DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/1183/21/FUL
Proposal: Change of use from retail (E use class) to betting shop (sui generis use class) including new shop front
Location: 36-38 King Street
South Shields
NE33 1HU

Site Visit Made: 31/01/2022

Relevant policies/SPDs

1 DM1 - Management of Development (A, B and G)

2 LDF CS SC1 - Creating Sustainable Urban Areas

3 LDF CS SC2 - Reviving our Town Centres and other Shopping Centres

4 SSTCW AAP Policy SS1 - Strategic Vision for South Shields Town Centre and Waterfront

5 SSTCW AAP Policy SS7 - Retailing Opportunities in South Shields Town Centre

6 SSTCW AAP Policy SS8 - Evening and Night-time Economy in South Shields

Description of the site and of the proposals

The proposal seeks planning permission to change the use of 36-38 King Street, South Shields, a vacant retail unit (use class E) to a betting shop (sui generis). The premises is located on the ground floor, and the proposal also incorporates a new shop front for the building. The premises is a retail unit located in the primary shopping frontage of King Street in South Shields town centre. The premises is located in a short block of mixed uses including NatWest Bank (use class E), a newsagents (use class E), and an existing Betfred shop (sui generis), which would be relocated to the site within this application, however this unit would retain its betting shop use.

Publicity / Consultations (Expiry date 21/02/2022)

Neighbours directly notified and site notices posted.

1) Neighbour responses

6 Lynwood Way, South Shields – I am writing with some concerns regarding the proposed plans for Betfred to take on the lease of 36-38 King's Street, South Shields. I am well aware of the need to rejuvenate South Shield's town centre, however a larger betting shop to attract even higher rates of gambling does not seem a helpful solution.

In a town where economic and social deprecation is high, encouraging people to spend what little cash they have on the unattainable 'hope' offered by gambling does not feel responsible, nor does it seem to me to align to achieving sustainable development - I do not believe that larger gambling facilities like this will contribute to the health, social and cultural well-being of our town - in fact, I feel the opposite will be true. I wish to make my objections known towards the proposed development

2) Other Consultee responses

Spatial Policy – The applicant's Planning Statement states that Betfred currently operate within a unit within a unit two doors to the east of the application property and adds that the proposed development therefore seeks a relocation of the existing bookmaker business within the town centre and would not result in any additional bookmakers business being added to the town centre. The Spatial Planning Team consider this to be a significant consideration in support of the application. The applicant has provided a marketing report detailing that the unit has been 'marketed extensively' since June 2020 but has been unable to secure a viable offer. The case officer will need to form a view as to whether the report is robust.

It is clear that the supporting the vitality and viability of centres continues to be at the heart of national planning policy for town centres. The application site is within an area designated as the South Shields Town Centre primary shopping area and primary shopping frontage. However the proposal is not for a preferred i.e. retail use. However it would secure an active use for a unit that is currently vacant and has no active street frontage and for which there does not appear to be, based on the marketing evidence submitted by the applicant, the prospect of Use-Class E re-use. It is important that the case officer is satisfied as to the robustness of this evidence. Subject to this, the Spatial Planning Team do not object to the proposal.

Traffic and Road Safety – The details of the application have been examined and are considered acceptable; therefore, we have no highway objections to the proposal.

Community Safety – No comments to make from a CCTV perspective. No other Community Safety comments received.

Assessment

In determining this application the main issues to be considered are:

- The principle of the development;
- Impact on visual amenity;
- Impact on residential amenity;
- Promoting healthy and safe communities; and
- Highway safety and parking

The principle of the development

The applicant has provided a supporting statement, accompanied by market research findings, details of the proposed occupier (Betfred), and marketing information (a letter from the landlord's letting agent). The application premises is currently vacant and the marketing information indicates this has been the case since the previous retailer (Bonmarche) was placed into administration in 2020.

The marketing information states the premises has been marketed since June 2020 with only two viewings since that date, and the only occupier being a temporary shop for three months over Christmas 2021. The marketing information also suggests larger stores in the town centre appear to remain on the market much longer than smaller stores. The letting agent states that sales particulars have appeared on their website, as well as Zoopla, EGI Property Link and Radius. This marketing information is considered valid and would concur with the wider theme of vacant retail units in the town centre caused by changing retail consumer habits, along with the wider economic impact of the Covid-19 pandemic. A street survey of King Street by the case officer indicates that approximately 14 units are currently vacant, and a further five units have recently been demolished.

This proposal would result in the relocation of the Betfred shop from 30 King Street, two doors down, to this larger premises. The applicant, in their supporting statement, indicates this would free up a smaller unit for a potential Class E use in future, however it is important to note this unit at 30 King Street would

retain its extant use as a betting shop and there would be the potential for two betting shops to operate in close proximity should this application be approved.

Paragraphs 85-90 of the National Planning Policy Framework (NPPF) outline the national approach to ensuring the vitality of town centres. Paragraph 85 makes clear that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Their long-term vitality and viability should be promoted by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive characters.

Local Development Framework Core Strategy Policy SC2 makes clear that development proposals for retailing, as well as offices, commercial leisure, indoor sports, cultural, social and community facilities, will be focused and promoted within the three town centres of South Shields, Jarrow and Hebburn. Furthermore, Policy SC2 seeks to encourage the controlled and well-managed growth, diversification and promotion of the evening economy, particularly in South Shields town centre.

Policy SS1 (Strategic Vision for South Shields Town Centre and Waterfront) of the South Shields Town Centre and Waterfront Area Action Plan highlights that the spatial strategy to strengthen, revive and promote the growth of South Shields town centre as the Borough's principal centre for shopping, entertainment and leisure, culture and administration, making it a popular and attractive market town.

The unit forms part of the Primary Shopping Frontage in the Primary Shopping Area as set out within the South Shields Town Centre & Waterfront Action Plan. Policy SS7 of the Action Plan (Retailing Opportunities in South Shields Town Centre) makes clear that within the primary frontages in and around King Street, proposals for the change of use of ground floor retail shop premises will only be permitted where they would not:

i) adversely affect the vitality or viability of the primary shopping area; or
ii) lead to an over-concentration of non-retail shop uses in any particular block of buildings or length of street; or
iii) result in the loss of a prominent retail unit(s) to non-retail uses within, or at the gateway of, the primary shopping frontages;

It is noted that Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended), introduced on 1 September 2020, would permit the unit to be changed from a retail use (former use class A1) to one of the number of uses falling within this Class without requiring planning permission. Significant weight must therefore be given to this new Class within the context of the decision-making process and the Council's (older) LDF policies relating to retail development. This is particularly relevant in relation to the identified requirement to retain no less than 85% of properties along King Street in A1 retail use class, as, following the introduction of Class E, the Local Planning Authority does not retain the ability to prevent the loss of A1 retail units to other uses within this Class.

The proposal would bring a currently vacant unit and 'dead' commercial frontage back into use on King Street, so would not detrimentally impact the vitality or viability of South Shields Town Centre, complying with part i) of Policy SS7, albeit it is noted this would result in the premises at 30 King Street (a smaller unit and frontage) ceasing to operate as a Betfred store and this premises becoming likely vacant.

This mid-terrace unit adjoins NatWest bank and a newsagents and is not a prominent retail unit located within, or at the gateway to, the primary shopping frontage along King Street. This block of buildings currently consists of only four, three of which, including the application site, are currently Class E use, and the fourth is the existing Betfred shop (Sui Generis) at 30 King Street. Should this proposal be granted planning permission, the use of the units would be split equally between Class E uses and Sui Generis as a result of the proposal, however this is largely because of the short length of the block. Taken together with the units opposite it cannot be said that there would be an over-concentration of

non-retail in the immediate length of this part of King Street. The proposal is therefore considered to comply with parts ii) and iii) of Policy SS7.

Additionally, although of a specialised nature, the proposed use is capable of attracting a reasonable number of visitors. Betting offices do open during the day, including weekends, which is not always the case with other forms of Class E uses (e.g. banks and building societies). The issue of 'dead frontage' (i.e. a closed unit during times when most other units are trading) would therefore be avoided. Additionally, betting offices do open during the evening at a time when other shops have closed, and it could therefore be said that the use would make some small contribution to the evening economy, in accordance with Policy SS8 of the Action Plan.

Taking the above into account, it is considered that the proposed use would be appropriate to its commercial town centre location; and would not result in the unacceptable loss of a retail unit or cause harm to the viability and vitality of South Shields Town Centre. Despite the potential for two betting shops to operate in close proximity, the proposal would bring a larger vacant unit back into use and would help to promote the long-term vitality and viability of the town centre (in part through the diversification and promotion of the evening economy). As such, it is considered that the proposal would accord with LDF Core Strategy Policy SC2 and Policies SS7 and SS8 of the South Shields Town Centre & Waterfront Action Plan, as well as Paragraph 85 of the National Planning Policy Framework. This is also giving weight to the potential loss of the retail unit to a different commercial, business or service use under permitted development rights granted by Class E of the Use Classes Order.

Impact on visual amenity

The proposal would result in an amended shopfront, in colours aligning with the Betfred corporate branding. This is considered acceptable in visual amenity terms given the site's town centre location and in this regard it is considered the proposal would accord with LDF Policy DM1 (A).

Impact on residential amenity

Taking into account the town centre location and existing commercial use of the site (were the unit to be occupied by a retail business), as well as the compatible surrounding land uses and substantial separation distance to the nearest residential dwellings, it is not considered that the development would result in material harm to residential amenity and would accord with LDF Policy DM1 (B).

Promoting healthy and safe communities

Paragraph 91 of the NPPF makes clear that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Furthermore, the NPPF states that '*policies… and… developments should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security*'.

The Council's Community Safety Team was consulted on the proposal. There were no comments to make from a CCTV perspective and no wider Community Safety comments or concerns raised. The application proposes operating hours of 08:00 – 22:00 Monday to Saturday and 09:00 – 22:00 Sundays and public holidays. These hours of operation are considered reasonable for a town centre location and are largely in line with the hours of operation for the existing Betfred shop at 30 King Street (which has no planning condition restricting the hours of operation). They are also less than the hours of operation for the adult gaming centre at 48 King Street (open until midnight daily) and the McDonald's restaurant at 3-5 King Street (open until 10.45pm daily).

Subject to a planning condition restricting the opening times to those applied for and outlined above, it is not considered that the proposed use would result in an unacceptable increase in anti-social behaviour late at night and would accord with the requirements of the National Planning Policy Framework in relation to promoting safe communities.

Highway safety and parking

The unit is sited on a pedestrianised section of King Street within a sustainable location in South Shields Town Centre, with good access to public transport, as well as existing nearby public car parks. Deliveries and servicing take place to the rear of the unit (matching the arrangements for other businesses along this section of King Street). No change in this arrangement is proposed by this application. The council's Traffic and Road Safety Team confirmed that they have no concerns with the proposal. Taking the above into account, it is therefore considered that the proposal would be acceptable in highways terms and would be in accordance with LDF Policy DM1 (G).

Other matters

Concerns have been raised by an objector in respect of the nature of the proposal as a betting shop, and the proposal potentially encouraging gambling which is not considered responsible particularly in respect of the health, social and cultural wellbeing of South Shields. Whilst the concerns of the objector are noted, betting shops are not considered uncommon in town centre locations and the proposed *land use* [emphasis added] is acceptable in planning terms (for the reasons set above).

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drg No. 1313BF-36/38LP received 06/12/2021
Drg No. 1313BF-36/38-EP received 06/12/2021

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The premises shall only be open to the public between the hours of 08:00 and 22:00 Monday to Saturday and 09:00 and 22:00 Sundays and public holidays. It shall not be open to the public at any other time outside these hours.

In order to define the opening hours permitted in the interests of the local amenity and safety of South Shields town centre in accordance with the Local Development Framework Core Strategy Policy SC2, Policies SS1, SS7 and SS8 of the South Shields

Town Centre & Waterfront Action Plan and the National Planning Policy Framework.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

Case officer: Nick Graham
Signed: N. Graham
Date: 07/03/2022

Authorised Signatory:
Date:

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