



RTPI

mediation of space · making of place

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2005/40

17 October 2005

Our ref: ADB/CS

Dear Funmi

POSSIBLE CHANGES TO THE USE CLASSES ORDER - CASINOS
Consultation paper – July 2005

The Institute is pleased to have the opportunity to comment on the above consultation paper, read at www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_039245.pdf. We have consulted our regional Branches in England, and the members of our Development Control Panel, as a result of which I can offer you the following comments -

1. It is noted that the Government's response to the *First Report of the Joint Committee on the Draft Gambling Bill (Regional Casinos)*, published in September 2004, outlined the intention to initiate a review of the classification of casinos in the Town and Country Planning (Use Classes) Order, 1987 (the UCO). This was in response to the Joint Committee's support for the view that all casinos be made *sui generis* in order to prevent the conversion of existing D2 uses to casinos, without the need for further planning permission, and their recommendation that the Government should consult on whether a *sui generis* categorisation should apply to all casinos.
2. The Government review identified concerns over the possible loss of D2 uses if there is no change to the UCO, and the detrimental impact that this would have on, for example, the character of town centres. The Institute shares this concern, and, to take this point further, believes that the potential impact could undermine the wider Government

agenda of delivering sustainable communities. As a consequence, we believe that doing nothing – ie no change to the UCO - is not an acceptable option, and that the way forward involves an analysis of the relative costs and benefits of *options 2 and 3*.

3. As stated in the consultation paper, the Government's preferred option is *option 3* – ie limited permitted development rights, whereby an application for planning permission would be required for conversion from a D2 use to a casino, but not for conversion from casino to D2 (unless external building work was required by the conversion). The Institute does not favour *option 3*, because it fails to take into consideration the potential impact of D2 uses on their neighbours. For instance, under the new legislation - as the consultation paper recognises - a casino will be operating with a 24 hour licence, and there are unlikely to be particular times of the day when entry and exit are concentrated. If a "failed" casino were to be converted (back) to another D2 use, outside planning control, the local planning authority (LPA) would have no opportunity to assess the new circumstances and the impact on surrounding uses and users, nor be able to attach suitable conditions to alleviate potential problems. In short, *option 3*, while promoting the regeneration and social implications of casinos, fails to recognise the land use implications of converting back from a casino to a D2 use.
4. As a consequence, the Institute believes that *option 2* is the most appropriate. This allows communities to benefit from the regeneration aspects of casino development, but retain control of the land use implications should the developer wish to convert back to other D2 uses.

If any of the institute's comments require clarification or elaboration, please do not hesitate to contact me.

Yours sincerely,

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