



Appeal Decision

Site visit made on 19 June 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Appeal Ref: APP/C5690/W/23/3335264

80 Deptford High Street, Lewisham, London SE8 4RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Betting Shop Operations Limited against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/132340.
 - The development proposed is change of use from a bank (Class E) to a betting shop (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a bank (Class E) to a betting shop (Sui Generis) at 80 Deptford High Street, Lewisham, London SE8 4RT in accordance with the terms of the application, Ref DC/23/132340, subject to the following conditions:
 - The development hereby permitted shall begin not later than three years from the date of this decision.
 - The development hereby permitted shall be carried out in accordance with the following approved plans: 22020-P-001; 22020-P-002; 22020-P-003; 22020-P-005.
 - The premises shall only be open for customers between 0900 – 2200.

Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I have not sought further submissions. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the public health and wellbeing of the community and the vitality and viability of the Deptford District Town Centre.

Reasons

4. The appeal property is located on the eastern side of Deptford High Street, south of Deptford Station. There is no dispute between the parties that it forms part of the primary shopping frontage of Deptford District Town Centre. The

appeal proposal relates to the ground floor of the appeal property, which was previously used as a bank, but has now been vacant for around 3 years.

5. Policy SD6 of the London Plan (2021) and Core Strategy Policy 6 of the Lewisham Local Development Framework Core Strategy Development Plan Document (2011) (Core Strategy) both seek to promote and enhance the vitality and viability of town centres and expect a diverse range of uses to be provided within district centres to support daytime, evening, and night-time activities, including entertainment facilities.
6. The provisions of Policy E9 of the London Plan (2021) are similar in that they seek to support a successful, competitive, and diverse retail sector, which promotes sustainable access to goods and services for all Londoners. To achieve this, the policy requires, among other things, Local Planning Authorities to enhance local and neighbourhood shopping facilities by preventing the loss of retail and related facilities that provide essential convenience and specialist shopping.
7. The parties agree that the proposal would not result in the loss at ground floor level of a retail use. Neither would the appeal proposal provide ground level residential uses. Therefore, despite being referred to in the Council's reason for refusal, DM Policy 14 of the Lewisham Local Development Framework Development Management Local Plan (2014) (Local Plan) does not appear to be applicable in this case.
8. Deptford High Street is reasonably long and very vibrant. On the day of my visit there was a market taking place along the street, which added to its energy and activity. There are 4 existing gambling establishments on Deptford High Street to the south of the station. This does not represent a large proportion of the total uses along the high street or within the primary shopping frontage. While the existing establishments are all located on the eastern side of the street within a group of 28 properties, they are well spaced out, along a relatively long stretch of the primary shopping frontage, with retail uses in between them. Given this, while these uses may equate to 14% of the consecutive units, they do not currently appear or feel concentrated or clustered on the ground.
9. The proposed betting shop would not reduce the spacing between the existing gambling establishments, as it would be located further north. Although there would only be 5 commercial units between it and the nearest existing gambling establishment, Games Nation at No. 70 Deptford High Street, there would also be the break provided by the entrance to Frankham Street. The appeal proposal would therefore not result in a concentration of gambling establishments along Deptford High Street. It may be that Nos 38 and 175 Deptford High Street could also be used as betting shops. Nonetheless, they are quite a distance from the appeal property. While I recognise that if No. 38 were to be used as a betting shop, it may lead to a concentration of gambling establishments at the southern end of the high street, given the positioning of the appeal property, the appeal proposal would not have a similar effect.
10. I appreciate that the proliferation or concentration of uses, such as betting shops, can cause detrimental impacts to amenity and result in adverse effects arising from crime, disorder and anti-social behaviour. It can also give rise to particular concerns regarding the impact on mental and physical health and wellbeing. This is recognised in the supporting text to Policy E9 of the London

Plan (2021) and DM Policy 14 of the Local Plan. I also sympathise with the concerns of interested parties regarding the high level of deprivation in the local community and, as a result, the susceptibility of local people to gambling related harm, which could exacerbate the poverty of the area.

11. Nevertheless, based on the evidence before me and my observations on site, the appeal proposal would not result in a proliferation or concentration of gambling establishments along Deptford High Street. The Council considers that any anti-social behaviour resulting from the proposal could be managed by the licensing process and review, and there is no substantive evidence to demonstrate that any other adverse effects would occur as a result of the appeal proposal.
12. Interested parties have also raised concerns regarding the effect of the appeal proposal on young people that go to school nearby and socialise on Deptford High Street at lunch time. However, most of these young people would be below the legal age to use the proposed facility.
13. The proposal would bring a vacant commercial unit that forms part of the primary shopping frontage back into use, which would add to the vitality and viability of Deptford High Street. Whether or not there would be any prospect of an alternative use coming forward, my attention has not be drawn to any specific policy requirement in this regard.
14. Accordingly, for the reasons above, in the absence of any evidence to the contrary, the proposal would not have a detrimental effect on the public health and wellbeing of the community and would not result in any harm to the vitality and viability of the Deptford District Town Centre. It would therefore accord with Policies SD6 and E9 of the London Plan (2021) and Core Strategy Policy 6 of the Core Strategy, as well as the associated provisions of paragraph 90 of the Framework.

Other Matters

15. The appeal property is located in the Deptford High Street and St Paul's Church Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the CA.
16. The significance of the CA, in so far as it relates to this appeal, is the vitality of Deptford High Street. This is characterised by a high proportion of small independent retailers and the popular markets, which provide for the interaction of a wide range of communities, and the cultural and social energy of these communities. Also, the value of its architecture, which reflects the evolution of the area.
17. The appeal property in its vacant state does not add to the vitality of Deptford High Street and it appears a little unkept with posters and graffiti on its elevations. Thus, in its current condition, it does not contribute positively to the significance of the CA.
18. The Council in its Officer Report, conclude that, despite the betting shop use, the proposal would lead to no harm to the CA. From the evidence before me and my observations on site, I can find no reason to disagree.

19. The appeal proposal would not include any external alterations to the appeal property. The use of the vacant unit as a result of the appeal proposal, would add to the vitality of the CA and, although not an independent retailer, would be consistent with the CA's commercial character. For the reasons set out above, I do not consider that its specific use as a betting shop, in this case, would negate this.

Conditions

20. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. To protect the living conditions of nearby residents, a condition limiting the operating hours of the proposed betting shop is also necessary.

Conclusion

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

Hannah Guest

INSPECTOR