

06 September 2023



Reading
Borough Council
Working better with you

Title	PLANNING APPLICATION REPORT
Ward	Abbey
Planning Application Reference:	230908/FUL
Site Address:	104-105 Friar Street, Reading, RG1 1EP
Proposed Development	Change of use of 104-105 Friar Street from a vacant Class E unit to an Adult Gaming Centre (AGC) (Sui Generis) (SG)
Applicant	Merkur Slots Ltd (UK)
Report author	David Brett
Deadline:	Extension of time agreed on decision to 13/09/2023
Recommendations	Grant planning permission, subject to conditions as follows
Conditions	<ol style="list-style-type: none">1. Time Limit – Three Years2. Approved Plans3. Prior to the first occupation of the Sui Generis unit hereby approved, details of formal surveillance measures (e.g. CCTV) on the Friar Street elevation shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented (e.g. CCTV monitored by Reading Borough Council) prior to the first occupation of the Sui Generis unit hereby approved and thereafter maintained in accordance with the details approved. Reason: To protect the amenity of future users of the proposed development and in the interests of safeguarding the character and appearance of the building and the wider immediate area, in accordance with Policy CC7, CC8 and CR2 of the Reading Borough Local Plan 2019.4. Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the non-residential unit hereby approved shall retain 'active window displays' along the length of the frontage, without the installation of window vinyls, roller shutters, or similar which would obscure visibility between the public realm and the unit. Reason: in the interests of retaining a vibrant and attractive street scene and improving active surveillance, in line with Policies CC7, OU5 and CR4 of the Reading Borough Local Plan 2019.5. The noise mitigation specified shall be installed in accordance with the specifications recommended within the Noise Assessment submitted with the application, as prepared by Archo Consulting on 28/06/2023, document reference PR2001_147_FINAL.

	Reason: In order to protect the amenity of future occupants of the proposed development in accordance with Policy CC8 of the Reading Borough Local Plan 2019.
Informatives	<ol style="list-style-type: none"> 1. Positive and Proactive 2. Terms and Conditions

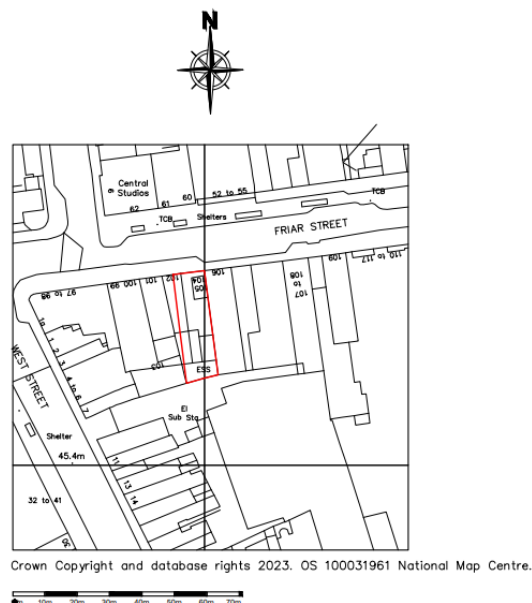
1. Executive summary

- 1.1. The proposal is recommended for approval subject to the conditions as outlined above.
- 1.2. The proposal would reinstate a vacant unit that is part of the key frontage along Friar Street. The proposal would contribute positively towards the night-time economy and complement existing uses within the vicinity, as well as provide offer an alternative activity to drinking. The application is therefore recommended for approval.

2. Introduction and site description

- 2.1. This application seeks full planning permission for the change of use of 104-105 Friar Street from a vacant Class E unit (latest previous use as a café) to an Adult Gaming Centre (Sui Generis Use Class). No external alterations are proposed within this application.
- 2.2. The application was called to Planning Applications Committee by Abbey Ward Councillors due to the following reasons:
 - The proliferation of Adult Gaming Centres within the locality.
 - The loss of a retail outlet, undermining retail diversity in the context of the Station Hill development.
 - The lack of active frontage.
- 2.3. The proposal site consists of a vacant retail unit on the south side of Friar Street. The surrounding area consists of a variety of town centre uses at ground floor level including pubs, clubs, restaurants, bars and gambling premises. This part of Reading Town Centre is considered to contribute heavily towards the night-time economy of the town. A large portion of the north side of Friar Street directly opposite the proposed site is currently under development as part of the Station Hill project.

2.4. Location Plan:



2.5. Site Photo:



3. The proposal

3.1. This application for full planning permission seeks the change of use from a Class E unit to an Adult Gaming Centre (Sui Generis Use Class). No external alterations are proposed within this application. The proposed Adult Gaming Centre use would facilitate 'slot gaming', bingo machines and tablets, and the serving of hot and cold drinks (no alcohol).

3.2. The following plans have been received (double strikethrough denotes superseded documents):

- Site Plan Rev B

~~Proposed Ground & First Floor – 882-PL-10~~

- Existing Ground Floor Plan and Front Elevation – FRS/RED/01 Rev B

- Existing First Floor Plan – FRS/RED/02

- Application Letter prepared by Planning Potential dated June 2023, reference 23/7039

- Application Statement – Working Together, The Merkur Family

- Footfall, Pedestrian Flow and Linked Trip Surveys

~~Noise Assessment – PR2001_147_FINAL~~

Received on 29/06/2023

- Proposed Ground & First Floor – 882-PL-112

Received on 27/07/2023

- Noise Assessment – PR2001_147_FINAL

Received on 28/07/2023

- Site Location Plan

Received on 08/08/2023

4. Planning history

104-105 Friar Street (Proposal Site)

- 4.1. 201319/ADV - Replace the existing fascia signage and projecting sign. – Application Permitted on 03/11/2020
- 4.2. 200611/CLP - Certificate of lawfulness for proposed used as a coffee shop – Application Permitted on 25/06/2020

93-98 Friar Street

- 4.3. 94/00968/FD – Change of use from retail shop to high class amusement centre – Application Permitted on 17/02/1995

134-135 Friar Street

- 4.4. 230688/ADV - New Shopfront – Application Permitted on 13/07/2023
- 4.5. 211609/APC – Discharge of Condition 3 (Details of Formal Surveillance Measures) of planning consent 210577 (Amended Description) – Application Permitted on 12/01/2022
- 4.6. 211316/ADV – 3mm aluminium panel, powder coated to ral 3023, panel cnc cut with yellow acrylic and dote detail, letters and dots to illuminate only via internal leds – Application Permitted on 12/10/2021
- 4.7. 210577/FUL – Change of use to Adult Gaming Centre (AGC) (Sui Generis) – Application Permitted on 21/07/2021

9 West Street

- 4.8. 220128/VAR - Change of use of the premises from a hair and beauty use (mixed A1 retail and Sui Generis) to tanning salon and Adult Gaming Centre (Sui Generis) as permitted by planning application 160783 but with the removal of condition 3 to allow unrestricted opening times. – Application Permitted on 04/08/2022
- 4.9. 180317/VAR - Change of use of the premises from a Hair and Beauty Use (Mixed A1 Retail and Sui Generis) to Tanning Salon on the First Floor and Adult Gaming Centre on the Ground Floor (Sui Generis) without complying with condition no.3 (hours of use) of planning permission ref. 160783 to seek unrestricted 24 hour use to the ground floor adult gaming centre use(first floor tanning salon use to remain at permitted hours - 09.00-22.00 Mondays to Sundays) – Application Withdrawn on 16/04/2018
- 4.10. 170391/VAR - Change of use of the premises from a Hair and Beauty Use (Mixed A1 Retail and Sui Generis) to Tanning Salon on the First Floor and Adult Gaming Centre on the Ground Floor (Sui Generis) without complying with condition no.3 (hours of use) of planning permission ref. 160783 to seek unrestricted 24 hour use. – Application Refused on 08/05/2017. Reasons for Refusal:
 - 1. Change of use of the premises from a Hair and Beauty Use (Mixed A1 Retail and Sui Generis) to Tanning Salon on the First Floor and Adult Gaming Centre on the Ground Floor (Sui Generis) without complying with condition no.3 (hours of use) of planning permission ref. 160783, to allow unrestricted 24 hour use, would result in unacceptable noise and disturbance to the residential amenities of the nearby area, contrary to Policy DM4 of the Sites and Detailed Policies Document 2012, (amended 2015).
- 4.11. 160783/FUL - Change of Use of the premises from a Hair and Beauty Use (Mixed A1 Retail and Sui Generis) to Tanning Salon on the First Floor and Adult Gaming Centre on the Ground Floor (Sui Generis) – Application Permitted on 13/09/2016 (Committee Decision.

5. Consultations

5.1. The following consultation responses were received:

RBC, Licensing

5.2. The Licensing team do not object to this premises. This part of town (this end of Friar Street and around the corner in West Street) now contain a betting shop and 3 adult gaming centres, with this premises being a bingo premises, but essentially operating as an adult gaming centre. Clustering is not a consideration for the Licensing team when dealing with a Gambling Act premises licence application, and the reality is that these kinds of premises generate very little in the way of noise due to having a very low customer count, even at peak times.

RBC, Environmental Protection

5.3. I have reviewed the noise assessment which demonstrates that noise from the proposed use should not impact the amenity of the nearest existing residential property. However, the new residents at Station Hill will be closer than the existing receptor therefore the assessment needs to be revised to take this into account.

5.4. Updated response from the RBC Environmental Protection Team upon review of revised Noise Impact Assessment as received on 28/07/2023: "The assessment is good, and shows that there shouldn't be a noise issue at the accommodation opposite. There are a few recommendations made in the assessment regarding minor works to the doorway, and also some ongoing management of the premises so I would recommend a condition requiring them to implement the recommendations from the assessment."

RBC, Transport Development Control

5.5. The site is located within the Reading Central Area and within Reading's primary shopping area. The site is located within Zone 1 of the adopted Parking Standards and Design SPD which is an area at the very heart of Reading Borough, consisting primarily of retail and commercial office developments, with limited residential. This area is well served by rail and bus links and also contains the largest proportion of public car parking spaces. The Broad Street Mall, The Oracle and Q-Park multi storey car parks are also in close proximity to the site. There are extensive parking controls in the area preventing on-street parking.

5.6. It is considered that in this location the proposed change of use from a vacant unit to an Adult Gaming Centre will have a negligible impact in Transport terms. The proposal is expected to generate linked trips to other town centre venues such as cafes, restaurants and other leisure facilities. Therefore, there are no Transport objections to the proposed change of use.

Thames Valley Police Crime Prevention Design Advisor

5.7. No response received.

Public/local consultation and comments received

5.8. 11 neighbouring properties were consulted by letter and one site notice was displayed at the application site.

5.9. Two letters of objection were received to the application. As a result, the following concerns were raised (as summarised):

- The number of casinos, gaming and gambling venues in Reading.
- The impact that Adult Gaming Centres have on vulnerable people.

6. Legal context

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).
- 6.2. In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Plan 2019 according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 6.3. Accordingly, the latest NPPF and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough Local Plan 2019

Policies:

CC7 Design and the Public Realm

CC8 Safeguarding Amenity

EN15 Air Quality

RL1 Network and Hierarchy of Centres

RL2 Scale and Location of Retail, Leisure and Culture Development

TR3 Access, Traffic and Highways-Related Matters

CR1 Definition of Central Reading

CR2 Design in Central Reading

CR4 Leisure, Culture and Tourism in Central Reading

CR7 Primary Frontages in Central Reading

7. Appraisal

- 7.1. The main considerations are:

- Principle of Development
- Design
- Safeguarding Amenity
- Transport
- Air Quality

Principle of Development

- 7.2. The Glossary of the NPPF details that the main town centre uses are: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).
- 7.3. In accordance with paragraph 5.3.14 of Policy CR4 of the Reading Borough Local Plan: "In order to diversify uses in the town centre and improve the Centre's leisure offer, it is important to accommodate leisure, cultural and tourism activities that appeal to a wide

range of age and social groups. Leisure and entertainment uses that would contribute to the 18-hour economy will be encouraged, and existing uses maintained. This should include a range of different, yet complementary evening and night-time economy uses to cater for all sections of Reading's community, and offer alternative activities to drinking." The Adult Gaming Centre use proposed is considered complementary to the night-time economy and offer an alternative activity to drinking in accordance with Policy CR4 of the Reading Borough Local Plan.

- 7.4. In accordance with policy CR7 of the Reading Borough Local Plan, 104-105 Friar Street has been identified as a primary frontage within the centre of Reading. Therefore, the use of the ground floor should be A1, A2, A3, A4, A5, C1, D1, D2 or related Sui Generis, unless it would be an entrance to upper floors. The most recent use of 101-105 Friar Street was as a café, which closed in March 2023.
- 7.5. It is considered that the proposed Adult Gaming Centre would be experienced in the context of a broad range of other uses within the immediate surroundings. It is acknowledged that there are several night-time economy uses within the vicinity and on this basis the proposed use is considered appropriate.
- 7.6. The use proposed within this application is an Adult Gaming Centre, a Sui Generis Use. This is considered in itself to be a 'centre use'. It is noted that there are three other Adult Gaming Centres within 150m of 104-105 Friar Street; one at 9 West Street (approved under application 160783), one at 134-135 Friar Street (approved under application 210577) and another at 97-98 Friar Street. As the proposed development seeks to retain a 'centre use', the proposed development is considered suitable in principle, reinstating a centre use in a primary frontage in the centre of Reading. Therefore, the proposed change of use is considered in principle to be in accordance with policy CR7 of the Reading Borough Local Plan.

Design

- 7.7. Policy CR7 of the Reading Borough Local Plan also requires frontages to be of a high visual quality (Other policies would also be relevant in terms of shopfronts and design). The agent states that an application to alter the frontage of 104-105 Friar Street would be forthcoming depending on the outcome of this change of use application. Any frontages that have the potential to hinder movement or cause unnecessary safety risk will not be permitted. The proposed change of use application does not involve any physical alteration to the property, and it will remain compatible with the appearance of the area; any future separate application would be considered on its own merits.
- 7.8. In the interest of retaining 104-105 Friar Street as an active shopfront, it is considered appropriate to condition the approval of this application to retain an 'active window display' along the length of the frontage. This is to preserve the lively and attractive street scene in accordance with Policies CC7, OU5, and CR7 of the Reading Borough Local Plan. This is to safeguard the applicant making changes which may not in themselves facilitate a future application.

Safeguarding Amenity

- 7.9. As per paragraph 5.3.17 of the Reading Borough Local Plan; "Leisure, cultural and tourism development should not give rise to adverse impacts on the amenity of nearby residents and other town centre users, or to existing town centre spaces. Proposals will therefore be expected to mitigate any potential issues of noise disturbance (particularly night-time noise), traffic-related congestion, and anti-social behaviour and crime."
- 7.10. The Supporting Statement submitted explains the proposed AGC use is to operate 24 hours a day, seven days a week.
- 7.11. In accordance with Policies CC8 and CR4 of the Reading Borough Local Plan, noise arising from the development was initially raised as a concern by Environmental Protection. The Noise Impact Assessment was amended to discuss the impact that the use would have on the future occupants of Station Hill. It has been concluded within the

assessment that the external noise impacts are considered highly unlikely to occur and is suitable for 24-hour operation.

- 7.12. The conclusions drawn within the Noise Impact Assessment have been agreed by the Environmental Protection Team. A condition will be included to any approval of this application to ensure that the recommendations made within the Noise Impact Assessment will be carried out.
- 7.13. Due to the nature of the use as an AGC and the controls that would be in place by the applicant surrounding entry to and from the premises, officers are content that the change of use and opening hours proposed would not give rise to harmful levels of noise to neighbouring residents. This is particularly in the view of the neighbouring context, uses and Friar Street being a key contributor to the night life in Reading.
- 7.14. As per the response from the Reading Borough Council Licensing Officer these kinds of businesses generate very little in the way of noise due to having a very low customer count event at peak times. The applicant submitted a Premises Licence application to Reading Borough Council at the same time as this planning application, for which a consultation response was provided by the Thames Valley Police (TVP) Licensing Officer. No objections to the Premises Licence were raised by the TVP Licensing Officer, with the Premises Licence granted under section 164 of the Gambling Act 2005 by Reading Borough Council not including any hours restrictions.
- 7.15. The TVP Crime Prevention Design Advisor (CPDA) was also consulted on this application based on the 24 hour use of the premises. In the absence of a response from CPDA, it is considered appropriate to secure details of surveillance measures prior to occupation as a Sui Generis AGC in accordance with Policies CC7, CC8 and CR2 of the Reading Borough Local Plan. Particularly as this is an area of Reading where evening activity is expected, with several drinking establishments located along Friar Street. As raised by Licensing; it is considered necessary to obtain these details as the surrounding area has been identified as a problem area, particularly after midnight. It is not considered likely that the AGC use proposed would inherently contribute further to the 'problem area', however, to aid in the wider surveillance of Friar Street as a whole it is considered necessary to obtain surveillance details for 104-105 Friar Street via condition. This is to protect the amenity of future users of the proposed development and in the interests of safeguarding the character and appearance of the building and Friar Street, in accordance with Policy CC7, CC8, CR2 and CR4 of the Reading Borough Local Plan 2019.
- 7.16. Based on the information submitted within this application and the nature of the use proposed (no alcohol on site, gaming machines only, entry monitored by door staff), it is not considered necessary or reasonable in this specific instance to restrict by condition the opening hours of this application in order to protect neighbouring amenity. The proposed use is considered appropriate for the town centre, with the premises located in what is considered a prime location for night life in the town. It is considered that the proposed development would not give rise to harmful levels of noise or anti-social behaviour given the nature of the use and the controls that would be put in place by the AGC, together with the recommended planning conditions referenced above.
- 7.17. Referring back to paragraph 5.3.17 of the Reading Borough Local Plan; the proposed development at 104-105 Friar Street is considered to mitigate potential noise issues. While concerns of crime and anti-social behaviour have been addressed in the submission of relevant policy documents, the documents have not been fully assessed by the CPDA. Officers do not have evidence to substantiate that the proposed use would directly contribute to increased levels of crime and anti-social behaviour, however, details of surveillance measures will be secured via condition to aid in the monitoring of a 'problem area' for nightlife. In terms of traffic-related congestion; as explained by the Transport Team, the proposed development is within an area that is well served by rail and bus links and also contains the largest proportion of public car parking spaces. There are no requirements for car parking in this zone as any demand for parking will be met by the town centre public car parks.

- 7.18. Concerns have been raised from the consultation for this application regarding the impact that the proposal would have on vulnerable people with a gambling addiction. As discussed, there are existing gambling premises such as betting shops and Adult Gaming Centres, with the RBC Licensing Team remarking that such AGC uses have a very low customer count, even at peak times.
- 7.19. Officers consider that there is no evidence to suggest that this proposed use would significantly or disproportionately harm the health of and wellbeing of citizens within the locality. The conditions of the premises licence require the prominent display of literature promoting the awareness of gambling addiction, such as Gam Care, 'Stay in Control' and the national gambling helpline. The business is also required to operate under the Gambling Act 2005 and adhere to training policies that include identifying, intervening and interacting with persons who may be vulnerable to harm from gambling.
- 7.20. Subject to the provision of further information regarding the surveillance measures at the premises, the proposed development is considered in accordance with policies CR4 and CC8 of the Reading Borough Local Plan.

Transport

- 7.21. The site is in a sustainable location for access. It is in the town centre where it is adequately served by public transport and there has been no objection from the Transport Officers. In particular, it is considered that the potential for trips being generated to/from the site is no greater than the most recent use.

Air Quality

- 7.22. This proposal has been considered against Reading Borough Local Plan policy EN15, as the proposal site is within an Air Quality Management Area (AQMA). As demonstrated in the policy, this proposal does not meet the requirements for an Air Quality Assessment (AQA) and is considered not enough of a detrimental impact air quality to warrant such an assessment due to the size and scale of the proposal.

8. Equality implications

- 8.1. Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2. The key equalities protected characteristics include age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular application.

9. Conclusion & planning balance

- 9.1 As with all applications considered by the Local Planning Authority, the application is required to be determined in accordance with the development plan unless material considerations indicate otherwise, as per Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 9.2 Any harmful impacts of the proposed development are required to be weighed against the benefits in the context of national and local planning policies, as detailed in the appraisal above. Having gone through this process officers consider that the benefits of the proposal with regards to enhancing the night-time offer of the town and reinstating a vacant unit within the key frontage of Friar Street outweighs the low-risk noise and

disturbance that may arise from the use. Concerns of problem gambling will be strictly monitored under the separate Licensing regime.

- 9.3 It is considered that officers have applied a suitable planning balance when reaching this conclusion. As such, this application is recommended for approval subject to the conditions as outlined above.

Plans & Appendices

Proposed Floor Plans

