

Recommendation Report for Planning Permission

REF NO: BR/141/26/PL

LOCATION: 58 High Street
Bognor Regis
PO21 1SP

PROPOSAL: Change of use of a betting shop (Sui Generis) to an adult gaming centre (Sui Generis). This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks the change of use of a betting shop (Sui Generis) to an adult gaming centre (Sui Generis).

SITE CHARACTERISTICS The site is a former betting shop at the end of a terrace of commercial properties on High Street. The upper floors of the property are in residential use.

CHARACTER OF LOCALITY The site is in a town centre location, with commercial uses at ground floor level and some residential uses at first floor and above.

RELEVANT SITE HISTORY

BR/200/09/	Conversion of first floor offices to 2 No. flats and rear extension	ApproveConditionally 04-11-09
BR/136/09/	Installation of new glazed shopfronts & general refurbishment of existing ground floor vacant retail shop to form new licensed Betting Shop	ApproveConditionally 14-08-09

Planning history noted.

REPRESENTATIONS

Bognor Regis Town Council - Objection

- Principal concern is the 24-hour operation.
- Noise Impact Assessment contains inconsistencies regarding the relationship between the unit and adjoining residential premises.
- Assessment of customer behaviour during noise sensitive hours has been assessed based on short-term observations of customers at other venues, and does not provide robust site specific evidence.
- Conditions should be added to restrict the hours of operation and hours of delivery and waste collection.

5 No. objections were received from nearby occupiers raising the following points:

- The proposed use is not a class E use, in conflict with Arun Local Plan policy RET DM1, and would result in an overconcentration of gambling uses.
- Shop fronts of gambling premises are restricted by licensing regulations, and the shop front is likely to be obscured by vinyls.
- Increased noise and disturbance.
- Statement by MHCLG sought to restrict new adult gaming centres.
- High levels of economic deprivation in parts of Bognor Regis mean that there is increased risk of gambling related harm as a result of continuous operation.
- Additional pressure on local policing and services.
- Adverse impacts on amenity and sense of security for neighbouring residents.
- The character of the use will be different to a traditional betting shop, and this must be taken into account.
- Visual impact of signage and illumination of shopfront.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Noise and disturbance arising from the use is addressed in the conclusions. The impact of the proposed use on the character of the area, and the impact on the amenity of local residents is also addressed below.

The proposed shop front is the subject of separate applications, BR/139/26/PL and BR/140/26/A. As a result of recent focus on Adult Gaming Centres by MHCLG, this change of use does now require planning permission. However, this does not mean that all applications should be refused, and each proposal must be assessed on its own merits.

The comments from Bognor Regis Town Council note inconsistencies in the Acoustic Report submitted. It has been confirmed with the agent that these were administrative errors, and that these have not affected the findings of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECONOMIC REGENERATION - Comments

- Economic Development are pleased to see a use for this vacant site, however we are concerned about the impact for nearby residential properties.

ENVIRONMENTAL HEALTH - No objection.

- An acoustic report has been submitted, prepared by Archo Consulting, reference PR2001_242_FINAL, dated 02/07/2026.
- The report and supporting documents submitted for this application indicate a negligible to low impact.

SUSSEX POLICE - Comments

- The planning statement indicates that secured by design measures have been a consideration. The application of these crime prevention measures will be effective in reducing both incidents and the fear of crime.
- The main concern is the amenity of the residential dwelling above and local surrounding local community which has the potential to be affected due to the additional footfall into the area especially during the hours of darkness.
- Should this planning application be approved a large degree of sensitivity will be required to make sure

the surrounding local community is not unduly disturbed, and it will therefore be a matter for the applicant to ensure that this is managed in the most appropriate manner.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Article 4 (Change of use from C3 to C4)

Economic Growth Area

Town Centre Retail Boundary

Pagham Harbour Zone B

2km Buffer for SSSI

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
RETDM1	RET DM1 Retail development
DDM1	D DM1 Aspects of form and design quality
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal conflicts with relevant Development Plan policies in that it has not been demonstrated that the proposals would not result in unacceptable impacts on the amenity of neighbouring occupiers.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

This application seeks the change of use of a vacant retail unit, which was formerly a betting shop, to an adult gaming centre (AGC). The application is for the change of use of an existing building within the built up area boundary. The application is acceptable in principle in accordance with Arun Local Plan (ALP) policy SD SP2, subject to compliance with other development plan policies.

NPPF Policy S4 is relevant as the site is in the settlement boundary and states that development proposals within settlements should be approved unless the benefits of the doing so would be substantially outweighed by adverse effects when assessed against the policies within the NPPF.

EMPLOYMENT AND ECONOMY

The site is in Bognor Regis town centre. High Street contains a mix of retail, services, office and restaurant/cafe uses. The application site was formerly a betting shop, and the proposal would bring this vacant unit into use. The proposal would provide 12 full-time equivalent jobs. Objectors have referenced ALP policy RET DM1, which seeks to concentrate retail uses within primary shopping frontages, and sets out circumstances in which other financial or professional services uses or food and drink premises would be permitted. In this instance, the premises has operated as a betting shop for a number of years, and the re-use of the unit as an AGC, whilst different to a traditional betting shop, would not significantly alter the mix of uses in this location, or detrimentally impact the character of the shopping street. The re-use of the unit is supported by ALP policy EMP DM1 which seeks to protect existing employment uses, and NPPF policy TC2, which states that substantial weight should be given to the benefits of supporting the overall vitality and viability of town centres.

CHARACTER AND VISUAL AMENITY

The application proposes a change of use of a former betting shop, to an AGC. In principle, the character of these uses is likely to be similar. A significant alteration in the hours of operation has been proposed as part of the change of use, which will impact the usage of the unit.

The site is in a town centre location, where there are a mix of commercial premises and uses. Several representations on the application have noted the presence of other gambling premises on High Street, stating that this would result in an overconcentration of such uses. Given that the premises had previously operated as a betting shop, the change of use would not alter the proportion of gambling uses in the area, although it is acknowledged that it would increase the number of AGCs, of which there are 4 within close proximity.

The site is in a town centre location, and there are several businesses which operate into the evening. These include convenience stores along High Street which are open until 10pm and 11pm each evening. Bars and restaurants in the area generally open until midnight on weeknights, with slightly longer opening hours on Friday and Saturday. "Rocks Bar and Restaurant" opposite the site opens until 1am on Fridays and Saturdays. Further down High Street, "The Punch and Judy" and "The William Hardwicke" similarly open until around midnight during the week, and have later opening hours, between 1am and

3am, on Friday and Saturday evenings. It is acknowledged that there is an AGC which currently operates for 24 hours within the town, at 32 London Road (based on their website and the applicants statement). Inspection of the planning history for the premises reveals that the permission was subject to a condition restricting opening hours, which was then varied to extend until midnight. It is understood that the premises has been operating in breach of this condition for some time.

Although the business would have longer opening hours than other businesses in the area, the site is in a town centre where significant levels of activity during hours of darkness are not out of keeping with the character of the area.

The proposed change of use would not harm the character or visual amenity of the area, and is acceptable in accordance with ALP policy D DM1 and the NPPF.

NOISE AND AMENITY

ALP policy QE SP1 requires all development to contribute positively to the quality of the environment, and ensures that development does not have a significantly negative impact on residential amenity. This is supported by NPPF policy P3(2)(b) which states that development should not give rise to unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site, stating that adverse impacts should be avoided where possible, or else mitigated to an acceptable degree.

As a result of the proposals, the AGC would be open continuously throughout the night, which has the potential to impact neighbouring occupiers as a result of increased noise and disturbance. From the description of nearby businesses which operate into the evening above, it is clear that there are a number of businesses which regularly operate until midnight. Opening of bars and pubs beyond midnight generally only occurs on Fridays and Saturdays. Although the site is within the town centre, residents could reasonably expect the environment after midnight to be quieter than during the day.

There are two flats on the first floor of the building, directly above the proposed AGC. There are also residential neighbours directly adjacent, within the four-storey building to the east of the site, and on the upper floors of buildings across the road.

Environmental Health raised no objection. It is noted that their comments primarily relate to noise nuisance and the impact of noise on health, rather than the more general assessment of residential amenity required as part of the planning process.

The applicant submitted a Noise Assessment (NA) which addresses the impact of noise emanating from within the premises, and any impact on the residential units above, and the impact of any noise generated from activities outside the building, including comings and goings, opening and closing of doors, and noise impacts of customers standing outside of the premises. The impact of internal noise transmission through the separating floor is demonstrated to be acceptable.

The NA makes an assessment of customer noise, and takes a loud conversation between three customers as the worst-case scenario. The worst-case scenario was decided based on observations of another Merkur site, where the loudest noise event within the period observed was two patrons talking loudly. The precise nature of this site visit in terms of its length or purpose is not set out. A separate assessment of customer behaviour is contained within Table 3, and details observations from site visits which spanned one or one and half hour periods. It is not clear that this assessment is representative of activity outside Merkur sites. The worst-case scenario is the same as that assessed in the NA submitted for a similar proposal in Spalding, Lincolnshire. In appeal ref. 6001983, the Inspector stated that this scenario "does not robustly encompass more unpredictable or larger groups, nor does it assess the potential for voices, laughter, shouting, car doors, engines or mobile devices to contribute to disturbance."

Table 5 of the NA sets out the impact of the worst-case scenario on the nearest residential window, and shows a predicted level of 59.3dBA, which is below the 60dBA threshold necessary to maintain noise levels of below 45dB within the room. The predicted levels come very close to the 60dBA threshold, and there is a reasonable concern that were the conversation to involve a greater number of people, or coincide with any other noise event such as use of media devices, or the predicated maximum noise breakout level during brief periods when the doors of the premises are open, noise within the residential units directly above the premises would exceed the recommended levels. These noises are intermittent and therefore more noticeable within the generally quieter environment of the early hours of the morning. Any impact is likely to be considerably greater in warmer months when bedroom windows are open.

The NA includes an Operational Management Plan which seeks to reduce the time that customers spend outside in the immediate vicinity of the site and encourage them not create noise. The Inspector in appeal ref. 6001983, where the appellant proposed a similar Management Plan noted that the measures it proposed "rely heavily on customer cooperation and staff intervention. In practice, staff, no matter how experienced or qualified, would have limited ability to control noise taking place off the premises." They concluded that the measures were not a substitute for a condition restricting opening hours where harm is reasonably foreseeable.

The potential for nearby occupiers to experience an increase fear of crime as a result of increased late night activity is noted, and Sussex Police have been consulted on the proposals. Their comments states that designing out crime measures have been considered, and highlight the need for the development not to result in disturbance of nearby occupiers.

Whilst the site is in a town centre, where some levels of activity late into the evening are reasonable and expected, the proposal seeks unrestricted use, where levels of activity would not necessarily follow those of other establishments, which have later opening hours primarily at the weekend. The continuous nature of the use and the potential for disturbance is materially different to the operation of other premises in the vicinity, and has the potential to detrimentally impact residents. It has not been demonstrated the development would not have an unacceptable impact on the amenity of neighbouring occupiers, and the application conflicts with ALP policy QE SP1 and NPPF policy P3(2)(b).

SUMMARY

The development results in benefits to the in terms of the re-use of a vacant unit, which would support the overall vitality and viability of the town centre in accordance with NPPF policy TC2 and accord with ALP policy EMP DM1. The application also accords with NPPF policy L2, which states that substantial weight should be given to the benefits of proposals which would make better use of vacant and underutilised land and buildings, and would provide 12 full-time jobs.

The site is in the built up area, and benefits from support from NPPF policy S4, which states that proposals within the settlement boundary should only be refused where the benefits are substantially outweighed by adverse effects when assessed against the NPPF. Whilst the development would have significant benefits, which are given substantial weight, it has not been proven that the development would not harm the amenity of neighbouring residential occupiers. This is in conflict with NPPF policy P3. This conflict would outweigh the benefits of the proposal.

The application fails to demonstrate that the proposal would not have an unacceptable impact on the residential amenity of neighbouring occupiers, in conflict with NPPF policy P3, and is recommended for refusal.

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The application does not sufficiently demonstrate that the proposed use and opening hours would not have an unacceptable impact on the residential amenity of neighbouring occupiers, as a result of noise during the early hours of the morning. The proposal would be contrary to Arun Local Plan policy QE SP1, which requires development not to have significantly negative impacts on residential amenity, and NPPF policy P3 which requires developments to be appropriate for their location, taking into account likely impact on living conditions, and to not give rise to unacceptable levels of noise.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.