



Appeal Decision

Site visit made on 3 May

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/U1620/W/22/3308030

11 Northgate Street, GLOUCESTER, GL1 2AN

- 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 BoyleSports (UK) Limited against the decision of Gloucester City Council.
 - The application Ref 22/00384/FUL, dated 29 March 2022, was refused by notice dated 12 September 2022.
 - The development proposed is proposed change of use from Class E to sui generis (betting office) with internal and external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for proposed change of use from Class E to sui generis (betting office) with internal and external alterations at 11 Northgate Street, GLOUCESTER, GL1 2AN in accordance with the terms of the application, Ref 22/00384/FUL, dated 29 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the Design and Access statement, Heritage Statement standard specification – fire protection and sound insulation document, floor and ceilings introduction document, and the following approved plans:
 - Location Plan BS/NGS/09
 - Site Plan BS/NGS/10
 - Proposed floor plans BS/NGS/05
 - AC condensers and satellite dish proposal BS/NGS/08
 - Proposed shopfront alterations BS/NGS/06 Rev B
 - Shopfront elevation and sections BS/NGS/14 Rev A
 - 3) The premises shall only be open for customers between the following hours: 08:00-22:00 on any day.

Preliminary Matters

2. The development proposed is a material change of use from a retail unit, which is class E to a betting shop which is a sui generis use. The reasons for refusal are that there would be a loss of vitality to the shopping centre and, extraordinarily, that there would be harm to the grade II listed building and the conservation area. I say extraordinarily as the Council has already granted

advertisement consent for the shop front and signage and listed building consent for the works to the retail unit itself. Given this, it is difficult to see what harm the change of use would cause to the listed building or the conservation area and this is not explained further in the Council's representations.

3. I looked round the shopping area which, from a conservation point of view was very much of mixed quality in the vicinity of the appeal building. There is a large TK Maxx to one side of the appeal building, which is housed in a good looking art-deco style building of a similar height to the appeal building, but where the ground floor has been entirely taken up by a long a prominent modern steel and glass shop front. To the other side is a taller modern building of indifferent quality housing a number of small shops which standard modern shop fronts. The listed appeal building stands out because of its quality and the details of the shop front and the upper floors will be preserved by the change of use proposed. There is nothing to suggest any harm will come to the conservation area or the listed building itself.

Main Issue

4. Whether the loss of a retail unit would cause a loss of vitality to primary shopping area.

Reasons

5. There is no dispute the site lies in the primary shopping area and policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 adopted 11th December 2017 is the relevant policy. 3(ii) deals with primary frontages and resists the loss of retail units unless it is demonstrated the unit is not suitable for continued A1 use, the proposed use will maintain or enhance the vitality and viability of the area and it would not have a significant adverse impact on the amenity of adjacent residents or businesses.
6. The appellant points out there would be no harm to neighbour's amenities from a betting shop, it would generate no noise or smells other than that associated with a busy retail unit. The unit has been shown to be not suitable for retail use as it has been vacant since 2017 and has been subject to a thorough marketing initiative but no takers have been found. The appellant argues that betting shops have as much if not more footfall than many similar sized retail units, and the shopping area does not seem to suffer from a shortage of retail. There is no reason to suppose vitality and viability would be reduced in any way. The bringing back into use and the refurbishment of the listed unit will be of considerable benefit and is preferable to continued vacancy.
7. In my view the proposal is in accord with the development plan and would bring a small benefit to the retail area and also to the conservation area. I shall allow the appeal. Three conditions have been suggested, the standard commencement, the standard 'in accordance with plans' and limiting opening hours to 8:00 to 22:00. These seem reasonable to me and the appellant has not demurred. Although this is primarily a retail area there are residents and unrestricted opening hours would not be acceptable.

Simon Hand

INSPECTOR