

Our ref: hk/LL?grvend/APC/10.06.25

10 June, 2025

Gravesham Borough Council
Planning - Development Control
Civic Centre, Windmill Street,
Gravesend,
Kent,
DA12 1AU

Dear Planning Officers,

Proposed use of premises as Adult Gaming Centre (AGC) with 8 Sports Betting Terminals (Sui Generis use) at 22-23 New Road Gravesend DA11 0AA

We act as planning consultants to Luxury Leisure who wish to operate the above premises as mixed AGC use with 8 sports betting terminals. Luxury Leisure (part of the Novomatic Group) are a market leading provider of gaming and entertainment venues with over 280 high street and seaside gaming venues in the UK. The Group employs over 2000 staff in the UK and is a highly experienced responsible operator in this market.

Planning permission (Ref:20220456) for the whole of the premises as an AGC use is already approved such that the principle of sui generis AGC use is already established and is a material planning consideration. This application seeks to use a small portion of the existing premises for the siting of 8.No Sports betting terminals

The existing and proposed use of the premises will remain in sui generis use as a licensed gambling venue. There will be no increase in floorspace and no change to the external appearance of the property or the centre. An application for a new shopfront and signage is submitted separately. There is no harm to amenity and the 8 dedicated sports betting terminals will be operated only during the hours of 0800 to 2200 whereas the rest of the premises will continue to benefit from the approved 24-hour use.

There is a question as to whether any change of use even occurs from this proposal as only 8 sports betting terminals will be located within a gambling premise that is already consented. Planning permission is normally required for material changes of use. Judgment of what

constitutes a material change of use is a matter of fact and degree to be determined in each case. The Courts have held that the first thing to consider in determining whether a material change of use has occurred (or will occur) is the existing primary use of the land. For example, a hotel can have a restaurant, but this does not change its primary use. In this case, the lawful extant use is sui generis adult gaming centre use and will remain so. The subject proposal is for the location of just 8 sports betting machines within the premises where ordinarily there would have been different gaming machines. The primary purpose of customers visiting the premises, i.e. to gamble or bet within a gambling premises does not change. Whilst betting shops and adult gaming centres are separate sui generis uses; they share similar characteristics. The statutory definition of a Gambling Premise is -

A gambling premise is one used to (a) operate a casino, (b) provide facilities for the playing of bingo, (c) making a gaming machine available for use, (d) provide other facilities for gaming, or (e) provide facilities for betting (whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets). Exceptions apply, including the use of a track by a person for accepting bets, clubs and miners' welfare institutions, premises with alcohol licence, travelling fairs, prize gaming, private gaming and betting, and non-commercial gaming. [Gambling Act 2005, s37]

Whilst a separate licence is required for the sports betting terminals, this is a matter for the licensing regime. The premises will still be accessed from the same entrance externally, with a separate internal lobby for the sports betting section of the premises. As regards planning even if the council consider that a change of use or a mixed use is created, there is no conflict with adopted development plan policy such that there is no reason to refuse planning consent. There is a clear presumption in favour of sustainable development as per paragraph 11 of the NPPF which is a material consideration. Local Authorities are instructed to grant planning permission.

There are no adverse impacts or harm to amenity or vitality or viability. There is no loss of retail use. No increase in floorspace or hours of use is proposed. An extant sui generis premises in use for the purpose of gambling will continue to be used primarily for that purpose. We also submit a noise impact assessment which confirms that in a worst-case scenario, if the vacant commercial upper floors were converted to residential, the following measures should be implemented –

- Any new Fireline boards should be staggered and sealed at the perimeter with suitable non- hardening sealant to ensure an air-tight seal.
- There must be no penetrations, gaps, or openings in the fire lining.
- The fire lining should cover the entirety of the soffit above the trading area.

The applicant is happy to comply with the above and as such there will be no harm to local amenity.

As regards planning policy, we refer you to the officer Report of the extant planning permission Ref:20220456. In approving the application, the case officer comments –

The site is a vacant and unused unit with the primary shopping area of Gravesend town centre. Although Adult Gaming Centre uses are present within the town centre, the introduction of a new unit would not result in an over-concentration and will bring a vacant unit back into use, which is (sic) strengthens the viability and vitality of the area, without undermining the provision of shopping services given the existing mix. The frontage of the unit will be conditioned to ensure that an active and engaging frontage is installed to compliment the retail character of the town centre, and no advertisements can be altered without a separate consent from the Local Planning Authority. Therefore, the principle of changing the use of the unit to an AGC is considered to, subject to conditions, accord with Policies CS05, CS08 and CS19 (LPCS), saved Policies S3 and S4 (LPFR), as well as paragraph 81 of the NPPF (2021).

The proposed betting terminals will be located wholly within the existing approved AGC premises such that there will be no net increase in the number of gaming venues in the town centre.

If you have any queries relating to the above application, please do not hesitate to contact these offices in the first instance.

Yours sincerely,

HARIS KASUJI BA MA MRTPI