
Site Address: Unit 3 The Precinct, Waterlooville, PO7 7DT
Proposal: Change of use to ground floor from retail (A1) to betting shop (Sui
Generis) and new shop front.
Application No: APP/16/00182 Expiry Date: 14/04/2016
Applicant: Done Brothers (Cash Betting)
Ltd
Agent: Mr Windress Case Officer: David Eaves
ID Planning
Ward: Waterloo

Reason for Committee Consideration: At Councillor Seal's request

HPS Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 Unit 3, The Precinct is located on the Corner of The Precinct and London Road within the pedestrianised area of Waterlooville Town Centre. The proposal relates to the ground floor of a two storey building. The unit is currently vacant and has an established A1 retail use. The floorspace of the unit is approximately 112 sqm.
- 1.2 The premises is visually prominent within the town centre, with The Precinct elevation within the Primary Shopping Frontage and the London Road elevation within the Secondary Shopping Frontage as designated on the Local Plan Policies map and defined in the Havant Borough Local Plan (Allocations) July 2014.
- 1.3 This part of the Waterlooville Town Centre is characterised by mixed A1 retail, cafes and financial and professional service uses and there are also a large number of vacant units. The current uses are considered in more detail in part 7 of this report.

2 Planning History

08/73096/000 - Display of internally illuminated fascia sign to front elevation and double sided, non-illuminated projecting sign to side elevation
PERMITTED 3rd June 2008

3 Proposal

- 3.1 The proposal is for the change of use of the ground floor from a retail shop within Use Class A1 to a betting shop which, in planning terms is a 'Sui Generis' use not falling within any particular Use Class.
- 3.2 In addition to the change of use the application proposes changes to the existing shop front with a deeper fascia and more vertical sub division to the existing large windows. The entrance door would also be altered but would remain at the corner of The Precinct and London Road. Whilst adverts are shown on the elevation drawings it should be noted that these would be subject to a separate application for advertisement consent.
- 3.3 It is understood that the proposed end user would be Betfred (betting shop) and that they are seeking to relocate from existing premises at 262 London Road Waterlooville.

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS4	(Town, District and Local Centres)
CS6	(Regeneration of the Borough)
CS8	(Community Safety)
DM10	(Pollution)
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer - Highways

The Highway Authority has no adverse comment to this application.

Economic Development - Retail and Town Centres

This unit has been vacant since April 2012. It is a prime retail position and used to be Co- Op travel (who were taken over by Thomas Cooks hence the closure as Thomas Cooks already had a branch in Waterlooville)

Although this site is ideally suited to retail, in the absence of a retailer taking on the property, having a betting shop there is better than an on going empty unit.

Betfred are moving from the southern end of Waterlooville to this new position so they would be still the only betting shop in the town centre.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 102 Objections

Summary:

Business impact

Relocation of existing business weakens business case.
No obvious beneficial result in the area from existing business.
Existing premises to be vacated will be difficult to market.
Need to bring in shoppers.
Loss of retail outlet.
Impact on local businesses.
More retail needed.

Concern over clientele

Risk of anti-social behaviour.
Opposite pubs.

Town Centre Impact

Not in interests of either residents or the long-term plans for the Town Centre.
Waterlooville Town Centre should be re-generated to stop new residents travelling out to shop.
Will not enhance look of Precinct.
Conflicts with HBC's plan to re-boot the economic development of Waterlooville Precinct.
Serves only a minority of people.
Pressure should be put on landlords to reduce rents and entice more diverse range of shops.
Need to rejuvenate the town centre.
Alternative ideas for the town centre needed.
Ice Cream Parlour better suited.
More places for the youth needed.
Any business better than leaving premises empty, is it the type of business, in prime central position, to attract people to town centre.
What are Council doing to stop town centre of Waterlooville dying?
Core Strategy refers to "the development requirements needed for the Borough's growth and prosperity from 2006 to 2026". Difficult to identify what another and larger betting shop in central position will contribute towards that Strategy.
Underlying aim to close most of the centre down and build more flats.
Out of Character.
Community facilities could be provided.
Loss of shops to Hambledon Road/Sainsburys area

Betting Concerns/moral issues

Don't need another betting shop.
Should be a family area.
No need for another gambling business in Waterlooville.
Vulnerable adults at additional risk of Fixed Betting Odd Terminals.
Money removed from local economy.
Risk of cluster of betting shops.
Rather empty premises.
Unsuitable function for this premier site.
Encourage other betting shops to locate in Waterlooville, other businesses will suffer.
The development would not serve the whole community well.
Town visitors faced with town bandstand, new Waterlooville 200 pavement plaque and route to/from library with very large betting shop.
Not of use to community.
Used to be gambling shop close to this site which closed showing the unsuitability of

this use in this area.
Precedent.
Impact of use on vulnerable people.

Other Issues

Concern over lack of access to first floor and fire risk.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Other Matters

- (i) Principle of development

7.2 The application site is situated within the pedestrianised area of Waterlooville Town Centre and occupies a corner plot fronting both The Precinct and London Road. The Precinct is classified as a Primary Frontage and London Road is classified as a Secondary Frontage on the Councils Local Plan Policies Map.

7.3 In terms of the principle of the proposed change of use the application has been assessed against the policies of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework (NPPF).

7.4 Betting Offices are classed as a Sui-Generis (one off use) in the Town and Country Planning (Use Classes) Order 1987 (as amended), therefore planning permission is required for a change to such a use.

7.5 The NPPF states that '*At the heart of the NPPF is a presumption in favour of sustainable development*'. For decision makers this means '*approving development proposals that accord with the development plan without delay*'.

In relation to Town Centres '*planning policies should be positive, promote town centre environments and set out policies for the management and growth of centres over the plan period*'. The extent of the Town Centres and primary and secondary frontages should be set and policies should make clear which uses will be permitted in such locations.

7.6 Havant Borough Local Plan (Core Strategy) policy CS4 relates to Town, District and Local Centres and states that '*Planning Permission will be granted for appropriate town centre development proposals that*' amongst other matters:

- 1. Promote and enhance the hierarchy of identified centres as shown on the Proposals Map:
Town Centres - Havant and Waterlooville.
- 2. Enhance the evening economy of the town and district centres.
- 3. Support small and independent businesses.

7.7 In this case the Betting Shop use is considered to constitute a use that would be appropriate in principle within a town centre subject to detailed assessment against the

requirements of the Primary and Secondary frontage requirements to ensure that the viability and vitality of the town centre is appropriately considered. It should be noted that the site is currently vacant and is understood to have been so since 2012. As such the unit is clearly currently failing to add to the economy or vitality of the Town Centre.

- 7.8 The proposal seeks to open until 10.00pm and would provide an evening destination within the town centre if permitted which may be complementary to other evening uses within or close to the town centre.
- 7.9 As the proposed end user (understood to be Betfred) is not a small independent business additional support for the proposed use from this element of the policy is not relevant.
- 7.10 The Havant Borough Local Plan (Allocations 2014) policy AL3 relates to Town, District and Local Centres and sets detailed criteria for considering proposed changes of use and as such is considered particularly relevant to the consideration of this planning application.

Policy AL3 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.

- 7.11 Taking each of these criteria in turn:

1. The use is considered to constitute an appropriate use in the Town Centre and would generate customers to the premises who are likely to link trips to other uses taking place within Waterlooville Town Centre. It is considered that the use would add to the vitality and viability of the town centre.
2. In relation to the primary shopping frontage, the emphasis within such areas is the provision and retention of retail uses and this is discussed below, however it is recognised that the unit, that is understood to have been empty since 2012 is currently a negative feature in this important location.

3. There is a requirement to retain at least 50% of the units in an unbroken run of primary frontage in retail A1 use subject to the exceptions if more than 25% of units are vacant. In this case the Primary Frontage is fronting The Precinct. This includes a run of 11 units, at the time of the Planning Officers visit to the site there were 6 retail units and 4 vacant units (including the application site). Therefore even with the change of use proposed there would remain 54.5% of the units in this part of the Primary Shopping frontage within A1 use. In terms of vacant units in the Primary Frontage 36% are currently vacant which exceeds the threshold where other uses would also be considered as an exception. In relation to The Precinct frontage the policy requirements are satisfied both in relation to the 50% retail use and the exception part of the policy.

4. In relation to the Secondary frontage, there is a requirement to retain at least 25% of units within A1 use. In this case there is a short secondary frontage of two units to consider and the other unit is a sweet shop (A1 use). Therefore 50% of the units would remain in A1 uses.

5. The requirement for generating pedestrian activity during the day is also met by the business opening times proposed between 8am and 10pm.

6. In relation to the provision of an appropriate shopfront a window display area would be retained and a planning condition is recommended should planning permission be granted to ensure that a shopfront display is provided and maintained.

7.12 Notwithstanding the above the proposal has raised much local concern given the location, prominence and size of the premises and the nature of the use. The applicant has been asked to provide a detailed marketing report. This demonstrates the following:

- (i) The site has been actively marketed since September 2012 on various property websites including Hampshire Council's property web-site.
- (ii) A "To Let" board was erected at the same time.
- (iii) Direct targeted marketing has taken place. The property has been extensively circulated on the open market in addition to a list of applicants registered on the marketing companies mailing list with requirements for Waterlooville. Regional property agents were also sent the details for their retained client's requirements.
- (iv) As the marketing agent acts as the landlord's letting agent for all the shops in The Boulevard they have incorporated all the available retail units into a combined schedule which has been used in general circulation on the open market since 2013 and any interested parties have received information with regard to all the vacant units.
- (v) During the period of marketing there have been various enquiries, mostly from A3/A5 catering type operators, including two separate lease offers, however these subsequently failed to proceed.
- (vi) The marketing agent states that the prime corner position and the associated rental has proved prohibitive to the majority of local retail applicants, some of which have taken more affordable space elsewhere within The Boulevard, whilst there also remain five other units available within the same parade.
- (vii) There have been extremely few enquires from national retailers, as very few have Waterlooville registered as a priority target town for opening, which has been exacerbated by the recessionary economic trading period, during which the property has been available.

7.13 It is considered that the marketing undertaken by the marketing agent has been significant and extensive since 2012. Whilst there has been some interest shown by potential occupiers of the premises this has been limited and has not led to rental of the unit.

7.14 Following a visit to the site by the Site Viewing Working Party on 19th May 2016 the following information was requested:

(i) The Market rate for rent on the property:

The marketing information provided by the agent states that the rent is £29,950 per annum. The agent has stated that Betfred have negotiated a reduced rent due to the lack of demand as follows:

Stepped – Year 1 £22500pa. Year 2 - £23000pa. Year 3 - £23500pa. Year 4 - £24000pa. Year 5 - £24500pa, with 6 months rent free.

(ii) The level of Business Rates applied to the property:

The marketing information provided by the agent states that the rates payable to 31st March 2016 were £19,473.50.

The Council's Estates Team have confirmed that these figures are appropriate for the unit in this location.

7.15 In conclusion the premises has been empty for a considerable period of time starting in 2012, the change of use to a non-retail use would be acceptable in principle in terms of the town centre Primary and Secondary frontage policy AL3 and in addition the agent has demonstrated that the premises has been suitably and extensively marketed at appropriate rental levels but without success. It is therefore considered that the proposed change of use is acceptable in principle in bringing back a long vacant building into active use with the associated economic benefits to the town centre, and it is noted that this is supported by the Councils Economic Development Team.

(ii) Impact upon the character and appearance of the area

7.16 The proposed development includes alterations to the shop frontages with more vertical sub-division and slightly less high openings to allow for advertisement space. The adverts themselves would be subject to separate advertisement consent. The doors would also be altered to centre them in the corner section of the building. No changes are shown above ground floor level. These changes are considered to be acceptable in the street scene and in the context of the town centre.

7.17 It is considered appropriate to retain window displays at the premises and a planning condition is recommended to ensure that an active frontage is provided.

7.18 Concern has been expressed with regard to the change in character of the area arising from the provision of a betting shop in this prominent corner site. In this regard it is considered that the provision of an active commercial use in the premises is clearly preferable to the building continuing to remain vacant, which when combined with other vacant premises nearby has a negative impact on the character and appearance of the area.

(iii) Impact upon residential amenity

7.19 The premises lies within the town centre and adjacent to other commercial uses. It is not considered that the use of the premises as proposed would have any significant impact on residential premises in the area.

(iv) Other Matters

- 7.20 A number of concerns have been raised in relation to gambling and whether this use is appropriate in this location within Waterlooville Town Centre. Whilst the concerns raised are noted, it is not considered that there are any legitimate means in terms of planning legislation to object to the proposed uses on moral grounds. The proposed use is legal and subject to separate licensing rules, it also represents an appropriate town centre use.
- 7.21 Concern has also been raised about potential fire risk at first floor level resulting from the removal of a staircase. This issue has been raised with the Councils Building Control section and they have confirmed that these matters would be addressed under the separate Building Regulations requirements.

8 Conclusion

- 8.1 In reaching decisions on planning applications in pursuit of the sustainable development agenda, the NPPF identifies three dimensions for consideration – economic, social and environmental. The proposed change of use, in seeking to establish a policy-compliant town centre use in a long-vacant premises in Waterlooville Town Centre, will provide both economic and environmental benefits. The use itself is not considered to give rise to any direct social impacts – and whilst a number of concerns have been raised about the nature of the use in more general terms, the operation of the business would be subject to suitable safeguards through the separate Licencing requirements.
- 8.2 In conclusion, the proposed change of use and physical alterations are considered to be acceptable for the reasons set out above and Planning Permission is therefore recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00182 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Notwithstanding any description of materials in the application no shopfront works shall take place until samples and a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The premises shall only be open for trade or business between the hours of 08.00 hours and 22.00 hours on Mondays to Saturdays inclusive and from 09.00 to 22.00 hours on Sundays and Bank Holidays.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The ground floor windows shall at all times incorporate and maintain a window display to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL3 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Statement 2012.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Statement dated February 2016

Location Plan Licence No. 100022432

Existing and Proposed South West Elevation Drawing No. 1156BF-SF2

Existing and Proposed North West Elevation Drawing No. 1156BF-SF1

Existing and Proposed Ground Floor Drawing No. 1156BF-LP

Reason: - To ensure provision of a satisfactory development.

Appendices:

(A) Location Plan

(B) Existing and Proposed Floor Plans

(C) Existing and Proposed North West Elevation

(D) Existing and Proposed South West Elevation