

PLANNING AND DESIGN & ACCESS STATEMENT

**PROPOSED CHANGE OF USE FROM BETTING OFFICE (sui generis) TO
AMUSEMENT CENTRE (ADULT GAMING CENTRE) (sui generis)**

**GROUND FLOOR
2/3 NORTHWAYS PARADE
SWISS COTTAGE
LONDON
NW3 5EN**

APPLICANT: **Application by Future Leisure Ltd**

**APPLICANT'S AGENT: ROGER ETCHELLS & CO
THE OLD BANK
KILWARDBY STREET
ASHBY DE LA ZOUCH
LEICESTERSHIRE
LE65 2FR**

roger etchells

planning • licensing • leisure

The Old Bank • Kilwardby Street • Ashby de la Zouch • Leicestershire • LE65 2FR
Email: roger@rogeretchells.co.uk
Telephone: 07836 216357 and 01530 417554

1. INTRODUCTION

- 1.1 The application seeks planning permission for a change of use of ground floor premises from the present betting office (sui generis use) to an amusement centre (Adult Gaming Centre), also a sui generis use commonly found in town and district centres. Permission is not sought for any alterations.
- 1.2 The building in which the premises are located comprises what were once 2 shop units within a purpose-built development comprising shops on the ground floor with a residential block on the upper floors over.
- 1.3 The property changed to the current betting office use some years ago. Planning permission was originally granted for unit 3 in 1973 and it was extended in to unit 2 in 2000.
- 1.4 The premises lie on the east side of Finchley Road just to the north of Swiss Cottage. There is rear access/exit on to a covered service area at the rear which is entered through the entrance to the garage which lies to the north/east. It is in a frontage defined as 'primary'. The Local Plan (2017) steers entertainment uses which would include both betting offices and AGCs to Secondary Shopping Frontages. The 'Camden Planning Guidance' (2018) gives more detailed guidance.

2. ASSESSMENT

- 2.1 The property comprises ground floor lock-up premises currently in betting office (sui generis) use in a district shopping area. The building is unlisted and it is not in a Conservation Area.

3. INVOLVEMENT/CONSULTATION

- 3.1 The applicant's advisors and planning consultants have discussed the matter prior to making this application. There have been no discussions with the LPA.

4. PROPOSAL

- 4.1 The proposal is for a change of use of ground floor lock-up premises only. No alterations are proposed to the frontage or the exterior of the premises.
- 4.2 The upper floors would continue to be in separate occupation.

- 4.3 The various ground floor **uses** in the area are typical of a district shopping area. The existing and proposed **layout** of the premises is shown on application drawings WH/SC/O1extg and WH/SC/02prop.
- 4.4 The **amount** of commercial floorspace involved is 120 square metres gross.
- 4.5 The **scale** of the proposal as a shopper orientated amusement centre is consistent with the surroundings. In terms of **appearance** the proposal will not change: their traditional/existing appearance will be maintained with the advantage of the guarantee of a window display.
- 4.6 No **landscaping** is proposed.

Amusement Centre Use

- 4.7 The proposal is for an adult only amusement centre consisting of gaming machines. Such establishments are found in most shopping centres, including district and town centres. They have different effects from amusement arcades. There is a statutory obligation to exclude under 18's (as with the former betting office).
- 4.8 Premises such as this are no noisier than a shop and less so than a betting office. They would be suitable neighbours in this location.
- 4.9 Customer Usage - It is generally accepted that this kind of establishment attracts the same type of person as nearby shops. It also attracts them in similar numbers. There is considerable evidence confirming these characteristics which can be provided if requested.
- 4.10 Appearance - The proposal would have a similar appearance to a shop but with the guarantee of a window display through a condition requiring it to be maintained at all times.
- 4.11 Amusement centres of this kind are harmless to nearby traders as is apparent from the existing ones in so many town and district centres in London. They do not cause noise or disturbance.
- 4.12 I am confident that the proposal will:
 - (1) have no adverse impact on retailing activity;
 - (2) add to diversity of use and choice in the shopping area;

- (3) not harm the character or trade of the shopping centre;
- (4) maintain or enhance the vitality of the shopping centre;
- (5) maintain and broaden the evening economy with a new use in place of a use which currently opens in the evening.

4.13 There is considerable evidence confirming these characteristics of this form of amusement centre which can be provided if requested.

4.14 No alterations are proposed to the exterior of the property as part of this application. The application is for a change of use only.

5 ACCESS

5.1 The proposal is a in district shopping area. It could not be better located in terms of accessibility by all means of transport (foot, cycle, car and public transport).

6. PLANNING POLICY

6.1 The trend of national policy guidance towards non-retail uses has, since the issue of DCPN11 in 1985, been towards increased diversification through successive versions of versions of PPG6, PPS6 and the Portas Review.

6.2 Perhaps as a result, the NPPF and PPG have limited content on the make-up of town centres but note that, according to the NPPF planning policies (and presumably by extension decisions) should promote 'long term vitality and viability' allowing centres to 'grow and diversify'.

6.3 In applying local policies one must bear in mind the trend of government guidance towards more flexibility of use. Deregulation in the form of changes to the GDO over the last few years allowing greater flexibility of use and treating some changes from A1 use as permitted development is an indication that a highly restrictive approach to the issue of maintaining retail use (which is not relevant in this case anyway) is increasingly obsolete.

6.4 I consider there is no conflict with national policy.

6.5 **The London Plan** - Policy 2.15 requires that planning decisions conform with policies 4.7 and 4.8 and, of relevance to this case, requires them to:-

a. sustain and enhance the vitality and viability of the centre

- c support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and cultural, other consumer services and public services*
- 6.6 As paragraph 2.72 points out ‘*A wide range of uses will enhance the vitality and viability of town centres. Leisure uses contribute to London’s evening economy and ensure that town centres remain lively beyond shopping hours.*’
- 6.7 The proposal is consistent with policies 4.6 and 4.7. As paragraph 4.39 explains:- ‘*Boroughs should encourage a diverse range of night time activities, expanding culture and leisure venues other than eating and drinking. This diversification can enable a mix of activities in the public realm and help keep public spaces safe.*’ - The proposal would have this effect.
- 6.8 This centre is defined as a ‘Town Centre’ in the **Camden Local Plan 2017**. Policy TC2 seeks to protect class A1 uses in designated ‘primary frontages’. The ‘Camden Planning Guidance’ provides more detailed guidance.
- 6.9 The local plan expresses concern about A3 – A5 and entertainment uses. The adverse features of such uses; anti-social behaviour, fear of crime, noise, congestion and disturbance are not in practice features of the use proposed use. Whilst paragraph 9.31 says ‘*In order to protect the primarily retail role of core frontages, the preferred location of food, drink and entertainment uses is secondary frontages*’ it is to be noted that the proposal would replace another use defined in the same way so far as policy is concerned (ie another ‘entertainment use’).
- 6.10 Policy TC4 raises a number of features to be taken into account in dealing with applications for town centre uses. In no respect is the proposal any worse or more likely to cause problems than the existing non-retail use. Indeed, it would cause fewer in that it would have a more shop-like appearance and in terms of the potential to cause noise. Like the permitted betting office use it would have gaming machines but it would not have the continuous broadcast commentary etc of betting offices throughout trading hours.

- 6.11 Paragraph 9.45 of the Local Plan refers to ‘amusement arcades’ and ‘massage parlours’ together as though they had something in common. Clearly they do not. Of course, the proposal is not an ‘amusement arcade’. It would not attract children as it would have an age restriction excluding those under 18 by law and would not be open fronted or cause any noise to be emitted on to the street.
- 6.12 In replacing a betting office it would not reduce the retail (A1) content in the centre but it would reduce the representation of betting offices in the centre; something which seems to be favoured in the plan (see paragraph 9.47).
- 6.13 Appendix 4 of the plan seeks to prevent the A1 retail content falling below 75% in such primary frontages and seeks to prevent A3-A5 and entertainment uses exceeding 20% of a frontage (a point also raised in paragraphs 4.42 and 4.43 of the Camden Planning Guidance -see below). This proposal would not conflict with either of these two targets since it would not affect the non-A1 content nor the proportion of entertainment uses in the primary frontage.
- 6.14 The ‘Camden Planning Guidance’ SPG sets out the councils aim to maintain a certain retail proportion in centres and requires a detailed justification for non-retail uses to replace retail uses in centres – something which does not apply in this case. It identifies the primary and secondary frontages in the centre. The application site block is the only one defined as primary on the east side of Finchley Road. No part of the Local Plan or SPG suggests that the proportion of non-retail uses should be reduced through the development control process.
- 6.15 Because the proposal would not result in any reduction of the retail content or increase in the frontage devoted to entertainment uses it is consistent with the development plan and the SPG the proposal enjoys a presumption in its favour.

7 PLANNING MERITS

- 7.1 The proposal has, in addition, a number of other material considerations in its favour:-
- Investment in the premises and in the town centre.

- Bringing the premises back into use.
- Replacing the employment lost when the premises were vacated.
- The introduction of a vital and busy use.
- It will add a new use to the centre.
- Maintaining and enhancing the vitality of the shopping centre.

8 CONCLUSIONS

- 8.1 The proposal accords with national policy.
- 8.2 There is no conflict with local plan/development management policy.
- 8.3 There are other material considerations which reinforce the presumption in favour of granting permission.
- 8.4 The proposal would maintain and enhance the vitality and viability of this shopping centre.

Roger Etchells

January 2020