

Our ref: GW/PINS/Kilburn/05.02.2016

5 February, 2016

Jonathan McClue  
The Planning Inspectorate  
Room 3/19 Eagle  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Dear Mr McClue,

**PINS Ref: APP/X5210/W/15/3140916**

**Site Address: 64 Kilburn High Road, London, NW6 4HJ**

We act as planning consultants to commercial clients who operate in this area. We previously objected to the subject planning application and take this opportunity to offer additional comments on the appeal. A copy of our original objection is enclosed for your information.

Planning permission for the change of use from A1 (retail) to sui generis (betting office) was refused under delegated powers on 2<sup>nd</sup> July, 2015. The Local Planning Authority's reasons for refusal state:-

- 1. The proposed change of use from Class A1 to Sui Generis, by reason of the reduction of the total number of retail units within this parade below the recommended minimum ratio of 75%, would harm the retail character, function, vitality and viability of the core shopping frontage of Kilburn High Road centre, contrary to policy CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of the London Borough of Camden Local Development Framework Development Policies.**

- 2. The proposed change of use to a betting shop, by reason of its cumulative impact with other similar uses, would exacerbate the existing concentration of betting shops in the Kilburn High Road centre and would have a harmful impact on the character and function of this centre and also would be likely to result in further harm to community safety and the fear of crime on Kilburn High Road. This would be contrary to policy CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of the London Borough of Camden Local Development Framework Development Policies.**

We fully agree with these reasons for refusal and believe the Council were justified in refusing the application on these grounds. The Council's main reasons consist of the non-compliance with the 75% threshold for non-retail uses in a frontage and also the proliferation of betting offices in the centre.

### **Viability**

The appellant has sought to argue that the retail premises are no longer viable for A1 use, citing the temporary traders which have occupied the unit over the past 2 years. However, the very low vacancy rate in this centre suggests that retail remains viable. At the time of surveying the centre (November 2015), only 3 units in the Core Retail Frontages were vacant, accounting for 4.5%. This is well below the national average and is indicative of a healthy and vibrant town centre. Furthermore, the marketing information submitted with the application demonstrated that the unit was Under Offer in April 2015, meaning that no meaningful marketing of the premises has taken place over the past 10 months. Prior to this, the unit had been occupied by tenants on a temporary basis on reduced rents. This is certainly one of the most prominent smaller units on Kilburn High Road, and is flanked to either side by national multiple retailers. The site enjoys high levels of footfall due to its location and was still trading in October 2015. Even though these temporary traders were paying reduced rent, they were still creating footfall and vitality in the street. The appellant has not sought to paint these temporary traders as detrimental to the town centre, but is simply saying that the centre would benefit from a betting office paying full rent. The centre would benefit more from the active frontages created by a retail unit and the associated coming and goings, than that of a betting office which is already well represented in the area.

### **Loss of A1 use**

Despite the Council's assertion that there are 3 non-retail units in this subject frontage, there are in fact 2 non-retail units (HSBC and NatWest), the proposal still fails to comply with

Policy CPG5, paragraphs 3.51 and 3.52. The proposal would result in the non-retail element in this frontage falling below 75% to 70%. So far, this policy has protected the Core Retail Frontages of Kilburn and retail remains high. We see no reason why policy should be set aside in this instance to allow a betting office use. Furthermore, should permission be granted in contravention of policy, it would set a harmful precedent for other frontages in the Core which would otherwise come under the protection of this policy.

The appellant has used a measured frontage calculation in their appeal statement. Although this can be a useful assessment of retail use, this is not what Policy CPG5 demands as a test and it also ignores the prominence and position of the subject unit in the street scene.

### **Concentration of Betting Offices**

The street should not be looked at in isolation in terms of the Council boundaries. The true impact of this proposal should be assessed having regard to the opposite side of Kilburn High Road (Brent) which also contains a high level of betting shop uses.

There are already 8 betting offices in this recognised centre in both the Camden and Brent jurisdictions. These include:-

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

There are also a number of adult gaming centres (AGC) within this centre such as:-

- 89 Kilburn High Road - City Slots
- 40 Kilburn High Road - Cooke's Amusements
- 168 Kilburn High Road - Palace Amusements
- 130 Kilburn High Road - Cashino

As you can see from the above, there are 12 gambling establishments in this identified centre. The proposed change of use would result in a gambling establishment, on average, every 60 metres on this high street (775 metres from No.3 Kilburn High Road to No.255 Kilburn High Road). The Council are therefore justified in refusing the application on the basis of an over-concentration of similar uses. The prevalence of betting and gambling

establishments all the way along Kilburn High Road is already noticeable. Although there is no immediate concentration of betting offices in the frontage, the addition of another betting office on Kilburn High Road, especially in the Core Frontages would create an unceasing presence of betting and gambling on the road, to the detriment of shoppers and visitors alike. Shoppers and traders lose confidence in a centre when gaming uses such as in this case become ubiquitous on the high street.

For the reasons given above, we respectfully request that the Council's decision is upheld and the appeal is dismissed.

Yours sincerely,

**GRAHAM WHITEFORD**