

Committee Update Sheet – 11th January 2024

Item 9

Application 07/2023/00880/FUL
47 Hough Lane, Leyland

In response to objections received the applicant has provided the following rebuttal:

Response to Objections

Objection Concern	Lichfields Response
Loss of a Use Class E shop	<p>The objections seek the adopted policy to be interpreted in a 'vacuum' irrespective of government policy and guidance that has shifted, essentially rendering the adopted development plan out of date.</p> <p>The Council's Retail Position Statement (2022) identifies that only 30% of units within the primary retail frontage [PRF] comprise Use Class E(a), the equivalent to the former Use Class A1. This clearly reflects the changing role and function of the town centre in the context of Policy E3 which was adopted in 2015 and seeks to secure a minimum of 60% of the overall units as Use Class A1 in the PRF.</p> <p>However, when considering the entirety of Use Class E within the PRF, the occupancy rate increases to 71%, in excess of the minimum requirement of Policy E3.</p> <p>It is important to view Policy E3 within the context of the changing role and function of town and city centres – a position supported by Annex 2 of NPPF which amongst a wide range of other uses, specifically identifies leisure as an appropriate town centre use.</p>
Considered proliferation of betting offices in the town centre	<p>The objectors refer to the three existing betting shops located in close proximity, which they consider will lead to proliferation of such uses in the town centre if the proposed development is approved.</p> <p>However, it is important to highlight that Betfred at 53 Hough Lane is due to be demolished and replaced with a three-storey mixed-use building under permission ref. 07/2022/00810/FUL. At the time of submitting this rebuttal, we have been unable to identify a planning application for the replacement betting office for Betfred on the Council's online planning register. It is therefore assumed that Betfred may cease operations from the site and the town centre once the building is demolished.</p>

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	<p>The proposed change of use, whilst for a different operator, could therefore simply maintain the existing number of betting offices located in the primary retail frontage in the longer term. Three betting offices have previously been considered to be acceptable the LPA. Therefore, the proposed change of use would certainly not amount to proliferation of such a use under these circumstances. However, we strongly propose that adding a 4th betting shop would not lead to proliferation when considering the overall picture in any event.</p> <p>We also note that in the wider area (within 2 miles of the centre) there have been 3 betting shops closed within the last 3 years as customer habits have changed.</p> <p>Moreover, according to South Ribble's Retail Position Statement (2022), Leyland town centre has 303 retail units. Following a desktop study, we have identified that William Hill, Ladbrokes and Betfred are currently present in Leyland town centre. The proposed development plus the three existing betting offices, amounts to 1.3% of all the units in the town centre.</p> <p>If Betfred were to cease operations soon the proportion of betting offices would reduce to 1% of all units in the town centre. Any suggestion that 1% of uses amounts to proliferation is unjustified and unreasonable.</p> <p>Furthermore, the applicant acknowledges that betting offices often seek to locate in close proximity to each other. This however 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, e.g. a café quarter, financial district, etc. On this basis, it is clear that approving this application would not create an over-concentration of betting offices.</p>
<p>Considered adverse impact on the vitality and viability of the primary retail frontage</p>	<p>The proposed use would re-introduce an active frontage and activity to the PRF.</p> <p>Paragraph 86 of the NPPF states that planning policies and decisions should support the role that the town centres play at the heart of local communities, by</p>

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	<p>taking a positive approach to their growth, management, and adaptation. 47 Hough Lane has been vacant since August 2022 with no interest from traditional retailers shown, despite marketing efforts. Other town centre uses, such as leisure, should therefore be considered. The reoccupation of a long-term vacant unit is a significant benefit to the town centre which aligns with the NPPF in promoting sustainable development.</p> <p>According to South Ribble's Retail Position Statement (2022), there are 13 vacant units across the town centre. As such, the proposed change of use would decrease the proportion of vacant properties. It would provide activity at street level and enhance the customer experience by providing a wider diversity of uses, albeit maintaining the overall retail function of Leyland town centre.</p> <p>The proposed change of use would benefit the retail function of the Town Centre, by generating significant footfall and contributing to linked trips which has been evidenced in numerous appeal decisions. This was demonstrated in an appeal decision in Harrow (April 2020, 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.</p> <p>In addition, the research found that those that visit the betting shop 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:</p> <p><i>"the research demonstrates 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."</i></p> <p>This highlights that betting offices positively contribute towards the shopping function and vitality and viability of town centres. Importantly, the building is currently vacant and detracts from the vitality and character of the PRF on Hough Lane.</p>

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<p>Lack of marketing evidence demonstrating a lack of demand for the Use Class E shop</p>	<p>HDAK Commercial Property Consultants were instructed to market the property for sale in September 2022. The current owner of the building completed the purchase of the site in April 2023.</p> <p>HDAK has confirmed that during the marketing period, limited interest was expressed from retailers with the only interested parties expressing considerable interest were from local investors looking to acquire the freehold of the property and then taking their chances in finding a suitable tenant. HDAK has advised that the current owner of the building owns a number of other buildings along Hough Lane and was prepared to split the accommodation (ground floor and first floor) with the hope of increasing the interest in the unit.</p> <p>HDAK undertook an extensive marketing campaign including online and through commercial agents. HDAK has confirmed that 'little or no positive response was received'.</p> <p>HDAK has advised that the general response from potential retail occupiers was that the premises were too large and did not benefit from a standard shop window display or rear loading facilities. During the marketing campaign, only two viewings were undertaken with one of those viewings comprising Boyle Sports.</p> <p>It is clear from the feedback provided by HDAK that there has been limited to no interest in the site from traditional Use Class E retailers, even with the prominent PRF location.</p>
<p>Considered poor design of the advertisement and signage material</p>	<p>The proposed shopfront alterations and advertisements are similar to that used by the former HSBC Bank PLC. HSBC previously had two fascia signs and two projecting corner signs. BoyleSports propose two fascia signs of similar height, length and depth and one projecting corner sign, one less than previously found at the site. The development therefore proposes a reduction in signage compared with what was previously considered to be acceptable.</p> <p>The design of the fascia signs and projecting corner sign aligns with the commercial branding of BoyleSports stores across the UK. The signage is similar</p>

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	<p>to the shopfront signage of neighbouring units found on Hough Lane in terms of:</p> <ul style="list-style-type: none"> • the blue colour scheme which is also found on the adjoining Mind unit (45 Hough Lane) and Boots Chemist (40 Hough Lane) and Halifax (28-30 Hough Lane) located opposite; and, • fascia signs and projecting corner signs are found on the majority of units located in the PRF. <p>The proposed signage will modernise the unit and contribute to a vibrant shopfront that will enhance the PRF.</p> <p>The proposed signs will not exceed an illumination level of 250 candela per sqm. The range is within the range permitted under Paragraph 2(1) of Part II 'interpretation' of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007/783. On this basis, the proposed signage is considered to be acceptable.</p>

Summary

The objections from Ellias Topping and ID Planing are on behalf of rival betting office operators which seek 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 long-term vacant unit would achieve. Despite active marketing, there has been no interest in the unit from traditional retail operators, therefore other uses, such as leisure, should be considered. It is an appropriate town centre use which would complement the existing retail function of the centre by enhancing footfall and facilitating linked trips. This has been evidenced through the application and this response.

The concerns regarding the alleged impact on the viability and vitality of the High Street shopping centre, potential proliferation and the poor design of the advertisement and shopfront signage have been addressed thoroughly within the above responses.

The proposed development is in accordance with the statutory development plan and the NPPF. There are no material considerations that would justify a departure from determination in accordance with the development plan. We therefore respectfully request that the application for full planning permission and advertisement consent is permitted.

The Officer recommendation remains unchanged.