



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

**HEARING
STATEMENT OF CASE**

APPEAL SITE

64 Kilburn High Road, London, NW6 4HJ

APPELLANT

Power Leisure Bookmakers Ltd

SUBJECT OF APPEAL

Appeal against refusal of planning permission (ref: 2015/1549/P) on 2nd of July 2015 for:

“Change of use of ground floor from retail unit (Class A1) to a betting shop (Sui Generis).”

COUNCIL REFERENCE: 2015/1549/P

PLANNING INSPECTORATE REFERENCE: APP/X5210/W/15/3140916

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1.0 SUMMARY

- 1.1 The appeal site consists of a ground floor retail unit (A1) within a four storey mid-terrace building. The retail unit is currently occupied.
- 1.2 The site lies on the north-eastern side of Kilburn High Road within the Kilburn High Road Town Centre which is the second largest centre in Camden. 64 Kilburn High Road is within a Core Frontage of the Town Centre which runs between nos. 42 and 72. On the opposite (south-western) side of Kilburn High Road is the London Borough of Brent, where this part of the street is also recognised as a Town Centre of importance. The site is not listed nor does it lie within a conservation area.
- 1.3 Planning permission has been refused for the “Change of use of ground floor from retail unit (Class A1) to a betting shop (Sui Generis).”
- 1.4 The main reasons for refusal are:
 - 1) The change of use from A1 to Sui Generis would reduce the total number of retail units within the Core Frontage below the recommended minimum ratio of 75% which would harm the retail character, function, vitality and viability of the Kilburn Town Centre.
 - 2) The change of use to a betting shop would exacerbate the existing high concentration of betting shops in Kilburn High Road leading to a harmful impact on the character and function of the Town Centre and further harm to community safety and the fear of crime.

2.0 SITE AND SURROUNDINGS

- 2.1 The appeal site relates to a ground floor retail (A1) shop located within a four storey mid-terraced building. The upper floors, which do not form part of the appeal proposal, are also within retail use (A1). World Discount Limited (a retailer) has occupied the appeal unit since May 2015. They specialise in clothing and discount stores. The retail unit was occupied by various temporary retail outlets between summer 2014 and May 2015. It was previously occupied on a permanent long-term basis by Barratts (shoe retailer) and before that Clinton Cards (retailer selling cards, gifts and party goods). It is considered to be an attractive retail unit in a highly accessible and desirable location.
- 2.2 The site lies on the north-eastern side of Kilburn High Road within close walking distance to Kilburn High Road Overground Station. It is located within the Kilburn High Road Town Centre which according to CPG5 (Town Centres, Retail and Employment) is the second largest centre in the borough. The guidance also states that the centre has a large number of small, independent shops and mostly serves the day-to-day needs of the local population. 64 Kilburn High Road is within a Core Frontage of the Town Centre which runs between nos. 42 and 72.

On the opposite (south-western) side of Kilburn High Road is the London Borough of Brent, where this part of the street is also recognised as a Town Centre of importance. The high street is considered a vibrant, busy and bustling one.

- 2.3 The site is not listed nor does it lie within a conservation area.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There are a number of historic permissions, including the refusal of the change of use to offices in 1976 (ref: TP/J4/9/13/23186), relating to the appeal site that are covered in the Officer Report (Appendix 2) and the 'Appellant's Hearing Statement'. The Appellant has recently been granted 3 planning consents which are detailed below. It is noted that these approvals are for associated works and in no way alter the Council's position that the appeal proposal is unacceptable. Also of relevance was a refusal by Brent Council on the opposite side of Kilburn High Road in 2013. The officer report and decision notice for this refusal are included in Appendix 5.

Application site:

- 3.2 **2015/2436/A:** Advertising Consent was granted for the "Display of 1 x internally illuminated fascia (letters) sign and 1 x internally illuminated projecting sign on 11/06/2015
- 3.3 **2015/2336/P:** Planning permission was granted for the "Installation of new shopfront on 24/06/2015
- 3.4 **2015/2338/P:** Planning permission was granted for the "Installation of 4 satellite dishes at fourth floor roof level and 2 replacement air conditioning units at second floor rear roof level" on 13/08/2015

Brent Council refusal at 97 Kilburn High Road, NW6 6JE:

- 3.5 **13/3501:** Planning permission for the "Change of use from retail (Use Class A1) to betting shop (Use Class A2) was refused on 23/01/2014 for the following reason:

"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."

- 3.6 Paragraph 8 of the Delegated Officer Report states:

“Kilburn Town Centre is well served by betting shops. The centre contains eight betting shops - four William Hill, three Ladbrokes, one Coral and an existing Paddy Power. Four of these betting shops are less than 400m, a 10 minute walking distance for an able bodied person, from the application site. Given the level of provision, including an existing Paddy Power, it is felt the addition of a further betting shop would not enhance the range of services in Kilburn Town Centre, and will in fact result in an overconcentration which will impact on the diversity of the retail offer.”

4.0 PLANNING POLICY FRAMEWORK

National Policy Documents

- 4.1 On the 27th of March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications. Paragraphs 14, 17, 23, 69 and 70 are most relevant.

Local and Regional Planning Policy Framework

- 4.2 The Development Plan for the area comprises the London Plan March 2015, consolidated with alterations since 2011, and the Local Development Framework, containing the Camden Core Strategy and the Camden Development Policies.
- 4.3 The London Plan Policies most applicable here include policies 2.15, 4.7, 4.8 and 4.9.

Local Development Framework

- 4.4 Camden’s Core Strategy and Development Plan Documents (Local Development Framework) were adopted in November 2010. The 4 Strategic objectives of the LDF are;
- A sustainable Camden that adapts to a growing population;
 - A strong Camden economy that includes everyone;
 - A connected Camden where people lead healthy active lives; and;
 - A safe Camden that is a vibrant part of our world city.

- 4.5 The relevant LDF policies as they relate to the reasons for refusal of the application are listed below:

Core Strategy

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden’s centres and shops)

CS17 (Making Camden a safer place)

Development Policies

DP10 (Helping and promoting small and independent shops)

DP12 (Supporting strong centres and managing the impact of food, drink and entertainment and other town centre uses)
DP24 (Securing high quality design)
DP26 (Managing the impact of development on occupiers and neighbours)

4.6 The full text of each of the policies has been sent with the questionnaire documents.

Supplementary Guidance (Camden Planning Guidance)

4.7 The Council will also, where appropriate, rely on supplementary planning guidance as set out in the Camden Planning Guidance (CPG) insofar as it is material.

- CPG5 (Town Centres, Retail and Employment) September 2013
- CPG6 (Amenity) 2011

4.8 A copy of the above Camden Planning Guidance documents were sent with the questionnaire.

Emerging Planning Policy - Draft Camden Local Plan 2015

4.9 The Camden Local Plan will replace the Core Strategy and Development Policies in 2016. The submission draft has now been approved by Cabinet and Full Council and a period of public consultation will be undertaken from 08/02/2016 to 04/04/2016. Following this consultation the Plan will be formally submitted to the Secretary of State for public examination.

4.10 The submission draft is a material consideration in planning decisions. At this stage the Plan has limited weight in decision making but as a statement of the Council's emerging thinking it can influence planning proposals. The relevant policy sections referenced below are included in Appendix 4.

4.11 Emerging policy TC4 (Food, drink, entertainment and other town centre uses) seeks to ensure that the development of 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. Paragraph c) considers:

“c. whether development results in a proliferation of payday loan stores, betting shops, pawnbrokers, or hot food take aways;

4.12 The text within the policy wording of TC4 goes on to state:

“To prevent the proliferation of betting shops, payday loan stores, and pawnbrokers which harm the vitality and viability of our centres, the Council will generally resist schemes which result in more than one betting shop, payday loan store or pawnbroker within 400m distance of each other.”

4.13 Within the supporting text of policy TC4, paragraph 9.38 states that *“Particular issues that may arise include...” “community safety and the fear of crime (e.g. from amusement arcades, betting shops, massage parlours and saunas, particularly where there are concentrations of such uses).”*

4.14 The supporting text includes a subsection titled **Betting shops, payday loan stores, and pawnbrokers**. Paragraphs 9.41 and 9.42 (quoted below) raise concern over the increase to the number of betting shops in Camden in recent years and Kilburn High Road is specifically mentioned. The full paragraphs are below:

“9.41 The number of betting shops, payday loan stores, and pawnbrokers has increased in Camden in recent years. Some centres have areas where a number of these uses are concentrated, including the south end of Camden Town and parts of Kilburn High Road (including properties in Brent). The Council considers that the proliferation of such use is damaging the character of town centres.

9.42 Therefore, in order to ensure our centres provide a good range of shops and services and to maintain the amenity, vitality, and viability of Camden’s centres, the Council will resist concentrations of betting shops, payday loan stores, and pawnbrokers. The Council will therefore generally resist applications for more than one betting shop, payday loan store, or pawnbroker to be located with a 400m distance of each other.

5.0 REASONS FOR REFUSAL

5.1 Planning application **2015/1549/P** was refused on the 2nd of July 2015 for the following 2 reasons:

- 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.

6.0 THE COUNCIL'S STATEMENT OF CASE

Loss of a retail unit:

- 6.1 The NPPF states that Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality (paragraph 23).
- 6.2 The Council's Local Development Framework aims to protect the vibrancy of any high street or neighbourhood shopping centre by resisting any significant loss of A1 units.
- 6.3 Policy CS7 aims to protect and enhance Camden's centres by ensuring successful and vibrant centres that serve the needs of local residents as well as visitors to the area. In doing so it aims to protect local character, ensure development is appropriate and maintaining a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.
- 6.4 Policy DP12 seeks to protect the character and role of each of Camden's Town Centres. It states that *"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"*. In so doing the Council will protect the retail function of the town centres by ensuring there is a high proportion of premises in retail (A1) use and that any non-retail uses will not cause harm to the character, function, vitality and viability of a centre.
- 6.5 Paragraph 12.6 of DP12 states *that "The Council will not grant planning permission for development that it considers would cause harm to the character, amenity, function, vitality and viability of a centre or local area. We consider that harm is caused when an impact is at an unacceptable level, in terms of trade/turnover; vitality and viability; the character, quality and attractiveness of a centre; levels of vacancy; crime and antisocial behaviour, **the range of services provided**; and a centre's **character and role in the social and economic life** of the local community. We will consider the cumulative impact of additional shopping floorspace (whether in a centre or not) on the viability of other centres, **and the cumulative impact of non-shopping uses on the character of the area.**"*

Note: **Bold** equals authors emphasis.

- 6.6 Camden Planning Guidance 5 – Town Centres, Retail & Employment (CGP5) includes within its key messages that the Council will protect the retail function of its town centres by ensuring there is a high proportion of premises in shopping use. Paragraph 2.7 states *“In order to provide for and retain the range of shops in the borough the Council aims to keep a certain proportion of premises in its centres in retail use.”* CPG5 has been considered to have significant weight in a number of similar appeals that have been dismissed including 317-319 Kentish Town Road (Council ref: 2013/0684/P and PINS ref: APP/X5210/A/13/2197965). In this appeal the Inspector stated *“CPG5 indicates that within the core shopping frontages the Council will generally resist proposals that will result in less than 75% of the premises being in retail use. This document is a formal Supplementary Planning Document and therefore can be afforded significant weight.”* A copy of the appeal decision is attached as Appendix 8.
- 6.7 CPG5 provides centre specific policies for Kilburn High Road in paragraphs 3.50-3.54. Paragraph 3.51 states that in order to protect the retail function of Kilburn High Road, the centre has been designated into Core and Secondary Frontages. The appeal site lies within a Core Frontage which includes no.s 42-72 (even numbers) Kilburn High Road and therefore the Council will resist proposals that would result in less than 75% of the premises being in retail use.
- 6.8 A survey was undertaken on 04/02/2016 to determine the current amount of retail premises within the Core Frontage of 42-72 Kilburn High Road. The survey is below (figure 1) and provides the addresses, name of occupier and use class of the units within the frontage:

Address	Occupier	Use Class
42-46 (Corner Unit)	Vacant since January 2013	A1 – last lawful use, planning permission pending for change of use to A3 under 2015/5457/P
42	Rush Hair	A1
46	Nationwide	A2 (Bank)
50-52	HSBC	A2 (Bank)
54-56	Primark	A1
58	JD Sports	A1
60-62	Boots	A1
64	Wewa – Everything £3.99 or less	A1
66-68	M&S	A1
70-72	Traid	A1

Figure 1 (above): Survey of 42-72 Kilburn High Road

- 6.9 The survey above shows that in terms of the percentage of A1 units/non A1 units for premises on the ground floor, that the frontage is

currently made up of 8 A1 units and 2 non A1 units (2 x A2). Therefore, the current percentage of A1 use within the ground floor premises of the frontage is currently 80%, which is only 5% above the requirement of CPG5. If the appeal proposal were to be successful the resulting retail frontage of ground floor retail premises would be reduced to only 70%, which is a 5% shortfall for a Core Frontage.

- 6.10 The corner unit at no. 42-46 Kilburn High Road has been vacant since January 2013 when Holland and Barrett relocated to 96-98 Kilburn High Road. It is therefore not considered to be contributing to the retail character of the Core Frontage as it has not been in use for a significant amount of time. The Council is currently considering an application for a change of use to the vacant unit to A3 (restaurant) under planning application 2015/5457/P. It is likely to be successful with an officer recommendation for approval. Paragraph 8.6 of CPG5 states that *“All calculations should be based upon the existing lawful use of the properties and valid planning permissions with potential to be implemented, and refer only to ground floor uses.”* Planning permission is likely to be approved subject to the considerations of the Development Control Committee. Should the application be approved which is a distinct possibility, the resulting retail frontage would be reduced to 60% if the appeal proposal were to be successful. Notwithstanding this probable change of use, the unit has been vacant for a considerable period of time and detracts from the character, function, vitality and viability of the Town Centre and the Core Frontage of 42-72 in particular.
- 6.11 Based on the above, the appeal proposal would result in there being less than 75% of the premises in the Core Frontage being in retail use. The appellant does not contend this point. Furthermore, the retail function of this Core Frontage is already impacted by a large vacant unit that has not functioned as a retail unit for several years and is likely to benefit from planning permission for a change of use. It would therefore be contrary to policy CS7 (e) of the Camden Core Strategy, policy DP12 (a) of the Camden Development Policies and paragraph 3.51 of CGP5.
- 6.12 The appeal proposal fails to comply with the 75% benchmark in CPG5, however, paragraph 2.9 of that document states that when a planning application proposes the loss of a retail shop that the Council will consider whether there is a realistic prospect of a retail use continuing. The Council requires the submission of evidence to show that there is no realistic prospect of demand to use a site for continued retail use. Paragraph 2.10 sets out the following:

“2.10 Depending on the application the Council may require some or all of the following information:

- *where the premises were advertised (shopfront; media, web sources etc) and when (dates);*

- *how long the premises were advertised for and whether this was over a consistent period;*
- *rental prices quoted in the advertisement (we expect premises to be marketed at realistic prices);*
- *copies of advertisements;*
- *estate agents details;*
- *any feedback from interested parties outlining why the premises were not suitable for their purposes; and*
- *consideration of alternative retail uses and layouts.”*

6.13 The appeal site is currently occupied by a retail unit – Wewa: Everything £3.99 or less – which is a discount clothing store. Figures 2, 3 and 4 show its current retail use:



Figure 2 (above): Existing retail use in October 2015 (from Google Street View)



Figure 3 (above): Existing retail use 04/02/2016 late afternoon



Figure 4 (left): Existing retail use 04/02/2016 in the evening

6.14 The retail unit has had a continued retail use with no long term periods of vacancy. It has been occupied by District, Barratts Shoes and Clinton Cards which are all retail units. Images of these uses are shown below in figures 5-8. The appeal site currently contributes to the retail function and character of the Core Frontage and the Kilburn High Road Town Centre and has consistently done so. It is therefore considered that there is a realistic prospect of the retail use continuing and that there is a realistic prospect of demand to use the site for continued retail use.



Figure 5 (above): District clothing store in June 2015 (from Google Street View)



Figure 6 (above): Barratts shoe store in July 2014 (from Google Street View)



Figure 7 (above): Clinton Cards in June 2012 (from Google Street View)



Figure 8 (above): Clinton Cards in June 2008 (from Google Street View)

- 6.15 Marketing evidence and justification for the loss of the retail use was submitted as part of the original planning application. As part of the refusal, it was considered that this did not sufficiently demonstrate that the appeal property has no realistic prospect of continuing as a retail use. The appeal site has a current retail tenant which is indicative that there is demand for the unit and its continued use. The Appellant has submitted further marketing evidence as part of this appeal. To avoid repetition these matters will be dealt with comprehensively within section 7 (below) which addresses the Appellant's grounds of appeal.

Concentration of betting shops within the Kilburn High Road Town Centre:

- 6.16 There is already a concentration of betting shops within the Kilburn Town Centre and within close proximity to the appeal site. On Kilburn High Road there are 8 betting shops including 3 William Hills, 3 Ladbrokes, 1 Coral and a Paddy Power. The addresses are below:

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

- 6.17 In addition to betting shops, there is also a concentration of other gambling facilities (adult gaming centres), pay day loan shops and pawnbrokers. Some of these are listed below:

- TGS (pawn shop) – 9 Kilburn High Road
- Cooke's Amusements (casino, amusement centre) – 40 Kilburn High Road
- The Money Shop (payday loan shop) – 63 Kilburn High Road
- City Slots (casino, amusement centre) – 89 Kilburn High Road
- Palace Amusements (casino, amusement centre) – 108 Kilburn High Road
- Cashino (casino, amusement centre) – 130 Kilburn High Road
- H&T Pawnbrokers (pawn shop) – 139 Kilburn High Road
- The Money Shop (payday loan shop) – 174 Kilburn High Road
- Speedy Cash Loans (payday loan shop) – 232 Kilburn High Road
- Cash Xchange (pawn shop) – 303 Kilburn High Road
- Albermarle Bond (pawn shop) – 306 Kilburn High Road
- Cash Converters (pawn shop) – 315 Kilburn High Road

- 6.18 The Town Centres Supplementary Planning Guidance (July 2014) of the London Plan states as part of policy SPG Implementation 1.2 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”.

Paragraph 1.2.30 states 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.”*

- 6.19 In 2011 Mary Portas was appointed by the government to lead an independent review into the future of the high street. The Portas Review was published on 13 December 2011. Portas states that her vision for high streets is to *“put the heart back into the centre of our high streets, re-imagined as destinations for socialising, culture, health, wellbeing, creativity and learning”*. The report contains 28 recommendations. The review states that *“I also believe that the influx of betting shops, often in more deprived areas, is blighting our high streets. Circumventing legislation which prohibits the number of betting machines in a single bookmakers, I understand many are now simply opening another unit just doors down. This has led to a proliferation of betting shops often in low-income areas.”* Recommendation 13 of the report is to put betting shops into a separate use class within the Use Class Order. The government has acted upon this recommendation and in the latest update to the general permitted development order, which came into effect on 16 April 2015, betting shops were removed from the A2 use class and made a sui generis use meaning planning permission will always be required for a change to a betting shop use.
- 6.20 The above demonstrates that there is clear concern from national and regional policy that betting shops cause harm to the character, function, vitality and viability of a centre and that a concentration of the use is not acceptable.
- 6.21 Emerging policy TC4 of the Draft Camden Local Plan 2015 is in accordance with the above advice, changes to permitted development and the supplementary guidance of the London Plan. This policy seeks to prevent the proliferation of betting shops which harm the vitality and viability of Camden’s Centres by resisting schemes which result in more than one betting shop within 400m of each other. The appeal site is within 400m of 5 betting shops including Ladbrokes at 3 Kilburn High Road; William Hill at 40 Kilburn High Road; Ladbrokes at 69-71 Kilburn High Road; Coral at 127 Kilburn High Road and William Hill at 141 Kilburn High Road.
- 6.22 In addition to the betting shops there are 4 other gambling establishments, 5 pawn shops and 3 payday loan stores on Kilburn High Road. Paragraph 9.41 of the Draft Camden Local Plan 2015 recognises that the number of betting shops, payday loan stores, and pawnbrokers has increased in Camden in recent years. It specifically mentions that some centres have areas where a number of these uses are concentrated including parts of Kilburn High Road (encompassing

properties in Brent and Camden). The Council considers that the proliferation of such use is damaging the character of town centres.

- 6.23 While the policies of the Draft Local Plan can only be afforded “limited weight”, they indicate the direction that policy is going which is consistent with national and regional planning guidance. Furthermore, other London Boroughs have adopted a similar approach to betting shops. Barking and Dagenham introduced the Supplementary Planning Document “Evening the odds: curbing the proliferation of betting shops” in 2012. It included a policy under SPD Implementation Point 1 that stated that planning permission for new betting shops will not be granted in the betting shop exclusion zone where proposals fall within 400m of the boundary of an existing permitted betting shop. Southwark Council introduced an Article 4 direction to remove permitted development rights to control betting shops before the general permitted development order made them sui generis. Brent Council, the neighbouring borough across the road of the appeal site, is also adopting a similar approach to betting shops in their emerging policy by creating policies to resist concentrations of betting shops.
- 6.24 Concerns were raised in the Officer Report and through third party objections regarding the social decline of the Kilburn Town Centre which would be exacerbated by an additional betting shop. Objections were received from local residents, the Metropolitan Police and Ward Councillors. Copies of the objections from the Metropolitan Police are included in Appendix 6.
- 6.25 An objection was received from the Designing Our Crime Officer at Ruislip Police Station that betting shops allow people to legitimately loiter in the area creating opportunities for offenders to commit crimes such as drugs and anti-social behaviour. A local Police Sergeant stated that a local William Hill on Kilburn High Road is attracting numbers of crime, drug users, anti-social behaviour and other nominal that the police do not wish to attract to the area. The Sergeant states that they would support the resistance of any further bookmakers on Kilburn High Road.
- 6.26 Based on the above, the Council is concerned that an additional betting shop would not only result in the loss of a retail unit and a use that would degrade the function and character of the Town Centre, but it would increase the fear of crime and lead to further issues of community safety.

Conclusion

- 6.27 The Council has set out above the reasons why planning permission was refused and why it upholds the reasons for refusal on the grounds of the harm that would be caused to the character and function of the Kilburn High Road Town Centre.
- 6.28 The Inspector is therefore respectfully requested to dismiss the appeal against the refusal of planning permission 2015/1549/P.

7.0 APPELLANT'S GROUNDS OF APPEAL

The Appellant's case has been submitted within a document titled 'Appellant's Hearing Statement' (referred to as 'Hearing Statement' below) which divides their argument into Reason for Refusal 1 - Loss of A1 Use and Reason for Refusal 2 – Concentration of Betting Shops. Reason for refusal 1 is split into 5 subsections which will all be addressed within the report below. These are:

- Measured Frontage
- The Presence of Banks
- The Core Shopping Frontage as a Whole
- Failure to Secure a Permanent A1 Retailer
- Benefits of Betting Shops

Reason for refusal 2 is split into sections:

- Accessing Concentration
- Assessment of Impact

In addition to the 'Hearing Statement' are 15 appendices to support the main document.

Reason Refusal 1 - Loss of A1 Use

Measured Frontage

- 7.1 The Appellant tries to justify the loss of the retail unit based on the amount of measured frontage that would be lost within the Core Frontage of 42-72 Kilburn High Road. Measuring the distance of the frontage is not part of Camden's adopted policy and it is not a relevant point.
- 7.2 Paragraph 5.15 of the 'Hearing Statement' states that the appeal site is a very small unit and has the smallest frontage within 42-72 Kilburn High Road. The appeal site includes 4 storeys of retail and has an internal floor area of approximately 339.6sq.m. It is not considered to constitute a very small unit but a significant area of retail floorspace.
- 7.3 The appeal proposal would result in the loss of the retail frontage within a parade that includes 10 ground floor units. Therefore, the appeal site represents 10% of the ground floor units within its parade which is a significant proportion of the Core Frontage at 42-72 Kilburn High Road.
- 7.4 The Appellant claims that currently 82% of the measured frontage is in A1 use. If the appeal proposal were to be successful this would be reduced to 78%. Paragraph 5.16 of the 'Hearing Statement' considers that the percentage would be "well above" the Council's 75% threshold. It is noted that the Council does not have a threshold for measured frontages and that this point is irrelevant. Notwithstanding this, the survey of the frontage includes the vacant unit at no. 44 which is a large and prominent unit on the corner of Kilburn High Road and

Belsize Road. This frontage occupies 28.1m of the total 136m which is approximately 21%. As stated above this unit has been vacant for more than 3 years and there is a current planning application to consider the loss of this unit. As the site has not been occupied in an A1 use for such a considerable period of time it cannot be argued that it is contributing to the retail character and function of the Town Centre. If this site is not included as an A1 unit within the survey of frontage the appeal proposal would result in a measured frontage of only 57% in active retail use on the ground floor. Therefore, even if consideration were to be given to this unrecognised test, the appeal proposal would result in further harm to the prominence of retail units operating within this Core Frontage.

The Presence of Banks

- 7.5 The Appellant considers that the only non-retail units within the Core Frontage are banks which are effectively quasi-A1 units. Professional and financial services are considered to be different in their character and function within a retail parade as they do not promote as active of a frontage and they are usually open during business hours on business days. Informal and unplanned visits are less likely for banks than retail units. The government has introduced some permitted development rights regarding changes of use, however, this is not necessarily an indication that A2 and A1 uses are akin. Notwithstanding this, units currently occupied by banks are not in A1 use and the fact that they are occupied by major banking firms means it is unlikely that they will leave their units and allow the possibility of a retail use taking its place. As they are already in an A2 use it also means that their retail function is lost and the units could move into other uses within A2 which are even less akin to retail units.

The Core Shopping Frontage as a Whole

- 7.6 Camden Policy seeks to maintain the function, character, vitality, and viability of its town centres. The proposed loss of a retail unit and the cumulative impact of betting shops (i.e. a non-shopping use) within the Kilburn High Road Town Centre would harm its function, character, vitality, and viability. CPG5 adds further detail on how to achieve the above through frontage designations, which are calculated frontage by frontage.
- 7.7 The Appellant has undertaken an assessment of the entire frontage within the Camden side of the Town Centre which is not consistent with Camden's adopted policy. It is also not consistent in its own approach as it has disregarded the status of the Kilburn Town Centre within Brent. If the Appellant wanted to assess the retail prominence of the retail centre as a whole, then it has failed in its attempt as it has disregarded a significant proportion (approximately half) of it. The Council has not done its own assessment over the broader area to compare with the Appellant's as it does not agree or recognise this approach. If every change of use application had to consider a town centre in its entirety this would be a very onerous test and subject to

inaccuracies as it would be likely that many changes would have taken place between the time the survey is undertaken and the final decision.

Failure to Secure a Permanent A1 Retailer

- 7.8 The Appellant has attempted to provide marketing evidence to demonstrate that the unit is no longer viable for A1 use. The Council does not consider that the viability of an A1 use is relevant and policy does not require this test. As discussed above, paragraph 2.9 of CPG5 states that the Council will consider whether there is a realistic prospect of a retail use continuing. The appeal site is currently occupied in retail use and it is considered that there is a realistic prospect of demand for its continued use.
- 7.9 Paragraph 5.26 of the 'Hearing Statement' explains that Barratts shoe shop occupied the unit based on a 10 year lease from 22/10/2012. This indicates that there is a realistic prospect of demand to use the site for continued retail use as a major national retailer signed a long-term lease for a decade.
- 7.10 The appeal site has been marketed by Nash Bond since September 2014. An offer was subsequently accepted with Paddy Power within a few months (in January 2015) despite their occupation of the unit being unlawful and requiring planning permission. Paddy Power offered to take on the unit on a permanent basis and have agreed to invest a significant amount of money into the premises. The planning application that is the subject of this appeal was subsequently submitted in March 2015 (less than 6 months since Nash Bond began marketing the unit). Given the firm offer of permanent occupancy and significant investment into the property, the Council would question the Appellant's desire to seek a lawful retail unit with such a good deal in hand.
- 7.11 The appeal site has been occupied by a retailer since May 2015 which is indicative of its demand. While the Appellant claims that this is based on a reduced rent, this does not mean that there is no realistic prospect of demand for continued retail use. Furthermore, the current retail use has signed a flexible lease until 01/06/2016 which is for a period of more than 12 months. It is not known whether the current occupier would consider a long term lease or if the Appellant is not willing to consider this as they are waiting for the outcome of the current appeal.

Benefits of Betting Shops

- 7.12 Betting shops are not considered to provide an active frontage as per retail units and are not considered to provide as positive a contribution to a town centre. Figures 9 and 10 are of two existing betting shops on Kilburn High Road in comparison to the existing use of the appeal site. The frontages of betting shops often have screens or boards in the front windows which prevent views in and out. They do not promote an active frontage with the street and discourage passers-by to enter the

premises. Figure 11 (below) shows the appeal site in its current and occupied A1 use.



Figure 9 (left): The existing Paddy Power at 251 Kilburn High Road at night on 04/02/2016. There are no views into the premises which does not promote an active frontage or relate well to the streetscene.



Figure 10 (left): Ladbrokes at 205 Kilburn High Road at night on 04/02/2016. Internal boards behind the windows prevent views into and out of the betting shop.



Figure 11 (left): The appeal site at night on 04/02/2016. The shop is well lit with clothes and prices on display in the front window. Customers were frequently entering and leaving the premises.

7.13 Betting shops attract a certain clientele (i.e. those into gambling and sports betting) who from the Officer's surveillance on 04/02/2016 tend to comprise of middle aged men from lower socio-economic backgrounds. They are not considered to attract as varied a clientele

as a retail shop, as is currently experienced at the appeal site and the surrounding uses.

- 7.14 According to Google Maps, the existing Paddy Power at 251 Kilburn High Road is within an 8 minute walk from the appeal site. This is not considered to be a significant distance as suggested in the Appellant's 'Hearing Statement' in paragraph 5.45. Furthermore, there are a total of 8 betting shops on Kilburn High Road with the furthest being 900m away, a mere 11 minute walk. It is not considered that the appeal site serves a different part of the Town Centre than the existing Paddy Power, nor the other betting shops on Kilburn High Road. It is considered likely that the majority of visitors would be those from other betting shops nearby, or, alternatively, patrons would visit the appeal site instead of the existing Paddy Power based on convenience.
- 7.15 The Betting Shop Exit Survey and Footfall Analysis submitted as Appendix 8 includes small survey samples of only 100 respondents at each site for the exit surveys. This is not a large enough survey to present reliable data for statistical analysis. No details are included as to what time/day these surveys were undertaken and whether it was spread out over multiple visits for each store. For example, the surveys might have been undertaken late at night when the characteristics of those surveyed may be different from those earlier in the day.
- 7.16 For the footfall counts the methodology of only picking 4 retail units and 1 non-retail is flawed as it is not a large enough sample size to get a true indication of the footfall for those uses within the relevant parade. There is no indication as to the location of the units which could have been in different parts of the parade. Some of the retail units might have been in comparatively quiet areas. The method of surveying each unit for 10 minutes within the hour is a poor way of measuring the data. For research to be reliable and valid the conditions should be as similar as possible for each unit. Ten minutes of each hour would not be considered long enough to make assumptions about footfall in market research. When undertaking observation, researchers should seek to minimise independent variables where possible. Therefore observations should be undertaken within the same timeframe on the same day of the week within the same area. An example of a more reliable survey would be observation taking place at a number of retailers within the same area on a Monday between 10am-4pm. Each unit would have to be surveyed over a full day and over the same period. To understand how the Footfall Analysis data was created more information of the dates, times and location of all observations would be necessary to see if the research is valid. If for example the surveyors were observing New Look (an A1 use) on a Monday for the first ten minutes of every hour then Paddy Power on a Saturday for the middle ten minutes of every hour, the results would be vastly different and conditions do not allow for fair results.

- 7.17 59% of respondents in the exit survey state that Paddy Power was the main purpose for visiting the shopping parade in that day. This is a leading question in the manner in which it is framed. A less bias question would be: *What was the purpose of your visit to the shopping parade today?* Market research questions should have a more general approach with its initial questions. Furthermore, the fact that those surveyed had just left the Paddy Power presents further bias. The figures for Kilburn also showed that for the majority (52%) of respondents their main purpose for visiting the parade was NOT to visit Paddy Power. Of those who state Paddy Power was their main purpose for their trip to the parade, there is no evidence to suggest that they would not have visited the shopping area had the Paddy Power not been there.
- 7.18 Based on the survey, it has not been demonstrated that betting shops result in a significant amount of footfall comparable to retail (A1) uses. Notwithstanding this, the goal of protecting the function, character, vitality and viability of a town centre is not achieved by simply maximising the footfall on each individual unit, but rather about supporting a mix of uses to emerge that creates an attractive offer with a range of shopping and services. The Kilburn High Road Town Centre already provides a range of betting shops and similar services and the cumulative impact of these non-shopping uses already causes harm its function, character, vitality and viability.
- 7.19 The 'Hearing Statement' in paragraph 5.48 claims that betting shops lead to linked trips, however, these trips to other shops might have taken place with or without the betting shops and there is no evidence to suggest that an additional betting shop in this location would attract further visitors above and beyond those who already visit the Town Centre.
- 7.20 The provision of a betting shop is not considered to necessarily result in more staff members than a retail store as suggested in paragraph 5.51 of the 'Hearing Statement'.
- 7.21 The Appellant considers that betting shops would encourage passive surveillance as they are open into the evening. As demonstrated in figures 11 and 12 however, betting shops often offer no surveillance due to there being no visibility between internal and external. Retail shops generally have open frontages without signs or boards blocking views.
- 7.22 Betting shops are common within centres as suggested in paragraph 5.53 of the 'Hearing Statement', however, this is due to them previously falling within Use Class A2 which meant it was permitted development for many changes of use. Recent changes to government legislation has made betting shops a sui generis use on the basis that they are not similar to other uses within the Use Classes Order and that any

change of use to a betting shop needs to be considered by a planning application.

Reason for Refusal 2 – Concentration of Betting Shops

Assessing Concentration

- 7.23 Including the betting shops within Brent Council, the Kilburn High Road Town Centre has the largest cluster of betting shops in Camden. The amount of betting shops within this Town Centre compares with other areas of London where Councils have introduced/proposed planning policy and protection against betting shops including Southwark and Barking and Dagenham. Brent Council have also identified Kilburn as a problem through the refusal of planning permission at 97 Kilburn High Road (ref: 13/3501) and are taking steps to control betting shops in areas like Kilburn through their emerging policy.
- 7.24 There are currently 8 betting shops within close proximity to the appeal site within Kilburn High Road. The fact that the Ladbrokes at 3 Kilburn High Road lies slightly outside of the Town Centre boundary does not lessen its impact on the character and function of the centre. Furthermore, the fact that the majority lie within the Brent boundary does not mean that the significance and impact of those betting shops should be given any less weight as they form part of the Town Centre.
- 7.25 In addition to the betting shops above, there are 4 other gambling establishments on Kilburn High Road including Cooke's Amusement, City Slots, Palace Amusements and Cashino. This makes a total of 12 gambling/betting establishments within Kilburn High Road.
- 7.26 While the existing Local Plan does not constitute the definition of a concentration or cluster, emerging policy TC4 of the Draft Camden Local Plan 2015 seeks to prevent the proliferation of betting shops by resisting schemes which result in more than one betting shop within 400m of each other. This would indicate that the Council considers that the proliferation or concentration of this type of use is more than 1 within 400m. As stated previously, the appeal site is within 400m of 5 betting shops including Ladbrokes at 3 Kilburn High Road; William Hill at 40 Kilburn High Road; Ladbrokes at 69-71 Kilburn High Road; Coral at 127 Kilburn High Road and William Hill at 141 Kilburn High Road. This is therefore considered a concentration. While the emerging policy can only be afforded "limited weight", it is an indication of the direction that policy is heading.
- 7.27 According to 'Betting Shops on the high street: An overview, Geofutures, 2012' which was a study by Geofutures for the Department of Communities and Local Government, Kilburn has amongst the highest number of bookmakers per hectare. The fact that this independent study states that Kilburn has one of the highest concentrations of betting shops is of some significance. If it were to be argued that the Kilburn Town Centre does not have a high

concentration of betting shops as the Appellant claims, then the Council considers that it would be difficult to claim that anywhere does given the above findings.

7.28 The Appellant considers that betting shops only account for a small percentage of the units within the total centre and that this is also true regarding the perception on the ground. This perception of the Appellant is in contrast to the Council's elected members, local residents and the local press who all share the perception that there are too many. Two out of three Ward Councillors for Kilburn (Maryam Eslamdoust and Thomas Gardiner) objected to the planning application on the basis of a concentration of betting shops. It is very unusual for Ward Councillors to have an interest in a minor scheme such as the change of use within a town centre which illustrates the issue. 41 objections were received from local residents during the planning application process. The majority share the perception that there is a concentration of betting shops within the Town Centre. This is an unusually high volume of objections for an application of this nature. It is also an indication of the perception of the cluster of betting shops on Kilburn High Road and their cumulative impact. Through the consultation process of the Draft Local Plan 2015 residents have been supportive of the emerging policy TC4 in relation to betting shops. This provides further evidence that stakeholders consider that there is a concentration of betting shops within Kilburn and that steps need to be taken to restrict them. It is noted that the only objection received to this policy within the consultation exercise was from the Appellant - Paddy Power. Furthermore, the amount of betting shops on Kilburn High Road has been the subject of significant attention from the local press including within the Camden New Journal on 22/04/2015 and 04/02/2016 (articles in Appendix 9). The latter article calls Kilburn High Road the 'Bookmakers' Mile'. Based on the above, it is considered that there is clear evidence that there is a perception of a concentration of betting shops within the Town Centre.

7.29 In addition to this, Officers consider that the presence of betting shops is well felt within Kilburn High Road with a high number of establishments. As shown in Appendix 10 of the 'Hearing Statement', betting shops are located in a high proportion of the frontages within the Brent side of the Town Centre. When walking up and down Kilburn High Road they appear at regular intervals and in combination with the other gambling establishments, pay day loan shops and pawn brokers form a high concentration of such uses.

Assessment of Impact

7.30 The over-concentration of betting shop uses reduces the diversity of town centres, which not only impacts on a centre's ability to meet local need but also on vitality and viability. The London Assembly report 'Open for Business: Empty shops on London's high streets' (March 2013), provides evidence 'low quality' units, such as betting shops, pawnbrokers and payday lenders, reduce the overall value of the high

street. The study found strong evidence that reduced diversity impacts on the attractiveness of a centre, and therefore footfall.

7.31 Brent Council commissioned independent consultants to undertake pedestrian counts on a Friday and Saturday in Kilburn on October 2012. Count points were located at various points throughout the Kilburn Town Centre including adjacent bookmakers, pawnbrokers and payday lenders. The survey results were taken from ‘A Fair Deal: Betting Shops, Adult Gaming Centres and Pawnbrokers in Brent’ which provides a policy evidence base for their emerging local plan. The results of the survey within the Kilburn Town Centre are below as figure 12. The data compares the footfall adjacent to particular town centre uses. The highest footfall recorded was adjacent retailers. The footfall was significantly lower adjacent to betting shops, pawnbrokers and payday lenders.

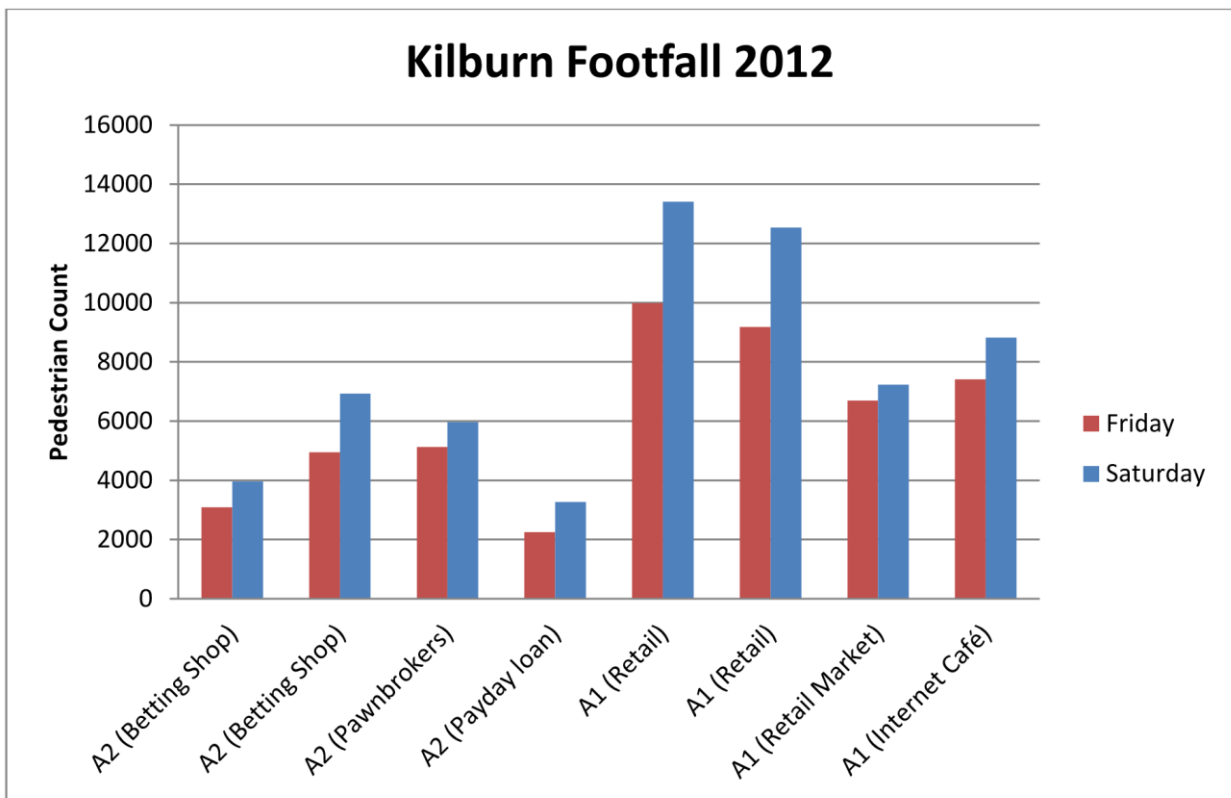


Figure 12 (above): Pedestrian count survey results from Kilburn Town Centre comparing the footfall of betting shops (then A2 use class) with other uses.

7.32 The above independent survey therefore provides clear evidence that betting shops have a lower footfall than retail uses within the Kilburn Town Centre.

7.33 In addition to the above survey, Brent Council undertook pedestrian count surveys of different uses with the same length of frontage during 2009 and 2013. The results are included in figure 13 (below) and within

Appendix 6 - A Fair Deal: Betting Shops, Adult Gaming Centres and Pawnbrokers in Brent Appendix B: Inflow Data. The counts took place between 11am and 5pm which is considered to be the optimum period for the operation of the majority of town centre uses and would therefore give a fair comparison.

7.34 Figure 13 below shows the results of pedestrian counts undertaken by Brent Council in 34 surveys across the borough. It measures footfall in betting shops, payday lenders/pawnbrokers and adult gaming centres against adjacent units with varying uses. The results, provided below in figure 14 and in Appendix 6, show that on average adjacent units attracted significantly higher inflow than betting shops as well as payday lenders/pawnbrokers and adult gaming centres. As all 'adjacent' units fall in the same frontage bracket as the relevant surveyed unit, it can be concluded that retail and other uses attract a higher footfall than betting shops that are adjacent to them. A breakdown of results by use indicates that retail and banking functions continue to attract the highest footfall across the borough of Brent, which is the neighbouring borough to Camden and shares part of the Kilburn Town Centre. The consistency of retail uses performing well across the borough highlights the need to promote and protect these functions from over-concentration of uses (such as betting shops) which act to their detriment.

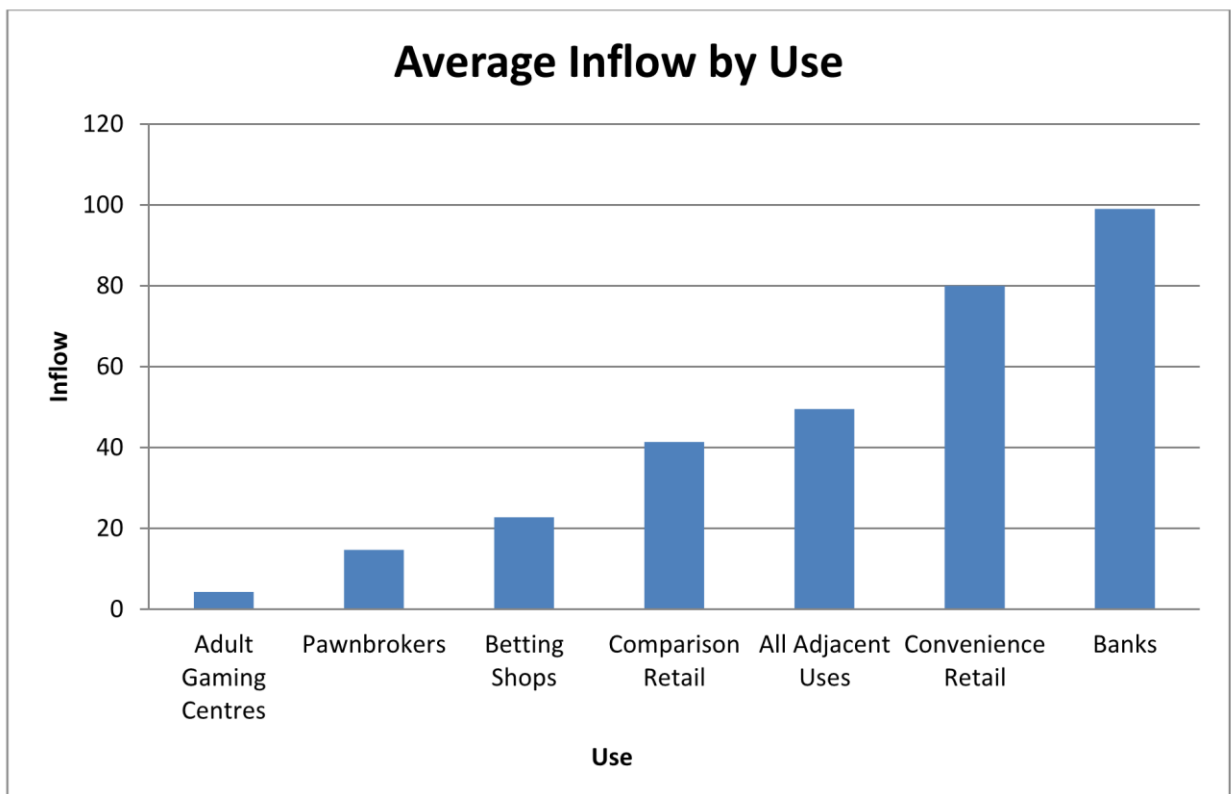


Figure 13 (above): Average inflow by use for betting shops and their adjacent uses within Brent Council. The results show that on average the other

adjacent uses attract a higher footfall. Retail units and banks are the highest performing.

- 7.35 In addition to the detrimental impact on footfall, there is also concern betting shops can have the effect of increasing rents in an area, therefore pricing out smaller independent retailers. This is the case with the appeal site where Paddy Power has agreed to take on the unit on a permanent basis and to invest a significant amount of money into the premises. There is currently an independent retailer occupying the appeal site on what the Appellant claims is a flexible basis with a reduced rent, although no details of the nature of the lease or the rent paid has been put forward. The current occupier may be willing to occupy the unit on a permanent basis, however, the Appellant is forcing out the independent retailer on the basis of a higher level of rent and investment into the property. Paddy Power is an international chain that can afford to pay higher prices and invest more into the building. Due to the size of the ground floor unit it is considered to be an appropriate location for an independent shop and the loss for this purpose would be considered to cause further harm to the character, vitality and viability of the Town Centre. Policy DP10 of the Camden Development Policies seeks to help and promote small and independent shops by encouraging the provision of small shop premises suitable for small and independent businesses. The existing ground floor unit at No. 64 provides a suitable unit and fulfils a role as a small shop in the context of this policy.
- 7.36 For town centres to be successful it is imperative that there are a range of uses providing a breadth of products and services to encourage a diverse customer base, increased footfall and to sustain the life of Camden's high streets. The research outlined above by London Assembly and Brent Council indicates that an overconcentration of betting shops can impact on footfall, and therefore the vitality and viability of the Kilburn Town Centre.
- 7.37 In addition to the above impacts, the appeal proposal would lead to the social decline of the area along with safety and the perception of safety in the Kilburn Town Centre. There is already a concentration of betting shops, payday loan stores, pawn brokers and other gambling premises/adult gaming centres. The addition of a further betting shop would be likely to create further potential for crime and anti-social behaviour.
- 7.38 As stated in above, members of the Metropolitan Police consider that betting shops allow people to legitimately loiter in an area creating opportunities for offenders to commit crimes such as drugs and anti-social behaviour. A local Sergeant has also raised concerns about an existing betting shop on Kilburn High Road and that they would want to resist any further betting shops on Kilburn High Road. The emails from the relevant officers are included in Appendix 7 – Emails from Metropolitan Police.

- 7.39 Further to the above and as stated previously, the Council received 41 objections from local residents and local Ward Councillors. The objections are in relation to the concentration of betting shops on Kilburn High Road, the decline that would result to the character of the high street, anti-social behaviour, crime and safety and deprivation. The significant response from third parties shows that there is at least a perception of a concentration of betting shops and their associated impact on crime and safety. Many of the objectors consider that the appeal proposal would exacerbate the existing problems.
- 7.40 Paragraph 5.90 of the 'Hearing Statement' states that a license has been granted for the proposed Paddy Power. This is not considered to be a material consideration as the Licensing Authority can only have regard to licensing objectives, which are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ensuring that gambling is carried out in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.

While the Gambling Commission does not attempt to define 'vulnerable persons', it does offer a working category, which includes people who gamble more than they want to, beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. The Gambling Act 2005 removed the 'demand test' meaning it is no longer necessary to prove there is demand for further premises in an area. No regard can be given to the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal as part of the licensing process. Therefore, the wider issues that may be covered under a planning consent, such as public nuisance and developing local high streets to meet local needs, cannot be taken into account. Based on the above, the licensing application is not considered to be a material planning consideration.

- 7.41 The Appellant relies on the first objective - "preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime" – in particular to justify why the licensing application can be given weight. This objective focuses on the act of gambling itself being the source of crime which is not what the Council objects to. As discussed by the Metropolitan Police Officers, betting shops allow people to legitimately loiter in the area and provide opportunities for crime, drug use and anti-social behaviour. These are a result of the betting shop itself and not crimes related to the act of gambling.

Other Matters

Scope of appeal proposal

- 7.42 The description of the proposal as per the application form was “Change of use of ground floor retail unit to betting shop”. Section 18 of the application form indicated that the site has an existing gross internal floor area of 73sq.m and stated that the total new internal floorspace proposed would be within Use Class A2. This was obviously an error by the Appellant as betting shops are no longer an A2 use, they are deemed sui generis. They should have indicated the additional floorspace as ‘other’ on the application form. Section 21 of the application form confirms that the application site area is 73sq.m. The existing and proposed floor plans submitted as part of the application only include the ground floor. No further floor plans were submitted as part of the application process.
- 7.43 Paragraph 3.8 of the ‘Hearing Statement’ requests the Inspector to remove the words ‘ground floor’ from the description of the development when determining the appeal. The Appellant does not consider that this would materially change the appeal proposal. The Council disagrees with this approach and would not consider it appropriate for the description of the development to be changed. The original description was for ground floor only and included 73sq.m as per the application form. This description and level of development was consulted on publicly and a refusal was made on this basis. The assessment of the appeal proposal to include all 4 levels of the building would not be in accordance with the floor area as stated on the application form, the description of the development nor would it be consistent with the plans provided and assessed as part of the planning application. A change of use to 4 levels of the appeal building would be materially larger than confining it to a single level as per the refused proposal.

8.0 CONCLUSION

- 8.1 On the basis of information available and having regard to the entirety of the Council’s submissions, including the contents of this Hearing Statement of Case, the Inspector is respectfully requested to dismiss the appeals.

9.0 LIST OF APPENDICES

Appendix 1 – Suggested conditions for 2015/1549/P

Appendix 2 – Officer Report for 2015/1549/P

Appendix 3 – Decision Notice for 2015/1549/P

Appendix 4 – Draft Local Plan 2015 Policy TC4

Appendix 5 – Brent Council officer report and decision notice for 13/3501

Appendix 6 - A Fair Deal: Betting Shops, Adult Gaming Centres and Pawnbrokers in Brent Appendix B: Inflow Data

Appendix 7 – Emails from Metropolitan Police

Appendix 8 – Appeal decision at 317-319 Kentish Town Road

Appendix 9 – Media articles from the Camden New Journal

Council Contacts:

Lead Officer – Jonathan McClue

Email: Jonathan.McClue@camden.gov.uk

Tel: 020 7974 4908

Appendix 1 – Suggested conditions for 2015/1549/P

- 1) The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 14487-03, 14487-06, Planning Statement (March 2015), Marketing letter, betting Shop Exit Survey and Football Analysis, Nash Bond Estate Agent sale brochure, Paddy Power brochure.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3) Before the use commences, a Management Plan shall be submitted to the local planning authority in writing. The Plan would set out security measures for the site and how anti-social behaviour and loitering would be managed. The approved details shall be maintained permanently thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 4) The use hereby permitted shall not be carried out outside the following times Mondays to Saturdays 10:00 to 21:30 and Sundays and Bank Holidays 10:30 to 18:00.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5) Before the use commences, details of the installation of CCTV equipment to the front of and within the premises shall be submitted to the local planning authority in writing. The approved details shall be maintained permanently thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

Appendix 2 – Officer Report for 2015/1549/P

Delegated Report		Analysis sheet		Expiry Date:		11/05/2015							
		N/A		Consultation Expiry Date:		28/04/2015							
Officer				Application Number(s)									
Nanayaa Ampoma				2015/1549/P									
Application Address				Drawing Numbers									
64 Kilburn High Road London NW6 4HJ				See Decision Notice									
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature							
Proposal(s)													
Change of use of ground floor from retail unit (Class A1) to a betting shop (Sui Generis).													
Recommendation(s):		Refuse planning permission											
Application Type:		Full Planning Permission											
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice											
Informatives:													
Consultations													
Adjoining Occupiers:		No. notified		05		No. of responses		39		No. of objections		41	
						No. electronic		00		Support		0	
Summary of consultation responses:		<p>The application was advertised via a Site Notice for a period of 21 days between 07/04/2015 to 28/04/2015.</p> <p>Neighbouring properties were also notified via direct letters. Neighbour objections have been received from:</p> <ul style="list-style-type: none"> • 107 Kingsgate Road • 10A Charteris Road • 10a Hazelmere Road • 11A West End Lane, • 12 Bradwell House, Mortimer Crescent • 18A Mortimer Crescent • 21 Maygrove Road • 23 Hopefield avenue • 24 Burton Road • 26 Tennyson Road Kilburn • 27 Douglas Road 											

- 29 Barrett Bouse
- 33 Kingsgate House 2-8 Kingsgate Place Kilburn
- 33 Minster Road NW2 SH
- 36b Mapesbury
- 36b Mapesbury Road
- 39 Esmond Road
- 4 Brondesbury Villas
- 49 Brondesbury Villas
- 49A Brondesbury Villas
- 50 Callcott R&D
- 50 New Street New Mills
- 50 New Street New Mills High Peak SK22 4PD
- 54A Brondesbury Villas
- 6 Gascony Avenue
- 7 Mornington Court Mornington Crescent
- 8 Queensgate Place
- 82 Otley Road Headingley, Leeds
- 83 Priory Park Road
- 83 Priory Park Road
- 88 Tennyson Road
- Douglas Road
- Flat 10 Malcolm House 405 Kilburn High Road
- Flat 2 Cedar Lodge Exeter Road
- Flat 35 Watling Gardens Cricklewood
- Flat 6 34 Glengall Road
- Flat 6 34 Glengall Road
- Flat D 88 Fordwych Road
- Grd flr flat 101 Fordwych Road

These comments can be summarised as follows:

- There are already nine betting offices and four Adult Gaming Centres in the Kilburn High Road centre belonging to William Hill, Coral, Ladbrokes and Paddy Power.
- Paddy Power already has a huge shop that takes up three units on the high street.
- The proposal would result in the ninth betting unit in the high street.
- Kilburn needs another betting shop like a hole in the head.
- Too many betting shops would lead to a decline of the high street and could be detrimentally harmful to the character of the shopping area
- Object to loss of A1 unit
- People need somewhere they can buy from.
- A local high street should be a diverse collection of shops & services, which actually benefit the community & stimulate improvement. The ubiquity of betting shops on the Kilburn High Road fosters the exact opposite
- We need restaurants and cafés
- Kilburn should be regenerated in a positive way

- These businesses fail to bring any positive contribution to our locality, instead they contribute to economic inactivity by leeching on poorer people and multiplying unemployment by facilitating addiction.
- Another betting shop would lead to more antisocial behaviour.
- They destroy people and families
- Development would contribute to gambling addiction
- Betting shops are unhealthy
- The whole Road has become so horribly "run down". Shame on you Brent & Camden!
- The development fails to comply with Camden policy
- Given that they are now Sui Generis and not A2 it is a clear indication that they are an issue.
- Development does not comply with CPG 5
- 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. Therefore there is demand for the A1 unit.
- It is important to note that the updated London Plan highlights the need to address the issue of proliferation of betting shops.
- An application under Brent Council (ref: 13/3501) was recently objected to by Camden Council and was refused due to concerns for the area. The reason for refusal stated that: *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. Camden Council's objection to this application stated: 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). Given the cumulative impact from other developments in the area such as at the Saatchi.*
- The development would not enhance or add to the vitality of the high street.
- Patrons often congregate outside these venues drinking high strength alcohol and generally creating an intimidating environment for other users of the High Road.
- Development would not add to footfall.
- As a client of Paddy Power my experience has been that it is badly managed and acts like a magnet for anti-social behaviour in a socially deprived areas, i.e at midday on Wednesday 22nd April 2015 the manager was interacting with a notorious troublemaker. Unlike other betting establishments in the area they do not display the sign "no smoking, no under 18's". In the last four years they have failed to display the required planning notification until after the consultation period has expired. They are the most socially irresponsible high street bookmaker.
- Local community at Kings Gate Watch strongly object to development
- Objection from Kilburn Fair Credit Campaign

- The proposed site is in between a Marks & Spencer and Boots - two shops frequented by residents the former by families and the latter by young children
- As a woman I would feel more unsafe with another betting shop
- I would not like to walk along a betting shops with my children to get to the supermarket
- The business fails to make any positive contribution in the area
- The area has improved recently more betting would not help
- It is time the Council acted to the benefit of the area.
- The unit could be used for a more positive community asset
- Their Taxation arrangements are also highly questionable
- The betting unit is used for drug dealers and money laundering
- No Site Notice was posted on the building, the community do not know. I only found out by from comments in the Kilburn Times

Officer response: please see section titled 'Loss of A1 and small shop unit' and 'Representation' for an assessment of the neighbour comments.

Response to comments stating that there was no Site Notice displayed or that it was not placed there until a week before end of the consult period. At the time of the officer site visit a Site Notice was on display in the window of the unit. As such, it is not possible to confirm when the display was placed in the window.

The application site does not fall in a conservation area. No comments have been received from local groups.

Met Police (designing out crime): We are having growing problems with a William Hill on the High Road by the overground station...[this is]... already attracting numerous crime, drug users, ASB, and other criminals we do not wish to attract to the area. On that basis, if we can resist any attempts to further the number of bookies on the High Road then we would support that.

Councillor Maryam Eslamdoust: Objects on the grounds of concentration of betting units, resulting Anti-social behaviour and deprivation.

Councillor Thomas Gardiner: Objection to development and agrees with neighbour objections received. Kilburn is the second most deprived area in Camden. The development will help compound this view together with the concentration of payday lenders. It is clear that these types of premises feed off each other. There also appears an attempt to take advantage of the different planning regimes in Brent and Camden, applicable here because of Kilburn High Road's status as a border road. The loss of 64 Kilburn High Road a retail use would be significant. It would reduce footfall, reduce the attractiveness of the High Road and in general cause loss of amenity to Kilburn residents and visitors. I urge the Development Control Committee to reject the application.

Officer response: please see section titled 'Loss of A1 and small shop unit' and 'Representation' for responses to the above comments. Comments from the met police are considered in the section titled 'Principle of Change of use to betting shop'.

**CAAC/Local groups*/
Councillors/Other
comments:**

*Please Specify

Site Description

The application site relates to a four storey mixed use property that forms part of a ten row terrace. The property is part of the main Kilburn High Street frontage. The site is not listed and does not fall within a conservation area.

The property is commercial with A1 use at ground floor and B1 office use on the upper floors. Details submitted with the application indicate that the property was previously used as a Barratts shoe shop at ground floor. This closed on the 27th December 2013. Currently, the unit at ground floor is used as a clothes shop for the brand District. The upper floors are currently vacant.

The high street, to which it relates, is a vibrant and busy one. It has been designated formally as a Town Centre and falling under a Primary Shopping Frontage. The site has also been identified as falling within Area 1 of the Kilburn Neighbourhood Renewal scheme.

Along the relevant frontage of the site there are 10 units at ground floor, 9 in A1/2 use. These are detailed below:

- Traid 70-72: A1
- Marks and Spencer's 66-68: A1
- District 64: A1
- Boots 60-62: A1
- JD Sports 58: A1
- Primark 55-56: A1
- HSBC 52: A2
- Nationwide 48: A2
- Vacant 46: Use unknown possibly D1
- Corner unit 42: A1

The proposal has been submitted by Paddy Power, which is a large international betting shop founded in 1988. The application is part of a series of applications to turn the unit into a branded shop for the company. There are currently three other applications for aerials at roof level, advertisement consent and shop front changes. These are all pending consideration.

Brent Council are the local planning Authority for the opposite side of the road. They recently refused an application for betting shop in Kilburn High Road in 2013.

Relevant History

2015/2436/A: Display of 1 x internally illuminated fascia and 1 x internally illuminated projecting signs.- **Granted 11/5/2015**

2015/2336/P: Installation of new shopfront. – **Currently under consideration**

2004/3384/A: The retention of an internally illuminated fascia sign and projecting sign to the ground floor shop unit. – **Granted 11/10/2004**

PWX0202485: The installation of an externally mounted security shutter to the ground floor shop unit. – **Granted 04/12/2003**

AWX0002761: The display of an internally illuminated fascia logo and internally illuminated projecting sign at front ground floor level. (as shown on plan numbers; BN2000VS/1a, 2, 3, 4 and 5-18-111 Rev A). – **Granted 09/01/2001**

9100555: Retention of one satellite dish on roof as shown on manufacturer's details and photographs.
– **Grant 01/10/1991**

8680015: Display of an internally illuminated fascia panel sign measuring 1.70m by 4.70m overall affixed at a height of 2.75m between pavement and underside levels. 2) Display of an internally illuminated double-sided projecting box sign measuring 0.90m by 0.45m – **Granted 19/02/1986**

8600122: Installation of a shopfront and an alteration to the front elevation at first floor level as shown on drawing No.JN/626/02/C revised on 13th February 1986. – **Granted 19/02/1986**

Relevant policies

National Planning Policy Framework [2012]

London Plan [2015] consolidated with alterations

LDF Core Strategy and Development Policies [2010]

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centres and shops

DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

DP24 Securing high quality design

DP26 Managing the impact of development on occupiers and neighbours

Supplementary Planning Policies

CPG 5 Town Centre, Retail and Employment [2013]

CPG 6 Amenity [2011]

Assessment

Proposal

The current application seeks permission for the change of use of the unit from A1 (shop) to Sui Generis (betting shop). No external changes are being proposed under this application.

The Council's LDF aims to protect the vibrancy of any high street or neighbourhood shopping centre by resisting any significant loss of A1 units. Unlike A1 uses, betting shops do not create as much footfall or generate the level of vibrancy associated with shopping uses. Additionally, there are around eleven units in close proximity to the site. These include 251 Kilburn High Road (Paddy Power) and 143 Kilburn High Road (William Hill).

In light of the above the main areas for consideration are:

- Loss of A1 and small shop unit
- Principle of change of use to betting shop
- Amenity
- Representations

Loss of A1 retail unit

The NPPF states that Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality (paragraph 23).

Policy CS7 aims to protect and enhance Camden's centres by ensuring successful and vibrant centres that serves the needs of local residents as well as visitors to the area. In doing so it aims to protect local character, ensure development is appropriate and maintaining a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.

Policy DP12 states that the Council will ensure that new Town Centre uses do not harm the character, function and vitality of the area by considering:

- a) the effect of non-retail development on shopping provision and the character of the centre in which it is located; [...]
- c) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development; [...]
- g) the potential for crime and anti-social behaviour, including littering;

In so doing the Council will protect the retail function of the Town Centre by ensuring there is a high proportion of premises in shopping use. This theme is expanded upon in CPG 5. This states that any assessment of change of use from retail (A1) to another use must consider the percentage depletion rate of retail. As the location has been identified as falling within the Kilburn High Road Core Shopping Frontage, it is required that any loss of A1 use should not reduce the total number of A1 units to below 75% of all units along the relevant parade between. Currently, the number of A1 units along the parade amount to 70%.

- Formula: $A1 / \text{all units} \times 100 = \%$
- Current : $7/10 \times 100 = 70\%$

Should the proposal gain permission the new percentage would fall to 60%.

- Proposed: $6/10 \times 100 = 60\%$

As this is below the required 75% the proposal fails to comply with policy DP12 (a) and supplementary planning guidance CPG 5.

Although the proposal fails to comply with the 75% benchmark, CPG 5 also states that the Council will consider the loss of a retail unit in the event that there is no realistic possibility of continuing the use. For example, should any A1 unit be vacant for a considerable length of time and evidence demonstrates that it is unlikely to ever be used as A1, the Council may allow a change of use to help promote the vitality of the area (CPG 5: p.8). In such cases marketing evidence collected over a sufficient amount of time is required to demonstrate that the proposed loss is justified and that although efforts have been made it has not been possible to let the unit for A1 use. In such cases CPG 5 states that the Council will require information pertaining to:

- where the premises were advertised (shopfront; media, web sources etc) and when (dates);
- how long the premises were advertised for and whether this was over a consistent period;
- rental prices quoted in the advertisement (we expect premises to be marketed at realistic prices);
- copies of advertisements;
- estate agents details;
- any feedback from interested parties outlining why the premises were not suitable for their purposes; and
- consideration of alternative retail uses and layouts.

The applicant has submitted an estate agent advert and marketing letter both from Nash Bond estate agents detailing their endeavours to rent the unit as A1. This letter states that:

“The unit has failed to secure a permanent A1 retail operator despite 15 months of active marketing (by Savills from December 2013 to July 2014 and then by Nashbond since August 2014). The unit was also marketed by the Administrator as part of a grouping after the closure of Barratts however no interest was shown in the unit. Whilst an A1 retailer has been operating from the unit since autumn 2014, this is on a temporary, informal basis and no rent is being paid, nor has the occupier put any investment in the unit” (p.5).

Since the Barratts use came to an end in December 2013, Savills were instructed to advertise the unit. Although there were a number of enquiries the unit remained vacant. Nash Bond estate agents were then instructed to try and let the unit in September 2014. Nash Bond state that they received five enquiries of which they state “*none made firm offers*”, even though the current tenants (District clothing) moved into the property in autumn 2014. The Marketing Activity Report dated 15th April 2015 also states that the property is “Under Offer” in April. Therefore a tenant has been found for it. Separately, there is no evidence to show that the unit was advertised by Savills aside of their being mentioned in the submission. The remaining period of 24th September 2014 to 15th April 2015 (for Nash Bond) is not considered sufficient time to demonstrate that the property is unrentable as an A1 unit.

The applicant has stated that the current tenant is there temporarily and that they are not paying rent. Therefore less importance should be placed on their occupation of the unit and the unit should still be considered as being unrentable as A1. However whether they are paying rent or otherwise is not material to the planning assessment. Additionally, whether this use is temporary or otherwise, it is still indicative of demand.

In light of the above, the submission has failed to comply with the required policies.

Change of use to betting shop

The NPPF starts that the planning system should help promote healthy communities by building policies that can achieve safe and accessible environments without crime and disorder and the fear of crime, and do not undermine quality of life or community cohesion (paragraph 69). In line with these aims, policy CS7 states the Council will pursue individual planning objectives for each centre and refers in its supporting section for Kilburn High Road to the aim to ‘improve safety and the perception of safety in Kilburn High Road by requiring development to include appropriate design measures to prevent crime and anti-social behaviour’. This demonstrates that crime is an issue for this centre and

needs to be taken account of in assessing applications. Policy DP12 as noted above also refers to the need to assess development for the potential for crime and anti-social behaviour. The London Plan (2015) policy 7.3 states that *Boroughs...should seek to create safe, secure and appropriately accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion and development should reduce the opportunities for criminal behaviour and contribute to a sense of security.*

There are more than eight betting units in close proximity to the proposed site. This cluster is considered significant. These concerns have been further highlighted by neighbours who have stated that there are already enough betting shops in Kilburn and another would simply add to the social decline of the area. Brent Council has recently refused an application (ref: 13/3501) citing the over-concentration of these betting shops. Comments from the Metropolitan Police provide clear evidence that the current situation is getting worse as there are growing issues associated with the existing betting shops in the high street. In line with policy CS7, the Council aims to improve safety and the perception of safety in Kilburn High Road. Also, policy DP12 states that the Council will resist developments that create further potential for crime and anti-social behaviour. Officers are concerned that an additional betting shop would increase the fear of crime in Kilburn as well as contribute to the growing concern along the high road about disruptive behaviour from those using the betting shops. Although the Metropolitan Police highlighted one particular betting shop in their consultation response, they have commented that it is indicative of the general issues with betting shops along the high street. The cumulative impact of such a concentration of betting shops can only exacerbate the existing issues and therefore would be detrimental to the current social fabric in this centre, the character and function of this centre and also would be likely to result in further harm to community safety and increase the fear of crime on Kilburn High Road.

As a result, any additional betting shop would not be supported as it would be harmful to the local character and the community safety in the area, and would also fail to meet the principles of the London Plan, the NPPF and Camden's LDF.

Amenity

Under section 7 of supplementary planning guidance CPG 6 (Amenity), all developments are required to have some regard for the amenity of existing and future occupants. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life for existing and future occupiers, as well as neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.

Due to the position and surrounding area of the proposed betting shop it would have no impact on the amenity of adjoining neighbours in terms of issues detailed above. However as highlighted above, there would be general community implications.

Representations

Many of the comments have already been addressed in the above sections.

Further comments have been submitted in relation to the betting industry's taxation practices and Paddy Power's management style. However these are not planning matters.

An application for a betting shop was submitted to Brent Council and was refused on similar grounds to the issues stated above. Namely that the concentration of the betting units in the area is having a negative impact on the streetscene and the character of the area. An approval would have led to an excessive number of non-retail frontages. The Decision Notice stated: *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*

Conclusion

The proposed use brings the total number of A1 uses below the minimum ratio of retail uses within the relevant frontage required by policy and would thus harm the retail function of this parade. It may be that the unit has been vacant for some time previously and it has been difficult to rent during this time. However the existing occupants are a clear indication that there is demand for the A1 unit. The marketing evidence submitted also fails to fully demonstrate that an acceptable time has been given to marketing the property. Furthermore an additional betting shop in area already well supplied with them would be likely to result in additional crime and anti-social behaviour and in harm to community safety in the area. Therefore the development fails the necessary policies and should be refused.

RECOMMENDATION: REFUSE

Appendix 3 – Decision Notice for 2015/1549/P

Planning Potential Ltd.
Magdalen House
148 Tooley Street
London
SE1 2TU

Application Ref: **2015/1549/P**
Please ask for: **Nanayaa Ampoma**
Telephone: 020 7974 **2188**

2 July 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:
64 Kilburn High Road
London
NW6 4HJ

Proposal:
Change of use of ground floor from retail unit (Class A1) to a betting shop (Sui Generis).

Drawing Nos: Site Location Plan, 14487-03, 14487-06, Planning Statement (March 2015), Marketing letter, betting Shop Exit Survey and Football Analysis, Nash Bond Estate Agent sale brochure, Paddy Power brochure.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Ed Watson
Director of Culture & Environment

Appendix 4 – Draft Local Plan 2015 Policy TC4

Food, drink, entertainment and other town centre uses

- 9.22 Camden's image as a dynamic and attractive place is in part due to the number and quality of restaurants, bars and entertainment venues in the borough, with Camden Town and Covent Garden having particular concentrations of such premises. These play an important part in the night time economy of Camden and of London, socially, economically and in terms of job provision. Night time activity can also lead to problems such as antisocial behaviour, crime and fear of crime, noise, congestion, and disturbance.
- 9.23 Conflicts can arise as, due to the borough's densely developed, mixed use nature, much night-time activity occurs close to places where people live. In addition, large numbers of such uses can change the character of the area in which they are located and reduce its range of shops or the quality of the shopping environment. Conflicts can be made worse where a particular location becomes a focus for late night activity.
- 9.24 Eating, drinking and other leisure uses provide a key role in the attractiveness of Camden's centres. However, food, drink, and entertainment uses can affect the overall viability and vitality of a centre by eroding the retail offer and can have an impact on amenity through noise and other impacts. In order to protect the primarily retail role of core frontages, the preferred location of food, drink, and entertainment uses is secondary frontages.

Policy TC4 Food, drink, entertainment and other town centres uses

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 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. whether development results in a proliferation of payday loan stores, betting shops, pawnbrokers, or hot food take aways;
- d. the health impacts of development including avoiding hot food take away from being developed close to schools;
- e. the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
- f. parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
- g. noise and vibration generated either inside or outside of the site;
- h. fumes likely to be generated and the potential for effective and unobtrusive ventilation;

i. the potential for crime and antisocial behaviour, including littering.

To manage potential harm to amenity or the local area, we will, in appropriate cases, use planning conditions and obligations to address the following issues:

- j. hours of operation;
- k. noise/vibration, fumes and the siting of plant and machinery;
- l. the storage and disposal of refuse and customer litter;
- m. tables and chairs outside of premises;
- n. community safety;
- o. the expansion of the customer area into ancillary areas such as basements;
- p. the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2); and
- q. the use of local management agreements to ensure that the vicinity of premises are managed responsibly to minimise impact on the surrounding area.

Contributions to schemes to manage the off-site effects of a development, including for town centre management, will be sought in appropriate cases.

Betting shops (Bookmakers), Payday Loan Shops, and Pawnbrokers

To prevent the proliferation of betting shops, payday loan stores, and pawnbrokers which harm the vitality and viability of our centres, the Council will generally resist schemes which result in more than one betting shop, payday loan store or pawnbroker within 400m distance of each other.

9.25

Town centre uses include:

- shops and markets (Use Class A1);
- financial and professional services (A2);
- cafes and restaurants (A3);
- drinking establishments (A4);
- hot food takeaways (A5);
- offices (B1a);
- hotels (C1);
- community uses (D1), including neighbourhood police facilities;
- leisure uses (D2);
- theatres (Sui Generis);
- a number of other uses not in any use class (see Other town centre uses below).

9.26

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

9.27

Policy TC4 Food, drink, entertainment, and other town centre uses will be applied to proposals for these uses, whether located inside or outside of a centre.

- 9.28 New shops, services, food, drink and entertainment uses can add to the vitality and vibrancy of Camden's centres and local areas. However, they can also have other impacts such as diverting trade and displacing existing town centre functions. As a result, the Council will seek to guide such uses to locations where their impact can be minimised. When assessing proposals for these uses, the Council will seek to protect the character and function of our centres and prevent any reduction in their vitality and viability by requiring sequential assessments and impact assessments where appropriate (in accordance with the National Planning Policy Framework) and through implementing this policy.
- 9.29 The Council will not grant planning permission for development that it considers would cause harm to the character, amenity, function, vitality and viability of a centre or local area. We consider that harm is caused when an impact is at an unacceptable level, in terms of:
- trade and turnover;
 - vitality and viability;
 - the character, quality and attractiveness of a centre;
 - levels of vacancy;
 - crime and antisocial behaviour;
 - the range of services provided; and
 - a centre's character and role in the social and economic life of the local community.
- 9.30 We will consider the cumulative impact of additional shopping floorspace (whether in a centre or not) on the viability of other centres, and the cumulative impact of non-shopping uses on the character of the area.
- 9.31 Camden Planning Guidance 5: Town Centres, Retail, and Employment provides detailed guidance on how we will treat planning applications for shops, food, drink, and entertainment uses in particular centres, taking into account their specific circumstances. Camden Planning Guidance 5: Town Centres, Retail and Employment supplementary document also provides information on when we consider that concentrations of food, drink, and entertainment uses, and reductions in the proportion of premises in retail use, would be likely to cause harm to the character, function, vitality and viability of a centre. We will take these and any other relevant supplementary guidance into account when we assess applications in these locations. We will also take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises when considering proposals that involve the loss of retail premises.

Food drink and entertainment uses

- 9.32 Within each of Camden's centres, the Council will seek to prevent concentrations of uses that would harm an area's attractiveness to shoppers or its residential amenity. The Council wishes to see a wide range of entertainment uses within its centres, not just those that primarily involve drinking, and will encourage suitable uses that contribute towards this.
- 9.33 Where food, drink and entertainment uses are permitted, they will need to be managed to protect the amenity of residents and the potential for additional housing in the area. To ensure such uses do not harm amenity or the character of an area, either individually or cumulatively, we will consider applying controls on:

- hours of operation;
- refuse and litter;
- noise/vibration;
- fumes;
- customer area;
- local management issues; and
- changes of use.

9.34 Where appropriate, we will use planning conditions or obligations to ensure that any remaining impact is controlled. Policy A1 - Managing the impact of development sets out further measures to manage the impact of development on amenity.

9.35 The Council will seek to ensure that community safety issues associated with proposals are fully addressed. As well as appropriate design measures, the Council will seek financial contributions towards management arrangements, including street wardens, CCTV, town centre management and other community safety schemes through the use of planning conditions and obligations, where appropriate. Camden's Statement of Licensing Policy sets out the Council's approach to licensing and the expectations that the Council and the Metropolitan Police have for those involved in licensed activities.

9.36 Camden Planning Guidance 5: Town Centres, Retail, and Employment provides further advice on the impact of food, drink and entertainment uses and provides detailed guidance on how we will consider applications for such uses in each centre.

Other town centre uses

9.37 A number of uses commonly found in centres (and smaller shopping parades) are not included in the A1, A2, A3, A4, A5, B1a, D1 or D2 Use Classes. These include amusement arcades, launderettes, saunas and massage parlours, car showrooms and minicab offices. While centres are generally the most appropriate location for these uses, 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.

9.38 Particular issues that may arise include emissions and noise (e.g. from launderettes), highway and traffic problems (e.g. from minicab offices and car showrooms) and community safety and the fear of crime (e.g. from amusement arcades, betting shops, massage parlours and saunas, particularly where there are concentrations of such uses). Amusement arcades, massage parlours and saunas are unlikely to be considered acceptable in the busiest parts of centres or near to housing, schools, places of worship, hospitals or hotels.

Betting shops, payday loan stores, and pawnbrokers

9.39 Payday lending has grown rapidly in recent years as a convenient but expensive form of short-term personal credit. While much growth has been online, there is a significant presence of payday lenders on the high street. Many pawnbrokers also offer services as payday lenders.

9.40 Betting shops have undergone significant change in recent years with fixed odds betting terminals now accounting for a higher proportion of betting shop revenue than traditional over the counter betting. Gambling legislation limits the number of

fixed odds betting terminals to four machines per premises, which have driven a proliferation of betting shops on the high street.

- 9.41 The number of betting shops, payday loan stores, and pawnbrokers has increased in Camden in recent years. Some centres have areas where a number of these uses are concentrated, including the south end of Camden Town and parts of Kilburn High Road (including properties in Brent). The Council considers that the proliferation of such use is damaging the character of town centres.
- 9.42 Therefore, in order to ensure our centres provide a good range of shops and services and to maintain the amenity, vitality, and viability of Camden's centres, the Council will resist concentrations of betting shops, payday loan stores, and pawnbrokers. The Council will therefore generally resist applications for more than one betting shop, payday loan store, or pawnbroker to be located with a 400m distance of each other.

**Appendix 5 – Brent Council officer report and decision notice for
13/3501**

Delegated Report

Case No.

13/3501

LOCATION: 97 Kilburn High Road, London, NW6 6JE

PROPOSAL: Change of use from retail (Use Class A1) to betting shop (Use Class A2)

RECOMMENDATION

Refusal

EXISTING

The existing property is a groundfloor retail unit within a three storey mixed use terrace building. It is not within a Conservation Area nor is it a listed building..

PROPOSAL

See description above.

HISTORY

13/1372. Removal of existing signage and roller shutter, installation of internally illuminated fascia sign (x1) and projecting sign (x1) to the front elevation of the premises. Granted 12/07/2013

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

Paragraph 23 states "Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations.

Core Strategy 2010

CP16 Town Centres and the Sequential Approach to Development.

UDP 2004

SH6 Non-Retail Uses Appropriate to Primary Shopping Frontages

SH7 Change of Use from Retail to Non Retail

CONSULTATION

All neighbouring properties have been consulted. 42 objections have been received from members of the public. 1 objection has been received from a local councillor, Mary Arnold.

The objections raised include:

- There is an over concentration of betting shops of Kilburn High Road.
- Another betting shop would harm the vitality of Kilburn High Road as a shopping centre.
- The proposed use will lead to an increase in crime and other anti social behaviour in the local area
- Will harm the regeneration of sites on Kilburn High Road by putting off investors.
- Betting shops are detrimental to the well being of the poor and vulnerable and cause people to fall into debt.

REMARKS

Principle

Document Imaged

1. The proposed conversion of a retail unit to a betting shop in the primary shopping frontage of Kilburn High Road shopping centre is acceptable where:

i) The proposed change of use has an acceptable impact on the vitality and viability of the primary shopping frontage..

Vitality and Viability of the Town Centre

2. Policy SH6 and SH7 relate to proposed changes of use from retail to non-retail within primary shopping frontages. SH6 states that non-retail uses proposed in primary shopping frontage will be acceptable providing they comply with policy SH7 and are confined to uses including estate agents. Policy SH 7 states that provided the proposed use complies with policy SH6 the application will be determined after taking account of:

(a) if the proposed use does not require rear servicing and the unit has rear servicing facilities which would be more appropriate for a retail use the change of use should be resisted.

(b) The proposal should not result in an excessive concentration of units or continuous non-retail frontage within any parade or street block.

(c) The proportion of non-retail frontage within the primary shopping frontage should not fall below 65% or 50% where there is a 10% vacancy rate.

(d) Whether the particular use proposed enhances the range of services provided or enhances the specialist role of a centre.

(e) Whether the proposal is an extension to an existing business. (In the supporting text for the policy it states that criteria b and c could unreasonably hinder the expansion plans of existing services in a centre thus forcing them to move elsewhere. In such circumstances, consideration will be given to whether or not a proposal is an extension to an existing business in the centre. It is considered important that businesses should be allowed to expand to meet local demand).

3. Policy CS16 of Brent's Core Strategy 2010 seeks to maintain the position of centres in the retail hierarchy by the regeneration of outmoded or underused premises and which shares the aim of the London Plan Policy 2.15 to sustain the vitality and viability of the centre. The Willesden Primary Shopping Frontage was defined as part of the Core Strategy adopted in 2010. The Council's policies were found by a planning inspector to be consistent with the London Plan 2011 and NPPF2012 (APP/T5150/A/12/2180505).

4. The proposed development would result in the loss of the existing vacant retail premises at No. 97 Kilburn High Road and the replacement of this unit with a betting shop (use class A2). An A2 use would comply with the requirements of policy SH6 which states that A2 uses are acceptable in the primary shopping frontage of retail centres provided it complies with policy SH7.

5. In relation to policy SH7 the unit does not have rear servicing therefore it will not result in a loss of servicing facilities and is in compliance with clause a.

6. The proposed would not comply with clause b as it would result in an excessive concentration of non-retail frontage in use as betting shops within the town centre.

7. Clause c relates to the proportion of primary shopping frontage within the town centre in use as retail. The proportion of primary shopping frontage within the shopping centre is already below 50% of the total shopping frontage at 47.2% according to the most recent survey while there is a vacancy rate of 5.9% as such the proposal will not comply with this policy as it will increase the proportion of non-retail frontage within the shopping centre. As such the proposal will have a detrimental impact on the vitality and viability of Kilburn High Road primary shopping frontage

8. Criteria D of policy SH7 states permission will also be subject to the particular use enhancing the range of services in a centre. Kilburn Town Centre is well served by betting shops. The centre contains eight betting shops - four William Hill, three Ladbrokes, one Coral and an existing Paddy Power. Four of these betting shops are less than 400m, a 10 minute walking distance for an able bodied person, from the application site. Given the level of provision, including an existing Paddy Power, it is felt the addition of a further betting shop would not enhance the range of services in Kilburn Town Centre, and will in fact result in an overconcentration which will impact on the diversity of the retail offer.

9. Clause e of policy SH7 is not relevant to this application as it is not an extension to an existing

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business. .

10. It is considered that the proposed change of use from retail to betting agents (use class A2) will fail to comply with the requirements of policy SH7 and as such there will be a detrimental impact on the viability and vitality of the town centre.

Conclusion

11. The proposed development is considered to be unacceptable and not in compliance with the relevant planning policies as set out above. Accordingly refusal is recommended for the reason set out in the decision notice.

RECOMMENDATION: Refuse Consent



BRENT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – REFUSAL

Application No: 13/3501

To: Ms Rogers
Planning Potential Ltd.
Magdalen House
148 Tooley Street
London
London
SE1 2TU

I refer to your application dated 14/11/2013 proposing the following:
Change of use from retail (Use Class A1) to betting shop (Use Class A2)
and accompanied by plans or documents listed here:

13383-05

13383-09

PP1

Planning Statement by Planning Potential
at 97 Kilburn High Road, London, NW6 6JE

The Council of the London Borough of Brent, the Local Planning Authority, hereby REFUSE permission for the reasons set out on the attached Schedule B.

Date: 23/01/2014

Signature:

Head of Area Planning, Planning and Regeneration

Note

Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.

DnStdR

SCHEDULE 'A'

Appeals to the Secretary of State

The applicant may appeal to the Secretary of State if he or she is aggrieved by the decision of the local planning authority in respect of:

- (1) Refusal of a planning, listed building consent or conservation area consent application, including refusal to vary or discharge conditions.
- (2) The conditions attached to a planning, listed building consent or conservation area consent application.
- (3) Refusal, partial refusal or deemed refusal of a lawful development certificate.

The correct form must be used to appeal – Planning; Householder Planning; Listed Building Consent; Conservation Area Consent or Certificate of Lawful Use or Development Appeal Forms. Please specify form required, if requesting from Inspectorate. The time period to do this will vary depending on the application type or development type. An appeal must be made within the following time periods of the decision date:

- (1) An advertisement application must be made within 8 weeks
- (2) A full application, removal or variation of condition for a householder* development must be made within 12 weeks. (See below for definition of householder)
- (3) All other application types or development types must be made within 6 months

However, different timescales apply where the development is also the subject of an enforcement notice. If an enforcement notice has been served within two years of an application being submitted or is served before the time period for determining the application has expired, the time limit to appeal is 28 days from date of refusal or the date of determination. If an enforcement notice is served after the application's decision date or date for determination, the time limit is 28 days from the enforcement notice served date, unless this would extend the period beyond the usual time limit for cases not involving an enforcement notice.

- The Secretary of State can allow a longer period for giving notice of an appeal but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay. Appeals must be made on a form obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State need not consider an appeal if it seems to him/her that the local planning authority would not have been able to have granted planning permission for the development or would not have been able to have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practise, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him/her.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim he can neither put the land to a reasonably beneficial use in its existing state, nor render the land capable of a reasonably beneficial use, either carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land, in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

*For the purposes of an appeal, a householder development is development in the boundary of, or to an existing dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse, that does not involve change of use or a change to the number of dwellings. Please note, this does not include development in the boundary of, or to an existing flat or maisonette.

FOR OTHER INFORMATION OR ADVICE ON THIS NOTICE PLEASE CONTACT:

PLANNING & REGENERATION
REGENERATION & GROWTH
BRENT CIVIC CENTRE
ENGINEERS WAY
WEMBLEY, MIDDLESEX, HA9 0FJ
TELEPHONE: 020 8937 5210
FAX: 020 8937 5207

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DocFDN
Ref: 13/3501 Page 3 of 4

PROACTIVE WORKING STATEMENT

REASONS

- 1 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.

Appendix 6 - A Fair Deal: Betting Shops, Adult Gaming Centres and Pawnbrokers in Brent Appendix B: Inflow Data

Appendix B: Inflow Data

AGCs

Name	Date of Survey	Town Centre	Frontage	Inflow
All Cash	25.10.13	Kilburn	Secondary	2
City Slots	25.10.13	Kilburn	Primary	6
Silvertime	5.3.09	Harlesden	Primary	7
Agora Amusements	20.3.09	Kilburn (Camden)	N/A	7
Cash City Amusements	27.2.09	Wembley	Primary	1
Cash City Amusements	25.2.09	Wembley	Primary	6
Silvertime	1.9.13	Wembley	Primary	1

AVERAGE INFLOW	4.3
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Pawnbrokers

Name	Date of Survey	Town Centre	Frontage	Inflow
The Money Shop	25.10.13	Wembley	Primary	8
H&T Pawnbrokers	23.10.13	Wembley	Secondary	10
Albermarle Bond	23.10.13	Wembley	Primary	11
H&T Pawnbrokers	21.10.13	Kilburn	Primary	5
Cash Converters	21.10.13	Kilburn	Secondary	23
H&T Pawnbrokers	23.10.13	Willesden Green	Primary	9
Cash Generator	23.10.13	Willesden Green	Primary	25
Cash for Gold	31.10.13	Harlesden	Primary	57
Albermarle Bond	31.10.13	Harlesden	Primary	7
Cash 22	21.10.13	Wembley	Secondary	4
The Money Shop	1.9.13	Wembley	Secondary	3

AVERAGE INFLOW	14.7
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Betting Shops

Name	Date of Survey	Town Centre	Frontage	Inflow
William Hill	29.10.13	Wembley	Secondary	26
Ladbrokes	31.10.13	Kensal Rise	Secondary	14
Paddy Power	25.10.13	Wembley	Secondary	33
William Hill	31.10.13	Sudbury	Primary	9
Ladbrokes	31.10.13	Kensal Rise	Primary	27
William Hill	31.10.13	Ealing Road	Primary	40
William Hill	21.10.13	Kilburn	Primary	19
William Hill	21.10.13	Kilburn	Secondary	18
William Hill	29.10.03	Kingsbury	Primary	14
Coral Racing Ltd	29.10.13	Kingsbury	Primary	15
Betfred	6.10.13	Sudbury	Primary	9
Paddy Power	6.10.13	Sudbury	Primary	23
William Hill	21.10.13	Wembley	Secondary	27
Gr8 Odds	21.10.13	Wembley	Secondary	25
Paddy Power	25.10.13	Wembley	Secondary	59
Paddy Power	1.9.13	Wembley Park	Primary	5

AVERAGE INFLOW	22.7
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Adjacent Units

Name	Use	Date of Survey	Town Centre	Frontage	Inflow
Small & Beautiful	Café (A3)	25.10.13	Kilburn	Secondary	6
Home Solutions	Comparison Retail (A1)	25.10.13	Kilburn	Primary	28
Peacocks	Comparison Retail (A1)	5.3.09	Harlesden	Primary	111
Pound Land	Convenience Retail (A1)	20.3.09	Kilburn (Camden)	N/A	630
Specsavers	Opticians (D1)	27.2.09	Wembley	Primary	32
Specsavers	Opticians (D1)	25.2.09	Wembley	Primary	22
Outlet Clothes	Comparison Retail (A1)	1.9.13	Wembley	Primary	35
Kilburn Phone House	Comparison Retail (A1)	25.10.13	Kilburn	Secondary	6
Entertainment Centre	Convenience Retail (A1)	25.10.13	Kilburn	Primary	76
Best Deals	Comparison Retail (A1)	5.3.09	Harlesden	Primary	65
Norwest Trading	Convenience Retail (A1)	20.3.09	Kilburn (Camden)	N/A	113
Atlantic Ladieswear	Comparison Retail (A1)	27.2.09	Wembley	Primary	133
Atlantic Ladieswear	Comparison Retail (A1)	25.2.09	Wembley	Primary	50
Sam 99p Store	Convenience Retail (A1)	1.9.13	Wembley	Primary	55
Carter's Pharmacy	Chemist (A1)	25.10.13	Wembley	Primary	46
Wembley Food and Wine	Convenience Retail (A1)	23.10.13	Wembley	Secondary	34
Champion Mall	Convenience Retail (A1)	23.10.13	Wembley	Primary	73
Kilburn Eye Centre	Opticians (D1)	21.10.13	Kilburn	Primary	6
Evening Use	Evening Use	21.10.13	Kilburn	Secondary	Evening Use
Buy Wise Grocers	Convenience Retail	23.10.13	Willesden	Primary	35

	(A1)		Green		
Closed	Closed	24.10.13	Willesden Green	Primary	Closed
Game Arena	Comparison Retail (A1)	30.10.13	Harlesden	Primary	13
Shoe Zone	Convenience Retail (A1)	30.10.13	Harlesden	Primary	29
Betting Shop	Betting Shop	21.10.13	Wembley	Secondary	Betting Shop
St Luke's Hospice	Comparison Retail (A1)	1.9.13	Wembley	Secondary	16
Natwest	Bank (A2)	25.10.13	Wembley	Primary	100
Educational Use	Educational Use	23.10.13	Wembley	Secondary	Educational Use
Wembley Plaza Internet Café	Internet Café (A1)	23.10.13	Wembley	Primary	48
Bag Heaven	Comparison Retail (A1)	21.10.13	Kilburn	Primary	28
Pipes N Pouches Newsagents	Convenience Retail (A1)	22.10.13	Kilburn	Secondary	45
Everything Etc.	Convenience Retail (A1)	23.10.13	Willesden Green	Primary	10
Barclays Bank	Bank (A2)	23.10.13	Willesden Green	Primary	98
Subway	Sandwich Shop (A1)	30.10.13	Harlesden	Primary	30
Iceland	Convenience Retail (A1)	30.10.13	Harlesden	Primary	115
Pamir	Hairdresser (A1)	21.10.13	Wembley	Secondary	16
SDA Express Off licence	Convenience Retail (A1)	1.9.13	Wembley	Secondary	38
Evening Use	Evening Use	29.10.13	Wembley	Secondary	Evening Use
Dominos	Takeaway (A5)	31.10.13	Kensal Rise	Secondary	6
Catwalk	Nail Bar (SG)	25.10.13	Wembley	Secondary	16
Evening Use	Evening Use	31.10.13	Sudbury	Primary	Evening Use
Warwick	Estate Agents (A2)	31.10.13	Kensal Rise	Primary	10

She Collects	Comparison Retail (A1)	31.10.13	Ealing Road	Primary	59
Kilburn Eye Centre	Opticians (D1)	21.10.13	Kilburn	Primary	6
Pipes n Pouches Newsagents	Convenience Retail (A1)	21.10.13	Kilburn	Secondary	45
Rose Vegetarian	Cafe (A3)	29.10.03	Kingsbury	Primary	24
Evening Use	Evening Use	29.10.13	Kingsbury	Primary	Evening Use
Wakil	Hairdressers (A1)	6.10.13	Sudbury	Primary	5
Self Service Grocers	Convenience Retail (A1)	6.10.13	Sudbury	Primary	46
Evening Use	Evening Use	21.10.13	Wembley	Secondary	Evening Use
Pawnbrokers	Pawnbrokers	21.10.13	Wembley	Secondary	Pawnbrokers
Walli's Chicken	Takeaway (A5)	25.10.13	Wembley	Secondary	28
Shop N Save	Convenience Retail (A1)	1.9.13	Wembley Park	Primary	37
Evening Use	Evening Use	29.10.13	Wembley	Secondary	Evening Use
Closed	Closed	31.10.13	Kensal Rise	Secondary	Closed
Dahabshill	Travel Agent (A1)	25.10.13	Wembley	Secondary	14
Circus Clothes	Comparison Retail (A1)	31.10.13	Sudbury	Primary	3
Clothes	Comparison Retail (A1)	31.10.13	Kensal Rise	Primary	5
Post Office	Post Office (A1)	31.10.13	Ealing Road	Primary	95
Bag Heaven	Comparison Retail (A1)	21.10.13	Kilburn	Primary	28
Evening Use	Evening Use	21.10.13	Kilburn	Secondary	Evening Use
London Quality Fisheries	Convenience Retail (A1)	29.10.03	Kingsbury	Primary	14
Evening Use	Evening Use	29.10.13	Kingsbury	Primary	Evening Use
Sudbury Tearooms	Café (A3)	6.10.13	Sudbury	Primary	12
Newsagents	Convenience Retail (A1)	6.10.13	Sudbury	Primary	39
Closed	Closed	21.10.13	Wembley	Secondary	Closed
Barbershop	Hairdressers (A1)	21.10.13	Wembley	Secondary	16

Tailor Wear	Convenience Retail (A1)	25.10.13	Wembley	Secondary	6
Subway	Sandwich Shop (A1)	1.9.13	Wembley Park	Primary	17

AVERAGE INFLOW	49.5
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N.B Adjacent units were omitted where they contained evening uses, educational uses, betting shops, AGCSs, pawnbrokers or were closed.

Summary

Use	Average Inflow
AGCs	4.3
Pawnbrokers	14.7
Betting Shops	22.7
Comparison Retail	41.4
All Adjacent Uses	49.5
Convenience Retail	80
Banks	99

Appendix 7 – Emails from Metropolitan Police

Subject: FW: 64 Kilburn High Road

From: Adam.Lindsay@met.pnn.police.uk [mailto:Adam.Lindsay@met.pnn.police.uk]
Sent: 17 June 2015 08:59
To: Ampoma, Nanayaa
Cc: Howard Hornby
Subject: RE: 64 Kilburn High Road

Hello Nanayaa,

Below are comments from local police officers.

In general a betting shop allows people the excuse to legitimately loiter in an area. This opportunity allows offenders to commit crime such as drugs, and Anti-Social Behaviour.

regards Adam Lindsay

Designing Out Crime Officer
Ruislip Police Station
The Oaks, Ruislip,
TP C&S North West
Office Email: DOCOMailbox.NW@met.police.uk
www.immobilise.com

The Primary Objective of an Efficient Police Force is the Prevention of Crime
[MPS Crime Prevention Advice](#) | [Internal Advice for Staff](#)

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From: Townsend Mark - EK
Sent: 15 June 2015 18:08
To: Lindsay Adam - TP - C&S
Cc: Hornby Howard - EK
Subject: RE: 64 Kilburn High Road

Hi Adam. I have spoken to my DWO for the area and he has recently stated that we are having growing problems with a William Hill on the High Road by the overground station is already attracting numerous crime, drug users, ASB, and other nominals we do not wish to attract to the area. On that basis, if we can resist any attempts to further the number of bookies on the High Road then we would support that.

If you need anything more please feel free to email or call me.

Regards

Mark

Mark Townsend

PS Mark TOWNSEND 57EK - SERGEANT - NPT - North - Kilburn
West Hampstead Police Station, 21 Fortune Green Road, NW6 1DX
Camden Police - Reducing Crime, Serving Camden.

From: Lindsay Adam - TP - C&S
Sent: Monday, June 15, 2015 07:47 AM
To: Hornby Howard - EK
Subject: 64 Kilburn High Road

Sir,

May I ask your opinion ?

Currently there is a planning application to convert a shop to a Betting Shop at 64 Kilburn High Road.

Do you have any opinion on this change ?

For crime purposes, I am aware that a betting shop may provide legitimate reason to loiter in the area.

Do the current betting shops attract police attention ?

Regards Adam Lindsay

Designing Out Crime Officer
Ruislip Police Station
The Oaks, Ruislip,
TP C&S North West
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Appendix 8 – Appeal decision at 317-319 Kentish Town Road



Appeal Decision

Site visit made on 24 September 2013

by **P B Jarvis BSc (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 October 2013

Appeal Ref: **APP/X5210/A/13/2197965**

317-319 Kentish Town Road, London NW5 2TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Done Brothers (Cash Betting) Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/0684/P, dated 4 February, was refused by notice dated 5 April 2013.
 - The development proposed is the change of use of 317 Kentish Town Road from Use Class A1 (retail) to Use Class A2 (Financial and Professional Services) and the creation of a single unit at 317-319 Kentish Town Road.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and retail function of the Kentish Town Town Centre.

Reasons

3. The appeal site is located within a busy shopping centre which contains a variety of commercial uses at ground floor. It lies towards the northern end of the town centre area within the core shopping frontage as identified in the Council's document *Camden Planning Guidance 5: Town Centres, Retail and Employment (2011)* (CPG5). Kentish Town Station lies within close proximity to the north of the appeal site. The existing A2 use has a small shopfront and the majority of its floorspace is located to the rear of the shop unit at No. 317.
 4. The frontage within which the appeal site is located comprises of 14 units of which 57% are in class A1 (Retail) use. CPG5 indicates that within the core shopping frontages the Council will generally resist proposals that will result in less than 75% of the premises being in retail use. This document is a formal Supplementary Planning Document and therefore can be afforded significant weight. The loss of the existing A1 use at No. 317 would decrease the percentage to 53% thereby exacerbating the already low ratio of retail uses within the frontage. The existing A1 unit at No. 317 was last used as a hairdressers but has been vacant for some time, varying from around seven months, according to the Council, to a year according to the appellant.
-

5. Camden's Core Strategy (2010) (CS) indicates that Kentish Town has a good range of shops and services with many independent traders and a significant amount of food and drink uses. The Council's policies are to support the character and retail role of Kentish Town by managing the proportions of non-retail premises in line with the approach set out in CPG5. Policy DP10 of the Camden Development Policies 2010-2025 (2010) (DPD) seeks to help and promote small and independent shops by encouraging the provision of small shop premises suitable for small and independent businesses.
6. It seems to me that whilst the existing premises at No. 317 is currently vacant it nevertheless provides a suitable unit and fulfils a role as a small shop in the context of the above policy. Furthermore, the appellant has not provided evidence of any marketing of the premises and therefore it has not been demonstrated that the existing unit is no longer required to fulfil this role. In my view the existing unit provides a valuable small shop which contributes to the variety and character of the town centre. This role is further enhanced by the high percentage of the non-retail uses which currently exist.
7. I find therefore that the loss of the A1 unit would have a harmful impact on the character and retail function of the Kentish Town Town Centre. This would be in conflict with CS policies CS3, CS5 and CS7, and DPD policies DP10 and DP12 which seek to ensure that development of a suitable scale and character is promoted within the town centres and that facilities are provided to support Camden's population. They also seek to protect and enhance the role and unique character of each town centre, maintain a range of shops and services and resist the loss of shops where this would cause harm. It would also fail to comply with the aims and objectives of CPG5.
8. I note that the appellant argues that the proposal will enable the expansion of an existing, well used facility and that this will in turn have considerable benefits in terms of increased foot fall within the town centre which would contribute to its vitality and viability. These arguments are supported by reference to a number of appeal decisions provided by the appellant which I have also taken into account. Furthermore it is argued that it would create visual interest and contribute to the centre's evening economy in contrast to the existing vacant shop which it is suggested detracts from the character and appearance of the shopping centre. In addition I note that the National Planning Policy Framework seeks generally to support economic growth.
9. I do not seek to dispute that the proposed use would attract a high level of footfall, as presumably it already does, and note that the appeal decisions refer to these levels typically being similar to an A1 use. However, as I have identified above, my concern relates to the loss of the existing A1 unit in respect of its contribution to the retail function of the centre in the context of the relevant policies and in my view the harm arising would not be outweighed.

Conclusion

10. I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR

Appendix 9 – Media articles from the Camden New Journal

Camden New Journal

[Home](#) [Letters](#) [Gulliver](#) [Islington](#) [West End](#) [Arts & Entertainment](#) [Jobs](#) [Competitions](#) [Shop](#) [Area Guide](#) [Classifieds](#) [Search](#) [Directions](#)

Letters to the Editor
Your views on the latest news

Kilburn High Road to get a new... betting shop



Paddy Power courted controversy with its 'Chav Tranquiliser' advert

Published: 22 April, 2015
By **RICHARD OSLEY**

WHAT does the Kilburn High Road really need now?

A new betting shop, according to the global bookmaking firm Paddy Power who say they can prove that a second branch in the street will not harm the local area.

To the ire of some local residents, the bookies have instead told the Town Hall that opening a branch in the former Barratts shoe shop can add to the choice in Kilburn and bring extra shoppers to NW6.

Some residents use the black humour nickname "the bookmakers' mile" for Kilburn High Road, although do so often when commenting on the number of pawnbrokers and cheque-cashing services, as well as bookmakers.

Paddy Power insists there is no evidence of clustering at the site where they want to start taking bets because the nearest other bookmakers are 64 and 130 metres away respectively. The other branch of Paddy Power is at the other end of the Kilburn High Road.

Objectors to the new branch, however, have urged the council to block the shop conversion, insisting the area already has enough places to gamble money.

In a planning application submitted to Camden Council, consultants to the firm said that a new use for the shop was welcome because "the unit has failed to secure a permanent retail operator despite 15 months of active marketing". The report said the number of nearby bookmakers were "not considered an over-concentration or clustering", adding: "The betting shops are spread out and only make up a very small part of the retail offer on this stretch of Kilburn High Road."

Paddy Power has courted controversy in the past by offering odds on whether Oscar Pistorius would be convicted of murdering his girlfriend,

Its adverts have included "the chav tranquiliser" in which a hitman takes out "chavs" at a racecourse with a poison dart and "spot the stallions from the mares" – a commercial which made fun of transvestites.

The company's consultants said surveys at other branches of Paddy Power showed that their branches brought new visitors to the area and that it would

News

- A biblical return? Former Hampstead and Kilburn MP Glenda Jackson to play King Lear at Old Vic
- Teenager jailed for 18 years for attempted murder after frenzied Camden Town off licence stabbing
- Boris Johnson to force through plans to scrap 13 more fire engines despite opposition
- Mother wins Mini Milk battle after six month quest to get London Zoo to stock healthier ice creams
- How to stay married for 70 years? The secret is having a 'feisty' relationship say platinum couple
- Traders fear for future as overhaul of Lock market gets planning permission

Navigation

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Syndicate



Sports

- OFF THE SHELF: Sit back and enjoy title race, says Spurs goalkeeper Lloris
- IN THE GROVE: Joy and tears for Arsenal hero Rosicky's return
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"create diversity, choice and competition within the centre as a whole".

Objectors have written to officials in charge of whether the shop should be allowed.

Labour ward councillor Thomas Gardiner said: "I am dismayed at this attempt for yet another betting shop on Kilburn High Road. The area is completely saturated with betting shops but they keep targeting us. Can't they give us a break?"

One local resident said in a letter of objection: "It would be detrimental to the area to add yet another gambling venue in a high-density neighbourhood where many people have relatively low incomes."

Another added: "Surely there are enough betting shops this end of Kilburn High Road. Another one will only bring more crime, unsavoury characters and trouble. As a mother of two young children, isn't it important to regenerate Kilburn in a positive way?"

A deadline for responses passes at the Town Hall on April 28.



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Battle to stop NINTH betting shop opening on 'Bookmakers' Mile'



The eight existing betting shops in Kilburn High Road – and now Paddy Power wants to open another one

There are eight betting shops and four slot arcades already open on Kilburn High Road

Published: 4 February, 2016
By RICHARD OSLEY

It lacks the black-tie glamour of the casinos of Monte Carlo or the kitschy-ritz glow of the Las Vegas lights, but the unhappy joke on the Kilburn High Road is that it has almost as many places to dream about striking it rich.

And as many routes to the poorhouse.

The spread of eight betting offices, as well as four arcades laden with slot machines, has led to a casual nickname which many residents hope will not stick: The bookmakers' mile.

For on the run from Kilburn Road station, a course up to the Overground at Brondesbury passes three branches of Ladbrokes, three branches of William Hill, a Coral and the large Paddy Power close to the Tricycle cinema and theatre.

It was this apparent saturation which led Camden Council planners to turn down a request from Paddy Power, which recently merged with the online betting exchange Betfair and is now one of the biggest operators in the country, to open a second branch in a closed down shoe shop at No 64.

Planning officer Nanayaa Ampoma reported that the road was "already well supplied" with betting offices.

But the New Journal has learned that the company has decided it will challenge the refusal and fight for the right to open Kilburn High Road's ninth betting office.

Their appeal to a planning inspector is being seen as a test, not only for Kilburn where meetings have recently been held with the public to discuss how the area could be rejuvenated, but for the borough as a whole and how well the council can defend its position when it argues that a specific area is saturated by one kind of business.

In other areas, residents have complained that their shopping parades have been undermined by too many estate agencies or coffee shops.

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Paddy Power insist that not only is there demand for a new branch on the Kilburn High Road, but also that it is doing a good thing by bringing extra "vitality" to the area by bringing a long-term empty unit back to life.

Critics of the proposals say that argument stretches the point if the new business is a bookmakers.

Moreover, some fear more betting shops means more addiction, more wrecked lives, particularly due to the spread of fixed odds betting terminals (FOBTs) which are otherwise limited to four machines per shop.

The machines, which offer users the chance to gamble up to £300 every minute on computerised roulette wheels, have been a key moneyspinner for gambling firms as business on sports and racing results has drifted online. The horror stories about punters hypnotically losing tens of thousands of pounds at the terminals have led to well-publicised campaigns to stop the FOBTs, or at least limit losses to £2 a spin.

Hampstead and Kilburn MP Tulip Siddiq said: "For years locals have been campaigning against the rampant increase in betting shops and mini-casinos in Kilburn. These are not the traditional bookies that you grew up with – they're full of machines designed to extract the maximum amount of money in the shortest amount of time."

She added: "In Camden, there are an estimated 72 betting shop licences and over 260 FOBTs. Individuals can lose up to £300 a minute on FOBTs and their addictive nature causes widespread debt and misery. Our high streets are most successful when they offer a vibrant place to shop, eat, and drink with families and friends. Increasingly, they are being blighted by wall-to-wall betting shops, and as a community we must fight to prevent them becoming the place of despair so often associated with gambling and debt."

One of the biggest fears for those concerned by the rise of gambling outlets in Kilburn is how the losses are being paid for, as the street is also well populated by places to get ready cash at a cost: pawnbrokers and payday lending services.

Before reaching its decision to refuse permission to Paddy Power, the council received a raft of objections from people living nearby.

"Our high street is already much degraded, and yet another betting shop that sucks the life out of the area and further degrades the little quality we have left is to be deplored," said one.

"There are already far too many such establishments all along KHR, and it is high time the local councils acted proactively to reverse the rot, or all we will have is gaming outlets, betting shops and no shoppers."

Another in the postbag added: "Clearly you have not been to Kilburn High Road. The one thing this street does not need is another betting shop. I've only lived here for five years but there is a great community. However, there has been an increase in the number of betting shops. Just a stone's throw from this location are already various betting shop options. They do not help the local economy or community."

Paddy Power is notorious for courting controversy with its marketing campaigns, including its "chav tranquiliser" advert which saw a hitman take out female visitors to Cheltenham, and for taking wagers on the outcome of the Oscar Pistorius murder trial.

But it has proved a fierce rival for more established bookmakers, even more so now it has joined forces with Betfair.

Its planning agent said Kilburn High Road could not be said to be saturated with betting shops as such a low percentage of the overall units on the street were bookmakers. The existing Paddy Power was at the other extreme end of the street, which they said was a "nine-minute walk away at average pace".

A Paddy Power spokesman said: "At a time when many high streets are facing challenges, Paddy Power Betfair's expanding retail presence adds much-needed vitality and footfall to localities around the country.

"We invest over £250,000 in each shop we open to create an environment where our customers can have the best entertainment experience on the high street. In addition each new shop provides an average of five jobs for local people."

On the issue of FOBTs, he added: "We also take seriously our approach to promoting responsible gambling and providing the staff training and customer support necessary to ensure that our customers enjoy their experience betting and gaming with us."



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