

Appeal Decision

Site visit made on 30 November 2016

by J F Powis BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 January 2017

Appeal Ref: APP/N1160/W/16/3154284

4 Union Street, Plymouth, PL1 2SR

- 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 Mr Alex Shepherd against the decision of Plymouth City Council.
 - The application Ref 16/00723/FUL, dated 15 April 2016, was refused by notice dated 13 June 2016.
 - The development proposed is change of use to adult gaming centre (sui generis) with external alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. For reasons of clarity, the description of development set out above is taken from the Council's decision notice and the appeal form.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

4. The appeal site is a small unit on the northern side of Union Street, in the western part of Plymouth city centre. Currently falling within Class A1, the unit's most recent use was as a newsagent. Whilst the application form states that this use ended on 4 April 2016, the evidence before me indicates that the premises have not been operating as a newsagent since approximately April 2014.
 5. The appeal development involves the change of use of the unit to sui generis, to be used as an adult gaming centre. The plans indicate that the internal layout would predominately comprise slot machines together with a staff counter, waiting area and storage space. The proposal would also involve remodelling the front entrance, with altered external signage, the latter being the subject of a separate planning application.
 6. Policy CS10 of the Plymouth Local Development Framework - Core Strategy (adopted April 2007) (CS) states that the change of use of A1 retail premises within the city centre will be permitted where this would not harm the vitality and viability of the centre as a whole. It expresses a presumption against the loss of A1 retail units in prominent locations, corner units or those with long
-

frontages, and states that regard will be had to the balance of uses within individual frontages, and primary and secondary areas as a whole.

7. The unit does not occupy a particularly prominent location or corner position and has a relatively short frontage, being considerably smaller than the other premises in the parade. The site does not form part of the primary frontage for this area. Nonetheless, I am mindful of the policy aim to achieve a balance of uses in any given area.
8. The appeal site is the only unit in Class A1 retail use along this stretch of Union Street, which is bounded by Western Approach to the west and Derrys Cross to the east. The appellant submits that the newsagents business previously occupying the unit closed due to low day time trade and that at 60sqm, the internal floor area is not suited to modern retail requirements. He contends that despite having been marketed for A1 use for over two years, the unit has remained unoccupied, although I do not have detailed evidence in this regard.
9. I saw on my visit that the surrounding units on this part of Union Street are predominantly occupied, albeit that a substantial corner unit, known as Radiant House, appeared to be vacant. Whilst this part of Union Street forms a busy vehicular traffic route, it nonetheless has good pedestrian access and forms part of an important link west from the city centre. I accept that the site is on the edge of the city centre and sits within an area in which leisure uses prevail. Nonetheless, I consider that losing the A1 unit would reduce important footfall along this part of Union Street at all times of the day which would erode the vitality and viability of this part of the city centre.
10. The other units along this stretch of Union Street are occupied by some community / education uses but with a notable presence of functions associated with the evening economy, such as casino, snooker club, taxi rank, hot food takeaway and adult entertainment uses. The application form indicates that the adult gaming centre would seek to operate 24 hours a day for 7 days per week and the appellant anticipates that the night time would be the business' busiest trading time. My attention has been drawn to Policy CS13 of the CS which encourages evening/night time economy uses that contribute to the vitality of the city centre. The policy stipulates that new uses should support the creation of a safe, balanced and socially inclusive evening/night time economy.
11. I note plans to deal with any anti-social behaviour associated with the use through measures such as CCTV and door staff on the premises. Whilst it may be argued that the appeal development would offer a different gambling experience to that presented by the nearby casinos and betting shops and may attract different clientele, I am nevertheless concerned that the proposal would add to the heavy presence of gambling and night time uses that already exists in the immediate area. As a result, I consider that the proposed development would lead to a reduced diversity and balance of uses in the area, to the detriment of the vibrancy of the city centre.
12. The existing unit has a somewhat dated appearance when viewed from Union Street, with ageing signage and a roller shutter door enclosing the unoccupied shop front. As such, it does not contribute positively to the character and appearance of the street scene and renewing the shop front would be likely to improve and update its appearance.

13. The Development Guidelines Supplementary Planning Document (adopted May 2013) (DGSPD) states that all shop fronts should allow inside activity to be seen from the outside with a view to creating active ground floor frontages. It indicates that measures that obscure more than one third of the width of the window shop front will result in significant harm to the visual amenity of the street scene and natural surveillance.
14. The proposed new shop front would comprise a low level tiled plinth with windows above and a central glass door. The plans show grey manifestations covering an extensive proportion of the windows which the appellant states are intended to inhibit views into and out of the premises. This would be contrary to the guidance of the DGSPD and would, in my view, fail to achieve an active frontage onto Union Street, undermining the vibrancy of the area.
15. Having regard to all of the above matters, I conclude that the proposal would cause unacceptable harm to the character and appearance of the site and surrounding area. As a result, it would be contrary to Policy CS10 of the Plymouth CS. I also find conflict with Strategic Objective 4 of the Plymouth City Centre and University Area Action Plan 2006-2021 (adopted April 2010), which seeks to create a distinctive market and independent district in the city's West End, encompassing the appeal site.
16. The emerging Plymouth Plan can be given only limited weight due to its early stage of preparation; nonetheless the proposal would conflict with emerging Policy 42, which seeks to support a diverse and active evening economy and a vibrant mix of uses to diversify the city centre. Furthermore, the proposal would be inconsistent with the aims of paragraph 23 of the National Planning Policy Framework insofar as it seeks to promote vital and viable town centre environments with a range of retail, leisure and other economic uses.

Planning Balance and Conclusions

17. The proposals would generate a small number of employment opportunities and bring a vacant unit in this city centre location back into use, bringing economic benefits. However, these matters are not sufficient to outweigh the unacceptable harm that I have identified in respect of the main issue in this case.
18. For the reasons given above I therefore conclude that the appeal should be dismissed.

J F Powis

INSPECTOR