

Our ref: hk/O/LL/Bury/SHPADV/15.01.24.

15 January, 2024

Bury Council
Planning – Development Control
Via Planning Portal

Dear Sir/Madam,

Proposed shopfront alterations, siting 3 No. Air condenser units to rear and Advertisement consent for new signage at 3-5 Princess Parade, Mill Gate Shopping Centre, Bury, BL9 0QL

Planning Policy, Design and Heritage Statement

Introduction

We act as planning consultants to Luxury Leisure (part of the Novomatic Group), a market leading provider of gaming and entertainment venues with over 250 high street and seaside gaming venues in the UK. The Group employs over 2000 staff in the UK and accounts for 22.5% of the UK adult gaming centre market such that it is a highly experienced responsible operator in this market.

The Application Site

The company currently operate long established premises at 47 Market Street. The premises has been in use as an Adult Gaming centre since 1987. This application is submitted to facilitate the regeneration of Bury Market with £20 million support from the Government's Levelling UP Fund. The scheme will involve the development of a new Flexi Hall and enhanced public realm improvements including the creation of improved linkages between Bury Market and the Interchange. To this end, on 31st August 2023 consent was granted for Ref: 69580 for '1. Demolition of buildings and erection of flexible events hall with associated servicing, parking and landscaping; 2. New canopy structure to cover existing outdoor market; 3. Temporary permission sought for area of Bury Market car park to be utilised for site cabins for the duration of the build'.

As such, the applicant's current premises are earmarked for demolition. Following consultation with the council the subject relocation property has been offered which is also in the ownership of the local authority. This application is therefore to facilitate the use of the premises as an AGC. A planning application to establish the principle of change of use has been submitted under separate cover.

Heritage

The subject property is a modern commercial unit located on the pedestrianised approach to Mill Gate Shopping Centre. Both the existing AGC unit at 47 Market Street and the proposed relocation unit are located within the defined primary shopping frontage of Bury Town Centre. We confirm that the application site is not statutorily or locally listed nor is it located within a defined conservation area. As such any further comment on heritage is not required in line with national planning guidance.

Planning Policy and Assessment

As regards the development plan the current Bury UDP was adopted by the Council on 29th August 1997 and despite its age remains the statutory development plan in force. Bury is a designated sub regional shopping centre where a wide range of uses are supported.

Policy EN1/8 deals with Shop fronts and states and states –

The Council will seek to ensure that proposals for new and altered shop fronts properly respect the architectural elements of the building and the character of the surrounding street scene. Proposals which are unsympathetic to the building or its surroundings or which break up a harmonious group of buildings will not be permitted.

The subject proposal replaces a modern aluminium shop front and will include a feature door surround as currently found at the existing Admiral premises at 47 Market Street and approved under planning permission 66387 on 1st March 2021. The shopfront will maintain an active frontage on the street scene with full height picture windows. The proposed signage is also a like for like replacement of the existing approved signage at 47 Market Street and does not harm amenity or highways safety as per the 2007 Advertisement Regulations.

Three new air condenser units will be located at ground floor level on the rear elevation and will not be in public view. There will be no harm to amenity of nearby occupiers. The proposed use is a bona fide town centre use which already operates from long established premises on Market Street. The proposed use will provide an active ground floor frontage and serve the long established local and visitor customer base.

There will continue to be but one Admiral AGC use in this location albeit one that is greatly improved.

Internally, there will be no noisy amusement arcade equipment which attracts under 18's and has an impact on amenity. Unlike an 'arcade' which is noisy to attract passing custom of all ages, there is a statutory obligation to exclude under 18's from AGC's. Such AGC establishments are commonly found at the heart of hundreds of shopping centres throughout the UK and are not uncommon even in previously defined primary shopping frontages. Indeed, many shopping centres have more than one AGC in the town centre. There is no evidence that AGC uses have harmed any interest of acknowledged importance. Such uses rely on pedestrian flows and trade successfully in busy town centres and contribute as a complementary use to the overall attraction of town centres to the shopping public. As an acceptable town centre use, AGC's are found in busy locations where there is *even* residential use above or in adjoining properties. The proposed use itself is not an inherently noisy activity nor in relation to the comings and goings of customers. There are no adverse impacts and there is no evidence of any anti-social behaviour being exacerbated by such uses. There is no audible trading noise break-out through the premises shopfront even excluding the masking effects of levels of existing ambient noise in the area.

We should also add that the proposed use is strictly governed and regulated under the council's licensing regime where Bury Council separately as Licensing Authority is legally obliged to take into consideration issues of the prevention of crime and disorder, public safety, the prevention of public nuisance which includes amenity concerns such as noise, threats to community safety, litter, odour, smoke, and light; and the protection of children from harm. Level access and circulation space in line with Part M of the building regulations is maintained throughout.

For all the above reasons we commend this application for your approval.

Should you require any additional information, please contact these offices in the first instance.

Yours sincerely,

HARIS KASUJI BA MA MRTPI