

Appeal Decision

Site visit made on 15 November 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 29 November 2016

Appeal Ref: APP/E5330/W/16/3157317

107A High Street, Plumstead SE18 1SE

- 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 William Hill Organization Ltd against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/1231/F, dated 19 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is the change of use of 107a High Street from Use Class A2 (Financial and Professional Services) to a betting office as well as external alterations to the shopfront, installation of a satellite dish, aerial and air conditioning units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - i) the effect of the development on the vitality and viability of Plumstead District Centre; and,
 - ii) the effect of the development on criminal and anti-social behaviour.

Reasons

Vitality and Viability

3. The appeal property is located on the corner of Plumstead High Street and White Hart Road and forms part of a primary shopping frontage within Plumstead District Centre. The property currently benefits from an A2 use and up until November 2015 was used as a bank. The High Street comprises a variety of retail and commercial uses.
 4. Policy TC6 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CS) states that the Royal Borough will support retail developments in district centres that are of an appropriate scale to serve the population of their catchment area, without harming the vitality and viability of other centres.
 5. Policy TC(a) of the CS states that at ground floor level a minimum of 50% primary frontage should be available for A1 retail use in Plumstead District Centre. The Council confirms that the District Centre does not meet this threshold and the appellant does not dispute this. The Council states that as the existing use of the appeal property is not an A1 use, there would be no
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further loss in respect of this policy. Whilst I accept that proposal would not result in the loss of an A1 use, interested parties have made a compelling case that regardless of existing uses, the policy requires that 50% of the primary frontage should be made available for A1 use. Therefore, given that the District Centre is currently below the 50% threshold, the unit should be made available for an A1 use. Accepting a non-retail use without first making the unit available for A1 use would only compound and prolong the District Centre's lack of retail activity, as evidenced in its failure to meet the 50% threshold, which would have a harmful effect on its vitality and viability. As there is no substantive evidence before me to indicate that the appeal property has been made available for such a use the proposal fails to satisfy Policy TC(a).

6. Policy TC(b) of the CS has specific regard to applications for betting shops stating that there will be a need to avoid over-concentration and saturation of this particular type of use within protected retail frontages. However, the policy provides no definition of over-concentration or saturation.
7. The Council states that there are three existing betting shops within 100m of the appeal property and that a fourth one would result in an over-concentration. The observations I made during my site visit were that two are on the adjacent street, Lakedale Road (Jennings Bet and Coral) and one is on the junction of Plumstead High Street and Galloson Road (Paddy Power). The two shops on Lakedale Road are approximately 40m and 60m respectively from the appeal property and Paddy Power was approximately 100m. In addition to these, there is one other betting shop within the District Centre, which is approximately 450m from the site.
8. Although there are three existing betting shops within the vicinity of the appeal property, they all form part of different shop frontages. The two on Lakedale Road are on the opposite side of the road from each other, and Paddy Power is on the opposite side of the High Street to the appeal property. I also note that Paddy Power is on the periphery of the 100m catchment area. Between each of the existing betting shops there is a range of retail and commercial units that are typically found within a district centre of this nature.
9. Furthermore, the evidence submitted by the appellant indicates that existing betting shops account for 3.1% of the units in the District Centre and even when taking into account the proposal it would still be below 4%. The Council do not dispute this and therefore, based on the evidence before me, the proposal would not lead to a saturation of such uses throughout the District Centre.
10. I acknowledge that there are other betting shops in proximity of the appeal site and I accept that an over-concentration of them can harm the overall balance of uses. However, in this instance, given that the existing betting shops occupy different frontages and the extent of the uses within the District Centre, I do not consider that the proposal would represent an over-concentration or saturation of betting shops.
11. However, the assessment of Policy TC(b) is subject to the ground floor thresholds set out in Policy TC(a). As I have found that the proposal does not satisfy Policy TC(a) it therefore cannot satisfy Policy TC(b). Consequently, the loss of a potential A1 use which could make a positive contribution to the threshold set out in Policy TC(a) would harm the vitality and viability of the District Centre.

12. I have had regard to the appellant's argument that the proposal would have a positive effect on the vitality and viability of the District Centre by increasing footfall, as supported by the market research undertaken by NEMS, dated June 2015. In the absence of any evidence to the contrary, this weighs in favour of the proposal. However, it does not outweigh the harm I have identified above.
13. Overall I find that whilst the proposal would not result in an over-concentration or saturation of betting shops, the loss of a potential A1 use would significantly harm the vitality and viability of the District Centre. As such, it would fail to comply with Policies TC(a) and TC(b) of the CS.
14. In their reasons for refusal, the Council refer to Policy 7.4 of the London Plan. As this policy is with regard to design, I do not find that it is relevant to this main issue.

Crime

15. Policy TC(b) sets out a number of requirements for non-retail proposals. The Council raise no objection to the proposal satisfying the majority of these requirements. However, the Council do raise concern that the proposal fails to satisfy requirement *vi* which states that development should not increase the likelihood of anti-social behaviour or increase the fear of crime.
16. The Council state that betting shops have the potential to lead to an increase in crime and anti-social behaviour. The Metropolitan Police have raised objection to the proposal on the basis that there are already three betting shops within 100m of the site and that the area has issues associated with crime and disorder, street drinking and anti-social behaviour. Local residents have also raised concern in respect of the proposed use increasing levels of crime and anti-social behaviour.
17. However, there is no substantive evidence before me to suggest that the existing level of crime and anti-social behaviour is a direct result of the betting shops. Although the Metropolitan Police state that they have recently received a number of calls to other betting shops in the locality, there is no indication of what incidences these calls related to. Crime and anti-social behaviour does not seem to me to be an inevitable consequence of betting shops, but rather a question of individual behaviour and appropriate management. The appellant appears to recognise this and addresses it in their publication of a Gambling Commission Manual.
18. In the absence of any substantive evidence before me to the contrary, I find that the proposal would not result in a significant increase in criminal or anti-social behaviour. As such, in this respect, it would comply with Policy TC(b) of the CS and policy 7.3 of the London Plan, which seek to reduce criminal and anti-social behaviour.

Other Matters

19. I have had regard to the concerns raised regarding the windows being blocked up internally. Policy TC(b) of the CS requires that the development shall include the installation and retention of a display window. Not all of the windows would be blocked up as some would appear to be retained as display windows, in particular those fronting the High Street. The requirement does not require all windows to be retained. Whilst the windows would not allow views into or out of the shop, I find no policy requirement that they must.

Conclusion

20. Based on the evidence before me, I have found that the proposal would not result in any significant increase in criminal or anti-social behaviour. However, this does not outweigh the harm I have identified regarding the significant harm it would have on the vitality and viability of the Plumstead District Centre.
21. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR