

**RECEIVED:** 10 May, 2006

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 69-71 Kilburn High Road, London, NW6 6HY

**PROPOSAL:** Proposed change of use from (Use Class A1) retail to (Use Class A2) betting shop

**APPLICANT:** Ladbroke Racing Ltd

**CONTACT:** Richard Raper Planning

**PLAN NO'S:** Ordnance Survey Extract  
KILB/01 Rev.A  
KILB/02 Rev.A  
KILB/06

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## **RECOMMENDATION**

Approval.

## **EXISTING**

The application site is occupied by mid terraced retail units with office accommodation above. The premises are situated on the south-western side of Kilburn High Road and lie within the Secondary Shopping Frontage of the Kilburn Town Centre.

## **PROPOSAL**

Planning permission is sought for the change of use of the premises from retail (Use Class A1) to a betting shop (Use Class A2).

## **HISTORY**

There have been no recent planning applications on the site but planning permission was granted on 24 March 1987 for the change of use of the basement to betting office.

## **POLICY CONSIDERATIONS**

Brent Unitary Development Plan 2004

SH1 - The Council will use its powers to improve the borough's town centres.

SH2 - Planning proposals should support the improvement of shopping facilities in the Kilburn Town Centre in accordance with its status as a major town centre.

SH9 - Within secondary shopping frontages of town centres non-retail uses that provide a service to visiting members of the public will be permitted subject to residential amenity, highway and traffic considerations.

Transport standards PS6 and PS19 relating to A2 uses are applicable.

## **CONSULTATION**

The following were consulted on the application:-

Local Ward Councillors

Occupiers at 11, 11A, 12 Kilburn Bridge, Kilburn High Road NW6  
67, 69-71, 69A, 71A, 73A, 73B, 73-75, 75a, 75B Kilburn High Road NW6  
1-4(inc)Kilburn Bridge House, Kilburn High Road NW6  
Kilburn Town Centre Manager  
London Borough of Camden

6 letters received from the occupiers of 21, 29, 31 and 103 Glengall Road NW6, 23 Priory Park Road NW6, and 19 Kenilworth Road NW6 objecting to the proposal on the following grounds:-

- The number and location of betting premises are over-represented
- Anti -social behaviour associated with the use

In addition a letter has been received from the Kilburn Town Centre Manager who objects to the scheme on the grounds that there already exist several betting offices within the area and allowing the proposal will negate the positive steps being taken to improve the area, attract new investment and reduce the problems of anti-social behaviour in Kilburn.

Councillor Mary Arnold also writes on behalf of some of the residents in Kilburn expressing concern about the number of betting and gambling shops open on Kilburn High Road and the Willesden Lane end of the road and the anti-social behaviour associated with the proposal. She also states that the use will be detrimental to the High Road and its track record of improvements and future plans.

The applicant has also sent a copy of an e-mail response from the police. The police confirm that it is their view that the basement is a particularly appealing place for the supply of drugs and that a street level premise with clear views from outside would be less appealing to the suppliers.

## **REMARKS**

The premises are currently occupied by retail use. It is the intention of the applicants to relocate the current betting shop from the basement level of 69-71 Kilburn High Road to the ground floor premises at the same address. The basement level will then be retained solely for maintenance in connection with the use. Changes to the shopfront and advertisements will be the subject of separate applications.

It should be noted that the current entrance leading to the betting shop in the basement is on the ground floor with the betting shop advertised as such. The premises are located within a Secondary Shopping Frontage within the Kilburn Town Centre where a mix of uses is identified. Policy SH2 states that planning proposals should support the maintenance and improvement of shopping and other facilities in the major Town centre and SH9 allows uses that provide a service to visiting members of the public subject to residential amenity and highway considerations.

Between Oxford Road (from No.41 Kilburn High Road) and Brondesbury Road (up to and including No. 101 Kilburn High Road) there exist three other A2 uses ie: an estate agent, a Bureau de Change type use and building society. The remaining A2 use in this block is the betting shop which is being relocated. Thus out of a total of 42 units in this particular section of Kilburn High Road there is one betting office and the approval of this application would not result in an increase in this number. On this basis it is your officers view that there is no proliferation of betting shops within the vicinity of the application site, as has been suggested by objectors. Council policy allows A2 uses that provide a service to visiting members of the public and the proposed use would not conflict with these policies in this respect. Consequently, it would be difficult to justifying a refusal of the current proposal on this basis.

A breakdown of units between Oxford and Brondesbury Roads is shown below:

41 - A1

43 - A3  
45 - A3  
47 - A1  
49 - A1  
51 - A1  
53 - A2 - estate agents  
55 - Dry Cleaners  
57 - A1  
59 - Cheque and cash shop - A2  
61 - A1  
63 - A1  
65 - A3  
67 - Chiropodist  
69-71 - A1 - **application premises**  
73 - A3  
75 - A3  
77 - Public House  
79 - A1  
81 - A1  
83 - A2

The remaining premises 85 -99 are all in A1 usage with No. 101 in A3 use.

### **Parking and servicing**

The Highway Engineer is satisfied that there will be no traffic problems associated with the proposals given that the use already exists within the basement and the application seeks only a relocation to the ground floor with a floor area of 236sqm. The parking and servicing standards for the proposed use are set out in policy PS19 and requires loading bays that can accommodate at least an 8m rigid vehicle. The site currently has no rear service area and is therefore unable to comply with this requirement and the situation will remain unchanged by the development. here is however a fire exit to the rear with the means for escape.

Officers consider that residential amenity will not be adversely affected by the development nor will there be an adverse highway impact and therefore is no conflict of policy in this respect.

### **Other issues**

Objections have been raised with respect to the number of betting shops on the Kilburn High Road and the anti-social behaviour that these uses attract. Officers reiterate that there will not be a proliferation of such uses within the vicinity of the application premises and that the scheme is not a new use within the shopping frontage but merely a relocation from the basement to the ground floor of the premises. Indeed no evidence has been submitted to substantiate the view that anti-social behaviour will be worsened by the development. An e-mail submitted to the Council by the applicant from the police appears to support the relocation of the use to the ground floor subject to the cooperation and commitment from the applicants. A condition to restrict the use of the basement for any use other than maintenance has also been imposed to ensure no overspill of betting activities takes place in that area.

### **Conclusion**

Officers are of the view that the change of use will not affect the viability of the Secondary Shopping Frontage, will have no additional impact on highway generation or servicing and will not conflict with adopted Council policy and is thus recommended for approval.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

(1) The proposed development is in general accordance with policies contained in the:-

Brent's Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs

**CONDITIONS/REASONS:**

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith,  
(a) prior to occupation of the building(s).

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) No music, public address system or any other amplified sound shall be audible within any noise sensitive premises either attached to or in the vicinity of the subject premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (4) The basement of the premises shall only be used for maintenance use in connection with the betting shop on the ground floor and for no other use without the prior written approval of the Local Planning Authority.

Reason: To ensure that there will be no overspill of betting activities within the basement which could lead to activity detrimental to residential amenities within the vicinity of the site.

**INFORMATIVES:**

- (1) The application relates to the change of use only. Any alterations to the shopfront or advertisement signage will be the subject of a separate planning application or advertisement consent application respectively.

**REFERENCE DOCUMENTS:**

Brent Unitary Development Plan 2004.  
8 letters of objection.

Any person wishing to inspect the above papers should contact Mrs L Sowah, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232



### Planning Committee Map

Site address: 69-71 Kilburn High Road, London, NW6 6HY

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