

PLANNING APPLICATION NUMBER: P05/1527

Type of approval sought	FULL PLANNING PERMISSION
Ward	BRIERLEY HILL
Applicant	GAMING MACHINE RENTALS LTD
Location:	UNIT 17, THE MOOR CENTRE, BRIERLEY HILL, DUDLEY.
Proposal:	CHANGE OF USE FROM RETAIL SHOP (A1) TO ADULT AMUSEMENT CENTRE (SUI GENERIS)
Recommendation summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application premises consist of a vacant retail unit located within the Moor Centre which has a range of retail uses located at ground floor level, with leisure uses at first floor. The Moor Centre falls within Brierley Hill High Street District Centre and uses directly adjoining the application property consist of a Pizza hot food use, a Butchers shop and a Pool Hall above.

PROPOSAL

2. This application seeks approval for the use of the premises as an adult amusement centre which will admit over 18 year olds only and provide cash prize gaming machines amongst other amusement machines. The applicants have provided a Certificate of Corporate Social Responsibility with the application.

HISTORY

3. There is no relevant planning history associated with this property.

PUBLIC CONSULTATION

4. Two letters of objection have been received from occupiers of units within the Moor Centre. One letter considers that an adult amusement centre would be a suitable use. The second considers that the centre should be retained in Class 1 General Retail Use in order to retain shopper numbers and prevent vandalism and disturbance.

OTHER CONSULTATION

5. The Head of Public Protection raises no objection relative to the proposed use but considers that the hours of use be restricted to those sought i.e. 09:00 to 22:00 hours daily.
6. The Head of Traffic and Road Safety raises no objection to the proposed use.

RELEVANT PLANNING POLICY

7. Revised Deposit UDP – Policy CR1 Hierarchy of Centres, Brierley Hill High Street District Centre and CR12 Retail (A3) Uses and Amusement Arcades.

ASSESSMENT

8. The Council seeks to ensure through the Revised Deposit UDP (Policy CR1) that the Borough's district and local centres continue to provide a range of services and convenience shopping facilities to meet daily needs. To ensure the necessary level of (A1) retail is retained within centres the plan has designated 'protected frontages' whereby such uses will be promoted and maintained.
9. Policy CR12 states that (inter-alia) amusement centres will normally be granted in existing town and local centres and other appropriately located and accessible sites unless there would be an adverse impact on environmental quality, residential amenity, public or highway safety or the viability or vitality of the town centre concerned.
10. The application site falls outside Brierley Hill High Street 'protected frontage', therefore, the criteria indicated in Policy CR12 can be applied.
11. A survey carried out in April 2005 revealed that 57% of units within the town protected frontage were in (A1) retail use with a good range of outlets including several butchers, grocers, florists, market halls and pharmacies which meet the needs of shoppers. The loss of the vacant retail use is not therefore considered to affect the viability or vitality of the town.
12. No residential premises are located in the vicinity of the proposed use which is also located well away from the highway. Hours of use will be well within those of adjacent users, therefore, anti-social behaviour is less likely to arise whilst there is ongoing activity.

CONCLUSION

13. The proposed use is classified as sui-generis which would need planning permission to change to any other use and is acceptable in terms of Revised Deposit UDP Policies CR1 and CR12. The use will have no adverse effect upon amenities or highway safety and is an appropriate use of a currently vacant retail unit.

RECOMMENDATION

14. Recommendation: Approval subject to conditions.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The premises shall only be open to members of the public between the hours of 09:00 and 22:00 hours daily.
3. F02A Window display