



Appeal Decision

Site visit made on 15 November 2022

by C Megginson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/W4705/W/22/3306518

Ground Floor and Basement Broadway House, 11 Bank Street, Bradford BD1 1HJ

- 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 Ltd (UK) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/02839/FUL, dated 27 June 2022, was refused by notice dated 22 August 2022.
 - The development proposed seeks full planning permission for the change of use of the Ground Floor and Basement from Class E to an Adult Gaming Centre (AGC) (Sui Generis).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Merkur Slots Ltd (UK) against City of Bradford Metropolitan District Council. This application is the subject of a separate decision.

Procedural Matters

3. The description of development also included advertisement consent for 2no. internally illuminated fascia signs and associated lettering and 1no. internally illuminated projecting sign. This was approved as a separate application for advertisement consent and therefore does not form part of this appeal. Consequently, I have used the description of development from the Council's decision notice.

Main Issue

4. The main issue is the effect of the proposed development on the vitality and viability of the primary shopping frontage, and the effect on the health and wellbeing of citizens within the locality.

Reasons

Vitality and viability of the primary shopping frontage

5. The appeal site forms the ground floor and basement of Broadway House, a four-storey building, fronting onto Bank Street. It is located adjacent to a building society and a vacant unit, with other surrounding premises in financial services use and several large betting shop premises in the vicinity of the site.

6. The appeal site is located within the area designated as a primary shopping frontage within Bradford City Centre as defined by Policy SL2 of the Bradford City Centre Area Action Plan 2017 (Area Action Plan). The overall aim of the policy is to ensure that the dominant shopping character of primary shopping frontages is maintained. The policy states that in all cases, proposals which would result in the loss of retail floorspace, will be expected to demonstrate that they will not be detrimental to the continued viability and vitality of the shopping street. The appeal site falls within Schedule 2, Part A Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which, along with other uses, would permit the retail sale of goods.
7. The appeal site is in a prominent position in the street and benefits from a wide shop frontage. The new Broadway Shopping Centre is located in close proximity and the Council state that since opening, there has been a natural shift of commercial uses towards the appeal site. I appreciate that the appeal property was previously in a non-retail use, has been vacant for some time and that there will be economic benefits from returning it into use.
8. The appellant has cited two appeal decisions where the inspector has recognised the benefits associated with AGC's. I appreciate that an AGC would generate footfall and potential for linked trips and can complement a retail offer. I also recognise that the number of betting shops, casinos, AGC, bingo and amusement centres within Bradford city centre as a percentage of uses is small. Nevertheless, the appeal site lies in an area currently dominated by non-retail uses.
9. Whilst Class E does include a range of uses, including non-retail, the appeal proposal would remove the potential for retail use completely, within a prominent primary shopping frontage and would perpetuate the dominance of non-retail uses and inactive frontages in this area. This would unacceptably harm the vitality and viability of the primary shopping frontage and would conflict with Policies EC2 and EC5 of the City of Bradford Metropolitan District Core Strategy Development Plan Document 2017 (the Core Strategy), Policies SL2 and SL3 of the Area Action Plan and the National Planning Policy Framework (the Framework), which seek to protect the vitality and viability of city centres.

Health and wellbeing of citizens

10. Public health has objected to the proposed development on the basis of the negative impact of gambling on health and wellbeing, particularly given the high levels of deprivation locally and that the location is very close to those seeking support for addiction or financial problems. The Framework seeks to support strong, vibrant and healthy communities and promote healthy and safe places. The Council states that over the last few years the data shows that there has been a 42% increase in the number of gambling venues across the Bradford District, with a concentration of these uses within areas of high deprivation. They state that this increased availability is likely to lead to an increase in problem gamblers.
11. From the evidence available to me it has not been demonstrated that the appeal proposal would necessarily lead to an increase in problem gambling and the Council has not provided any substantive evidence that the proposed use would significantly and disproportionately harm the health of and wellbeing of citizens within the Ward.

12. For the reasons above, on the basis of the evidence before me, I conclude that the appeal proposal would not have a materially harmful effect on the health and wellbeing of citizens within the locality. There would therefore be no conflict with the Framework, which seeks to provide healthy environments and communities.

Other Matters

13. I recognise that a licence application has been approved for an AGC in this location. However, this does not justify the proposal or outweigh the harm that I have identified above.
14. The appellant has highlighted a recent approval for an AGC at Ivegate. I appreciate that this property also falls within the primary shopping frontage. Nevertheless, from the limited evidence before me and my site visit, I observed that this property appears to be within an area with a healthy mix of different uses and sits in a much less prominent location within the street, when compared to the appeal site. Therefore, despite their relative proximity, I am not convinced that these cases are directly comparable.
15. My attention has been drawn to an appeal decision for a site in Kidderminster. I have limited information in relation to the particular circumstances of this appeal, however, from the appeal statement it appears that the appeal site in question is surrounded by retail uses and is a small unit with a narrow street frontage, therefore, it would not result in a cluster of non-retail uses or the fragmentation of the shopping frontage in its particular location. I am not therefore convinced that it is directly comparable. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
16. The appeal site is located within the Bradford City Centre Conservation Area (CA). As there are no external alterations proposed I agree with the Council that this would not translate to harm to the CA and therefore the character and appearance of the CA would be preserved.

Conclusion

17. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
18. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

C Megginson

INSPECTOR