
February 2016



**Unit 3, The Boulevard, London Road,
Waterlooville, PO7 7DT
Planning Statement for a Full Planning
Application for the Change of Use of
Ground Floor unit from A1 to Betting Shop (Sui
Generis)**

On behalf of

Done Brothers (Cash Betting) Ltd

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CONTENTS

1.0	Introduction and Description of Proposed Development	1
2.0	Assessment Against National Planning Policy Framework	2
3.0	Assessment Against Development Plan	6
4.0	Conclusions.....	12

APPENDICES

1. Marketing statement dated 8th February 2016
 2. Huddersfield appeal decision dated October 2012
 3. Glevum appeal decision dated December 2015
 4. Fishponds appeal decision dated November 2012
 5. Ripon appeal decision dated November 2012
 6. Eltham appeal decision dated December 2014
 7. Newcastle appeal decision dated February 2013
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1.0 Introduction and Description of Proposed Development

- 1.1 This Planning Statement has been prepared on behalf of Betfred in support of a full planning application for the change of use at the ground floor of unit 3, The Boulevard, London Road, Waterloooville, from a vacant A1 retail unit to betting shop (sui generis). The proposal also includes a new shopfront.
- 1.2 The application premises has been vacant since 2012.
- 1.3 The application site comprises the ground floor of a 112.41sqm vacant unit within a designated town centre. The changes of use will facilitate the relocation of the existing Betfred from nearby 262 London Road.
- 1.4 The unit has three designations within the Local Plan Policies Maps:
 - Town, District and Local Centres (Policy CS4)
 - Regeneration of the Borough (Policy CS6)
 - Primary and Secondary Frontages
- 1.5 Planning permission is sought for the ground floor unit to be occupied as a licensed betting shop by Betfred. Betfred is the world's biggest privately owned betting company and one of the UK's biggest privately owned retail outlets. Licensed betting shops are regarded as being main town centre uses and are seen to maintain the vitality and viability in town and city centres.
- 1.6 This Statement describes the application site and identifies and examines the policy issues of relevance to the application, referring to both the relevant development plan and the advice of Central Government. In seeking to establish whether the change of use is appropriate, particular regard has been had to the National Planning Policy Framework ("the NPPF").

2.0 Assessment Against National Planning Policy Framework

- 2.1 The NPPF was published in March 2012. The framework sets out the Government's planning policies for England and how these are expected to be applied.
- 2.2 Paragraph 6 of the NPPF confirms the purpose of the planning system is to contribute to the achievement of sustainable development. It advises at paragraph 7 that:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;**
- **A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and**
- **An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”**

- 2.3 The proposed development would clearly fulfil the three roles set out above. The proposed betting shop would contribute to the local economy as well as providing easy access to local services in a sustainable location.

- 2.4 At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 14 confirms in relation to decision-taking, this means:

- **“Approving development proposals that accord with the development plan without delay; and**
- **Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:**
 - **Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
 - **Specific policies in this Framework indicate development should be restricted.”**

- 2.5 Paragraph 14 reinforces the presumption in favour of sustainable development stating for decision making this means granting permission where relevant policies are out of date unless any impacts of doing so would

outweigh the benefits or specific policies in the NPPF indicate development should be restricted.

2.6 In this instance the proposed development comprises a main town centre use within a defined centre. Given the site is within walking distance of local public transport links and occupies an existing long term vacant building, the scheme clearly meets the objectives of the NPPF and in accordance with paragraph 14 of the NPPF, planning permission should be granted.

2.7 Paragraph 17 of the NPPF sets out 12 core planning principles which should underpin both plan-making and decision taking. Of these 12 principles, the third, eighth and eleventh principles are relevant to this change of use application. These principles state that planning should:

- **“Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;**
- **Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;**
- **Actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable.”**

2.8 The application actively addresses the core planning principles set out in paragraph 17 of the NPPF in that it supports sustainable development and will contribute to the local economy.

2.9 Paragraphs 18 to 22 of the NPPF relate to building a strong economy. Paragraph 18 confirms the Government is committed to securing economic growth in order to create jobs and prosperity, with paragraph 19 advising the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. This is of particular relevance to this change of use application which seeks to make effective use of an existing vacant unit and supports the growth of a British business. Paragraph 19 states:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

2.10 Paragraph 23 of the NPPF is of particular relevance to this proposal which seeks the change of use of a unit within Waterloooville, it states:

“Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- **Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;**
- **Define a network and hierarchy of centres that is resilient to anticipated future economic changes;**
- **Define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;**
- **Promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;**
- **Retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;**
- **Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;**
- **Allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;**
- **Set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;**
- **Recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and**
- **Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.”**

2.11 The proposal will clearly meet the requirements of paragraphs 18 to 23 of the NPPF. The development is within an area characterised by main town centres uses and will have a positive impact on the vitality and viability of the surrounding area by bringing a long term vacant unit back into use. The proposal also constitutes sustainable economic growth and should be supported.

2.12 Paragraphs 186 to 207 of the NPPF relate to Decision Taking. Paragraph 186 requires Local Planning Authorities to approach decision taking in a positive way to foster delivery of sustainable development.

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- 2.13 Paragraph 187 relates to problem solving during the consideration of application. It states:

“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

- 2.14 Betfred have identified the premises at Unit 3 of The Boulevard as a suitable and sustainable location from which they will be able to continue to successfully trade in Waterloooville. The proposal will make effective use of this long term vacant unit with a primary frontage within a designed town centre. The proposed change of use will allow the relocation from their unit at the nearby 262 London Road and will not result in any increase in the number of betting shops locally. Betfred would not permit the occupation of 262 London Road by another betting shop to ensure there is no increase in the number of betting shops in the locality. As such it is maintained the Local Planning Authority should seek to support this application as it accords with the principles of the NPPF. However, should any objections be raised during the consideration of the application, the applicant's agent would welcome further discussion with the Local Planning Authority in order to work towards a positive solution.
- 2.15 Paragraph 196 of the NPPF confirms the planning system is plan-led and reiterates the contents of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(6) of the Planning and Compulsory Purchase Act does therefore allow for situations where a proposal is not in accordance with the development plan to be supported if there are material considerations which outweigh the conflict with the relevant development plan policies.
- 2.16 Paragraph 203 relates to planning conditions and states:
- “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning applications. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”**
- 2.17 The applicant would welcome discussions regarding any conditions the Local Planning Authority consider it is necessary to impose prior to the grant of planning permission.
- 2.18 It is evident the effective use of this existing vacant unit which will provide appropriately located premises for an established British business. The proposed change of use is in a sustainable location and fully accords with the aims and objectives of the NPPF which supports economic growth and a positive approach to the determination of planning applications.

3.0 Assessment Against Development Plan

The Havant Borough Local Plan

- 3.1 The Havant Borough Local Plan comprises the Havant Borough Local Plan (Core Strategy) and the Havant Borough Local Plan (Allocations). The two documents together include strategic and development management policies and form the borough's statutory Development Plan
- 3.2 The Havant Borough Core Strategy 2011
- 3.3 The Havant Borough (Core Strategy) is the principal document in the council's Local Plan. It covers the Borough of Havant, setting out the spatial planning strategy for the area up to 2026.
- 3.4 Policy CS4 (Town, District and Local Centres) states:

The council will seek to accommodate approximately 13,000 square metres (net) of new comparison goods retail floorspace within town and district centres up to 2016.

Planning permission will be granted for appropriate town centre development proposals that:

1. Promote and enhance the following hierarchy of identified centres as shown on the Proposals Map:

Town Centres - Havant and Waterlooville District Centres - Cowplain, Emsworth, Leigh Park and Mengham/Gable Head

Local Centres - Bedhampton, Crookhorn, Grassmere Way, Hambledon Parade, Middle Park Way, Milton Road, Purbrook, Rails Lane, West Town and Widley.

2. Enhance the evening economy of the town and district centres.

3. Retain and enhance local markets.

4. Support small and independent businesses.

5. Encourage high quality, mixed-use development in designated centres that retain active ground floor frontages.

- 3.5 The introduction of a main town centre use into this long term vacant unit will clearly 'promote and enhance' the designated centre as it introduce a new active and attractive use into this unit that currently offers no benefit to the local economy. As referenced below and confirmed in the appeal decisions appended to this statement, the proposed operator generates high levels of footfall and linked trips to other uses in the centre and therefore is recognised as being an important component on town centres and one that increase vitality and viability.
- 3.6 The linked trips associated with the proposed use will help support other small and independent businesses in the locality whilst as referenced below, the use will introduce what is widely regarded as a new active ground floor frontage via the new shop front proposed.
- 3.7 Policy CS4 and elsewhere in the Core Strategy states that Waterlooville centre has a weak evening economy and makes reference to how CS4 is intended to increase the number of evening uses. The proposed betting shop would be open until 10pm and will therefore result in an active and attractive unit being

open into the evening to improve the vitality and viability of the evening economy.

- 3.8 The site is within the Waterloooville Town Centre therefore policy CS6 Regeneration of the Borough is also relevant, it states:

Planning permission will be granted for development which positively contributes by type of use and design and by its comprehensive approach to the social, economic and/or physical regeneration of the whole borough; particularly when it is focused in the following places as shown on the Proposals Map:

2. Waterloooville Town Centre, with particular focus on:

- a. London Road public realm.**
- b. Integration of Major Development Area.**
- c. Connectivity with Wellington Retail Park.**
- d. Improved car and cycle parking, public realm and a sustainable mix of uses.**

All development proposals made under this policy must ensure that they benefit the borough socially, environmentally and economically.

- 3.9 The physical enhancements to the unit and introduction of an active use will complement existing public realm on London Road and generally improve the visual amenity of this area that currently incorporates a number of vacant inactive units.

- 3.10 Policy DM2 (Protection of Existing Community Facilities and Shops) states that:

“Development proposing the change of use or loss of any premises or land currently or last used as community services and facilities, including local shops, will only be permitted where both the following criteria can be met:

- 1. It has been demonstrated, through an active marketing process that the premises or land are no longer viable for their authorised use or any other use which would provide a beneficial facility to the local community.**
- 2. The facility is no longer required for a community use or that there is an easily accessible existing or new facility for the community it is intended to serve.”**

- 3.11 With regard to the first criteria, the email from the letting agent at **Appendix 1** confirms that the site has been actively marketed since September 2012. The marketing has been in a variety of forms and has actively targeted local operators and those without a presence in the centre. There have been some limited enquiries but these have not materialised into any firm offers. Furthermore, the presence of other less prominent vacant units has been proving more attractive to some potential occupiers. On the basis of the above criteria has been met.

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- 3.12 Clearly the facility provides no community facility as it is vacant therefore criteria 2 is met.
- 3.13 On the basis of the above the proposal accords with the requirements of policy DM2.
- 3.14 The Havant Borough Local Plan (Allocations)
- 3.15 Policy AL3 of the Allocation document is relevant as it states:

Planning permission will be granted for development proposals that:

- 1. Provide main town centre uses in the town, district and local centres as defined on the Policies Map, and so contribute to their vitality and viability.**
- 2. Promote and enhance the primary shopping areas of the town and district centres.**
- 3. Retain at least 50% of the units in an unbroken run of primary frontage as defined on the Policies Map in retail (A1) use.**
- 4. Retain at least 25% of the units in an unbroken run of secondary frontage as defined on the Policies Map in retail (A1) use.**
- 5. Generate pedestrian activity within the primary shopping area by being open during the day to visiting members of the public.**
- 6. Provide a shopfront within the primary shopping area with a well designed and appropriate display window.**

Exceptions to parts (3) and (4) may be made to allow a change of use to non-retail if more than 25% of units in the unbroken run of frontage are vacant at the time of the application

- 3.16 The following points are made in respect of policy AL3:
1. The proposed operator is a main town centre use that already operates in the centre and as stressed throughout this statement would enhance the vitality and viability of the centre.
 2. This statement and the appendices confirms the proposal will complement and enhance the primary shopping area.
 3. The Boulevard elevation is part of a primary frontage. The proposed change of use would retain a run of A1 units adjacent to the unit (albeit one of those is vacant).
 4. Due to the unit being at the end of the frontage it is understood that the proposal will also retain the necessary percentage of A1 units on the London Road secondary frontage.
 5. The proposal will be open during the day and evening and will therefore generate good pedestrian activity.
 6. As highlighted in the appeal decisions referenced below, the proposal will introduce a well-designed and active shop front.
- 3.17 The exceptions criteria quoted at the end of policy AL3 is considered relevant in this instance as there are 3 vacant units in the primary frontage, this equates to over 25% of the frontage. On that basis and in light of the text that follows policy AL3, the change of use should be supported. There are also vacancies on the secondary frontage that exceed 25%.
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3.18 Paragraph 2.15 of the allocations document is particularly relevant as it states:

It is particularly important to keep vacant units to a minimum in the primary shopping area. It may be more appropriate, therefore, to allow a non-retail use to occupy a unit than for it to remain vacant, particularly if surrounded by other empty shops.

3.19 The existing premises has been vacant for a significant period and is adjacent and within close proximity to other vacant uses therefore the change of use of this unit should be supported as indicated in the adopted local plan document.

3.20 The proposed change of use will not lead to a concentration of betting shops within this area as the existing Betfred premises will be closed and relocated to the proposed site. Betfred have a lease on their existing shop until 2018 and will not let another betting shop occupy that unit during this time. Furthermore, Betfred will actively market the 262 London Road premises to ensure a new operator appropriate to the location takes on the premises. Once a new operator is within the premises the lawful use would change and planning permission would be required for it to be occupied by a sui generis betting shop again.

3.21 For the reasons outlined above it is considered the proposed change of use is compliant with the policies outlined above of the adopted development plan. However, further justification for approval and additional information regarding the acceptability of betting shops in similar locations are highlighted below with the support of a number of appeal statements.

3.22 As referenced above, due consideration should be given to the fact the currently empty unit is doing nothing to contribute to the vitality and viability of the retail frontage and therefore the removal of this vacant unit has to be weighed against the benefits in relation to footfall and vibrancy that will result from the proposed use.

3.23 As highlighted above, the occupation of a vacant unit will have a positive impact on the activity and interest in this area. Furthermore the benefit of having a vacant unit occupied is a material consideration which is considered to outweigh any potential policy conflict. This view is shared by an Inspector when determining a change of use appeal in Huddersfield (**Appendix 2**) who advises at Paragraph 8:

“Currently, the premises contribute nothing to the vitality and viability of the town centre. It may well be a long time before the economy improves to the point where the premises could make a contribution through a shopping use. The nature of the floor-space, and the location of the unit, may act as inhibiting factors that make the possibility even more remote. By contrast, the evidence of the appellant, that I have no good reason to doubt, is that a betting shop could generate footfall and activity relatively quickly. On that basis, it would improve the vitality and viability of the town centre in the short term and, more likely, the longer term too. Paragraph 23 of the Framework sets out that policies should be pursued to support the vitality and viability of town centres. Moreover, a new use in No.7 would also generate economic growth and jobs. Paragraph 19 of

the Framework tells us that significant weight should be placed on the need to support economic growth through the planning system.”

- 3.24 In relation to the overall impact on the area, it is considered this change of use will increase the interest in the area. It is a material consideration in this case that weight should be attached to the specific nature of the proposed occupier, which is known to attract high levels of footfall, and therefore will have a positive impact on the vibrancy of the area.
- 3.25 The proposal seeks to provide new larger premises for a licensed betting shop that, unlike some other main town centre uses attracts a high level of footfall, have window displays and are open at the same time as, and often longer than, retail shops so they are not readily differentiated from other main town centre uses by members of the public. The proposed betting shop will support the retail function of the existing centre to a greater degree than at present and support the area by encouraging linked trips with other shops and service providers.
- 3.26 Evidence is regularly submitted and accepted during the submission of planning applications and appeals to support the high levels of footfall, linked trips and associated financial spend. Such evidence confirms that betting shops generate footfall that is equivalent to and often greater than retail units and often significantly greater than non-retail units such as banks, restaurants, take-aways and estate agents. Betfred are currently preparing their own evidence to support this but the evidence provided other betting shop operators is examined in detail in the appeal decision provided at **Appendix 3** where high footfall and linked trips are acknowledged by the Inspector.
- 3.27 Paragraph 14 of the Bristol appeal decision at **Appendix 4** is also relevant with respect to the appearance of the window display. Paragraph 14 states:
- “The appellants have submitted uncontested evidence to show that, in a number of examples, betting shops attract more customers than their A1 retail neighbours.....The premises would have an active shopfront, displaying sports related advertising, and taken together, I see no reason to think that a betting shop would have a markedly detrimental effect on the retail centre compared with an A1 use.”**
- 3.28 This view is supported by a further Inspector at an appeal for a change of use in Ripon. The appeal decision can be found at **Appendix 5** and paragraph 11 is of most relevance. This states:
- “....The proposal would bring the building back into active use and prevent a ‘dead’ frontage by providing a window display, thereby contributing to the attractiveness of the shopping centre. Furthermore, the use would increase footfall along Fishergate and would be likely to lead to linked trips to other facilities in the town centre, thus enhancing its retail character and function.”**
- 3.29 The recent appeal decision at **Appendix 6** further demonstrates that Inspectors consider the presence of a vacant unit back into use would aid the vitality and viability of an area and also offer employment benefits.

It seems to me that rejecting the proposal would risk perpetuating the ongoing presence of a vacant building, with unsightly wooden hoardings across the frontage that give a somewhat harsh and uninviting appearance. Bringing the property back into use with an attractive shopfront can, in my view, only aid, rather than diminish, the vitality and viability of the centre, while also resulting in additional employment.

- 3.30 The benefits of betting shops in town centres were also recognised by an Inspector determining an appeal in respect of a proposed change of use to a betting shop in Newcastle (**Appendix 7**). The Inspector states at paragraph 8 that such :

“uses can attract as many, and in some cases more, comings and goings as retail premises. This point appears to be accepted by the Council which also acknowledges that with such uses linked trips to retailers are often made. In this sense such a use would be complementary to the wider retail function. Furthermore, because of the hours of opening of bookmakers, often into the late evening, their presence can encourage footfall and activity into streets at times when many retail uses have closed, thereby increasing street vibrancy at these times.”

- 3.31 In view of the above, it is considered the proposed change of use is clearly in accordance with the requirements of the NPPF and relevant development plan policies and on that basis the change of use can be supported.

4.0 Conclusions

4.1 The proposal has a number of significant benefits deriving from it and it should be supported by the Local Planning Authority for the following reasons:

- The unit lies within a popular commercial area designated as a local centre therefore, as indicated within the NPPF, the principle of main town centre uses is acceptable;
- This will be relocation from the existing Betfred premises nearby and Betfred will prevent the occupation of their existing premises by another betting shop. As a result, there is no net gain in betting shops;
- The unit has been vacant for a significant period and therefore has a negative impact on the vitality and viability of the centre, something adopted policy seeks to avoid;
- The proposal supports the aims of the NPPF which supports economic growth and a positive approach to the determination of planning applications;
- The proposal will increase footfall and provide an opportunity for linked trips as well as contributing to the centre's evening economy;
- The proposal will provide business space for Betfred and will ensure the provision of new employment opportunities contributing to economic development objectives as set out in the NPPF; and
- The proposal will enhance the vitality and viability of the area.

4.2 In view of the above, it is considered the scheme satisfies both national and local policy and represents a suitable use for an existing long term vacant unit. The proposal addresses all the relevant material considerations and in this respect, we would invite the local authority to assess the application and offer its support for the proposal.