

PLANNING AND DESIGN & ACCESS STATEMENT

PROPOSED CHANGE OF USE FROM BETTING OFFICE TO AMUSEMENT CENTRE (ADULT GAMING CENTRE)

**282 HIGH STREET
UXBRIDGE
UB8 1LQ**

APPLICANT: **Application by Future Leisure Ltd**

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1. INTRODUCTION

- 1.1 The application seeks planning permission for a change of use of ground floor premises from a betting office to an amusement centre (Adult Gaming Centre), a use commonly found in town centres. Both uses are sui generis. Permission is not sought for any alterations. It is noted that the premises are situated in an extensive conservation area encompassing this part of the town centre. There is an accompanying Heritage Statement dealing with the conservation issues.
- 1.2 The ground floor of the building was last occupied by Ladbrokes as a betting office. It has a narrow frontage and stands on the south west side of the High Street towards its southern end close to the Civic Centre. This proposal relates to the ground floor only.
- 1.3 The location is allocated as a 'secondary (shopping) area' in both the current and emerging Local Plans. I deal with the application of policy in section 6 below.

2. ASSESSMENT

- 2.1 The property comprises ground floor lock-up premises last used earlier in year as a betting office by Ladbrokes. It is located in the southerly part of the town centre shopping area. The building is unlisted and it is in the extensive Old Uxbridge/Windsor Street Conservation Area.
- 2.2 The change of use which is under consideration for the purposes of this application would be from one non-retail sui generis use to another.

3. INVOLVEMENT/CONSULTATION

- 3.1 The applicant's advisors and planning consultants have discussed the matter prior to making this application. There have been no discussions with the LPA.

4. PROPOSAL

- 4.1 The proposal is for a change of use of the ground floor lock-up premises only. No alterations are proposed to the frontage or the exterior of the premises.
- 4.2 The upper floors would continue to be in separate occupation.
- 4.3 The various ground floor **uses** in the area are mixed reflecting its secondary shopping location. The existing and proposed **layout** of the premises is shown on drawings RE/Ux/01 and 02.
- 4.4 The **amount** of commercial floorspace involved is 138 square metres gross on the ground floor only. Trading space is 73 square metres.
- 4.5 The **scale** of the proposal as a shopper orientated amusement centre is consistent with the surroundings. In terms of **appearance** the proposal will not change: their appearance will be maintained – this application is for a change of use only.
- 4.6 No **landscaping** is proposed.

Amusement Centre Use

- 4.7 The activity proposed is that of an adult only amusement centre consisting of gaming machines. Such establishments are found in most shopping centres. They have different effects from amusement arcades. There is a statutory obligation to exclude under 18's.
- 4.8 Premises such as this are no noisier than a shop and so they would be suitable neighbours on the street.
- 4.9 Customer Usage - It is generally accepted that this kind of establishment attracts the same type of person as nearby shops. It also attracts them in similar numbers. There is considerable evidence confirming these characteristics which can be provided if requested.

- 4.10 Appearance - The proposal would have a similar appearance to a shop – at least as interesting as the last use as a betting office.
- 4.11 Amusement centres of this kind are harmless to nearby traders as was apparent when this town centre had one. They do not cause noise or disturbance.
- 4.12 I am confident that the proposal will:
- (1) have no adverse impact on retailing activity;
 - (2) add to diversity of use and choice in the shopping area;
 - (3) not harm the character or trade of the shopping centre;
 - (4) enhance the vitality of the shopping centre;
 - (5) add to the evening economy;
 - (6) bring the premises back into beneficial use.
 - (7) preserve the character and appearance of the conservation area.
- 4.13 There is considerable evidence confirming these characteristics of this form of amusement centre which can be provided if requested.
- 4.14 No alterations are proposed to the exterior of the property as part of this application. The application is for a change of use only.

5 ACCESS

- 5.1 The proposal is in the town centre shopping area. It could not be better located in terms of accessibility by all means of transport (foot, cycle, car and public transport).

6. PLANNING POLICY

- 6.1 The trend of national policy guidance towards non-retail uses has, since the issue of DCPN11 in 1985, been towards increased diversification through successive versions of versions of PPG6, PPS6 and the Portas Review.
- 6.2 Perhaps as a result, the NPPF and PPG have limited content on the make-up of town centres but note that '*a diverse retail offer*' (referring to the offer generally –

- including the non-retail offer) is encouraged; not just class A1 uses (NPPF - paragraph 23)
- 6.3 In applying local policies one must bear in mind the trend of government guidance towards more flexibility of use. Deregulation in the form of changes to the GDO over the last few years allowing greater flexibility of use and treating some changes from A1 use as permitted development is an indication that a highly restrictive approach to the issue of maintaining retail use (which is not relevant in this case anyway) is increasingly obsolete.
- 6.4 The NPPF (paragraph 11) establishes a presumption in favour of granting applications for sustainable development. In terms of decision-taking it says authorities should be 'approving development proposals that accord with an up-to-date development plan without delay'.
- 6.5 There is no conflict with national policy.
- 6.6 For the time being the saved policies of the **Hillingdon UDP 1998** remain part of the development plan. The policies dealing with non-retail uses in Uxbridge town centre treat this frontage as a 'secondary area' where policy S12 applies. It mainly seeks to preserve an adequate level of retail facilities (this would not change in this case) and sets out those uses considered acceptable in such areas as including, specifically, 'amusement centres'. It indicates that:-
'THE LOCAL PLANNING AUTHORITY WILL NEED TO BE SATISFIED THAT:

(a) THE PROPOSED USE PROVIDES A SUBSTANTIAL ELEMENT OF ITS SERVICES TO VISITING MEMBERS OF THE PUBLIC; AND

(b) THE USE IS APPROPRIATE TO THE ROLE AND FUNCTION OF THE SHOPPING CENTRE AND IS LIKELY TO CONTRIBUTE TO ITS ATTRACTIVENESS FOR SHOPPERS.'
The proposal is specifically mentioned and complies with these 2 provisos.
- 6.7 **The Local Plan Part 1 – Strategic Policies** (2012) notes Uxbridge is classified as a Metropolitan Centre. It is said to have '*..a night-time economy of regional/ sub-regional importance..*' but '*..has the potential to accommodate a wider leisure*

- and cultural offer.*' (paragraph 5.35) This is embodied in Strategic Policy E4. Policy HE1 seeks to manage the heritage assets including conservation areas.
- 6.8 **Local Plan Part 2 - Development Management Policies.** These have are close to adoption following the Inspectors guidance on proposed changes he considered necessary.
- 6.9 The premises are in a 'Secondary Area' in the town centre which paragraph 3.8 says are '*..peripheral to the primary areas in which shopping and service uses are more mixed, should still retain a high proportion of Class A1 shops. In these areas, at least 50% of the frontage should be in Use Class A1*'. Policy DMTC2 contains the policy to retain 50% retail (which would not be affected in this case in view of the previous use). Whilst it does not refer to the proposed use specifically (nor the permitted betting office use which is also sui generis) it is a use which, compared with the other uses specifically mentioned, is as or more appropriate in such a secondary shopping area.
- 6.9 The proposal is consistent with emerging policy DMHB 4 as it would preserve the character and appearance of the conservation area. There would be no changes to the appearance of the premises.
- 6.9 Looked at on its merits (aside from the compliance with policy) this is a change from one non-retail use to another. It would not alter the non-retail content and cannot be regarded as harmful and should not, therefore, be refused.
- 6.12 There is no conflict with any other relevant policy and therefore I conclude the proposal has a presumption in its favour. It accords with the relevant policy in the development plan. Further, I conclude that the proposal would have no adverse effect on the vitality or viability of the town centre; it would expand and diversify the range of uses in the centre and bring the building back into use.

7 PLANNING MERITS

7.1 The proposal has, in addition, a number of other material considerations in its favour:-

- Investment in the premises and in the town centre.
- Re-occupation of the building.
- The introduction of a vital and busy use.

8 CONCLUSIONS

8.1 The proposal accords with national policy.

8.2 It accords with the relevant development plan policies.

8.3 There are other material considerations which reinforce the presumption in favour of granting permission.

8.4 The proposal would enhance the vitality and viability of this shopping centre.

Roger Etchells

June 2019