

South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
United Kingdom
PE11 2XE

Submitted via the planning portal ref: PP-10032135

19 July 2021

Our Ref: 21/6082

Dear Sir/Madam

32-33 Hall Place, Spalding, PE11 1SG

This planning application seeks full planning permission for the change of use the ground floor and first floor at 32-33 Hall Place, Spalding, PE11 1SG from a former retail unit (Class E) to an Adult Gaming Centre (AGC) (Sui Generis) (SG) use to allow Merkur Slots (UK) Ltd to occupy the unit. Externally advertisement consent for new signage is also sought.

Application Site & Surroundings

The application site is located on the north side of Hall Place and comprises the ground and first floor commercial unit, within a three-storey mid terrace property. The site fronts on to Hall Place and is surrounded by a number of national retailers including Boots, Superdrug, WHSmiths, Greggs, Vision Express, Barclays, Card Factory and Spec Savers. The unit is adjoined by two existing E class operators.

The unit, a former Dorothy Perkins, is situated between two retail (Class E) units. The site is located in the Primary Shopping Area of Spalding town centre and is situated on a Primary Shopping Frontage. The prominent uses in the Centre are retail, although there are a mix of other uses including banks, restaurants, and cafes.

The unit has been vacant since February 2021, following the closure of the former Dorothy Perkins. The property is neither statutory or locally listed but it is located in the Spalding Conservation Area. The commercial unit would benefit from updating and re-occupancy.

Proposal & Access Arrangements

The proposal concerns the ground and first floor of 32-33 Hall Place, Spalding, seeking to change the use of the vacant unit from to an AGC. The first floor will be for staff only and will provide a staff room and toilet facilities. External alterations involve the installation of new signage. Access into the unit will remain as existing, from the central, double entrance door fronting Hall Place, which provides level access.

Directors
Helen Cuthbert | Stuart Slatter | Claire Temple | Alastair Close
Dan Templeton
Associate Directors
Katie Turvey | Heather Vickers | Alan Williams

Consultant
Lorna Byrne
Associates
Sally Arnold | Rob Scadding | Penny Moss | Sam Deegan | Paul Galgey
Niall Hanrahan | Phil Marsden | Charlotte Perry | Charlotte Hunter

Planning Policy Context

Principle of Development

It should first be noted that the new E use class came into effect on 1st September 2020. This has created a flexible system for town centre uses that can better reflect the diversity of uses on high streets, and to give businesses greater scope to adapt and diversify to meet changing demands. In light of these significant changes, town centre policies that predate the E use class are now out of date and cannot be afforded the same weight when assessing town centre proposals. Notwithstanding, the Council's adopted local plan policies contained within the South East Lincolnshire Local Plan 2011 – 2036 (adopted March 2019) are addressed below.

First and foremost, it is important to note that there is no policy that seeks to resist proposals for Adult Gaming Centres (AGC's) in adopted policy. In Primary frontages, Policy 26 'managing town centres' seeks to ensure that retail uses (Class A1) predominate on ground floors. The policy continues, narrating other uses will be permitted whereby the following criteria are met:

'Ground floor A1 units in the Primary Shopping Frontages should be retained predominantly for retail use unless it can be demonstrated that the loss of an A1 unit, by change of use or redevelopment will:

1. make a positive contribution to the vitality and viability of the Primary Shopping Frontage;
2. not result in a loss of A1 floor space or frontage of a scale that undermines the retail function of the frontage; and
3. allow upper floors to be effectively used, including the possibility of independent use, where appropriate.'

The specific criteria contained within Policy 26 is concerned with the protection of A1 retail units. This element of the policy is now out of date because Class A1 retail no longer exists. Retail uses are now within a wider use class (Use Class E), which includes a range of both town centre and non-town centre uses, the latter of which includes doctor's surgeries, children's nurseries, and research & development/ light industrial uses. Conversely, a number of traditional town centre uses have been moved out of the E use class and are now Sui Generis, for example cinemas and pubs. The reason for the removal of Class A1 and the introduction of Class E is because of the changing nature of retailing and the fact that the future of our high streets are no longer reliant on retailing. Going forward, our town centres require a mix of uses and experiences to survive. The fact that the application site can change to a range of non-retail uses under permitted development is clearly a significant material consideration in the determination of the application and criteria 2) set within Policy 26 can no longer rigidly be applied.

If the Council were minded to consider the proposal against criteria 2, then it should be noted that the application site is located within a Primary Shopping Frontage comprising of ten commercial units, of which 9 (90%) are currently in E Class use. The proposal will result in 8 (80%) E Class uses and 2 (20%) non-E class uses. Similarly, the Primary Shopping Frontage on the opposite side of Hall Place comprises of 23 units (1-14 Market Place and 1-17 Hall Place), of which 20 (89%) are in E Class use, 2 (7%) are in Sui Generis Use and 1 (4%) is vacant. The proposal will therefore not result in the loss of frontage of a scale that undermines the retail function of the Primary Shopping Frontage.

The adopted policy maps confirms that the site is located within the Primary Shopping Frontage, and has been vacant since February 2021, contributing nothing to vitality and viability of the wider Primary Shopping Area. Since falling vacant the unit has been actively marketed by agents Banks Long & Co, generating interest from our client and, one other party, a local tanning shop but this did not progress following a visit of the premises. The marketing campaign has involved details of the unit being uploaded to various marketing portals, including Rightmove, Zoopla, Shoppoerty, East Agents Clearing House

and EGI, as well as Banks Long & Co. own company website. To pick up any local interest a marketing board has been erected on the property and remains in-situ.

The property remains live on all of the above marketing portals in order to pick up any enquiries that may come forward whilst this planning application progresses. As of the 21.07.2021, Banks Long & Co have not received another enquiry for the property. With Banks Long & Co commenting

‘This is in our opinion is indicative of the difficult conditions prevailing in the retail sector at the present time. We were already seeing this pre the onset of the Covid 19 pandemic, as shopping patterns underwent a significant structural change, predominantly on the back of the growth in the popularity of internet retailing. However, the Pandemic has exaggerated the impact of these changes in shopping habits/patterns and it is the weaker town centres like Spalding that have been the worst hit within our geographical trading areas.’

There are significant material considerations that weigh heavily in favour of the proposals: These are as follows:

- The introduction of Class E which has already been discussed in detail above.
- The unit is vacant and detracts from the street scene and wider conservation area.
- The PSF is healthy and lively with high levels of footfall. The proposed use will contribute positively to the vitality and viability of the Town Centre bringing choice and competition.
- The creation of up to 12 jobs for the local economy.

AGCs are an established town centre use which are commonplace in retail core areas and which complement retail and service uses throughout the day and into the evening. AGCs generate high level of footfall and linked trips. They are therefore entirely appropriate to the character of the shopping area and the proposals are in line criteria 1 of Policy 26, and the wider aspirations of this adopted Policy. Supporting paragraph 6.4.2 to Policy 26 highlights the sensitivity of breaks of retail uses within the Primary Shopping Frontage, as stated previously the unit is adjoined by two E use class operators and will not result in cluster of non-E class uses, or an over proliferation of AGC uses.

Criteria 3 of Policy 26 seeks to ensure that the upper floors of the commercial units are brought into effective use. As seen on the proposed floor plans the first floor will be used to provide facilities for staff, rather than the area becoming void.

As stated above, the proposed AGC is a recognised town centre use, the proposal adheres with adopted policy. The submitted Merkur Slots Planning Brochure contains further information on the benefits the proposed AGC can bring to town centres. The brochure includes planning inspector quotes. Inspectors have found:

“AGCs attract customers in comparable numbers to the shops around them and are designed to complement the shopping experience in town centres”.

“...adult gaming centres are an accepted part of many town centres as a part of the mix”.

Overall, the principle of the proposed change of use is entirely acceptable and the proposal will protect and enhance the vitality and vibrancy of this part of Spalding. It could also trigger inward investment within this particular area of the Primary Shopping Frontage and increase the attractiveness of nearby vacant units to potential occupiers.

It has therefore been demonstrated that the proposals comply with the overall objectives of the Council’s adopted and emerging town centre shopping policies, and that any potential conflict with the criteria set in Policy is clearly outweighed by significant material considerations. It has been demonstrated that the proposal will not only maintain, but enhance, the vitality and viability of the PSF and wider Town Centre as a whole.

Despite common misconceptions, the brochure also clearly demonstrates how Merkur Slots AGCs are smart well-run establishments, that do not give rise to problems, as follows:

- AGCs do not have (and have never had) the Fixed Odds Betting Terminals – machines associated with betting shops;
- The machines offer low stakes of between 10p and £2 – the average stake from customers is 30-40p;
- A large number of Merkur Slot AGCs contain bingo machines and tablets (this is what is being proposed at 32-33 Hall Place);
- 48% of customers are female;
- Complementary refreshments, teas and coffees are provided;
- AGCs are where people go to spend their spare change, have a game of bingo and enjoy their favourite pastime (these machines have been around for many years);
- Customers visit on their own or in couples – large groups are rare;
- The customer base during the late evening and into the early hours is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts;
- The machines generate low levels of noise, only background music is played (similar to shops) and there are no tannoy systems;
- Merkur Slots have never had a licence revoked or reviewed and incidents are extremely rare.

Amenity

AGCs typically operate 24-hours and that is proposed for the new AGC at the application site. The surrounding area is mixed and has an established night-time economy, notably comprising restaurants and pubs. Whilst longer hours of operation are sought, it is important to consider that Merkur Slots noise levels are generally very low and impacts on disturbance to surrounding residences are effectively mitigated and minimal. For example, as set out in the brochure, only background music is played within venues (similar to shops) and there are no tannoy systems. Further, the late-night customer base is predominately late shift workers looking to relax and larger groups are very rare due to the offer within the AGCs. As such, the nature of the use proposed would not result in adverse noise in either the day or night-time hours and the use is appropriate to the busy high street context. The proposals therefore accord with Policy 3 of the adopted Local Plan.

Highway Safety

As noted above, the site is located within Spalding Town Centre and thus is in a demonstrably sustainable location that is well served by public transport links and on street parking. The proposal will not have a detrimental impact on highways safety.

Advertisement Consent

The proposals seek to install new signage at the ground level only, which will be occupied as 'Merkur Slots.' The proposals for 32-33 Hall Place are fully annotated on the submitted drawings. The site is located within the Spalding Conservation Area, and Policy 29 states that proposals should preserve and not affect views in and out of the conservation area. Within the Spalding Conservation Area Appraisal, the application site is not specifically mentioned but Hall Place is referred as one of the streets that forms part of the Historic Commercial Area.

The built form on Hall Place is described as two storeys with continuous facades with Hall Place enclosed by continuous lines of development, intersected by side streets. It is important to highlight that the proposals do not seek to amend the physical

make up of the existing frontage, they simply seek to location new signage in the position of the former 'Dorothy Perkins' signage.

The proposed signage associated with the AGC comprises of individual affixed 'Merkur' and 'Slots' letters, alongside a sun logo on the back of the Fascia, which will be prepared and decorated to match RAL 9005 Sating Black. The lettering will be internally illuminated. Letters will be 250mm high on the Old Church Road elevation.

The projecting sign will be fabricated from 1050 grade (2mm) aluminium with an overall thickness of 100mm. The faces will be powder coated to match RAL 9005 Satin Black. The background will be faced with a 5mm acrylic RAL 050 Opal with a translucent printed self-adhesive vinyl. The sign will be internally illuminated. The luminance level will be 250 cdm² (maximum).

Overall, the signage will have no impact on residential or neighbouring amenity and is located in a position that will not cause undue harm on public safety, therefore compliant with Para. 132 of the NPPF (February 2019), Policy 29 and Policy 3 of the Local Plan.

The signage will safeguard and enhance the legibility, safety and security of the pedestrian environment and it is evident that the introduction of new illuminated signage has been long established within this part of the town centre.

The proposed adverts fully accord with local policy, resulting in no harm to conservation area, surrounding residents, amenity or highway safety. The adverts have been well designed and are sympathetic to the commercial context of the site, making positive alterations to a presently disused shop front. On this basis the design of the signage proposals is acceptable and consistent with the previous signage serving the former Dorothy Perkins, and other premises across the Town Centre.

Summary

The principle of the proposed change of use and external works are entirely acceptable and will protect and enhance the vitality and viability of this part of the Town Centre. The proposal involves the bringing back of a vacant unit into beneficial use, which will lead to improvements to the appearance, and accessibility of the frontage, footfall, linked trips, new jobs and will assist in diversifying the centre's offer. The proposals comply with the local and national planning policy, it is therefore respectfully requested that the application is approved without delay in accordance with para 11 of the NPPF.

Submission

As part of the application, we enclose the following:

- Site Location Plan 1:250
- Site Block Plan 1:500
- Existing and Proposed Ground Floor Plan: EXPR-01
- Existing and Proposed First Floor Plan: EXPR-02
- Existing and Proposed Shopfront Plan: EXPR-03
- Appendix 1 – Company Brochure
- Covering Letter

The relevant planning application fee £594 has also been paid via the Planning Portal.

We trust the information submitted is sufficient for the determination of the application and we look forward to receiving confirmation the application has been made valid in due course.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Sam Deegan', with a slight shadow effect.

Mr Sam Deegan

Associate

Planning Potential

Harrogate