



Appeal Decision

Site visit made on 1 February 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/K0235/W/22/3306897

2 Allhallows, Bedford MK40 1LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Merkur Slots UK Ltd against the decision of Bedford Borough Council.
 - The application Ref 22/01168/COU, dated 18 May 2022, was refused by notice dated 9 August 2022.
 - The development proposed is change of use of ground and first floor from vacant retail unit (Class E) to Adult Gaming Centre (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of ground and first floor from vacant retail unit (Class E) to Adult Gaming Centre (Sui Generis) at 2 Allhallows, Bedford MK40 1LJ in accordance with the terms of the application Ref 22/01168/COU, dated 18 May 2022, and the plans and drawings submitted with it, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.
 - 2) The development hereby permitted shall be undertaken in accordance with the following approved plans and drawings: Location Plan - Plan ref: P1 V No: V01; Block plan - Plan ref: P2 V No: V02; Existing Floor plans - Plan ref: 999-EX-01 00 V No: V04 and Proposed Floor plans - Plan ref: 999-PL-10 00 V No: V03.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the vitality and viability of Bedford Town Centre.
 - ii) Whether the proposal would result in any anti-social behaviour.

Reasons

Vitality and viability

3. The appeal premises comprise a vacant unit located on the western side of Allhallows. This forms part of a Secondary Shopping Frontage in Bedford Town Centre.

4. On the information before me, the proposed Adult Gaming Centre (AGC) use is different to betting shops, because the former includes a range of low stakes gaming machines, electronic bingo and complementary refreshments in a smart lounge environment. They do not show live sporting events and rather than being behind a counter, staff remain with customers on the venue floor. Betting shops typically close at 10pm, whereas AGCs typically operate 24-hours with the predominant customer base after midnight being the local entertainment workforce and shift workers. As such, even though betting shops and AGCs are both licenced gambling uses, AGCs are different from traditional betting shops in terms of the offer they provide and customer base they serve.
5. Whilst the appeal site and the Betfred (betting shop) are located in proximity of each other at the southern end of Allhallows, the two other betting shops are located adjacent each other at the northern end of Allhallows. In particular, Allhallows is a pedestrian shopping street of considerable length leading from Midland Road to St Loyes Street. As such, there is appreciable separation and a range of other town centres between the appeal site and the betting shops at the northern end of Allhallows.
6. There is also a bookmaker about 80m from the appeal site. This, however, forms part of separate frontage along Thurlow Street, which also contains a range of other uses.
7. I have also taken account of the Council's evidence, which is a plan¹ showing the location of premises licensed under the Gambling Act 2005 in the wider area. Even so, these premises are scattered across the town centre.
8. Indeed, having visited Allhallows and the wider town centre, I am not persuaded that at present or with the introduction of the proposal, that there would be an unacceptable concentration of betting shops/gambling premises in the area.
9. Moreover, by occupying a vacant unit, the proposed use would support diversity and vitality within the town centre, thereby improving its vitality.
10. For the above reasons, the proposal would not result in a concentration of similar uses on Allhallows or within Bedford Town Centre. As such, I find no conflict with Policy 15(i) of the Bedford Borough Local Plan 2030 ('LP') which supports a range of uses within secondary shopping frontages provided that they contribute to the vitality, viability and diversity of the town centre.

Anti-social behaviour

11. The proposed use would be open 24 hours a day, seven days a week. Consequently, this would result in the additional movement of people in an area at times when most of the other shops and uses in this part of the town centre are closed. Nonetheless, and irrespective of whether or not the proposed shop front would allow surveillance of Allhallows, there is no cogent evidence that the ACG and activity associated with this would result in the risk of any unacceptable anti-social behaviour.
12. The Council has referred me to appeal decision². In dismissing that appeal, the Inspector found that the approval of a licence did not justify that proposal or

¹ Appendix 4 of Bedford Borough Council's Written Representation Statement

² APP/W4705/W/22/3306518

outweigh the harm that had been identified. Nonetheless, specifically in relation to the risk of anti-social behaviour, the licensing regime does offer the Council an additional layer of control over such matters.

13. In light of the above reasons, and my findings in respect of the first main issue, the proposal would accord with Policy 15 (ii) of the LP. This Policy seeks to avoid the concentration of similar uses whose cumulative impact would be to the detriment of environmental quality, amenity or parking, or would increase the risk of anti-social behaviour. I also find no conflict with Policy 32 of the LP which amongst other things seeks development proposals to ensure that they minimise factors which might give rise to crime and community safety concerns.

Conditions

14. Having regard to the National Planning Policy Framework and the Planning Practice Guidance. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans and drawings as this provides certainty.

Conclusion

15. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR