

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.08.2022
Address/Location:	11 Northgate Street, Westgate
Application No:	22/00384/FUL
Ward:	Westgate
Expiry Date:	05.08.2022
Applicant:	Boyle Sports (UK) Limited
Proposal:	Proposed change of use from Class E to sui generis (betting office) with internal and external alterations.
Report by:	Rhiannon Murphy
Appendices:	1. Location Plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 11 Northgate Street is a terraced grade II listed building which fronts onto Northgate Street and adjoins TK Maxx and a vacant unit. The site is located within the City Centre Conservation Area. The building was constructed in the 16th Century as a two- storey merchants house. An extra storey was added in the 18th Century, and the external appearance overhauled. In the late 20th Century alterations were made in the form of a ground floor shop front. The most recent use of the building was as a retail unit occupied by Buzz Shop but has remained vacant since 2017.
- 1.2 The site is located within the primary shopping area and forms part of the primary shopping frontage as identified on the Gloucester City Council Joint Core Strategy Adopted Map (2017)
- 1.3 The surrounding area includes a mix of uses; largely retail on the ground floor but with some cafes and public houses.
- 1.4 This planning application seeks the proposed change of use of the building from Class E (commercial, business and service) to Sui Generis (betting office) including external and internal alterations to the building.
- 1.5 External alterations to the building comprise:
- Removal of redundant external roller shutter, casings and guides
 - Maintenance and repair of existing shopfront, pilasters, stallrisers, door and fascia;
 - Paintwork (blue to match RAL 5002 matt)
 - 2 no. satellite dishes each located on a separate gable to the rear of the property;
 - 3 no. freestanding and roof mounted A/X Condenser units;
 - Signage (to be dealt with through separate advertisement consent)

Internal alterations comprise:

- Creation of betting floor/ counter area
- Unisex WC
- Stud wall partitions for the counter area/ toilet; and
- Fireline ceiling and steelwork beams
- Staff and Store Areas to be separated by full height studwork
- Staff toilet
- Installation of wash basin

- 1.6 The proposed betting office would be open 7 days a week between the hours of 8am and 10pm and is expected to require the employment of 3 full time and 3 part time members of staff. The site does not benefit from any parking spaces.

2.0 RELEVANT PLANNING HISTORY

Unable to access planning history at the time of writing.

3.0 Policies and Guidance

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS include:

SP1 - The need for new development
SP2 – Distribution of new development
SD2 – Retail and City/ Town Centres
SD3 – Sustainable design and construction
SD4 – Design requirements
SD8 – Historic Environment
SD14 – Health and environmental quality
INF1 –Transport network
INF2 – Flood risk management

3.4 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Emerging Development Plan**

Gloucester City Plan

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies from the emerging Gloucester City Plan include:

D1 – Historic Environment

D3 – Recording and advancing understanding of heritage assets

D4 – Shopfronts, shutters and signs

E6 - Flooding, sustainable drainage, and wastewater

F1 – Materials and finishes

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. None of the development management policies are relevant to the consideration of this application.

3.7 **Supplementary Planning Guidance/ Documents**

- Shopfronts, Shutters and Signage – Design Guidelines for Gloucester

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

No objection subject to a condition requiring the provision of cycle storage.

4.2 **Contaminated Land and Environmental Health**

No comment in relation to ground condition issues.

We do not anticipate any noise/ nuisance associated with the proposal. If permission is granted, the development may result in short term disruption to neighbouring properties. During the construction phase, we would advise the applicant implements measures to reduce emissions of noise/ dust. Guidance on which is available at <https://www.worcsregservices.gov.uk/media/raejo4k2/wrs-contractor-guidance-2nd-edition-v-1-0.pdf>

4.3 Civic Trust

No objection to the proposed change of use.

Welcome the removal of the security shutters to the frontage but some of the internal work and signs will require further negotiation with the conservation officer.

4.4 Conservation

Internal alterations

The internal alterations proposed are relatively modest. This includes installation of a counter and an accessible WC at ground floor and at first floor, space will be divided, and a staff area created. These proposals will not impact on the historic fabric of the building and are not considered to be contentious.

It is also proposed that elements of the ground floor are 'fire lined'. Further details in regards to this were requested and received to which the Conservation Officer raised no objection.

Air conditioning units and satellite dishes

Three air conditioning units, and two satellite dishes are proposed; positioned on a flat roof at the rear of the property. Whilst these modern elements to a listed building are not ideal, the positioning of these elements, which are removeable, on a flat roof which has limited visibility from the public domain, limits the harm. When considering this limited harm and weighing it against the public benefit of bringing this vacant building back into use, it is considered that in this case the public benefit outweighs the harm. This element of the proposal is considered to be acceptable.

Shopfront and signage

The renovation of the ground floor shopfront, and the removal of the roller shutter are welcome proposals, however there are some concerns.

The main colour of the shopfront is Ultramarine Blue (RAL 5002) – this is considered to be acceptable in principle, though a confirmation of a matt finish needs to be provided.

Further to these comments being raised, the agent provided amended plans and details. The amended plans confirm that the proposed shopfront would be painted Blue RAL 5002 (matt finish) which is considered by the Conservation Officer to be acceptable. The acceptability of the proposed signage will be dealt with separately through the advertisement consent application.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified and a site notice was published. 2 letters of objection have been received raising the following concerns:

Objection 1

- Concern raised that there are already a number of betting shops within the city centre. With the government trying to limit/ prevent gambling it would be irresponsible for Gloucester City Council to allow another betting shop.

Objection 2

- Most recent use of the site was retail (Class E). Site is within Primary Shopping Area and Primary Shopping Frontage. The proposal would result in the loss of a retail unit in a prominent location within the City Centre in a primary frontage. Therefore, the site should only be considered appropriate for the use as a retail unit with no justification to the contrary visible online. No marketing evidence has been provided.
- The proposal is located within a Conservation Area and the proposed external alterations would have an undue impact upon the Conservation Area. The proposed alterations are not of good design or complementary to the character of the conservation area.

6.0 OFFICER OPINION

6.1 ***Legislative background***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:
- a) the provisions of the development plan, so far as material to the application;
 - b) any local finance considerations, so far as material to the application; and
 - c) any other material considerations.

- 6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

- 6.4 It is considered that the main issues with regards to this application are as follows:

- Principle
- Design and layout
- Impact on historic environment
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Economic considerations

6.5 **Principle**

Paragraph 81 of the NPPF states that '*planning policies and decisions should create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'.

- 6.6 Paragraph 86 of the NPPF states '*planning policies should support the role that town centres play at the heart of their local communities, by taking a positive approach to their growth, management and adaptation*'.

6.7 Policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) refers to retail and city/ town centres and states;

'Within the primary shopping frontage, the change of use of A1 (retail) premises will not be permitted, unless it can be demonstrated that 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 business'.

6.8 The application site is located within the primary shopping area and forms part of the Primary Shopping Frontage as identified by the Joint Core Strategy policies map. The most recent use of the site was as a shop occupied by Buzz Shop, this use ceased trading from the unit in 2017, and has remained vacant since.

6.9 Concerns have been raised from two interested parties in terms of the proposed use of the site as a betting office. One objector has raised concern over the proposal due to the lack of marketing information provided. The application has however been supported with marketing details. The submitted marketing details and principle of the proposed change of use has been considered below.

6.10 In support of the planning application marketing information has been provided which provides details of the marketing which has taken place at the property since 2017.

The letter details that marketing of the site was ongoing from August 2017 and included:

- The production of a 3 page online brochure which has been published on multiple marketing sites
- A prominent marketing board on site in a prominent location facing Northgate Street
- Regular mailouts to active occupiers and property advisors

The application confirms that ARC retail has not received any proposals for the building other than BoyleSports.

6.11 Whilst the change of use of the unit away from Class E (retail) is regrettable, the building has been vacant since 2017 and marketing of the buildings has taken place for an extended amount of time but with no interest (apart from Boyle Sport).

6.12 The proposal would bring a vacant historic building back into use which would have some benefit. The proposed use is considered to maintain the vitality and viability of the area and it is concluded later within the report that the proposal is not expected to have an adverse impact on the amenity of adjacent residents or business.

6.13 Taking the above into consideration, the principle of the proposed change of use is considered to be acceptable in accordance with the NPPF and policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

6.14 **Design, Layout and impact on historic environment**

The NPPF states that new developments should be of high quality design. Chapter 16 of the National Planning Policy Framework (2018) sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 192 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is reflected in policy SD8 the Joint Core Strategy.

Policy SD4 sets out requirements for high quality design.

- 6.15 Policy F1 of the emerging Gloucester City Plan refers to materials and finishes and states development proposals should achieve high quality architectural detailing, external materials and finishes that are locally distinctive and developments should make a positive contribution to the character and appearance of the locality and respect the wider landscape. Policy D1 of the emerging Gloucester City Plan refers to the historic environment and states that development proposals must conserve the character, appearance and significance of designated and non- designated heritage assets and their settings. Policy D3 states that where development reveals, alters or damages a heritage asset, the City Council will require developers to record and advance the understanding of the significance of that asset prior to, and during development. Policy D4 refers to shopfronts, shutters and signs and states that there will be a presumption in favour of retaining good quality traditional shopfronts where they make a positive contribution to the character of the area and the City Council will support proposals that retain or reinstate traditional timber shopfront architectural detailing.
- 6.16 The proposal seeks various internal and external alterations to the building. Further to Conservation Comments being made in regards to the proposal a number of alterations were made to address concerns.
- 6.17 The proposed internal alterations are relatively modest and would not impact on the historic fabric of the building. Details have been received regarding the 'fire lined' ground floor at the request of the Conservation Officer who has confirmed that they were content with the details received.
- 6.18 The proposed air conditioning units and satellite dishes would be located on a flat roof at the rear of the property. These would be removable and located on a flat roof which has limited visibility from the public domain. As such, harm caused as a result of this is limited and the public interest of getting the building back into use outweighs the level of harm in this instance.
- 6.19 The renovation of the shopfront and the removal of the roller shutters are welcomed. The proposed shopfront would be painted Blue Ral 5002 (matt) which is considered to be acceptable. A number of concerns were raised with regards to the proposed advertisements at the front of the building. This will however be dealt with as part of the applicants advertisement application and so this element of the proposal does not form part of the consideration of this planning application.
- 6.20 The proposed amendments to the building are considered to be acceptable and no objection has been raised from the conservation officer. The proposal is considered to be in

accordance with the previously outlined policies of the NPPF, JCS and the emerging Gloucester City Plan.

Traffic and Transport

- 6.21 Paragraph 109 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.
- 6.22 The highways authority have been notified of the proposal and have concluded that the proposed change of use would not be considered materially different from the existing land use and would generate similar pedestrian movements in terms of expected footfall. The site is well located within the city centre with excellent other sustainable transport options
- 6.23 Highways confirmed that there would be no unacceptable impact on Highway Safety or a severe impact on congestion and raised no objection subject to including a condition requiring the provision of cycle storage.

Whilst the request for a condition regarding cycle storage has been noted, the application site contains no outside space where this could be provided and the agent has offered no where within the building to be allocated for cycle storage. The agents have confirmed there are existing cycle storage options along the street in the nearby area including Northgate and Westgate Street. This has been noted. Given the sustainable location in which the site is located and the options for cycle storage in the nearby area, the lack of cycle provision for this development is not considered unacceptable.

- 6.24 The proposal is therefore considered to be acceptable on highways grounds in accordance with the NPPF and policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

Residential amenity

Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 6.25 Policy SD4 of the JCS relates to Design Requirements and, in terms of amenity and space, specifies that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.26 Impact on occupiers of nearby buildings

The proposed betting shop would be open 7 days a week from 8am – 10pm. Surrounding uses in the area are mixed and include commercial units on the ground floor (retail, cafes and public houses) and some flats on upper floors. Whilst the retail units would generally be open until approximately 5.30 the New Inn pub across the road is open until 11pm.

- 6.27 The Councils Environmental Health Advisors have been notified of the proposal and have raised no objection to the application in terms of noise/ nuisance associated with the proposal. The proposed use and opening hours are not considered to result in unacceptable levels of noise and can be considered acceptable in this respect.

6.28 The proposed alterations to the external and internal parts of the building are not expected to result in any harm to neighbouring properties. The proposal is therefore considered to be acceptable in terms of amenity in accordance with the NPPF and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

6.29 Drainage and flood risk

The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

6.30 Policy E6 of the emerging Gloucester City Plan refers to flooding, sustainable drainage, and wastewater and states development shall be safe from flooding and shall not lead to an increase in flood risk elsewhere. In accordance with the National Planning Policy Framework, flood risk betterment shall be sought through the development process.

6.31 The application site is not located within a flood zone and is not at high risk of flooding.

6.32 The proposal would not include any external alterations or extensions to the building and so there are no concerns in regards to flooding or drainage. The drainage officer has been notified of the proposal. However, no comments have been received. It is judged that the application is acceptable in terms of flood risk and drainage in accordance with the NPPF and policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

6.33 **Economic considerations**

The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some limited weight to the case for granting permission.

6.34 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of principle, design, heritage, highways, drainage and impact on amenity and the proposal is considered to be acceptable. Accordingly it is recommended that planning permission is granted.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 **That APPROVAL is granted subject to the following conditions:**

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, Design and Access Statement, Planning and Heritage Statement, standard specification – fire protection and sound insulation document, floor and ceilings introduction document, and drawings:

- 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

except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 2

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 3

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Note 4

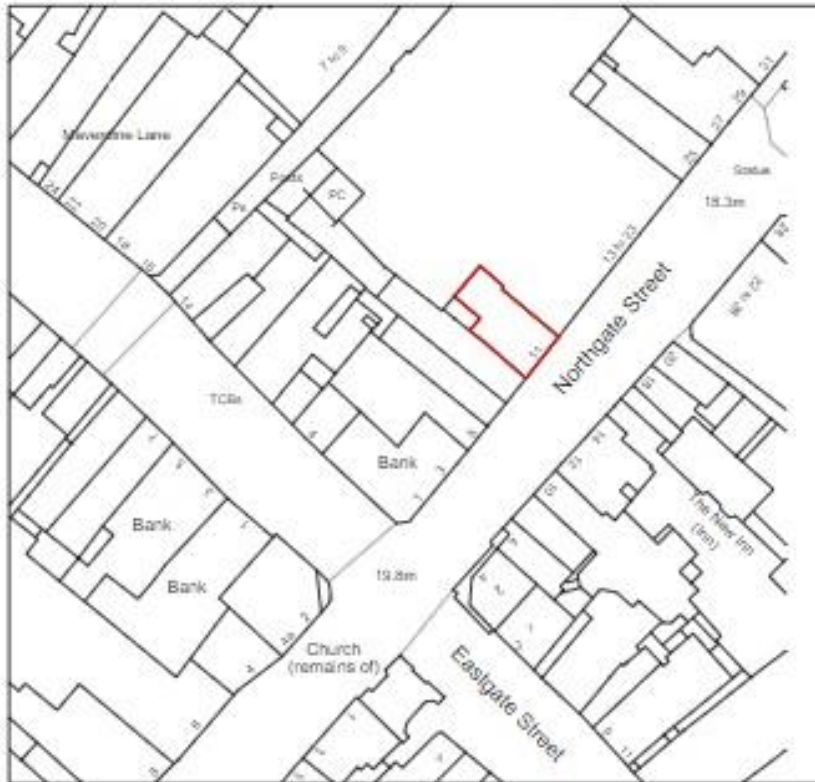
It should be noted that listed building consent and Advertisement consent is also required for the works proposed and they must not be undertaken unless that consent has also been granted.

Person to Contact: Rhiannon Murphy (01452 396361)

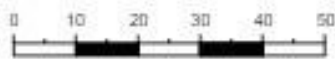
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