
Appeal Decision

Site visit made on 28 February 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 27 March 2017

Appeal Ref: APP/C5690/W/16/3164936
197 New Cross Road, London SE14 5DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr G Robson, Coral Racing Limited against the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096758, is dated 20 May 2016.
 - The development proposed is the change of use from bank (Class A2) to licenced betting office (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from bank (Class A2) to licenced betting office (sui generis) at 197 New Cross Road, London SE14 5DG in accordance with the terms of the application, Ref DC/16/096758, dated 20 May 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is against non-determination. However, the appellant has provided a copy of the Council's Planning Committee Report of 19 January 2017 which recommends that, had it determined the application, it would have granted planning permission. Although I have not been presented with any minute or other record of this meeting I have been given no reason to doubt that this reflects the Council's position.

Main Issues

3. Although the Council considered the proposal to be acceptable I have had regard the issues considered in its Committee Reports and to the submissions of interested parties in responding to the application and the appeal. I consider that the main issues raised by this appeal are the effect the proposed development would have: on the living conditions of occupiers of residential properties in the area, in particular its effect on crime and anti-social behaviour; on the vitality and viability of the District Centre; on highway safety, and; on the significance of Hatcham Conservation Area, a designated heritage asset.

Reasons

4. The appeal building is a prominent, attractive and imposing late C19 former bank situated on the inside of a bend on New Cross Road within an area of
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buildings which are largely commercial at ground floor level. It faces predominantly residential buildings on the south side of New Cross and Queen's Roads. At the time of my visit the ground floor was vacant. The proposal seeks a change of use to a betting office with no external alterations proposed.

Living conditions - crime and anti-social behaviour

5. The appellant operates an existing licenced betting office at 141 New Cross Road which is located to the north of the appeal site. It is his intention to cease trading from that premises and surrender its licence before trading would commence at the appeal site.
6. Interested parties have detailed a range of incidents of anti-social behaviour which they consider are perpetrated by persons waiting or congregating outside this existing, and other nearby, betting premises. I can appreciate the concerns of residents in this regard and do not underestimate the harmful effects that such behaviour can cause which can include a fear of crime and disorder. However, I have not been presented with any conclusive evidence that such incidents are directly attributable to the betting office use of No 141 or that customers of the proposed use, or their associates, would directly contribute to an increase in such unacceptable behaviour in the area.
7. The licencing of betting premises is a separate matter to that of the proposed change of use and is governed by separate legislation. Nevertheless, I note that in support of his appeal the appellant has referred to the Licencing Committee's reasons for granting a Premises Licence at the appeal site. The Committee considered that the applicant's procedures would fulfil the licensing objectives of preventing gambling from being a source of, or associated with, crime and disorder or being used to support crime.
8. Furthermore, whilst the Metropolitan Police advised that there were five crimes attributed to No 141 in a one year period, they conclude that this is "not an inordinate amount" and do not raise any objection to the proposal albeit requesting that secured by design principles are adhered to. These are views which carry considerable weight in considering the crime, disorder and anti-social behaviour implications of the proposal.
9. There is no substantive evidence that the proposed change of use would directly lead to an increase in crime or anti-social behaviour, even considered cumulatively with other similar uses in the vicinity. It cannot consequently be concluded that the proposed use would adversely affect residents' living conditions or that any unlawful activities that do occur in the vicinity of the proposal could not be effectively enforced by the Police.
10. The proposal would accord with London Plan Policy 7.1 and Core Strategy¹ Policy 15 which seek to reduce crime and the fear of crime, amongst other criteria. The proposal would therefore not conflict with the National Planning Policy Framework's (the Framework) requirement that developments should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

¹ Lewisham local development framework – Core Strategy Development plan document, 2011.

Vitality and viability

11. The Council advise that the appeal property is located in a District Centre but lies outside of a designated shopping frontage. The proposal would not result in the loss of an existing retail (A1) use as the former use of the site was a bank. There is no substantive evidence to support interested parties' concerns that a betting office in particular, even in such a prominent location, would lead to negative perceptions of the area making it less attractive to other businesses or visitors. In light of the limited number and dispersed distribution of other betting offices in the area the proposal would not lead to an over concentration of betting offices in the area such that would adversely affect the economic performance of the District Centre. Similarly, there is little evidence to suggest that the re-use of a vacant building for a betting office use in the proposed location would have retrograde effects on regeneration activities or ambitions for the area.
12. The proposal would therefore not have a harmful effect on the vitality or viability of the District Centre and would accord with London Plan Policies 2.15 and 4.18.

Highway safety

13. The proposal would be located within an established District Centre in an accessible location with cycle parking nearby. The arrangement and designations on the adjoining highway would prevent customers parking immediately adjacent to the premises. There is no conclusive evidence that customers or other persons waiting outside the premises would behave in such a manner as to either restrict access along the footway in front of the premises or to make pedestrians choose to take alternative, less safe routes to avoid it. These factors lead me to consider that the proposal would not give rise to an unacceptable effect on highway safety.

Designated heritage asset

14. The site is located within the Hatcham Conservation Area. The appeal building lies close to the south boundary of the Conservation Area which includes properties on New Cross Road and the network of residential streets to the north. Much of its character and appearance, and consequently significance, is derived from predominantly C19 buildings set within an attractive and historic streetscape whose layout shows evidence of earlier phases of development. This includes the appeal building which is highlighted as a landmark building and an 'Architectural Gem' in the Hatcham Conservation Area Character Appraisal.
15. The appeal scheme does not propose any external alterations which would leave its grand late Victorian appearance unaltered and signage would be considered separately. As a former bank the proposed use would not be at odds with the commercial character of the building or that of surrounding properties on the north and east side of New Cross Road. Having paid special attention to the desirability of preserving or enhancing this character and appearance the proposal would have a neutral and therefore preserving effect on the Conservation Area's significance. The proposal would consequently

comply with the conservation requirements of London Plan Policy 7.8, Core Strategy Policy 16 and Local Plan² DM Policy 36.

Other Matters

16. A number of interested parties raised concerns about the effect gambling activities might have on indebtedness in the local community particularly amongst vulnerable and low income groups. However, the appellant's Statement of Responsible Gambling points out that they are subject to a mandatory Harm Minimisation Strategy and I note that in granting a licence the authority considered the appellant's social responsibility systems would protect vulnerable persons, including local school attendees, being exploited or harmed by gambling. Such concerns would be adequately managed by other legislation and therefore carry little weight in assessing the planning merits of the proposal.

Conditions

17. It is necessary to stipulate the approved plans and specifications as this provides certainty. Limiting the operating hours will ensure that any potential disturbance to nearby occupiers late in the night is minimised. Requiring cycle parking will ensure that the development makes adequate provision to support cycling as a transport choice for staff. In light of the comments of the Metropolitan Police regarding lack of detail of crime prevention measures it is necessary to require details to be approved and implemented to assist in discouraging crime and anti-social behaviour in and immediately outside the premises.

Conclusion

18. I have not set aside lightly the concerns of local residents and groups who feel strongly about their area and those who live and work within it. However, in considering the evidence dispassionately it is clear that permission should be granted. I also note that my conclusions on the main issues reflect those of the Council in those regards.
19. For the above reasons, and having had regard to all other matters raised, the proposal would not give rise to harm to the living conditions of occupiers of residential properties in the area, to the vitality and viability of the District Centre, to highway safety or to designated heritage assets and would accord with the development plan and the Framework. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

² Lewisham local development framework – Development Management Local Plan, 2014.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 14/3971/01; 14/3971/02; Heritage Statement; Statement of Responsible Gambling; ASB Reports & Crime Map, and; Supplementary Letter to LPA 19.07.2016 Received 19 July 2016.
- 3) The premises shall only be open for customer business between the hours of 0800 and 2200 on any day of the week.
- 4) The change of use hereby permitted shall not commence until full details of the cycle parking facilities, which shall include a minimum of two secure and dry cycle parking spaces, have been submitted to and approved in writing by the local planning authority. All approved cycle parking spaces shall be provided and made available for use prior to the use commencing and maintained thereafter.
- 5) The change of use hereby permitted shall not commence until a scheme of crime prevention measures following the principles and physical security requirements of 'Secured by Design' have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the use commencing and maintained thereafter.