

Knowsley Metropolitan Borough Council
Municipal Buildings
Huyton
L36 9UX

August 2022

Our Ref: 22/6464

Dear Sir/Madam

Unit 1 Cavendish Walk, Derby Road, Huyton, L36 9YG.

This planning application seeks full planning permission for the change of use of Unit 1 on Cavendish Walk in Huyton from a vacant betting shop (Sui Generis) to an Adult Gaming Centre (AGC) (Sui Generis) (SG) use to allow Merkur Slots Ltd (UK) to occupy the unit.

Advertisement consent is also sought.

Application Site & Surroundings

The application site is situated on Cavendish Walk, one of the main pedestrian thoroughfares in the town centre.

The application site is located along Cavendish Walk, forming part of Huyton Town Centre, whereby occupiers predominantly consist of national and local occupiers including: Home Bargains, Boots, Poundworld, Pound Bakery and Greggs. The site adjoined by a 'Pound Bakery'.

Proposals and Access Arrangements

The proposals relate to Unit 1 Cavendish Walk, seeking the change of use from a vacant betting shop to an AGC. Access to the unit will remain the same as the existing. This application concerns the ground floor only.

Advertisement consent is also sought.

Planning Policy Context

Principle of Development

In Huyton, the Development plan consists of The Huyton Core Strategy (January 2016), The Huyton Master Plan SPD (2017-2028) and the Knowsley Replacement Unitary Development Plan (June 2006).

The 'Spatial Vision' for Knowsley set out in the Core Strategy identifies that by 2028 Huyton Village Centre will have a defined and enhanced role and will be regenerated, vibrant and welcoming. This is reflected by the Core Strategy's 'Strategic Objective 4' which states that the Council will promote distinctive, viable and sustainable town centres in Huyton, Kirkby and Prescott by improving choice, variety and quality in their range of retail, leisure, and other town centre uses.

Chapter 6 of the Core Strategy sets out the area priorities for the Borough and it identifies that one of the priorities for Huyton is to enhance the town centre with appropriate retail uses focused within the Derby Road/Cavendish Walk primary shopping area and a broader mix of evening, leisure and other service uses encouraged primarily in other parts of the town centre.

Policy CS6 (Town Centres and Retail Strategy) in the Core Strategy states that in order to enhance the vitality and viability of Knowsley's Centres and maintain appropriate local service provision, Huyton, Kirkby and Prescot town centres will enhance their equal role in providing 'comparison' and 'convenience' shopping which will be supplemented by a complimentary mix of leisure, health, residential, education, cultural, employment, service uses and complimentary evening and night time uses.

Saved Policy S2 in the Unitary Development Plan states that proposals for the change of use of existing buildings to provide town centre uses within existing town and district centres will be permitted provided that:

- The proposal would be compatible with the scale and role of the centre and would not have a detrimental impact on the retail function of the centre; and
- The proposal would not result in a grouping of uses which would have a negative impact on the character of the centre.

The Town Centre Uses SPD sets out thresholds for the concentration of betting offices and pay day loan shops in town centres, and it states that planning permission will only be granted for a betting office or pay day loan shop within an existing town, district or local centre and parade and will not be granted if it causes an unacceptable grouping of uses which would have a negative impact on the character of the centre which is defined as:

- More than 10% of units within town centres being betting offices or pay day loan shops;
- More than 20% of units within district, local and shopping parades being betting offices or pay day loan shops;
- More than two adjoining betting offices or pay day loan shops in a frontage; and
- Less than two non-betting office or pay day loan shop units between individual or groups of betting offices or pay day loan shops.

The proposed use is not a betting shop or a pay day loan shop. That being said, the quantum of uses is below the threshold.

It is important to note that there are no policy restrictions regarding proposals for AGCs. Policies CS6 and S3 illustrate the established hierarchy of Knowsley, indicating Huyton as an opportunistic centre to enhance for new development, particularly comparison and convenience shopping, alongside a broader mix of leisure and night-time uses.

The unit is vacant and therefore not contributing to the vitality and viability of the town centre. Given the unit's lawful uses (Sui Generis) the change of use would not compromise the existing A1 provision and therefore have no impact on the retail character of the frontage. Along Cavendish Walk there are a number of Class E and non-Class E uses.

AGCs are comparable to A1 shops in terms of shopfront, footfall and propensity for linked trips and the site's location within the neighbourhood centre is conducive. The evening economy is also a significant contributor to economic performance and this application encourages evening / night-time uses. The principle of evening opening is established in this area.

Merkur Slots commissioned ESA Retail, an independent survey company, to carry out footfall, pedestrian flow and linked trip surveys at three of their trading AGCs across England. The result can be seen at **Appendix 1** and demonstrate that Merkur AGCs are entirely appropriate and complementary uses within primary shopping areas. It is simply not the case that all retail units are more beneficial than all non-retail uses. The nature of high streets has changed. Merkur AGCs attract people into centres, generate good levels of footfall, maintain high levels of pedestrian flow and generate linked trips.

Of course the recent changes to the Use Classes Order means that Policy CS6 somewhat out of date and that the same level of protection of A1 units within the town centre can no longer be provided given that former A1 units can now change to a range of different non-retail uses without the need for planning permission. Whilst the proposed adult gaming centre is a sui generis use, which does not fall within Use Class E, the new Order is clearly material to this matter in respect of how it would affect the LP policies' ability to retain retail uses and its support for, and protection of, uses categorised within the now superseded Order.

With regard to the LP policies' approach, the extent to which they are able to directly resist non-A1 retail uses has been diminished by the latest Order as such uses may now move, unfettered, within the new Class E. There is, therefore, the very real prospect that the Order may facilitate the introduction within the town centre of uses which the LP policies previously sought to resist.

That being said, the AGC is a complementary use that will allow variety and activity to return to the town centre. This requirement is made more acute given other vacancies in the town centre. The bringing back of these vacant units will in turn lead to refurbishment of the frontage and new, high-quality signage. This will not only be beneficial to the vitality and viability of this part of the town centre, but to the wider area and could attract further inward investment.

The use class change warrants a different approach to the application of extant town centre and shopping policies which were drafted under a different use class system and typically rigidly applied. The policies are effectively now out of date, and a much more flexible approach ought to be adopted, focusing on the overall aims and objectives of the policy.

It is also worth noting that while the amendments to the UCO would not permit the change of use sought by the applicant, they would allow the appeal site to be used for a variety of other uses such as offices, health or medical services, or a nursery. An AGC would be likely to create more footfall, through more of a typical day, than many Class E uses to which the premises could be put. There would be no less potential for linked trips to town centre shops, pubs and other businesses arising from the proposed use than would be the case for some other possible Class E uses.

The unit has been vacant since December 2021. Investment is attracted by inward investment and there are numerous vacant units across the town centre, other vacant units close by include:

- Unit 6-8 Cavendish Walk (former Class E)
- Unit 11 Cavendish Walk (former Class E, vacant for at least 18 months)
- Unit 17 Cavendish Walk (former Class E, vacant for at least 18 months)

It is not beneficial to prolong the length of vacancy of this unit in the event that it may receive interest in the future from an E Class operator, which could potentially involve a use which is not a traditional main town centre use, when an established main town centre operator is willing to take on the units and invest heavily in the premises to bring it back into active use now

AGCs are recognised town centre uses within the National Planning Policy Framework (NPPF) (2022) and are common town centre uses that complement retail and service uses and help to contribute to a centres evening and night-time economy. The proposed AGC will bring a vacant unit which has not been contributing to the local economy back into use and return activity to the frontage which is a significant benefit to this part of Huyton.

The introduction of the proposed AGC use will also result in additional benefits, including the redecoration of the existing tired frontage, increased footfall, contributing to linked trips and the creation of 6-12 new full-time jobs. In this respect, the new use will clearly complement the vitality and vibrancy of the centre, serving the local community and meets the requirements outlined in Policy S2.

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 Huyton. It could also trigger inward investment within this particular area and increase the attractiveness of nearby vacant units to potential occupiers.

Figure 1.1 provides a clear internal image of a Merkur AGC.



Source: Merkur Slots Ltd (UK)

Amenity

The submitted Merkur Slots Planning Brochure (**Appendix 2**) contains further information on the benefits an AGC can bring to 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”.

The brochure also demonstrates how AGCs do not attract anti-social behaviour and are not noisy uses for the following reasons:

- 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 Slots AGCs contain bingo machines and tablets (this is what is being proposed at Cavendish Walk)
- 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.

Merkur Slots UK Ltd operate a large number of 24-hour sites and given the nature of the proposal and the commercial context of the site, 24-hour opening is considered acceptable in this location. The proposal proposals will not result in loss of amenity and have no unacceptable impact on existing or future living conditions.

A Noise Impact Assessment (**Appendix 3**) relating to the application site has also been submitted alongside this cover letter.

Regarding comings and goings, the submitted Noise Impact Assessment captures customer behaviour at an existing site in Hull which operates 24 hours. The assessment makes a number of salient observations, including that patrons were typically alone or in a couple or small group and normal-level conversation was the only sound recorded which occurred infrequently people occasionally stood outside to smoke and had brief conversations at normal speech level with no shouting or otherwise anti-social behaviour. The behavioural patterns of patrons that were detected by the noise consultant indicate that patrons do not typically congregate outside of the application site (unlike takeaways, pubs etc) and therefore not impeding local amenity. This evidence solidifies further compliance with local policy.

Advertisement Consent

The proposals seek to install new signage at the ground level only. The proposals are fully annotated on the submitted drawings.

The proposed signage associated with the AGC comprises two fascias across the two elevations, containing individually affixed 'Merkur' and 'Slots' letters, alongside a sun logo on the back of a fascia, which will be prepared and decorated to match RAL 9005 Sating Black. The lettering will be internally illuminated, as will the sun logo. The letters will be 300mm high.

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 Paragraph 132 of the NPPF (July 2021).

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 city centre.

The proposal does not include changes to the exterior of the building, other than the proposed advertisements, and would therefore have a limited effect on the character of the area. The scheme proposes a day-time activity that would attract commercial activity. This would complement the existing retail and leisure functions evident within the centre. As a result, the proposal would preserve the character and appearance.

The proposed adverts fully accord with local policy, resulting in no harm to 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 other premises across the town centre.

Summary

The principle of the proposed change of use is entirely acceptable and the proposals 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 and new jobs. The change of use will have a neutral impact on the retail character given the site's lawful use (a betting shop).

The proposals therefore 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:

Completed application form and ownership certificate

Site location Plan identifying the application site in red – 1-1250

Existing and Proposed Floor Plans

Existing and Proposed Elevations

Appendix 1 – Footfall data

Appendix 2 – Planning Company Brochure

Appendix 3 – Noise Impact Assessment

We trust that the information submitted is sufficient for the determination of the application and we look forward to receiving confirmation that the application has been made valid in due course. If you have any queries in the meantime, please do not hesitate to contact me.

Yours faithfully

Mr Will Rogers

Senior Planner

Planning Potential

Harrogate