrated, is from the pedestrian route via Queens Walk and Villemomble Square on the opposite side of the building from Fairfield House. It is therefore considered that the proposal would maintain an acceptable standard of amenity locally and so is compliant with policies 1.12 and S7 of the UDP

11.0 HIGHWAYS SAFETY

- 11.1 The application site is located within the town centre of Droylsden, which is a sustainable location with good public transport accessibility and sufficient public car parking spaces. The Highways team have raised no objection to the proposal and it is considered that the proposal would not have a detrimental impact on highways or pedestrian safety.

12.0 CHARACTER OF THE AREA

- 12.1 There have been a significant number of objection received concerned that the introduction of an Adult Gaming centre is out of character for Droylsden town centre, and comments stress the need for more family friendly shops and local businesses as Droylsden is currently over run by betting shops. Despite the nature of such commentaries, there is no evidence to support these comments.
- 12.2 The proposed use requires both a Gambling and a Bingo licence. An assessment of existing licensed premises within the Droylsden East ward has established that there are currently only 3 premises in the ward that have either held or currently hold betting licences. These are all traditional bookmakers and do not operate in the same way as an adult gaming centre.
- 12.3 The applicant has provided additional information to explain how Adult Gaming Centres (AGCs) operate:
- AGCs do not have the Fixed Odds Betting Terminals that betting shops use.
 - The machines offer low stakes of between 10p and £2 – the average stake from customers is 30-40p.
 - A large number of AGC's contain bingo machines and tablets.
 - Complementary refreshments, teas and coffees are provided (no alcoholic drinks are ever served on the premises and intoxicated customers are not allowed entry).
 - Venues operate a 'Think 25' policy whereby any person's who look under 25 have to produce a form of photo ID to gain entry.
 - AGCs are where people go to spend their spare change, have a game of bingo and enjoy their favourite pastime as these machines have been around for many many years).
 - Customers visit on their own or in couples – large groups are rare.
 - The customer base after midnight is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts.
 - The machines generate low levels of noise, only background music is played (similar to shops) and there are no tannoy systems.
- 12.4 It is accepted that may of the objections received simply do not want an Adult gaming centre in the town centre and would prefer another use. There are a number of empty units in Droylsden Town centre and it would be hoped a viable use can be found for the other empty units that accords with relevant policies but these are not valid planning objections in this case.
- 12.5 The introduction of the proposed AGC will be the only one of its kind in Droylsden town centre, resulting in a number of public benefits not least bringing a vacant unit back into regular use and contributing to high levels of footfall, linked trips and the creation of six new jobs. It will also enable the premises to be staffed and managed throughout the day and night, improving the environmental quality and provide a sense of security, which is a key concern of local residents
- 12.6 For the reasons detailed above there is not considered to be a cumulative harm caused by the introduction of this unit to the town centre and impact on the character of the town centre shopping area.

- 12.7 In terms of visual amenity. The external changes proposed are in keeping the setting of the units and are appropriate in style and appearance for the shopping centre location. Bringing the units back into use would also enhance the public realm. The proposal is not considered to have a detrimental impact on the visual amenity and character of the surrounding area.

13.0 CONCLUSION

- 13.1 It being accepted that the proposed Sui Generis use would not reduce the percentage of existing A1 retail uses in the town centre or cause a clustering effect of similar uses and there would be no unacceptable impact on the amenity of nearby residential or other sensitive uses and the proposal not creating any danger to road users or leading to an unacceptable change in the character of the area, but would bring a vacant unit in a prominent town centre location back in to beneficial use, the recommendation is for approval.

RECOMMENDATION

Approval subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following submitted plans: Location Plan (Site Plan 1:500), Proposed Fascia And Projecting Sign Details DSC/DD/06 rev A, Proposed Shopfront And External Alteration Details. DSC/DD/05 rev A and Proposed Ground And First Floor Plans DSC/DD/04 received by the council on 2 June 2020
3. The use hereby permitted shall not be operated outside the hours of 09:00am to Midnight Monday to Sunday and Bank Holidays.
4. No deliveries to and from site shall be permitted outside the hours of 09:00am to 20:00 hours Monday to Sunday and Bank Holidays.
5. During construction / conversion no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.