



137 Newhall Street
Birmingham
West Midlands
B3 1SF

T: +44 (0)121 248 3355
F: +44 (0)121 248 3354
E: info@eliastopping.co.uk
www.eliastopping.co.uk

Ms J Martin
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

By email: teamp11@pins.gsi.gov.uk
5 February 2016

Dear Ms Martin

64 Kilburn High Road London NW6 4HJ
Change of Use of Ground Floor from Retail Unit (Class A1) to a Betting Shop (Sui Generis)
Appeal Ref: APP/X5210/W/15/3140916

We are retained by clients who objected to the above planning application and who wish to make further representations to support the LPA's decision to refuse consent for the same on 6 July 2015.

We have reviewed the Appellant's Statement and would like to draw the Inspector's attention to the following additional comments

General Points Relating to the Summary

- The character of the area surrounding the subject unit is a matter of perception: when visiting the site and viewing the Goad Plan it is clear there are already a high number of existing licenced betting offices (LBO's) close to the subject site.
- The unit remains in a highly prominent location in the designated primary Retail Frontage for the centre.
- The proposal would breach the LPA's threshold if the guidance in the Camden Policy Guidance 5 (CPG 5) is correctly applied
- It is disingenuous to include banks and building societies in the calculations; whilst permitted development rights have been eased, these uses do not form part of the traditional retail offer in a centre
- Whilst not part of the adopted Development Plan, CPG 5 is a significant material consideration in the determination of the proposal and was adopted more recently than either the Core Strategy or the Development Policies DPD. It is a clear illustration of the LPA's emerging policy and provides clarification on the application of adopted policies. As such its guidance should be taken into account when assessing this proposal.

Turning to more detailed consideration of the Statement we confirm:

5.13

When assessed correctly, using the adopted policy test of the number of units, as opposed to the measured frontage, the number of A1 retail units in the frontage will be reduced to 70%. The proposal is therefore clearly contrary to policy.

5.15

A standard ground floor lock-up shop unit typically has a frontage of 5.0 m. The subject unit is confirmed to have a frontage of 4.7 m, being only 30 cm smaller than a standard unit. We therefore suggest that the subject unit, rather than being a "very small unit" is in fact the size of a typical retail unit in a centre such as this and only appears small as a result of the larger units next door. No allowance for the alleged smallness of the frontage should therefore be made in the assessment of the proposal.

5.23

The core frontage is again incorrectly assessed by the appellant; the proposal should be assessed on the *number* of units, not the measured frontage

5.33

The inability of the Landlord to secure a Tenant to pay the figure he believes to be the open market rental for the unit is not material to the appeal. If anything, the fact two previous national retailers who paid similar rental figures to that agreed with the appellant went into administration suggests this may be an excessive figure and that a more realistic figure could secure a permanent A1 retail tenant

5.44

It is clear the proposed use will largely attract customers from the 8 existing LBO's located in close proximity to the site, rather than attract new customers as would be the case with a new retail offer. We respectfully suggest the appellant's statement that the use will attract significant new footfall to the area to be misleading.

5.57

Despite the case officer's incorrect assessment of the number of existing LBO's in the area, we suggest the close proximity of 8 existing LBO's is sufficient to be considered a cluster of that use and justify the LPA's objection to further intensification.

5.59

Again, we respectfully suggest assessment of the area confirms the presence of a concentration of existing LBO's, being contrary to the provisions of para 12.6 of the DPDPD.

5.83

The fact that the centre is stated to be vibrant and busy suggests the current mix of uses is working well, and the LPA is therefore correct to seek to retain this, through refusal of consent for the proposed loss of a prominent retail unit in the Primary Frontage.

We therefore conclude the Council was correct to refuse consent for the proposal and trust the Inspector will be able to uphold their decision in due course.

We would be grateful if the points made above could be considered as part of the appeal and would be obliged if you could inform us as to the outcome in due course.

Yours sincerely



MRS J ALTINE TOPPING
BSC (HONS) MRICS

E-mail: altine.topping@eliastopping.co.uk

Our reference: JAT/C12