

Gillian Pinna-Morrell
South Holland District Council
Priory Road
Spalding
PE11 2XE

Date: 8 July 2025

Our ref: 70269/01/SC/33940601v4

Dear Ms Pinna-Morrell

H16-0518-25 and H16-0519-25: 10 Hall Place, Spalding PE11 1SR

On behalf of our client, BoyleSports (UK) Limited, we wish to respond to the letters of objection received in respect of the proposed change of use of 10 Hall Place from Use Class E to Sui Generis (Betting Office).

As you are aware, the above application was validated on 28 May 2025, and the consultation period ended on 18 June 2025. The applicant has been provided objection letters from The Rt Hon Sir John Hayes CBE MP, Cllr G J Taylor, Spalding & District Civic Society and Elias Topping.

Based on our national experience, we note that Elias Topping is acting on behalf of a competing Betting Office and that the underlying purpose of the concern raised appear to be aimed at undermining competition. We consider that the issues raised in the Elias Topping submission appear contrived. It fails to grasp the key policy tests thoroughly and the severity of the vacancy rate effecting Spalding town centre.

There are a number of reoccurring themes across the objections submitted. These are:

- 1 The proposal leading to a saturation of betting and gambling establishments;
- 2 The loss of a Class E unit and the creation of dead frontage, which would lead to an alleged unacceptable harm to the predominant shopping role and character of the centre. The proposal would not benefit traders, nor will it increase footfall;
- 3 The proposal does not promote a stronger visitor economy and may deter visitors and shoppers from visiting Spalding;
- 4 The illumination of proposed signage should not be permitted within the conservation area;
- 5 Alleged effect on antisocial behaviour; and,
- 6 Alleged effect on social wellbeing.

Objection Response

The proposal leading to a saturation of betting shops and gambling establishments

The objections raise concerns that the proposal would lead a saturation of betting offices and gambling establishments in Spalding.

Spalding Sub Regional Centre is relatively large and has around 300 units, of these 4 are betting offices, amounting to approximately 1.3% of the total units. An additional betting office would increase this proportion to 1.6%, it therefore cannot be reasonably said that the proposed development would lead to saturation or constitute proliferation.

Currently, within the Primary Shopping Frontage, there are 2 betting offices. We estimate that there are 53 units within the Primary Shopping Frontage, meaning betting offices currently account for 3.8% of units within the Primary Shopping Frontage (please refer to Appendix 1 of the submitted planning statement for the GOAD Plan). Should planning permission be granted for the proposed development, this would increase to 5.7%. This again does not present proliferation or saturation. Both Policy 24 of the South East Lincolnshire Local Plan 2011-2036 and Annex 2 of the NPPF identify leisure as a main town centre use, which in our opinion includes betting offices.

The applicant acknowledges that betting offices often seek to locate in close proximity to each other. However, this should not be confused with 'proliferation'. Seeking to locate in proximity to each other is not harmful to the Town Centre- this is no different to any other town centre use which seeks to take advantage of a critical mass i.e. a café quarter, financial district, etc....

As such, it is clear approving this application would not create an over-concentration of betting uses.

The loss of a Class E unit; alleged creation of dead frontage leading to unacceptable harm to the predominant shopping role and character of the centre. The proposal would not benefit other traders nor will it increase footfall.

The Rt Hon Sir John Hayes CBE MP suggests that the proposal is unlikely to increase footfall nor will it benefit other traders. Similar objections were raised by Elias Topping who note that the proposal would result in the loss of a prominent retail unit that would dilute the retail offer in the town centre. Elias Topping suggest that the proposal does not meet criteria 1 and 2 set out in Policy 26: Primary Shopping Frontages of the Local Plan, which seeks to retain a predominantly retail use within the Primary Shopping Frontage.

Criterion 1 of Policy 26 seeks to retain ground floor A1 units within the primary shopping frontages unless the change of use would *"make a positive contribution to the vitality and viability of the Primary Shopping Frontage"*.

Betting offices have been shown to support the vitality and viability of centres in numerous appeal decisions as they generate footfall and encourage people to spend longer in the centre, therefore supporting the shopping function of centres. This was demonstrated in an appeal decision in Harrow (APP/M5450/W/19/3241217) whereby the appellant's betting office was shown to be a strong footfall

generator within Harrow Metropolitan Town Centre and was the most visited unit amongst those surveyed.

The research submitted to the appeal found that those that visit betting offices will go on to shop at other units in the town centre, creating linked trips that provide direct economic benefits to other shops and services in the area. The Inspector concluded that *“the proposed change of use would make a significant contribution to the vitality and viability of Harrow Metropolitan Town Centre and that it would support the retail function of the Metropolitan centre.”* This appeal decision confirms that a betting office is a footfall generating use and that people who visit betting offices also visit and spend money in other shops and services in the town centre, it is unjustified therefore to suggest that the proposal is unlikely to increase footfall. This behaviour demonstrates components of a healthy retail environment and highlights that betting offices positively contribute towards the shopping function and vitality and viability of town centres. It also demonstrates clear benefits to other traders.

Evidently, betting offices positively contribute towards the retail function and the vitality and viability of town centres. It is important to note that the unit has been vacant since May 2024 and as such it currently detracts from the vitality of the Primary Shopping Frontage. Through creating a more attractive town centre, more visitors are likely to visit the area.

Criterion 2 of Policy 26 seeks to retain ground floor A1 units within the Primary Shopping Frontage for predominantly retail use, unless the proposed change of use would *“not result in a loss of A1 floor space or frontage of a scale that undermines the retail function of the frontage”*.

Policy 26 of the Local Plan relates to the loss of A1 units (now Use Class E(a)) within the Primary Shopping Frontage. The last use of the application site as a bank under Use Class E(c) means that Policy 26 does not bite i.e. the proposed development would not result in the loss of a Use Class E(a) use/unit.

It is clear that the proposed development would not undermine the retail function of the primary shopping frontage. It will make a positive contribution towards to the vitality and viability of the Primary Shopping Frontage. Moreover, should permission be granted, the betting office would reintroduce an active frontage that is akin to a traditional retailer to a unit that has been vacant since May 2024, it is therefore incorrect for Elias Topping to suggest that the proposed development would create dead frontage. Betting Offices complement shops and support a healthy retail environment. The proposed development would not result in the loss of A1 (Or Use Class E(a)) floorspace.

Not only does the proposal meet criteria 1 and 2 of Policy 26 but also criterion 3 as the proposal relates solely to the ground floor, meaning the upper floors can be effectively used. Again, it is important to highlight that Elias Topping work on behalf of a rival betting office operator which seeks to undermine competition.

The Rt Hon Sir John Hayes CBE MP objects to the proposal noting that it is unlikely to boost footfall, benefit the local economy nor other traders. He contends that the proposal may deter visitors from visiting the town. Contrary to Sir John Hayes’ personal views on this matter, the evidence demonstrates that betting offices are strong footfall generators, which create linked trips that benefit both the local economy and nearby businesses.

The proposal does not promote a stronger visitor economy and may deter visitors and shoppers from visiting Spalding

Elias Topping contend that the proposal does not promote a stronger visitor economy as set out in Policy 9 of the LDP. Policy 9 of the LDP aims to promote development that benefits the local economy, visitors and the local community. The Rt Hon Sir John Hayes CBE MP also argues that the proposed development is unlikely to boost the local economy and may deter visitors.

The proposed development would provide substantial benefits to the local economy. On average, £300,000 is invested by BoyleSports on the fitting out of each new unit and BoyleSports pays an average of £9,500 of business rates per unit, per annum, to the Council. The proposal would also create 3 full time jobs and 3 part time jobs alongside 26 temporary construction jobs over the 6-8 week construction period. In addition, the proposal will also create ongoing, indirect employment, through the supply chain for consumables, waste management and utilities, all of which will benefit the local economy and local community.

The proposed development will bring a vacant unit back into beneficial use, creating an active frontage and a more attractive town centre which in turn will aid in promoting a stronger visitor economy.

Elias Topping refer to South Holland District Council's Economic Development Team's comments on an application for adult gaming centre (AGC) (H16-0789-21) to support their argument. It is important to understand the difference between betting shops and AGCs. Whilst betting offices and adult gaming centres fall with Use Class Sui Generis, they are distinctly separate uses as evidenced by the fact that they are 'Sui Generis'. Both operate under separate gambling commission operating licences and local authority premises licences, again, showing that they are not the same, nor are they in any way interchangeable. The characteristics of the premises and their function are entirely different, and they attract a distinctly different clientele. Betting offices contain large gantries displaying live events and information to inform selections, they are lawfully allowed to accept bets on outcomes from sporting and number draw events. AGCs are permitted to house gaming machines and have none of the attributes mentioned that betting shops offer. The applicant contends that suggesting the nature of these uses are similar, is akin to suggesting that a pub and a newsagent are similar in nature because they both offer the sale of alcohol. Given this, the comments made in respect of the AGC application (H16-0789-21) should not be afforded any weight.

Proposed illumination of signage should not be consented within a conservation area

Spalding & District Civic Society object to the proposed signage and note that internally illuminated advertising is not permitted within a conservation area. The Civic Society appear to be confusing permitted development rights with the need to obtain advertisement consent; this objection should be afforded no weight as it is factually incorrect. The Rt Hon Sir John Hayes CBE MP also argues that the proposed illuminated signage is inappropriate for a conservation area.

The proposal is seeking advertisement consent and as such the merits of the proposal need to be considered within the context of amenity and public safety only.

Alleged effect on antisocial behaviour

The objection by Cllr G J Taylor suggests that the proposal would lead to an increase in antisocial behaviour including loitering and crime.

There is no evidence of anti-social behaviour being linked to existing betting offices in Spalding Town Centre, furthermore, measures to mitigate potential issues are a matter for licencing and not planning. In granting a premises license, the Licencing Sub-Committee would need to be satisfied that adequate procedures are in place to fulfil the licencing objective of “*preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime*”. We maintain that the application proposal is for an appropriate town centre use that would enable a vacant unit to be brought back into beneficial use and would contribute to the viability and vitality of Spalding Town Centre.

Equally, by reoccupying a vacant unit, the footfall within the Town Centre would increase, subsequently improving upon the levels of natural surveillance during both day and nighttime and in turn positively impacting on the reduction of crime in Spalding, as supported by Policy 3: Design of New Development of the LDP.

Importantly, Lincolnshire Police have no objection to this proposal.

We contend that significant weight should be afforded to the re-use of a vacant unit that would make an important contribution to the local economy, improve the vitality and viability of Spalding Town Centre and increase the natural surveillance in the area, which in turn will limit the opportunity for crime in the area.

Alleged effect on social wellbeing

The Rt Hon Sir John Hayes CBE objects to the proposal, due to the impacts of gambling addiction. He believes that ‘*Spalding should not be feeding a gambling epidemic*’. Whilst associations are made between the operating of betting offices and the health and wellbeing of residents (specifically vulnerable people), an appeal held in Blackpool Borough Council for the proposed change of use from a retail unit to an adult gaming centre (May 2018, APP/J2373/W/18/3196247) saw Inspector C McGlone explain:

“I recognise the potential for the proposal along with other amusement centres and betting shops to collectively influence people’s everyday lives, especially for those in areas near to the town centre which are said to have some of the most serious health and crime problems. However, there is little conclusive evidence that the proposal would, individually or collectively, result in harm to people’s health and education, or prevent them from leading healthy and active lifestyles.”

It is also important to highlight that the outcome of this application is unlikely to address concerns surrounding social wellbeing. This was confirmed at an appeal in the London Borough of Brent, where Inspector J P Tudor (May 2018, APP/T5150/W/17/3189944) stated:

“Moreover, vulnerable persons in the area would, whether the proposal was approved or not, still have access to betting offices, off-licences, public houses, pay-day lenders and pawnbroker as they would in many high streets across London and the country”.

Chapter 8 of the National Planning Policy Framework requires local development plans to consider factors such as health and social well-being in the preparation of local strategies. Although Policy 24 of the LDP seeks to ensure that there is not an over proliferation of betting shops in the town centre, this is not due to considerations of health and social wellbeing rather impact on local amenity and activity. This illustrates that there is not a firm correlation between betting offices and negative effects on social well-being. It is important to highlight that Chapter 8 of NPPF needs to be read in conjunction with the remainder of the policy document, specifically Chapter 7 concerning town centres and we contend that significant weight should be afforded to the re-use of a vacant unit that would provide an important contribution in an economic sense whilst still protecting the health and wellbeing interests of the public through the licensing regime. One of the licencing objectives which BoyleSports must demonstrate relates to the “*protection of the vulnerable*” and therefore robust policies are in place to ensure this.

Summary

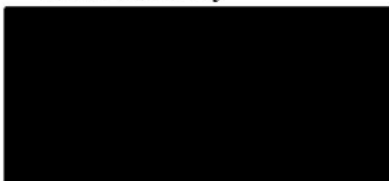
Whilst the applicant recognises that the provision of new betting offices can be an emotive issue, planning decisions need to be made in accordance with the development plan unless material considerations indicate otherwise.

The objection from Elias Topping is on behalf of a rival betting office which seeks to undermine competition. In this regard, it is not the role of the planning system to protect commercial interests but rather promote sustainable development which the reoccupation of a vacant unit would achieve.

The application proposal is for an appropriate town centre use that would deliver tangible benefits from a vitality and viability perspective. The proposed development is compliant with the development plan, namely Policy 3, Policy 4, Policy 24, Policy 25, Policy 26 and Policy 29.

The proposed development is in accordance with the statutory development plan and the NPPF. We therefore respectfully request that the application be permitted.

Yours sincerely



Mali Meek

Planner

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