

Sara Chiong

From: Daniel Hyde <[REDACTED]>
Sent: 19 September 2024 11:29
To: Local Plan
Cc: [REDACTED]
Subject: London Borough of Newham - Regulation 19 Consultation Response [FREETHS-ACTIVE.FID8783884]
Attachments: LB Newham Reg 19 Local Plan Consultation Representation.pdf; Regulation 19 Consultation Response Form.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Further to the consultation on the Regulation 19 Draft Local Plan, please find attached our completed Response Form and full representation on behalf of our client, Betting Shop Operations Limited.

We trust this is everything that is required to register our representation and we look forward to receiving confirmation of receipt and future updates on the progress of the Local Plan.

Kind regards

Dan

Daniel Hyde
My pronouns are he/him
Senior Associate

T: [REDACTED]
M: [REDACTED]




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Response Form for Regulation 19 Consultation.

	<p>Local Plan Publication Stage Response Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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**Name of the Local Plan to which this representation
relates: Draft Submission Local Plan (Regulation 19)
June 2024**

Newham Draft Submission
Local Plan

Privacy Notice

Who we are

London Borough of Newham (LBN) is registered with the Information Commissioner's Office (ICO) as a 'Data Controller' This privacy notice applies to you ('the service user') and LBN ('the Council'). The Council takes the privacy of your information very seriously.

This privacy notice relates to our functions relating to the Newham Local Plan Review Consultation (Regulation 19). It also provides additional information that specifically relates to this particular consultation, and should be read together with our [general privacy notice](#), which provides further detail.

What data do we collect and process

We collect your name, contact details, email address, job title and organisation if applicable and demographic equalities data if you choose to share it.

Why we collect your data

The consultation is a requirement of the Town and Country Planning (Local Planning) (England) Regulations 2012. We collect your data so that we can get your views on the legal compliance or soundness of the Local Plan, as well as its compliance with the duty to co-operate.

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The lawful basis we use to process your data as set out in UK data protection legislation is:

Article 6 (a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose.

Article 9 (a) Explicit Consent: the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

We will only process personal data where we have consent to do so, and you can withdraw your consent at any time. By submitting your personal data in the response form you are consenting for us to process your data and/or consenting to be added to the database. If added to the database, they can be removed upon request.

You can withdraw your consent at any time.

How we use your data

This data is collected, collated and then submitted to the Secretary of State, who will appoint an Inspector to conduct an independent examination of the Local Plan. Demographic data will be processed anonymously to assess the effectiveness of our consultation.

Where you have consented, your contact details will be added to our consultation database for future consultations and updates on the Examination in Public.

At submission representations will be made public on the council's website, including name of person and organisation if applicable making representation. Other personal information will remain confidential.

Representations, in full, submitted along with the Local Plan, evidence base and documents Submission Draft Newham required by legislation to the Planning Inspectorate and to the person the Secretary of State appoints as the Planning Inspector. Contact details will be made available to the Inspector and Programme Officer so they can contact individuals to participate in the Examination.

Consultation database is stored on Mailchimp and accessed by planning policy team only. Mailchimp stores names and email addresses of those on the consultation database in line with Mailchimp policies, particularly its [data processing addendum](#). Please be aware they may store personal data external to the UK specifically in the USA and/or EU.

Who we will share your data with

We will only share your data with the Planning Inspector appointed by the Secretary of State, the Programme Officer appointed by Newham, and within the planning policy team. Your name and organisation (if applicable) will be published on our website along with representations upon submission. Demographic data is not shared with the Planning Inspector or the Programme Officer.

We will not share your personal information with any other third parties unless you have specifically asked us to, or if we have a legal obligation to do so.

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Response Form

For guidance on how to complete this representation form please view the Regulation 19 Consultation Guidance <https://www.newham.gov.uk/planning-development-conservation/newham-local-plan-refresh>.

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text" value="Mr"/>	<input type="text" value="Mr"/>
First Name	<input type="text" value="Peter"/>	<input type="text" value="Daniel"/>
Last Name	<input type="text" value="Jowett"/>	<input type="text" value="Hyde"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Senior Associate"/>
Organisation (where relevant)	<input type="text" value="Betting Shop Operations Limited"/>	<input type="text" value="Freeths LLP"/>
Address Line 1	<input type="text"/>	<input type="text" value="REDACTED"/>
Line 2	<input type="text"/>	<input type="text" value="REDACTED"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="REDACTED"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value="REDACTED"/>

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

4 (3) Complies with the
Duty to co-operate

Yes

No

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see submitted representation.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see submitted representation.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☒

No, I do not wish to participate in hearing session(s)

☐

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Do you wish to be notified about:

a. the submission of the local plan for independent examination

Yes ☒ No ☐

b. the publication of the Inspector's report

Yes ☒ No ☐

c. the adoption of the Local Plan

Yes ☒ No ☐

10. Would you like to be added to our consultation database to be notified about future planning policy consultations?

Yes ☐ No ☒

Please return to London Borough of Newham by 5pm 6th September 2024

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LONDON BOROUGH OF NEWHAM LOCAL PLAN: REGULATION 19 CONSULTATION (JULY – SEPTEMBER 2024)

REPRESENTATION ON BEHALF OF BETTING SHOP OPERATIONS LTD

19th SEPTEMBER 2024

Introduction

1. We act on behalf of Betting Shop Operations Limited (trading as Jenningsbet / “Jennings”) and have been instructed to submit this representation objection to emerging Policy HS6 in the Draft Submission Local Plan (Regulation 19) (“the Regulation 19 Plan”).
2. The purpose of this representation is to ensure that Jennings opinion on the emerging Policy HS6 is noted and that the wording of the policy is changed appropriately to allow more flexibility in allowing uses such as betting shops to occupy vacant units in designated centres and shopping frontages. This will also ensure the draft Local Plan achieves soundness in accordance with NPPF paragraph 35 as the current policy fails this on not being justified (criterion b) and inconsistent with national policy (criterion c).
3. We recommend a revision to the policy in order to achieve soundness at paragraph 23 of this representation.

Background

4. Jennings previously occupied a unit at 49 Woodgrange Road, which was subject to redevelopment following the approval of a mixed-use redevelopment (Newham Ref: 16/02395/FUL). This development re-provided the ground floor retail units, however, the redevelopment did not provide for a unit that Jennings could re-occupy post-completion. Jennings continues to have a requirement to trade in the Forest Gate area and has a vested interest in the planning policy context of relevance to their use.
5. Having reviewed their options for re-occupation of a potential unit in the Forest Gate area, it is noted that emerging policy HS6 is extremely and unnecessarily restrictive on the principle of new betting shops and represents an unjustified barrier to entry in the area.
6. The evidence base in the Retail and Leisure Study 2022 (Urban Shape, July 2022) is out of date and does not truly reflect the position within Forest Gate District Centre. If more recent evidence is used, this would actually justify a lower threshold than that proposed in Policy HS6. We also believe that the concern has been overstated in the policy wording and the recommendation provided by Urban Shape has been overlooked. We explain this position in detail below.

Evidence Base does not justify the Policy

7. As noted above, we have reviewed the Retail and Leisure Study (“the Study”) prepared by Urban Shape. We believe the Study does not reflect the current situation in the Forest Gate District Centre. In addition, we believe the Regulation 19 Plan policy HS6 is overstating the

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issue with regards to betting shops. To achieve soundness and a more flexible policy needs to be presented.

8. Section 8 of the Study identifies 5no. betting shops in Forest Gate District Centre. However, the Study does not state where these shops are within the District Centre, nor who the operators are.
9. It is evident from our own research that there are now only 3no. betting shops, with the Jennings shop at 49 Woodgrange Road and the William Hill at 37 Woodgrange Road closing in the last 2 years. As such, we consider that the Study is out of date and the policy is overly restrictive on betting shops which is not reflective of the current position in the District Centre. On this ground alone we do not consider that the policy is **justified**.
10. Furthermore, in the Study, Urban Shape consider that 5no. betting shops represents “a strong representation for a centre of this size” (paragraph 8.15). However, as the actual situation is 3no. betting shops, this is not as such of a strong representation as depicted in the Study. There is also no established policy threshold to judge the proportion and number of betting shops in a given area to reach such a conclusion.
11. Table 8.1 of the Study identifies that 20.4% of all units in the Forest Gate District Centre are Leisure Services. This is actually 4.2% below the UK average of 24.6%, therefore, we believe the issue with regards to the level of Leisure Services (or betting shops in particular) is overstated and it is considered that the policy wording is an overreaction to this evidence base.
12. We have also reviewed other designated centres within the Study. All of the centres do not explicitly state there is an “issue” with an over concentration or proliferation of betting shops.
13. It is noted that in the Green Street District Centre that there is a much lower level of Leisure Services (11.3% lower) in Green Street over the UK average (see paragraph 7.12). It is also noted in paragraph 7.12 there is an unbalance in those leisure services, however, it appears there is a large proportion of takeaways over other such services. We have noted 4no. betting shops in the Green Street centre, as such, we again consider the wording in emerging policy HS6 overstates any issues in respects to the level of betting shops across the centres.
14. It is also noted that in some centres such as Canning Town (Section 9 of the Study), East Beckton / Beckton (Section 10) betting shops are not even mentioned in the analysis in the Study. Further to this, where the level of betting shops is mentioned, for example in Stratford (Section 5), there are only 5no. betting shops but this is not stated as an issue or concern.
15. Therefore, we do not believe the evidence base depicts a serious issue across the London Borough of Newham with respects to the proliferation of betting shops in designated centres and shopping areas. The policy has been simply introduced as an unjustified barrier to entry for betting shops.
16. The recommendations in the Study which specifically review betting shops are provided in LBN25, LBN32 and LBN33 (pages 144 and 148 of the Study). The key recommendations are found in LBN32 and LBN33 which relate to the level of non-E Class uses in primary or secondary shopping areas / frontages. Here, the recommendation states a 33% threshold for

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non-E Class uses. This seems a reasonable approach to the level of non-E Class uses rather than the strict restriction as seen in the draft wording in Policy HS6.

17. It is not clear as to how the policy wording has now advanced to therefore being no more than 3no. gambling premises in a 400m radius (draft criterion b.) and no more than 2% of all uses in any centre (draft criterion f.). This is a far tighter restriction on gambling premises / betting shops than what is recommended in the Study. There is also no national or regional guidance on the application of such numerical and percentage based threshold to Local Plans and why they should operate in the interests of health and wellbeing. Both criterion should be removed as they are not justified and serve only to place unnecessarily high policy barriers to entry for betting shops (such as Jennings) that can otherwise be considered acceptable based on their responsible and well-established approach to the management of their uses. This can be regulated under criterion 3 which Jennings has no objection to and is in compliance with their established practice.

Policy is inconsistent with National Policy

18. It is also well documented that uses such as betting shops are an intrinsic and important part of the high street and designated centres, evidence of this can be found in recent London appeal decisions provided at **Appendix 1**. Having such a restrictive policy on betting shops being able to be situated in designated centres will only prove to be detrimental to the High Street and work against established and respected betting shop operators such as Jennings that have a recognised contribution towards the vitality and viability of centres.
19. Traditionally betting shops are able to occupy smaller units. Such units due to their size and configuration may not be as useful or successful in supporting occupation by other retail or other similar high street uses. Therefore, the use of betting shops throughout a high street or in a designated centre play an important role in the diversity and vitality of a high street, ensuring that such smaller units do not remain unoccupied for any considerable length of time. This is contrary to the town centre objectives of the National Planning Policy Framework and therefore **inconsistent with national policy**.
20. As a result, we believe that there is no justification for the threshold applied to policy HS6 and that the proliferation of betting shops across the London Borough Newham has been overstated. We therefore would strongly urge the Inspector to examine the wording of emerging policy HS6 as it goes against the recommendation as per the Study in evidence base.

Conclusion & Recommendations

21. Based on the above assessment, it is clear that the direction that policy HS6 is taking in terms of its restrictive nature on betting shops will be detrimental to the high street and overall district centres. It is also based on an unsound and inaccurate evidence base, in particular for Forest Gate, where there are now only 3no. betting shops, rather 5no and a percentage restriction. The draft policy is unsound as it is not justified and inconsistent with national policy.
22. Furthermore, as can be seen throughout the Study, the proliferation of betting shops throughout the London Borough Newham is not a stark issue. Whilst control on the total

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numbers of betting shops is an understandable approach, the wording of policy HS6 is overly restrictive on the basis of recommendations LBN32 and LBN33.

23. As such, we recommend the appointed Inspector considers deletion of criterion b. and f. Both are necessary as a minimum to for this policy achieve soundness.

24. We look forward to receiving acknowledgement of this representation marked for the attention of Mark Harris / Daniel Hyde and being notified of the Plan's progress.

Mark Harris [REDACTED]
London / Planning and Environment Group
[REDACTED]

Appendix 1



Appeal Decisions

Site visit made on 1 February 2024

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal A Ref: APP/V5570/W/23/3328775

309-311 Caledonian Road, Islington, London N1 1DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Betting Shop Operations Limited against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/1075/FUL.
 - The development proposed is installation of a new shopfront, 1no. satellite dish and 1no. air conditioning unit.
-

Appeal B Ref: APP/V5570/Z/23/3326960

309-311 Caledonian Road, Islington, London N1 1DT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent to display an advertisement.
 - The appeal is made by Betting Shop Operations Limited against the Council of the London Borough of Islington.
 - The application Ref is P2023/1074/ADV.
 - The advertisement proposed is installation of 2no. internally illuminated fascia signs and 1no. internally illuminated projecting sign.
-

Decision

Appeal A Ref: APP/V5570/W/23/3328775

1. The appeal is allowed and planning permission is granted for the installation of a new shopfront, 1no. satellite dish and 1no. air conditioning unit at 309-311 Caledonian Road, Islington, London N1 1DT in accordance with the terms of the application, Ref P2023/1075/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 48162 Revision: 03, MAJ-CR-00-GA-001 – Rev A.
 - 3) When operating the noise level $L_{Aeq Tr}$ arising from the air conditioning unit hereby approved, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014+A1:2019.

- 4) Prior to the installation of the hereby approved development, a Sustainable Design and Construction Statement shall be submitted to and approved by the Local Planning Authority and shall demonstrate how the proposal meets the Council's Sustainable Design policies. The development shall be carried out in accordance with the approved Sustainable Design and Construction Statement.

Appeal B Ref: APP/V5570/Z/23/3326960

2. The appeal is allowed and express consent is granted for the display of 2no. internally illuminated fascia signs and 1no. internally illuminated projecting sign at 309-311 Caledonian Road, Islington, London N1 1DT in accordance with the terms of the application, Ref P2023/1074/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary and Procedural Matters

3. There are two appeals relating to the same site. Appeal A is against the refusal of planning permission and Appeal B is against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its merits, I have dealt with both in a single decision letter.
4. Since the determination of the applications the Council adopted the Islington Local Plan Strategic and Development Management Policies 2023 (the SDMP). In respect of Appeal A, my determination of this appeal is made against its policies. The Council has drawn my attention to the policies it considers relevant to Appeal B and I have taken them into account insofar as a material consideration.
5. During the course of the appeal, the Government revised the National Planning Policy Framework (the Framework). Policies material to this decision have not fundamentally changed. Therefore, I have not sought the main parties' views on this.

Main Issues

6. The main issue with respect to Appeal A is whether the proposal would preserve or enhance the character or appearance of the Barnsbury Conservation Area.
7. The main issue with respect to Appeal B is the effect of the proposal on amenity.

Reasons

8. The appeal site is within the Barnsbury Conservation Area (the CA). I have therefore had regard to Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing its character or appearance.
9. The significance of the CA, as described in the Barnsbury Conservation Area Design Guidelines 2002 (the CA guidelines), is derived from the squares and terraces of some of the best examples of late-Georgian/early-Victorian

residential developments in London. It also identifies Caledonian Road as a shopping frontage which makes an important contribution to the character of the CA.

10. 309-311 Caledonian Road is in a busy mixed-use area. The character of the building is primarily derived from its box-like appearance. It has a distinctive projecting canopy that sits above the shopfronts and wraps around the frontage. The building forms part of a terrace, adjoined by older buildings of a different architectural style. It lacks any traditional detailing such as that found on some buildings nearby and therefore makes a neutral contribution to the significance of the CA.

Appeal A

11. Notwithstanding their planning status, there are satellite dishes on the front of the appeal building and some of the buildings along the road. I also observed that the adjacent building on the corner of Kember Street and Caledonian Road has an air conditioning unit in a similar position. Given the presence of these features, the proposed equipment would not appear discordant in this context.
12. The proposed air conditioning unit would be relatively small when considering the overall width of the frontage. The proposed satellite dish would be bigger than the existing satellite dishes, but at about 0.8m in height, it would not be excessive. Because of their overall size and limited projection, the proposed equipment would not obscure any features of the façade. In this regard, the proposal would comply with the aims of the Urban Design Guide Supplementary Planning Document 2017 (the SPG). The large expanse of the flat roof of the canopy would still be visible and would remain the predominant visual feature. The positioning of the proposed equipment would therefore not undermine the design of the building.
13. As the proposed equipment would be seen, it would not strictly comply with the CA guidelines. However, visibility does not automatically equate to harm. The guidelines also emphasise the importance of rooflines on a terrace. As the equipment would be well below the main roof, it would not disrupt the roofline of the terrace. The spacing between the equipment would also help to alleviate the perception of a cluttered appearance from additional equipment on the frontage.
14. For these reasons, I conclude that the proposal would have a neutral effect on the character of the building and would therefore preserve the character and appearance of the CA as a whole. Accordingly, it accords with Policies PLAN1 and DH2 of the SDMP, Policy HC1 of the London Plan 2021 and the Framework. Amongst other things, these policies require development within conservation areas to conserve or enhance the significance of the area.

Appeal B

15. There is a wide variety of shopfront signage along the road, which differ in size, colour and illumination. There is also a broad mix of projecting signs that range in size, adding to the diversity of advertisements within the CA.
16. As the proposed fascia signs would fit comfortably on the front and side elevation, the overall size and scale would be acceptable and would not dominate the building. The fascia signs would comprise a bold design. However, the lettering would be confined to the central part of the fascia.

When seen in the wider context, where other such dark-coloured signage already exists, the proposed signage could not reasonably be described as inappropriate.

17. The appellant asserts the proposed projecting sign would be slightly longer than the existing projecting sign at the adjoining building. I have viewed this existing sign and its projection did not appear as conspicuous, although I accept it differs in design from that proposed. I am not aware of the Council's dimension standards for such signage. Nonetheless, the proposed projecting sign would be similar in size to other projecting signs in the locality and would therefore not appear excessive.
18. The front and side elevation would each have a fascia sign, accounting for the corner nature of the building, similar to other corner buildings. As the projecting sign would be located at one end, the signage would not be cluttered. It would be seen as part of a spaced pattern of projecting signs at fascia level and would assimilate well within this varied context.
19. Internal illumination is not supported by the CA guidelines and the SPG. However, these guidelines should not be applied prescriptively to the exclusion of all other factors. Even if I were to accept that this method of illumination results in bulky signage, this type of illumination would be similar to the illumination of the nearby signage. There is limited evidence before me to demonstrate the method and level of illumination would make the proposed signage significantly more overpowering than the nearby signage. In any case, illumination in this context is not unusual.
20. Overall, I conclude that the proposal would not cause harm to amenity. It would have a neutral effect on the character of the building, preserving the character and appearance of the CA. I have taken into account Policies DH1, DH2 and PLAN1 of the SDMP. As I have found that the proposal would not harm amenity, it accords with these policies.

Conditions

21. In respect of Appeal A, I have considered the Council's suggested conditions in light of the tests within the Framework and Planning Practice Guidance and have made amendments where necessary in the interests of clarity. The main parties have been given the opportunity to comment on these conditions.
22. In addition to the statutory implementation condition, it is necessary to define the approved plans in the interests of certainty. It is also necessary to impose a condition to secure the submission of a sustainable design and construction statement to ensure the proposal delivers a sustainable form of development.
23. The Council's delegated report refers to a condition to limit the noise emitted from the air conditioning unit to be below background noise levels. This condition has not been suggested by the Council in their submission. However, as the air conditioning unit would be near residential windows, this condition is necessary to protect living conditions.
24. In respect of Appeal B, the five standard conditions as set out in the Regulations apply.

Conclusion

25. For the reasons given above the appeal should be allowed.



INSPECTOR



Appeal Decision

Site visit made on 19 June 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Appeal Ref: APP/C5690/W/23/3335264

80 Deptford High Street, Lewisham, London SE8 4RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Betting Shop Operations Limited against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/132340.
 - The development proposed is change of use from a bank (Class E) to a betting shop (Sui Generis).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from a bank (Class E) to a betting shop (Sui Generis) at 80 Deptford High Street, Lewisham, London SE8 4RT in accordance with the terms of the application, Ref DC/23/132340, subject to the following conditions:
 - The development hereby permitted shall begin not later than three years from the date of this decision.
 - The development hereby permitted shall be carried out in accordance with the following approved plans: 22020-P-001; 22020-P-002; 22020-P-003; 22020-P-005.
 - The premises shall only be open for customers between 0900 – 2200.

Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I have not sought further submissions. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the public health and wellbeing of the community and the vitality and viability of the Deptford District Town Centre.

Reasons

4. The appeal property is located on the eastern side of Deptford High Street, south of Deptford Station. There is no dispute between the parties that it forms part of the primary shopping frontage of Deptford District Town Centre. The

appeal proposal relates to the ground floor of the appeal property, which was previously used as a bank, but has now been vacant for around 3 years.

5. Policy SD6 of the London Plan (2021) and Core Strategy Policy 6 of the Lewisham Local Development Framework Core Strategy Development Plan Document (2011) (Core Strategy) both seek to promote and enhance the vitality and viability of town centres and expect a diverse range of uses to be provided within district centres to support daytime, evening, and night-time activities, including entertainment facilities.
6. The provisions of Policy E9 of the London Plan (2021) are similar in that they seek to support a successful, competitive, and diverse retail sector, which promotes sustainable access to goods and services for all Londoners. To achieve this, the policy requires, among other things, Local Planning Authorities to enhance local and neighbourhood shopping facilities by preventing the loss of retail and related facilities that provide essential convenience and specialist shopping.
7. The parties agree that the proposal would not result in the loss at ground floor level of a retail use. Neither would the appeal proposal provide ground level residential uses. Therefore, despite being referred to in the Council's reason for refusal, DM Policy 14 of the Lewisham Local Development Framework Development Management Local Plan (2014) (Local Plan) does not appear to be applicable in this case.
8. Deptford High Street is reasonably long and very vibrant. On the day of my visit there was a market taking place along the street, which added to its energy and activity. There are 4 existing gambling establishments on Deptford High Street to the south of the station. This does not represent a large proportion of the total uses along the high street or within the primary shopping frontage. While the existing establishments are all located on the eastern side of the street within a group of 28 properties, they are well spaced out, along a relatively long stretch of the primary shopping frontage, with retail uses in between them. Given this, while these uses may equate to 14% of the consecutive units, they do not currently appear or feel concentrated or clustered on the ground.
9. The proposed betting shop would not reduce the spacing between the existing gambling establishments, as it would be located further north. Although there would only be 5 commercial units between it and the nearest existing gambling establishment, Games Nation at No. 70 Deptford High Street, there would also be the break provided by the entrance to Frankham Street. The appeal proposal would therefore not result in a concentration of gambling establishments along Deptford High Street. It may be that Nos 38 and 175 Deptford High Street could also be used as betting shops. Nonetheless, they are quite a distance from the appeal property. While I recognise that if No. 38 were to be used as a betting shop, it may lead to a concentration of gambling establishments at the southern end of the high street, given the positioning of the appeal property, the appeal proposal would not have a similar effect.
10. I appreciate that the proliferation or concentration of uses, such as betting shops, can cause detrimental impacts to amenity and result in adverse effects arising from crime, disorder and anti-social behaviour. It can also give rise to particular concerns regarding the impact on mental and physical health and wellbeing. This is recognised in the supporting text to Policy E9 of the London

Plan (2021) and DM Policy 14 of the Local Plan. I also sympathise with the concerns of interested parties regarding the high level of deprivation in the local community and, as a result, the susceptibility of local people to gambling related harm, which could exacerbate the poverty of the area.

11. Nevertheless, based on the evidence before me and my observations on site, the appeal proposal would not result in a proliferation or concentration of gambling establishments along Deptford High Street. The Council considers that any anti-social behaviour resulting from the proposal could be managed by the licensing process and review, and there is no substantive evidence to demonstrate that any other adverse effects would occur as a result of the appeal proposal.
12. Interested parties have also raised concerns regarding the effect of the appeal proposal on young people that go to school nearby and socialise on Deptford High Street at lunch time. However, most of these young people would be below the legal age to use the proposed facility.
13. The proposal would bring a vacant commercial unit that forms part of the primary shopping frontage back into use, which would add to the vitality and viability of Deptford High Street. Whether or not there would be any prospect of an alternative use coming forward, my attention has not be drawn to any specific policy requirement in this regard.
14. Accordingly, for the reasons above, in the absence of any evidence to the contrary, the proposal would not have a detrimental effect on the public health and wellbeing of the community and would not result in any harm to the vitality and viability of the Deptford District Town Centre. It would therefore accord with Policies SD6 and E9 of the London Plan (2021) and Core Strategy Policy 6 of the Core Strategy, as well as the associated provisions of paragraph 90 of the Framework.

Other Matters

15. The appeal property is located in the Deptford High Street and St Paul's Church Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the CA.
16. The significance of the CA, in so far as it relates to this appeal, is the vitality of Deptford High Street. This is characterised by a high proportion of small independent retailers and the popular markets, which provide for the interaction of a wide range of communities, and the cultural and social energy of these communities. Also, the value of its architecture, which reflects the evolution of the area.
17. The appeal property in its vacant state does not add to the vitality of Deptford High Street and it appears a little unkept with posters and graffiti on its elevations. Thus, in its current condition, it does not contribute positively to the significance of the CA.
18. The Council in its Officer Report, conclude that, despite the betting shop use, the proposal would lead to no harm to the CA. From the evidence before me and my observations on site, I can find no reason to disagree.

19. The appeal proposal would not include any external alterations to the appeal property. The use of the vacant unit as a result of the appeal proposal, would add to the vitality of the CA and, although not an independent retailer, would be consistent with the CA's commercial character. For the reasons set out above, I do not consider that its specific use as a betting shop, in this case, would negate this.

Conditions

20. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. To protect the living conditions of nearby residents, a condition limiting the operating hours of the proposed betting shop is also necessary.

Conclusion

21. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed, subject to the conditions set out above.



INSPECTOR