

Application Ref: 24/00496/FUL

Proposal: Change of use from takeaway (Sui Generis) to adult gaming centre (Sui Generis)

Site: 551 Lincoln Road, Peterborough, PE1 2PB,
Applicant: Merkur Slots Ltd (UK)
Agent: Planning Potential
 Planning Potential Ltd.

Referred by: **Cllr Asim Mahmood and Cllr Mohammed Hasseb**
Reason: Contrary to planning policy regarding amenity provision, including increase anti-social behaviour and disturbance to the neighbourhood.

Site visit: 26.04.2024

Case officer: Connor Liken
Telephone No. 07551 060899
E-Mail: connor.liken@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site is located within the New England residential area, situated within the Triangle / Lincoln Road Local Centre as defined under Policy LP12 of the Peterborough Local Plan (2019).

No.511 Lincoln Road is a two-storey end terraced property, with a ground floor hot food takeaway use (now vacant) and first floor residential accommodation. Constructed in brick with a white rendered front elevation, brown concrete tile roof and a glazed commercial shopfront to the ground floor, the application site forms part of the established character of the Local Centre.

To the north of the site is New England House, an early 20th century two-storey building that sits within the Peterborough Local List of Heritage Assets. To the east of the site are a series of short, terraced blocks, parallel to the highway forming part of the Local Centre. To the south is the southern junction of the Triangle and to the west is the parcel of land that forms the Triangle which comprises of a dwellinghouse and two Locally Listed heritage assets and landscaping.

Proposal

Planning permission is sought for the 'change of use from takeaway (Sui Generis) to adult gaming centre (Sui Generis)'

It should be noted that there are two related pending applications with the Local Planning Authority which relate to the unit.

24/00494/FUL: External alterations to the shopfront.

24/00495/ADV: 1no. Internally illuminated fascia sign and 1no. internally illuminated projecting sign.

2 Planning History

No relevant planning history

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below unless material considerations indicate otherwise.

National Planning Policy Framework (2023)

Section 4: Decision-making

Section 7: Ensuring the vitality of town centres

Section 8: Promoting healthy and safe communities

Peterborough Local Plan 2016 to 2036 (2019)

LP01 - Sustainable Development and Creation of the UK's Environment Capital

The council will take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It will seek to approve development wherever possible and to secure development that improves the economic, social and environmental conditions in the area and in turn helps Peterborough create the UK's Environment Capital.

LP07 - Health and Wellbeing

Development should promote, support and enhance the health and wellbeing of the community. Proposals for new health facilities should relate well to public transport services, walking/cycling routes and be accessible to all sectors of the community.

LP12 - Retail and Other Town Centre Uses

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate district and local centres. Retail development will be supported within the primary shopping area. Nonretail uses in the primary shopping area will only be supported where the vitality and viability of the centre is not harmed. Only retail proposals within a designated centre, of an appropriate scale, will be supported. A sequential approach will be applied to retail and leisure development outside of designated centres.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to

prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high-quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

4 Consultations/Representations

Initial - PCC Pollution Team

Objection, further information requested.

Revised - PCC Pollution Team

Pending – Any comments will be reported in the Update Report

Initial - PCC Peterborough Highways Services

No objection, subject to condition.

Revised - PCC Peterborough Highways Services

No objection, subject to condition.

Initial - Police Architectural Liaison Officer (PALO)

No objection, subject to condition.

Revised - Police Architectural Liaison Officer (PALO)

Pending – Any comments will be reported in the Update Report

Millfield & New England Residents Planning Subgroup

No comments received.

Local Residents/Interested Parties

Initial consultations: 17
Total number of responses: 25
Total number of objections: 23
Total number in support: 2

During the consultation period several representations were received, a summary of which can be found below.

- Would encourage more visitors to the unit which would increase noise disturbance to nearby residential units.
- 24-hour use would result in disturbance.
- Increasing parking demand to the unit in an area already short on parking provision.
- The noise assessment submitted has no credibility due to errors in the testing of noise, location and comparable displayed.
- Lack of evidence to highlight an increased footfall thereby increasing vitality.
- No justification that the proposal would cater for the needs of the community.
- The proposal would not accord with Section 8 of the NPPF (2023) and Policy LP07 of the Peterborough Local Plan (2019).
- Proliferation of gambling / gaming and betting shops within the area.
- The proposal would result in more anti-social behaviour, issue with public safety.
- Littering would occur as a result.
- The proposed hotel is not needed.
- The use would not offer a window display.
- The proposal would be positive for the area and aid in the creation of jobs.

Councillor Mohammed Haseeb

- Over concentration of gambling facilities which would exacerbate gambling and social issues.
- Increased local disruption to the application site being located in a congested area full of residential units and businesses. The proposed use would result in increased noise impacting nearby units.
- The noise assessment provided is based on limited data and research into the impact on locals.
- The proposal would be contrary to the planning policy which seeks to protect residential amenities.

Councillor Asim Mahmood

- The proposal would not represent a positive development for the area and would increase the likelihood of anti-social behaviour.

5 Assessment of the planning issues

The main planning considerations are:

- Principle of development.
- Design and impact to local character.
- Neighbour amenity.
- Highway safety.

a) Principle of Development

The application site is situated within the Triangle / Lincoln Road Local Centre, therefore Policy LP12 of the Peterborough Local Plan (2019) is applied, which seeks to protect, support, and where necessary regenerate, existing District Centres and Local Centres to ensure they continue to cater for the needs of the communities they serve. Additionally, LP12 states planning permission for any non-A1 use at ground floor level will only be granted if the development would maintain or enhance the vitality and viability of the centre and appearance of the frontage the Primary Shopping Frontage (PSF) of the Local Centre.

Notwithstanding the above, the introduction of the Town and Country Planning (Use Classes) (Amendment) (England) Regulation 2020, which came into force on 1st September 2020, means that both retail units (formerly A1) and restaurants and cafes (formerly A3) now fall under the same use class, namely Use Class E (Commercial, Business and Service). This is a material consideration in the determination of this application. While the application site does not fall under Use Class E, Officers note the wide range of uses that could operate under this use class which could lead to equal or more noise disturbance in other units within the Local Centre, such as dentists, gyms and restaurants.

Given that the application already falls within a Sui Generis use, the restrictions imposed by Policy LP12 in terms of restricting non A1 or A3 uses is somewhat redundant. Therefore, Officers have made their assessment as to whether the proposal would harm the vitality or viability of the Local Centre, taking into account any other relevant material planning considerations.

The agent has provided a commissioned independent survey by Merkur Slots Ltd (the applicant) which clearly demonstrates that the Adult Gaming Centres (AGCs) are an appropriate and complementary use within retail areas. The survey highlighted that footfall to these units are at times similar or greater to other nearby uses. Understandably, the projected footfall may not be equivalent to more active uses such as retail units and cafes, however, Use Class E now covers a broad spectrum of uses of which generally can be found in retail areas.

It was raised during the consultation period from both local councillors and the public that the proposal would represent a proliferation of AGCs. There are two other similar uses within the defined Local Centre, these are No. 559 Lincoln Road (Ladbrokes) and No. 1221 Bourges Boulevard (Paddy Power). Within the Local Plan and national guidance, there are no policies which indicate or restrict the proliferation of AGC's. However, there are various case studies and committee reports which allude to or clarify the concern.

The applicant has submitted a supporting statement that highlights that the operation of AGCs is distinctively dissimilar to betting shops identified within the Local Centre. For instance, unlike betting shops, AGCs do not offer fixed odds betting terminals. The machines offer low stakes ranging from 10p to a maximum of £2.

Section 7 of the National Planning Policy Framework is clear that planning policies and decisions should promote the long-term vitality and viability of local centres, allowing them to diversity to respond to rapid changes. Given the increase of online shopping and the likely reduction in the demand for retail units, opportunities to diversify the use classes within Local Centres should be positively encouraged.

Additionally, it was raised by both local councillors and members of the public that the proposal would result in increased anti-social behaviour contrary to Policy LP07 of the Peterborough Local Plan (2019). It should be noted that no evidence has been submitted with the representations as to how the proposal would result in increased anti-social behaviour, crime and littering during any times of the day that may impede public safety. Nonetheless, the representations received are a material consideration and are considered within the assessment of the application.

The Police Liaison Officer has raised no immediate concerns, stating that there is no evidence that these types of premises contribute to the crime already existing within the area. At the time of writing, further information has been supplied, however Officers are waiting on a reconsultation response from the Police Liaison Officer which would be included in the update report.

Similarly, many of the representations raised concerns that a 24-hour use would not be appropriate given the location of the development. It should be noted that the existing use does not have a restrictive condition relating to opening hours, therefore the hot food takeaway could operate for 24 hours a day, which again is a material consideration within our assessment.

Therefore, in accordance with Section 7 of the NPPF (2023), Officers have worked alongside the applicant to ensure that the development provides safety measures to minimise any disturbance to the public.

The proposed AGC would broaden a desirable range of uses within this part of the Local Centre and ensure adherence with planning policy. The application site would have a neutral impact on the retail composition of the primary frontage as the site is a former takeaway (Sui Generis). Therefore, the change of use would not impact on the retail composition and Policy LP12 is satisfied.

As such, the principle of development for an Adult Gaming Centre can be supported, subject to no material considerations that would arise.

b) Neighbour amenity

In light of the objections raised by the Pollution Control Officer and representations, a further site survey was carried out at the application site using data from other existing venues within the City. It was noted that within the 24-hour operation window, it was observed that patrons and noise from the unit would not exceed levels that would result in an adverse impact to neighbour amenity.

Regarding operational noise the predicted noise levels at the closest noise sensitive receptor NSR1 are below NR20 and BS8233:2014 criteria for internal habitable rooms during the night-time. It should be noted that this assessment represents a worst-case scenario and in practise noise levels will likely be lower. The worst-case scenario assessment of max levels when the front door is open demonstrates that predicted noise levels at NSR1 are below BS8233 criteria. It can be concluded that, given the measured internal operational noise levels and noted construction of the site, noise impacts at NSR1 are considered highly unlikely to occur.

It was noted from the representations that an increased footfall to the unit could increase noise disturbance, especially with customers who may hang around outside the front. The onus would be on the provider to ensure responsible behaviour at the venue. An operational management plan detailing a dispersal policy, managing noise of customers and general best practice has been submitted to and agreed with the Local Planning Authority and secured through a planning compliance condition. Therefore, unnecessary noise and customers hanging around outside should be mitigated in light with the comments raised in the consultation period.

Additionally, it was raised that the proposal may lead to increased crime and disturbance. It should be noted that the area is already a medium to high-risk area as stated to by the Police Liaison Officer, therefore it would be unreasonable to assume a correlation between the introduction of an AGC and increased crime such as anti-social behaviour. An AGC is not uncommon within a Local

Centre, therefore the location of the proposal is considered to be an appropriate setting for this establishment. Officers therefore take a view that proposal would not have an adverse impact on the site and surrounding area.

It should be noted that the existing unit has no operational management plan in place nor restriction to the opening hours, therefore the proposal greater manages against associated noise and customer behaviours.

At the time of writing the Pollution Control Officer has been reconsulted with updated comments to be included in the update report.

As such, the proposal is considered to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

c) Design and impact to local character

This application does not include any external changes to the building.

As such, the proposal is considered to be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

d) Highway safety

The Local Highways Authority have raised no objection subject to condition. Details of enclosed and secure cycle shelter parking are to be submitted prior to the commencement of development to encourage sustainable travel modes to and from the unit. The requested details have been submitted to Officers and have been secured through a compliance planning condition.

The Peterborough Local Plan (2019) does not specifically have parking requirements for AGC's (Sui Generis), however one car parking space per 15sqm is typical for commercial unit. Based on the total floor area of 200sqm there would be a requirement for 13 car parking spaces. However, given that the existing unit has zero car parking provision and there being available but limited public car parking along the street, it would be unreasonable to refuse the application based on such in this instance.

As such, the proposal is considered to be in accordance with Policy LP13 of the Peterborough Local Plan (2019).

6 Conclusions

Subject to the imposition of the recommended conditions, the proposal is considered acceptable having been assessed against the relevant development plan policies and any material considerations. Specifically:

The principle of development for an adult gaming centre within the Triangle / Lincoln Road Local Centre is considered to be acceptable, in accordance with Policy LP12.

The proposal is for internal alterations only, therefore, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

There would be no unacceptable harm to the residential amenity of neighbouring sites, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

The proposed development is sited within a designated local centre therefore the impact on parking is satisfactory, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** subject to the following conditions.

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 The development hereby permitted shall be carried out in accordance with the following plans:

- Location Plan (received 12.04.2024).
- Site Plan (received 12.04.2024).
- Proposed Ground Floor and First Floor Plans (Drawing Number: LCN/PET/05).
- Cycle Parking Plan (Drawing Number: LCN/PET/10).

Reason: For the avoidance of doubt and interest of proper planning

C 3 The development hereby permitted, shall be operated strictly in accordance with the submitted and approved Noise Impact Assessment (PR2001_177_FINAL) including the Operational Management Plan which forms Appendix E of the Noise Impact Assessment and shall thereafter be retained and maintained as such in perpetuity.

Reason: In order to protect and safeguard the amenity of the area and neighbouring residents, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and paragraph 191 of the National Planning Policy Framework (2023).

C 4 Prior to occupation, the enclosed and secure cycle shelter to accommodate cycle parking as show on drawing number ' LCN/PET/10' shall be built in accordance with the approved plan and retained for the purposes of cycle parking in connection with the development in perpetuity.

Reason: In the interests of highway safety and to encourage travel by sustainable modes, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

Copies to Councillors – Councillor Zameer Ali
Councillor Noreen Bi
Councillor Asim Mahmood