

Our ref: GW/LGOBJ360/22.04.2015

22nd April, 2015

Nanayaa Ampona
Camden Council
Development Management
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

Dear Ms Ampona,

Application Ref: 2015/1549/P

Proposed change of use from A1 (retail) to sui generis (betting office) at 64 Kilburn High Road, London, NW6 4HJ

We act as planning consultants to commercial clients who operate on Kilburn High Road and who wish to object to this planning application for sui generis (betting office) use. This objection is based on the proposal's non-compliance with Policy CS7 in the Core Strategy, Policy DP12 in the Development Policies Document, Policy CPG5 in the Camden Planning Guidance and guidance contained within the London Plan (Supplementary Planning Guidance).

This application by Paddy Power is in fact a resubmission of a refused application at 97 Kilburn High Road, directly opposite (ref: 13/3501). As you will be aware, the western side of Kilburn High Road lies within the Brent Local Authority. Nevertheless, it is worth pointing out that a fairly recent proposal for betting office use in the immediate area was considered unacceptable for the following reasons:-

The proposed use of the premises as a betting shop (Use Class A2) and associated loss of a retail unit (Use Class A1) would exacerbate the existing over-concentration of non-retail units within the locality and wider Primary Shopping Frontage and would fail to enhance the range of services that is already provided, causing harm to the vitality of Kilburn Town Centre and lessening the attractiveness of its retail offer to

shoppers, resulting in the loss of a retail unit in a prime location, contrary to policies SH6 and SH7 of the London Borough of Brent Unitary Development Plan 2004.

Camden Council were consulted on this application and objected, giving the following reasons:-

object (the change of use from retail (Class A1) to a betting shop (Class A2) would be detrimental to community safety and, by reason of the potential increase of indebtedness, would be harmful to the health and well-being of the local community contrary to the National Planning Policy Framework)

The proposed change of use to betting office would raise many of the same concerns and would add to an existing concentration of betting offices on Kilburn High Road, both on the Camden side and the Brent side of the road.

In terms of planning policy, the site falls within the defined Town Centre of Kilburn High Road, and also within the Core Retail Frontages. Policy CS7 in the Core Strategy deals generally with retail matters and seeks to protect and enhance Camden's shopping centres. Policy CS7 states:-

The Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors by:

- e) seeking to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located;**
- f) providing for, and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;**
- g) protecting and promoting small and independent shops, and resisting the loss of shops where this would cause harm to the character and function of a centre;**
- h) making sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area, and focusing such uses in Camden's Central London Frontages, Town Centres and the King's Cross Opportunity Area;**
- i) supporting and protecting Camden's local shops, markets and areas of specialist shopping; and**
- j) pursuing the individual planning objectives for each centre, as set out below, including through the delivery of environmental, design, transport and public safety measures.**

As you can see, the overall approach of Policy CS7 is to protect retail uses, protect local & independent shops and restricting harmful uses. The proposal would result in the loss of an A1 (retail) unit in a prominent frontage while leading to a concentration of non-retail uses, with two banks adjoining the subject site.

Detailed guidance on how non-retail uses will be assessed in the defined Town Centres and Core Retail Areas can be found in Policy DP12 of the Development Policies Document. Policy DP12 states:-

The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. We will consider:

- a) the effect of non-retail development on shopping provision and the character of the centre in which it is located;**
- b) the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;**
- c) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;**
- d) parking, stopping and servicing and the effect of the development on ease of movement on the footpath;**
- e) noise and vibration generated either inside or outside of the site;**
- f) fumes likely to be generated and the potential for effective and unobtrusive ventilation;**
- g) the potential for crime and anti-social behaviour, including littering;**

Considering part a) of Policy DP12, one can see that the proposed change of use to betting office would add to an existing concentration of betting office on Kilburn High Road. Ladbrokes operate a double-fronted betting office directly opposite the application premises, while William Hill operate in the adjoining frontage. In total, there are 8 betting offices in the defined Camden and Brent town centre at:-

- 3 Kilburn High Road – Ladbrokes
- 319 Kilburn High Road – William Hill
- 251/255 Kilburn High Road – Paddy Power
- 40 Kilburn High Road – William Hill
- 69/71 Kilburn High Road – Ladbrokes
- 127 Kilburn High Road – Coral
- 141 Kilburn High Road – William Hill
- 205 Kilburn High Road – Ladbrokes

The proposal would therefore result in the ninth betting office in the defined frontages. The cumulative impact of such a concentration of betting offices could have a detrimental impact on the character of the centre and indeed individual frontages. Furthermore, the footfall associated with betting office uses will likely already have been accrued from these 8 existing betting offices. Any further replication of this use would not add to the footfall in the area but merely occupy vital A1 floorspace which is essential to the vitality and viability of the centre.

As you will be aware, betting offices were removed from the A2 Use Class on 15th April, 2015. Betting offices are now classed as sui generis and no longer enjoy any permitted development rights from A2, A3, A4, or A5 uses. The Development Policies document has not yet caught up with this change in legislation and does not include betting offices in its list of acceptable town centre uses. Paragraph 12.15 of the Development Policies document goes on to explain that sui generis uses such as Amusement Arcades, launderettes, saunas or massage parlours (and now betting offices) are generally most appropriate in town centres but that the Council will carefully consider their potential impact when assessing planning applications to make sure that they do not harm the centre or the amenity of neighbours.

The Camden Planning Guidance 5 note deals with town centres, retail and employment and was adopted in September 2013. Paragraphs 3.51 & 3.52 of this document provides detailed guidance on the proportion of non-retail uses permitted in the Core Frontages and in the Secondary Frontages and states:-

In order to protect the retail function of Kilburn High Road, we have designated Core and Secondary Frontages (see map on page 26 for the frontage locations). The Council will generally resist proposals that would result in:

- less than 75% of the premises in Core Frontages being in retail use; or
- less than 50% of the premises in Secondary Frontages being in retail use.

This guidance will be applied having regard to the existing character of Kilburn High Road and individual frontages.

Having surveyed the whole of the Core Frontages on Kilburn High Road as well as the subject individual frontage, it is clear that the proposed betting office use does not comply with this threshold. The subject frontage, which runs from West End Lane to Belsize Road contains 10 units, two of which are in non-retail use (HSBC and Nationwide). The change of use of the subject premises would create 3 non-retail uses and only 70% of the units being in A1 use. Clearly, the proposal fails to comply with this part of the guidance and could be refused on this point alone.

The Core Retail Frontages are split into 5 distinct blocks for assessment. Having surveyed all of the other frontages, the subject block would contain the highest proportion of non-retail uses in all of the Core Retail Frontages with Paddy Power in place. Conversely, the vacancy rate in the Core Frontages is well below the national average, at only 4.5%. Such a low proportion of vacant units would suggest this centre is viable as a retail destination and additional non-retail uses are not necessary to ensure vitality.

Finally, the London Plan offers guidance which supports a change in the Use Classes Order to place betting offices in a separate Use Class. Nevertheless, Policy SPG Implementation 1.2 advises that:-

Boroughs and town centre partners are encouraged to:

- i. manage over-concentrations of activities, for example betting shops, hot food takeaways and pay day loan outlets**

It is important to note that the July 2014 London Plan 2011 Implementation Framework – Town Centres Supplementary Planning Guidance highlights the need to address the issue of proliferation of betting shops. For example, at paragraph 1.2.29 it states –

“Across London there is an urgent need to enable local planning authorities to control the proliferation of betting shops and to address the implications this can have for maintaining the vitality and viability of town centres, and for protecting their amenity and safety”.

It goes on to explain that –

“There are genuine planning issues affecting amenity, community safety, diversity of uses and the continued success of town centres which justify allowing planning authorities to consider the merits of proposals for betting shops”.

The subject proposal, which will add an additional betting office to make nine in total, may not sustain and enhance the vitality and viability of the centre, support quality and diversity, nor promote safety, security or lifetime neighbourhoods. The proposed use will only diminish the retail offer, retail choice and retail competition in this shopping location.

The Council are therefore encouraged to look at betting office proposals on a case by case basis, assessing the cumulative impact of concentrations of betting offices. In this instance, the presence of 9 betting offices and 4 Adult Gaming Centres in the Kilburn High Road centre could be detrimentally harmful to the character of the shopping area.

For all of the above reasons, we respectfully request that this application is refused.

Yours sincerely,

GRAHAM WHITEFORD