

Officer Report

APPLICATION NO: 25/01141/CONDIT	OFFICER: Mr Ben Warren
DATE REGISTERED: 28th July 2025	DATE OF EXPIRY: 22nd September 2025
DATE VALIDATED: 28th July 2025	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	Luxury Leisure
AGENT:	RR Planning Limited
LOCATION:	218 High Street Cheltenham Gloucestershire
PROPOSAL:	Variation of Condition 4 (opening hours) of planning permission 23/00452/COU seeking to extend the opening hours to 24-hour use each day of the week.

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to 218 High Street, a retail unit that was formally occupied by Shoe Zone, now occupied by Admiral Casino. The site lies within Cheltenham's Core Commercial Area and the Central Shopping Area and is within the Central Conservation Area (Old Town Character Area).
- 1.2 Planning Permission was sought in 2023 under planning application reference 23/00452/COU, for a change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis). Associated works and external alterations were also proposed. The application was refused by the Local Planning Authority (LPA) for 3 reasons, these relating to: harm to the retail function of the Central Shopping Area and Core Commercial Area, harm to the conservation area by virtue of the proposed shopfront and signage, and harm to the amenities of neighbouring land users by virtue of a proposed 24 - hour use.
- 1.3 Permission was later granted at appeal (appeal ref: APP/B1605/W/23/3325026), subject to conditions. The condition relevant to this application was condition 4 which imposed restricted opening hours of between 0900 – 0000 on weekdays and Saturdays and 1000-2200 on Sundays. In addition, condition 3 required the submission of an acoustic assessment, which was later discharged under planning reference: 24/00760/DISCON.
- 1.4 The applicant is now seeking consent to vary condition 4 of the permission under section 73 of the Town and Country Planning Act 1990. The proposed change relates to the opening hours, whereby the applicant is again seeking a 24 hour use 7 days a week.
- 1.5 This report should be read in conjunction with the Inspectors appeal decision.
- 1.6 The application is at planning committee at the request of Councillor Collins due to the level of public interest and the concerns raised in response to the public consultation process.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Residents Associations
Central Shopping Area
Smoke Control Order

Relevant Planning History:

23/00452/COU 13th February 2024 REF

Change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works.

24/00509/DISCON 7th May 2024 DISPOS

Discharge of condition 3, acoustic assessment, of planning permission 23/00452/COU

24/00760/DISCON 6th June 2024 DISCHA

Discharge of condition 3 (noise assessment) of granted permission 23/00452/COU.

24/00798/ADV 19th June 2024 GRANT

Erection and display of externally illuminated fascia and projecting signage.

24/01014/FUL 14th August 2024 PER

Installation of 2no. condenser units on rear elevation of the building.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 7 Ensuring the vitality of town centres
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design
HE3 Advertisements, Signs and Hoardings in Conservation Areas
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD2 Retail and City / Town Centres
SD3 Sustainable Design and Construction
SD8 Historic Environment
SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Shopfront design guide (2007)
Climate Change (2022)
The Old Town Central Conservation Area Appraisal and Masterplan (2007)

4. CONSULTATIONS

Consultee comments can be read in the Appendix at the end of this report.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters have been sent to 16 neighbouring land users, a site notice has been displayed and an advert published in the Gloucestershire Echo. In response, 23 letters of objection have been received. The concerns raised have been summarised but are not limited to the following:
- Public safety concerns, including fear of crime and anti-social behaviour
 - Risk to vulnerable individuals and their wellbeing
 - Impact on neighbouring amenity – noise and disturbance
 - Impact on the character of the town centre particularly during late evening and early morning hours.

6. OFFICER COMMENTS

- 6.1 The applicant has submitted an application under Section 73 of the Town and Country Planning Act 1990. The PPG guidance (Paragraph: 013 Reference ID: 17a-013-20230726), sets out how a section 73 application 'can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.'

- 6.2 As noted in the introduction, planning permission was granted by appeal for the change of use of the building to a gambling centre; the permission has been implemented, and the site is in operation in line with that permission. This application and report only seek to consider the proposed changes to that consent, which in this instance, relates to the opening hours for the gambling centre. The inspector granted permission subject to conditions, one of which restricted the opening hours to 0900 – 0000 on weekdays and Saturdays, and 1000 – 2200 on Sundays. The applicant is now seeking variation of that condition to enable the premises to be open 24 hours a day, 7 days a week. It should be noted that the premise already has a license for a 24-hour use, and this application would seek to align the planning permission with the existing premises license.
- 6.3 As the change only relates to the opening hours, this is the only matter for consideration in this application, and as such, the principle of the use cannot be re-considered. With regards to the proposed change in opening hours, the relevant considerations include impact on neighbouring amenity, public safety and impact on the viability and vitality of the town centre.

Impact on neighbouring amenity

- 6.4 In the original application for the change of use of the site in 2024, the applicant sought a 24-hour use. When considering these hours, the appeal inspector did not consider these hours to be acceptable and stated *'those suggested by the applicant are unacceptable since they are unlikely to be effective in protecting residents' amenities in the early hours of the morning. Rather I shall impose a condition reflecting those imposed in the Ipswich and Golders Green appeal decisions referred to by the appellant. Such opening hours are likely to be more effective in achieving the required protection.'* At the time of the original application and appeal, the submissions were not supported by a noise assessment, something that was deemed necessary by the inspector and was conditioned when allowing the appeal. The noise assessment was later submitted and discharged by the Local Planning Authority under planning ref: 24/00760/DISCON.
- 6.5 Concerns have been raised by local residents, local groups and local businesses with regards to the potential noise implications from the proposed 24-hour use.
- 6.6 This new application *is* supported by a noise impact assessment and discusses the implications of extending the opening hours. This noise assessment has been reviewed by the council's environmental health officer whose comments are *'The applicant has provided a robust noise survey to examine any potential effect from 24 hr opening on nearby property, due to noise from the internal areas, external air conditioning units, and customers arriving and leaving. The assessment indicates that there will be no adverse effect on nearby noise-sensitive properties. Therefore, I have no objection to this application on the grounds of noise and nuisance.'*
- 6.7 The environmental health officer was also able to confirm that since the use became operational there has been only one complaint received, however this related to a faulty intruder alarm. No complaints have been received by the environmental health team with regards to noise and disturbance as a result of the use being operational. They also confirm that no complaints or instances of anti-social behaviour have been referred to them.
- 6.8 It is also important to note that two existing gambling centres, operated by 'Be Lucky' and located on the High Street at 82 -84 High Street and 260 - 264 High Street already operate with 24 hour opening times.
- 6.9 Given all of the above, when considering matters of noise and disturbance on neighbouring amenity, the proposed extension of opening hours, is not considered to result in any unacceptable implications.

Public safety

- 6.10 Concerns have been raised in relation to fear of crime and anti-social behaviour. Similar concerns were raised during the original application which are discussed by the appeal inspector.
- 6.11 The County Council's Crime Prevention Officer has reviewed the application and has provided comments which can be read in the appendix at the end of this report. Their initial response raised a number of queries, to which the applicant has provided a response. The response confirms that the applicant's other venues which operate on a 24 hour basis have a bespoke suite of security measures in place, these depend on the requirements of the site, but the applicant goes on to say *'These measures include; mag lock entry after a set time so that customer have to ring a buzzer to be allowed entry; CCTV coverage – this was a condition of our planning consent which has been discharged and the CCTV plans and provision approved; a PA system which connects through to a central security hub which is staffed on a 24 hour basis by Kirby with the ability to live link to the onsite CCTV. For this site specifically we also engaged MNX security guarding for the Cheltenham festival, although there were no incidents whatsoever.'* The applicant also confirms that no alcohol is served on site and that they do not permit entry to those that appear under the influence of alcohol and intoxicated. The Crime prevention officer has reviewed the applicant's response and has been able to confirm that *'From a Police perspective there have been no Crimes or Incident reports for inside the address'*.
- 6.12 When discussing the potential for anti-social behaviour as a result of the proposed use, the appeal inspector states *'there is no firm evidence before me that this would prove to be the case in practice based on the operation of other such venues'*. In this instance, in some letters of representation received, there is suggestion that such instances have occurred as a result of the use being in operation; however, this is not substantiated with specific evidence. The applicant has responded to this particular point, stating that a specific incident referred to cannot have occurred in their premise, as this is suggested to have taken place at 1:30am, at which time they are not currently open. The applicant also states that there is no record of a police report for this particular incident. With regards to the fear of crime and anti-social behaviour, without any direct evidence that could attribute the use of the site with instances of crime or anti-social behaviour, it would be unreasonable to conclude that the proposed extension of operating hours would result in an increase in crime or anti-social behaviour and therefore, officers do not consider the application to be unacceptable in this regard and therefore share the same view of the appeal inspector on this point.

Impact on the viability and vitality of the town centre

- 6.13 With regards to impact on the viability and vitality of the town centre, as already mentioned, the principle of the use in this location has been established as acceptable by the appeal inspector when granting consent for the change of use. Officers are therefore only considering whether an extension of opening hours would have a harmful impact on the town centre. In this regard, officers raise no concerns.

Other matters

- 6.14 Concerns have been raised by members of the public and in representations from specific organisations with regards to social matters and the potential implications that can or are sometimes linked to a gambling use. Whilst officers can sympathise with some of these issues and can understand the reasons for concern, these are generally moral concerns, and as mentioned, officers are only required to give regards to relevant material planning considerations. Officers are of the same view as the appeal inspector on this matter, whereby these particular issues are not deemed to be material planning considerations. In addition, there are no relevant local or national policies that prevent a gambling use from

being in operation, and it is important to remember that this application is not considering the acceptability of the use, but the acceptability of extended opening hours.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst the concerns raised in the letters of objection, including those of local residents, local groups and local businesses, have been duly noted, when having due regard to the relevant material planning matters, which in this case relates to the acceptability of the proposed extension of opening hours, officers do not consider the proposal to be in conflict with local or national planning policy. As such, officer recommendation is to permit the application, removing the restricted hours of operation condition.
- 7.2 The other remaining conditions have however been amended/updated where necessary and are set out below;

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in condition 2 of the appeal decision notice for 23/00452/COU (Appeal Ref: APP/B1605/W/23/3325026).

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The development shall operate in accordance with the Noise Assessment written by Hepworth Acoustics received on 28th July 2025.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

Appendix 1

Consultee comments

Environmental Health - 12th August 2025

The applicant has provided a robust noise survey to examine any potential effect from 24 hr opening on nearby property, due to noise from the internal areas, external air conditioning units, and customers arriving and leaving. The assessment indicates that there will be no adverse effect on nearby noise-sensitive properties.

Therefore I have no objection to this application on the grounds of noise and nuisance.

Crime Prevention Design Advisor - 18th August 2025

Throughout the supporting document it is mentioned that the company have a central security team, yet only mention of security offered on site mentions staff receiving training from an external company. It would be beneficial to know what additional security measures will be in place for the proposed extra hours?

They also describe the use of Risk Identification Tool, as the company have been operational at this address since 2024 it would be useful to know what Risks have been identified during the current operating hours. As the Admiral Casinos operate over 280 venues across the country and a range of differing operating hours, could the applicant provide more information about the perceived risk following this Change of Condition.

Various licensed premises from the surrounding area have been mentioned to set a precedent for opening hours, yet the application doesn't include any provisions to increase security or offer and information to ensure a safe environment and how they aim to prevent opportunities of crime, ASB or disorder. The Cheltenham Race calendar also has a significant impact on the town and crime figures, most premises understand these problems and increase staffing numbers for customer service and security. It would be useful to know what security provisions will be in place during the Races or other significant events?

The application mentions the nearby night time economy (NTE) and aims to integrate into this further, as most NTE is reliant on the alcohol sales it would be useful to know how staff will be trained to deal with these situations. With 2 employees on duty to maintain a high level of supervision and safety, it would be useful to know how customers are checked for alcohol or drug intoxication?

While researching Admiral Casinos, several locations offered drinks to customers. One of the neighbouring businesses has previously reported how a frustrated customer poured a kettle of boiling water over a machine. To prevent injury or property damage, it would be useful to know what free drinks were provided and if safeguards would be in place to protect staff from attack?

With the number of issues affecting other NTE venues throughout the year and during other major events, it may be worth considering how some of the neighbouring premises listed in the applications have Liquor Licensing Conditions to ensure the correct level of security during the extended hours. Should the application be granted could a condition be added that includes the following requirements.

- o On Fridays, Saturdays, Sundays, Bank Holidays and Cheltenham Festival Race week in March and November each year, when the premises are open beyond 23:00 a minimum of two SIA registered door supervisors shall be employed between the hours of 21:00 and 06:00.

There are several questions relating to crime and disorder while reviewing this application, as such it would be advantageous to get further information before this application can be decided.

Cheltenham Chamber Of Commerce - 12th August 2025

Objection to Application 25/01141/CONDIT - Admiral Slots, Cheltenham High Street

We at the Cheltenham Chamber of Commerce strongly oppose the application by Admiral Slots (Luxury Leisure) to extend its operating hours to 24 hours a day, seven days per week.

We urge the Council to reject this application in the interest of public safety, wellbeing, and the responsible management of Cheltenham's night-time economy.

Our role as a Chamber of Commerce in Cheltenham is to support and invest in it in ways that elevate the town for local people and visitors alike, and ensure its prosperity for future generations. This application does neither.

Our members have long supported Cheltenham Borough Council and Gloucestershire Police's efforts to reduce late-night crime in the town centre. Allowing this application directly contradicts all efforts made by these public bodies to do just that. In fact, 24/7 opening hours would directly encourage harmful behaviours such as addictive gambling and reckless spending while inebriated which could well have serious negative social consequences.

Beyond this, we understand and are therefore concerned that in just the short time it has been open there has already been evidence of criminal activity linked to the site provided by the Brewery. Continuous opening hours, particularly those late at night, typically correlate with increased criminal activity. Allowing 24/7 opening creates additional opportunities for both crime and anti-social behaviour to take place in our town centre. A matter which will impact other local business and residents living close by.

Speaking of other businesses, the applicant has been somewhat misleading when highlighting other late-night premises locally. The Everlast gym in the Brewery is not a 24 hour business. McDonald's, Burger King, and Dominoes all provide food and so do not have inherent risks of potential harm around addiction, crime, or financial harm.

In summary, we at the Chamber believe this proposal has limited, if any, real community benefit for Cheltenham. Where the applicant has highlighted potential users who could benefit from extended opening hours (e.g. shift workers and chefs) there is little more than anecdotal evidence in support.

We argue that encouraging people to engage in potentially addictive behaviour after midnight is not in the best interests of our community, and in fact is more likely to be a source of mental harm and anti-social behaviours than a benefit.

We strongly urge the Council to reject this application for these reasons.

Kind regards, Michael Ratcliffe MBE
CEO, Chamber of Commerce

Ward Councillors - 13th August 2025

The premise already has ample opening hours to conduct business. Additional unsociable hours will attract antisocial behaviour which will drain public resources and be a risk to local residents, encouraging addiction and exploiting vulnerable people.

Other - 20th August 2025

I am the Rector of St Matthew's and the Minster, Cheltenham. The Minster is Cheltenham's most ancient and historic building. The Parochial Church Council (PCC) of St Matthew's and the Minster are very grateful for the Borough Council's huge investment in the Minster churchyard and 'Minster Quarter' area with the excellent adjacent Minster Exchange building. We are already seeing much less anti-social and criminal behaviour and many more people enjoying the improved facilities in the churchyard.

At a meeting of the Standing and Finance Committee of the PCC last night it was unanimously agreed that we should object formally to the granting of a 24 hour adult gaming licence to 218 High Street, which is adjacent to the Minster churchyard. The premises already has a limited adult gaming licence, but we fear that a 24 hour licence would fundamentally change the atmosphere of the churchyard particularly in the hours of darkness when most anti-social and criminal behaviour in the churchyard takes place. I would like to formally lodge our objection.

Yours sincerely

The Rev'd Richard Coombs
Rector of Cheltenham