December 2021

Full Planning Application for the proposed change of use of 36-38 King Street, South Shields, NE33 1HU from retail (E use class) to betting shop (sui generis use class)

Planning Statement

On behalf of

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1.0 Introduction and Site Context

1.1 This Planning Statement has been prepared on behalf of Done Brothers (Cash Betting) Ltd to support a Full Planning Application for the proposed change of use of 36-38 King Street, South Shields, NE33 1HU from retail (E use class) to betting shop (sui generis use class).

1.2 Betfred already operate a bookmakers in South Shields at 30 King Street, South Shields, NE33 1HU. The existing store is smaller than the application property and Betfred require a larger premises to meet demand. The proposal therefore seeks a relocation of Betfred's existing bookmaker business within King Street and would not result in any additional bookmakers' business within the town centre.

1.3 Relocation of Betfred's business within the Town Centre will retain a local business, staff employment and bring a vacant unit back into use within King Street which supports economic growth principles in national and local planning policy; furthermore, the existing Betfred Unit will be marketed to accommodate a new tenant.

Site Context

1.4 The site is within the South Shields Town Centre Primary Shopping Area and with a Primary Shopping Frontage. The site sits within Flood Zone 1 of the Environment Agency's Flood Maps for Planning and is at low risk from flooding. The site also lies within the Town Centre Pedestrian Priority Area. The site is not within a conservation area and there are no listed buildings in the immediate locality.

1.5 36 & 38 King Street is a double fronted unit formerly occupied by Bonmarché but is now vacant following the brand falling into administration. The unit has a lawful Class E Use Class under the Use Classes Order 1987 (as amended). Use Class E was introduced on 1st September 2020 and revokes the former use classes of A1 (shops), A2 (financial and professional including banks), A3 (restaurants and cafes) as well as parts of D1 and D2 and puts them all into one new overarching use class. Any adopted Development Plan policies relating to the former A1-A3 and D1-D2 uses however remain relevant when assessing development proposals

1.6 ***Figure 1*** below shows the vacant unit frontage onto King Street and the location of the existing Betfred Store.



Marketing History

1.7 A Marketing Report is submitted at ***Appendix 3*** of this Statement provided by the Marketing Agents to detail what marketing has been undertaken of the unit. The unit has been marketed since June 2020 however has been unable to secure a viable retail operator since that time. An alternative sui generis town centre use is now proposed to bring a vacant unit in a prominent town centre location back into active use. Furthermore, the existing Betfred unit will become vacant and is likely to receive more occupier interest given the smaller scale of the unit.

Relevant Planning History

1.8 All Planning Application visible on the South Shields Public Access Webpage relate to the former Bonmarché store, including a replacement shopfront and advertisement consent applications. There is no planning application history relevant to this application.

Planning Application Submission

1.9 The Application comprises of the following submission documents:

- Completed Application Forms
- Statutory Application Fee
- Location Plan
- Existing and Proposed Shopfront Elevations
- Proposed Layout
- Planning Statement and Appendices 1-3

2.0 The Proposed Development

2.1 The development proposes to change the use of 36&38 King Street from retail (E use class) to a betting shop (sui generis use class).

2.2 As previously detailed, the proposed change of use is required to allow Betfred to relocate their existing bookmakers to a larger unit within the same terrace of shops.

2.3 The proposal therefore seeks a relocation of Betfred's existing bookmaker business within the town centre and would not result in any additional bookmakers' business within the town centre.

2.4 Relocation of Betfred's business within the Town Centre will retain a local business, staff employment and bring a large vacant unit back into use which support economic growth principles in national and local planning policy. The existing smaller unit in the same Primary Shopping Area and Primary Shopping Frontage would become available for a retail use.

2.5 Full details of the proposed change of use are shown on the submitted plans.

2.6 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 in the National Planning Policy Framework (NPPF) and are seen to maintain the vitality and viability in local town and city centres by complementing the main retail uses.

3.0 Planning Policy Review

3.1 The Third Edition of the National Planning Policy Framework (NPPF) was published in July 2021 and supersedes the previous 2012, 2018 and 2019 versions of the document. The framework sets out the Government's planning policies for England and how these are expected to be applied. The following policies are considered applicable to the proposed change of use application.

3.2 Paragraph 8 of the NPPF confirms the purpose of the planning system is to contribute to the achievement of sustainable development:

"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** – build a strong, responsive and competitive economy,
- **A social role** – 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

3.3 The proposed development comprises a main town centre use within a town centre. By bringing a vacant unit back into active use, this supports the local economy including job retention, it meets a social role by retaining a Bookmaker service for residents and also it meets an environmental role by providing an active shop frontage in the Primary Shopping Frontage.

3.4 Section 6 of the NPPF provides guidance on supporting economic development. Paragraph 81 confirms that Planning policies and decisions should help create the conditions in which businesses 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.

3.5 Section 7 of the NPPF provides guidance on ensuring the vitality of town centres. Paragraph 86 confirms 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.

The Development Plan

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

3.7 The statutory Development Plan for South Tyneside Council comprises of the Core Strategy (June 2007), Development Management Policies (December 2011), South Shields Town Centre & Waterfront Area Action Plan (November 2008) and other Area Action Plans not relevant to this application.

3.8 The following policies are applicable to the proposed change of use.

3.9 Policy SC1 – Creating Sustainable Urban Areas – aims to revitalise Town Centres and focus trip generating uses to the Town Centre.

3.10 Policy SS1 – Strategic Vision for South Shields Town Centre – Aims 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".

3.11 Policy SS7 – Retailing Opportunities in South Shields Town Centre -aims to improve the vitality and viability of the Town Centre.

The Policy seeks to consolidate the pattern of retail growth by:
A) within the defined town centre area, concentrating retail development within the designated primary shopping area, as shown on the Proposals Map inset, and bringing vacant sites and upper floors back into viable use;

B) within the primary shopping area, encouraging retail growth, focused within the designated primary frontages, as shown on the Proposals Map inset;

C) within the primary frontages in and around King Street and Waterloo Square, maintaining a high proportion of no less than 85% of properties in Use Class A1 retail shop use and enabling the amalgamation of retail units to facilitate larger, modern stores. 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.

4.0 Planning Assessment

Impact on the Primary Shopping Area & Primary Shopping Frontage

4.1 Betfred, as with most high street retailers in the last 2 years, has been severely affected by the Covid Pandemic and enforced government closures of business and retail premises in town centres during national lockdown periods. This has required that businesses consider their future options to remain viable now and into the future.

4.2 Betfred currently operate a bookmakers within South Shields Town Centre at 30 King Street. Betfred are proposing a relocation of Betfred's existing bookmaker business within the town centre and would not result in any additional bookmakers' business being added to the town centre.

4.3 The existing unit is within the Primary Shopping Area, given its location 2 doors to the east and a smaller unit would become available for a new retail use upon relocation of the business.

4.4 36 & 38 King Street has been marketed for a retail use since June 2020 as detailed at ***Appendix 3*** of this Statement. As it stands, the unit does not contribute positively to the town centre. The proposed change of use would bring a large unit back into active use to support the vitality and viability of the town centre and strengthen its offering of shops and services.

4.5 The proposed relocation of Betfred's existing business in the town centre supports the economy which in turn accords with NPPF principles on supporting economic growth.

4.6 The proposed change of use provides an appropriate main town centre use as defined by the NPPF within the Primary Shopping Area and provides a service facility that is complementary to the wider retail function of the town centre. In this regard, we consider that the proposal would accord with Policy SS7 as an appropriate non-retail use in the Primary Shopping Area without reducing the number of available retail units.

Impact on the Primary Shopping Frontage

4.7 It is acknowledged that the previous use of the Unit was an A1 (now E) use class having been a clothes retailer. Policy SS7 sets out a criteria list for which non-A1 retail uses should be tested against the following factors to establish their acceptability on the primary shopping frontage. This requires 'no less than 85% of properties in Use Class A1 retail shop use'.

4.8 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.

4.9 With regards the first point and as previously discussed in this Statement, Betfred currently operate within a unit two doors to the east of the application property. The proposed development therefore seeks a relocation of Betfred's existing bookmaker business within the town centre and would not result in any additional bookmakers' business being added to the town centre.

4.10 The existing unit is within the Primary Shopping Area and the same terrace frontage of the Primary Shopping Frontage. In this regard, whilst the proposal would occupy a unit within the Primary Shopping frontage with a non-A1/E retail use (being sui generis), a smaller unit would be come available for a retail use in the Primary Shopping Area and the Primary Shopping Frontage. Given the lack of interest in the larger unit for retail use, it may be that the smaller unit is more attractive to potential operators. There is therefore no increase in the number of units in a non-A1 retail use in the Primary Shopping Frontage.

4.11 A desktop review of the Primary Shopping Frontage along King Street in the immediate vicinity of the change of use Unit shows there to be generally a good range of E uses including newsagents, mobile phone retailers, clothing stores, discount retailers, jewellers & travel agents.

4.12 As set out above, the unit has been extensively marketed since June 2020 but has been unable to secure a viable offer. Full details are available at ***Appendix 3*** of this Statement.

4.13 Finally, the design of the shopfront would comprise of a window display internally facing onto King Street. Betfred propose a fascia sign or similar to the existing unit in the primary colours of red, white and blue. This would not be dissimilar to the previous occupiers of the unit (Bonmarche) who had a fascia sign comprising black lettering on a white background.

4.14 Overall, the proposed relocation of Betfred from 30 King Street to 36-38 King Street would improve the vitality and viability of this area of the Primary Shopping Area and Primary Shopping Frontage by occupying a long term large vacant unit and allowing a smaller unit to be marketed to occupiers, which could be more attractive. The proximity of the existing and proposed unit would ensure no amenity issues.

5.0 Conclusions

5.1 This Planning Statement has been prepared on behalf of Done Brothers (cash betting) Ltd to support a Full Planning Application for the proposed change of use of 36-38 King Street, South Shields, NE33 1HU from retail (E use class) to betting shop (sui generis use class).

5.2 Betfred already operate an existing unit two doors to the east of the application property which will be relocated. This in turn will free up a smaller unit for a new retail use in the Primary Shopping Area and in the Primary Shopping Frontage.

5.3 The proposal has a number of significant benefits deriving from it and it should be supported by the Council for the following reasons

- The proposal will retain Betfred's existing Bookmaker business in South Shields town centre, retains employment and contributes to economic development objectives as set out in the NPPF and the Local Plan;

- The unit lies within an area designated as a town centre, primary shopping area and primary shopping frontage and is considered to be a main town centre use as defined by the NPPF so the principle of the change of use is acceptable;

- The proposal supports the aims of the NPPF and the adopted Local Plan which supports economic growth, job retention and a positive approach to the determination of planning applications;

- Marketing evidence is submitted with the Application which demonstrates that the unit has been vacant for some time and marketed for a retail use since June 2020. There is little opportunity for a retail use to be secured in these premises on that basis.

- Should planning permission not be granted for a sui generis use, this would result in a large vacant unit having no active street frontage within the primary shopping frontage which harms the vitality and viability of the town centre. This would be detrimental to the town centre and not in accordance with the NPPF's presumption in favour of sustainable development.

- The proposal will increase footfall and provides an opportunity for linked trips to the town centre as well as contributing to the centre's later afternoon / evening economy when traditional retail shops are open 9-5pm. This is further detailed at Appendices 1 -2 of this Statement.

5.4 In view of the above, it is considered the scheme satisfies both national and local policy and represents a suitable use for the Unit. The proposal addresses all the relevant material considerations and, in this respect, we would invite the Council to assess the application and offer its support for the proposals.

Appendices (submitted as separate documents)

1. Betfred Market Research Findings Report
2. Betfred Brochure
3. Marketing Evidence