

Item No: 2
Application No: 24/00041/FUL Author: Rebecca Andison
Date valid: 12 January 2024 ☎: 0191 643 6321
Target decision date: 8 March 2024 Ward: Wallsend

Application type: full planning application non major

Location: 15 High Street West, Wallsend, Tyne And Wear, NE28 8JA,

Proposal: Change of use from Retail to Bingo Lounge (sui generis)

Applicant: LOL Entertainment Ltd

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider in this case are:

- whether the principle of the proposal is acceptable;
- the impact on surrounding occupiers; and
- whether sufficient parking and access would be provided.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The application relates to a commercial unit, located on High Street West, Wallsend. The site is located within The Forum Shopping Centre and is currently vacant.

2.2 The adjoining properties are both in retail use

2.3 The site is located within the Primary Shopping Area of Wallsend Town Centre (Primary Shopping Frontage).

3.0 Description of the Proposed Development

3.1 Planning permission is sought to change the use of the property from retail (Use Class E) to a bingo lounge (sui generis).

3.2 No external alterations are proposed. The new signage shown on the submitted plans would require a separate application for advertisement consent.

4.0 Relevant Planning History

4.1 There is no relevant planning history.

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (December 2023)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues to be considered in this case are:

- Principle;
- Impact on surrounding occupiers; and
- Impact on the highway network.

8.0 Principle

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 Strategic Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.4 Policy DM1.3 Presumption in favour of Sustainable Development states that the Council will work pro-actively with the applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

8.5 Policy DM3.5 states that with the Primary Shopping Areas, as shown on the Policies Map, proposals for development will be permitted in the Primary Shopping Frontages where they would:

- a. Enhance or complement the principal role of the location as an area of retail activity.
- b. Promote the vitality and viability of the centre, including proposals for residential development and conversion of upper floors.
- c. Avoid a cumulation of uses that can undermine the centre's overall retail function and character.
- d. Deliver high quality active ground floor frontages.
- e. Not result in more than three adjacent units being in the same non A1, A2 and A3 use.
- f. In the Primary Shopping Frontage not result in less than 80% of frontages being in A1, A2 and A3 use and the following factors will be taken into account in assessing the impact of a proposal:

- i. the nature of the use proposed, in particular the extent to which it would be attractive to shoppers and contribute genuinely to diversity;
- ii. the size (frontage width) and prominence of the property;
- iii. if vacant, the prospects of the property finding another A1, A2 and A3 use in the foreseeable future;
- iv. recent trends in the balance of shop and non-shop uses in the frontage, whether stable or changing, and at what pace;
- v. which would result in an A1, A2 and A3 frontage of between 75% and 80% will normally be more acceptable than those which result in a level below 75%.

8.6 Local Plan Policy AS8.2 (The Forum Shopping Centre, Wallsend) states that to improve the overall quality of retail provision in Wallsend and contribute to identified requirements for the provision of comparison retail floorspace, the Council will continue to provide support for main town centre uses at The Forum Shopping Centre, as shown on the Policies Map, including the extension to the west, that:

- a. Enhance the role of The Forum Shopping Centre at the heart of the primary shopping area in Wallsend;
- b. Provide a new retail floorspace to serve the town and wider community;
- c. Enhance the internal and external appearance of the shopping centre making the area attractive to shoppers and visitors;
- d. Would deliver enhanced community facilities and services for the whole of Wallsend, alongside the existing improved library services;
- e. Provide improved and accessible parking provision that is available for use by shoppers at the supermarket, The Forum and the town centre as a whole.

8.7 The application site is located within the Primary Shopping Area (Primary Shopping Frontage) of Wallsend Town Centre. It is currently vacant having previously been in retail use.

8.8 Policy DM3.5 requires consideration to be given to how proposals would impact on the proportion of Primary Shopping Frontage (PSF) being used for purposes other than A1, A2 and A3 use. Since this policy was written the use classes have been amended with the result that the former 'A' classes now fall within Use Class E, which encompasses a far wider range uses, including offices,

sport, recreation and light industrial. Premises can change between any of the E use classes without requiring planning permission.

8.9 It is therefore considered that a more appropriate assessment is how the proposal would impact on the number arcades, casinos and betting shops within the PSF and the town centre. This type of use is classed as 'sui generis' and excluded from Use Class E.

8.10 An analysis of properties within the town centre shows that there are currently three amusement arcades and betting shops within the PSF and three betting shops which lie outside the PSF. In addition, there are four pawnshops/cash convertor shops within the town centre (also sui generis) of which two lie within the PSF. As there are currently 79 units within Wallsend's PSF, this results in 3.8% being in some form of gambling/betting use (6.3% including the pawn/cash convertor shops). With the proposal these figures would increase to 5.1% and 7.6%.

8.11 The proposed use as a bingo lounge is different in character to the other uses within the area which comprise betting shops and amusement arcades. There are no existing bingo halls within the town centre. It would bring a vacant unit back into use and introduce an alternative customer focused use into the town centre. In officer opinion it would not result in an over proliferation of uses or harm the vitality or viability of the town centre.

8.12 It is officer opinion that the principle of the proposed use is acceptable and complies with the aims of Policies DM3.5 and AS8.2.

9.0 Impact on Amenity

9.1 NPPF paragraph 191 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

9.2 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.3 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.4 Policy DM6.1 (b and f) states that proposals should demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.5 The site is located within a predominantly commercial area of the town centre. There are residential flats above some of the nearby commercial units but no residential properties adjoining the site. The proposed opening hours are from 09:00 to 02:00.

9.6 The Manager of Environmental Health has provided comments and raises no objections. To address noise arising from the machines it is recommended that a condition is imposed requiring the provision of a noise scheme. Further conditions are recommended in respect of the opening and delivery hours and external plant.

9.7 When taking into account the nature of the proposed use and location of the site it is considered that the development is acceptable in terms of the impact on existing occupiers and accords with Policies S1.4, DM6.1 and DM5.19.

10.0 Highways Impacts

10.1 NPPF paragraph 115 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.2 NPPF paragraph 116 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

10.3 Policy DM7.4 'New Development and Transport' states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where

necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.

e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.

f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

10.4 The Transport and Highways SPD sets out the Council's adopted parking standards.

10.5 The site does not include any off-street parking. It is located within Wallsend town centre and has excellent links to public transport. There are also pay and display car parks and parking controls within the vicinity of the site. The Team Leader - New Developments (Highways) has provided comments and raises no objections.

10.6 It is therefore officer opinion the proposal is acceptable on highways grounds.

11.0 Local Financial Considerations

11.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

11.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is considered that the creation of jobs is material in terms of making this development acceptable in planning terms.

12.0 Conclusion

12.1 Members should consider carefully the issues before them and take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

12.2 At the heart of the NPPF is a presumption in favour of sustainable development, which for decision making means approving development proposals that are in accordance with an up-to date development plan without delay.

12.3 The application site is located within the designated town centre and the proposal would assist in bringing an existing vacant building back into active use. There are no other bingo lounges in the surrounding area, and it is not therefore considered that it would result in an over proliferation of similar uses. It is officer opinion that the principle of the proposed use is acceptable.

6. There shall be no deliveries or collections outside the hours of 07:00 to 23:00.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

7. The premises shall not open for business outside the hours of 09:00 to 02:00.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

8. Noise No Tannoys Externally Audible NOI002 *

9. Flood Lighting Scheme Details LIG001 *

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

No Doors Gates to Project Over Highways (I10)

Highway Inspection before dvlpt (I46)

The applicant is advised that end users will not be eligible for any parking permits in this area and the onus will be on the developer to convey this information to these users. Contact Parking.control@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact New.Developments@northtyneside.gov.uk for further information.

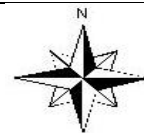
Consent to Display Advertisement Reqd (I04)



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Location: 15 High Street West, Wallsend, Tyne And Wear, NE28 8JA
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Not to scale
 Date: 26.02.2024

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**Appendix 1 – 24/00041/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Team Leader - New Developments (Highways)

1.2 This application is for a change of use from retail to bingo lounge. The site is long-established and is in Wallsend town centre (Forum), with excellent links to public transport and parking controls in the vicinity of the site. End users will not be entitled to parking permits in this area and the onus is on the developer to convey this information to the end users. Approval is recommended.

1.3 Recommendation - Approval

1.4 Informatives:

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that end users will not be eligible for any parking permits in this area and the onus will be on the developer to convey this information to these users. Contact Parking.control@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact New.Developments@northtyneside.gov.uk for further information.

1.5 Manager of Environmental Health (Pollution)

1.6 The premises are located within a dedicated shopping complex. Noise may arise from the machines installed at the site and therefore a noise scheme will be required to noise breakout is minimised for neighbouring units The noise scheme will also need to address any plant and equipment installed at the site.

1.7 Prior to operation a noise scheme must be submitted to the Local Planning Authority for approval that must be implemented and thereafter retained to minimise noise impacts from the activities carried out at the premises to ensure neighbouring units are afforded suitable mitigation via sound attenuation schemes.

1.8 Conditions:

- New External Plant

No new plant or equipment to be installed at the premises unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest sensitive receptor and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise.

- Delivery and collections to be restricted to 0700-2300 hours

- HOU03 To those on application

- HOU04

- NOI02

- LIG01 for any new external lighting

1.9 Manager of Environmental Health (Contaminated Land)

1.10 As there is no alteration to the building footprint, I have no objection.

2.0 External Consultees

2.1 Newcastle Airport

2.2 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

3.0 Councillor Comments

3.1 Councillor Louise Marshall

3.2 I would like this decision referred to full planning committee, please.

3.3 At last count Wallsend had four gambling outlets in the space of what is probably less than 100m, and this is on top of poker machines in the Forum Markets and probably others located in the many pubs.

- Admiral

- Bet Fred

- William Hill

- Ladbrokes

3.4 And there is another Bet Fred on High Street East.

3.5 The High Street does not need another gambling outlet in an area which already faces well above-average deprivation.

3.6 The appearance of Wallsend will never change if council continues to allow a proliferation of betting outlets.

3.7 There is information in the Risk Assessment document which is incorrect.

Local Risk Profile:

The Shopping Centre and High St does attract children on occasions, however this tends to be sporadic in nature

3.8 This is simply untrue. Wallsend High Street is a busy place which attracts many young people under 18 as well as parents with young children. Where is their evidence to back up this statement?

3.9 Establishments of note:

There was 1 AGC (Adult Gaming Centre) within the immediate vicinity – a small Admiral shop – no Bingo appears to be evident. A Bet Fred bookmaker shop trades approx. 100m from the entrance to the proposed lounge. With a William Hill trading a similar distance away in the opposite direction.

3.10 There is also a Ladbrokes in the vicinity which they have conveniently omitted. Not to mention the second Bet Fred further away, together with an array of poker machines at various establishments. When these are included the picture is very different.

3.11 Adjoining premises:

The Bingo club is proposed to be located within a small parade of shops. The unit in question is next to a Pharmacy (to the left) and a Savers (to the left). Other shops that also exist within the parade (other than those mentioned include a Barclays Bank (closed) and a Hair academy lobby. No business which would attract children.

3.12 There are frequently children who accompany adults to those businesses, and plenty of young people under 18 on the High Street. This statement is patently untrue.

3.13 Deprivation

The area of North Tyneside suffers from above national average crime and the specific post code sits in top decile of the index of multiple deprivation.

3.14 This along should be enough to stop any further gambling establishments in Wallsend town centre.

3.15 Further the document states:

Deprivation: The area has a lower rate of home ownership (via a mortgage or owned outright) than the national average, which suggests that the area is a poor area. Since all home ownership is lower than the national average and all rented accommodation levels are higher than the national average, this also suggests an area of economic deprivation.

Local Risks

Vulnerable and addiction support services Anxious Minds, The Vault 31 Station Road, Wallsend, North Tyneside NE28 6RL Wallsend Community Mental Health Team Adults Health Centre, The Green, Wallsend NE28 7PD Recovery Health Centre, Atkinson Terrace, Wallsend NE28 6SS Salvation Army, Union St, Wallsend NE28 6BW

3.16 Isn't the drug clinic operating out of the rear of the library missing from this list?

3.17 Pawnbrokers and Loan Shops H&T Pawnbrokers, 28 High St E, Wallsend NE28 8PQ.

3.18 How about the other three pawn shops located near the intersection of Station Road and High Street.

3.19 Public Houses and Alcohol Licensed Premise The Ritz, 85-87 High St W, Wallsend NE28 8JD Anson, The Forum Shopping Centre, Station Rd, Wallsend NE28 8QS

3.20 They have not included: The Ship, The Queens Head, The Anchor, the Philanthropist which gives a very different perspective

3.21 Additional questions:

- Is it planned for this venue to have an alcohol licence?
- I am not against bingo halls overall, it is more the placement of this particular venue.
- It will be placed between two very busy shops, Savers and the pharmacy and on a busy stretch of the high street. It will become the fifth gambling outlet in a space of less than 100m and this does not include the poker machines in pubs and in the Forum.
- The proposed shopfront will be very attractive to those with gambling addictions and also young children given the use of emojis.

4.0 Representations

4.1 1no objection has been received.

4.2 The objection has been submitted by RR Planning Ltd on behalf of their clients who trade from nearby presides. The concerns are summarised below.

- Harm to the vitality and viability of the town centre and non-compliance with policy.
- Will add to the existing concentration of betting shop and other licenced gaming premises in the immediate vicinity of the site.
- Fails to comply with part a of DM3.5 and does not enhance or complement the principal role of the primary shopping frontage as an area of retail activity.
- Results in the loss of a retail unit.
- Fails to comply with part c of DM3.5 as the proposal will result in the fifth gaming establishment in the immediate area.
- Cumulative harm to the overall retail function and character of the area.

- Will be the second large gaming premises in the subject frontage and will diminish retail character.
- The relevant shopping frontage has a length of approximately 87.5m of which 26.5m or 30.2% of the frontage will be in sui generis licensed gaming establishment use.
- The position of the two licensed gaming premises at either end of the key frontage unduly breaks up the primary shopping frontage and isolates the retail uses in between.
- Vacancy is not sufficient enough justification in this instance to set the clear breach of adopted local plan policy aside.
- Permitting the subject proposal will set a harmful precedent.