



Appeal Decision

Site visit made on 22 June 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/F5540/W/22/3311701

Units 32-34 The Centre, High Street, Feltham TW13 4AU

- 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 UK Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00230/32-34/P4, dated 22 August 2022, was refused by notice dated 10 November 2022.
 - The development proposed is the subdivision and change of use of an existing Class E unit into two units incorporating an Adult Gaming Centre (Unit 34) and Class E unit (Unit 32).'
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision and change of use of an existing Class E unit into two units incorporating an Adult Gaming Centre (Unit 34) and Class E unit (Unit 32) at Units 32-34 The Centre, High Street, Feltham TW13 4AU in accordance with the terms of the application, Ref 00230/32-34/P4, dated 22 August 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 following approved plans: Site Location Plan; Block Plan; 999-PL-10 Rev 01 Proposed Fire Safety Plan; 999-PR-01 Rev 01 Proposed Ground Floor General Arrangement Plan; 999-PR-02 Rev 01 Proposed 1st Floor General Arrangement Plan; and Noise Assessment PR2001_53_FINALR4.
 - 3) The premises shall only be open for customers between the following hours:
0900 Fridays and Saturdays – 0200 the following day
0900 Sundays to Thursdays – 0100 the following day

Applications for costs

2. An application for costs was made by Merkur Slots UK Ltd against the Council. That application is the subject of a separate decision

Procedural Matters

3. I have also dealt with other appeals at this site¹. Those appeals are the subject of a separate decision.

¹ 3311704, 3311708

Main Issue

4. The main issue is the effect of the proposed development on the vitality and viability of the town centre, including perceived crime and disorder.

Reasons

5. The appeal site is positioned in The Centre, within the Primary Shopping Frontage and Primary Shopping Area of Feltham town centre.
6. Policy TC4 of the Hounslow Local Plan (LP, 2015) seeks to maintain and enhance the fundamental retail role of town centres, while ensuring they are responsive to changing needs and provide scope for a diversity of uses. The supporting text to the policy sets out that Feltham in particular performs well in terms of its retail role, with 66% of units in retail use in primary frontages and 55% in secondary frontages.
7. The appeal units (Nos 32 and 34) were previously occupied by a bank branch. That branch has since withdrawn from Feltham and the units have been left vacant, as they were at the time of my visit. The evidence before me suggests that these units have now remained vacant for a number of years. I have no reason to disagree with those findings. The proposed development includes the subdivision of the units to provide one Class E unit and one sui generis unit (to be used as an adult gaming centre).
8. Whilst an element of existing retail (Class E) floorspace would be lost as a result of the proposed change of use to sui generis, LP Policy TC4 provides for flexibility where the wider retail function remains strong. The policy also supports a diversity of uses where there is a surplus of retail floorspace. Based on the evidence before me and my observations on site, the wider shopping frontage and town centre would retain a significant proportion of retail units. From that perspective, I do not consider that this particular proposal would harm the retail provision within Feltham town centre.
9. Moreover, I noted several vacant units within the surrounding area. Some of these formed former bank branches. I observed that one further bank is to close shortly, adding to the overall number of vacancies and gaps in the shopping area. The number of vacant units suggests that supply is currently greater than demand. I have no doubt that a high number of long-term vacant units would have a significant impact on perceptions of the town centre and consequently undermine its vitality and viability. The flexibility of LP Policy TC4 is therefore important in this respect. The proposed development would bring a long-term vacant unit back into use and reintroduce an active frontage. This would be of benefit to the vitality and viability of the town centre.
10. Whilst other adult gaming establishments and some bookmakers may exist within the wider town centre, the proposed development would not, in my view, give rise to an undue concentration of this type of sui generis use. I note in the minutes of the committee meeting that Councillors set out that there should be a supplementary planning document in relation to the over-concentration of betting shops in one area. As it stands, there is nothing of this nature before me that would lead me to an alternative conclusion on the main issue.
11. The Council's second reason for refusal relates to concerns around perceived crime and disorder. Whilst this concern is acknowledged, there is no

substantive evidence before me, including correspondence from police, security or centre management personnel, to demonstrate that the proposed development would increase perceptions of, or actual, crime and disorder more than any other town centre use. Moreover, the removal of a vacant unit and reprovision of an active frontage would, in all likelihood, be beneficial to safety and security. Risks to gamblers, young people and other vulnerable persons, would be dealt with through licensing and management functions.

12. Overall, I conclude that the proposed development would not harm the vitality or viability of the town centre, in accordance with the relevant provisions of LP Policy TC4, which in summary seeks to support the retail role of town centres. This is in a similar vein to the provisions of Policy SD6 of the London Plan (2021), which promotes the adaptation and diversification of town centres in response to the challenges and opportunities of multi-channel shopping and changes in technology and consumer behaviour.

Other Matters

13. I note the comments raised in respect of the living conditions of nearby residential occupiers. Although this matter is not in dispute between the main parties, and an internal noise assessment has been presented by the appellant, I am unaware of any other 24-hour businesses operating in the vicinity of the appeal site. Moreover, the submitted assessment cannot control activity outside of the premises. Accordingly, a condition to limit the opening hours to reasonable times will be included.
14. I note that examples of alternative uses and specific retail occupiers referenced by neighbours and consultees. However, these are hypothetical. Whilst the planning process can manage change, it cannot dictate the occupier of a given unit. In any case, these alternative schemes are not before me. Moreover, the proposed change of use is not irreversible.

Conditions

15. The conditions imposed are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity, and to comply with advice in the Planning Practice Guidance.
16. In addition to the standard timeframe condition, I have imposed a condition specifying the approved plans for certainty. A condition is also necessary, in the interests of the amenity of the area, to limit opening hours.

Conclusion

17. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions above.

A Price

INSPECTOR