

Committee Report
Planning Committee on 18 January,
2012

Item No.
Case No.

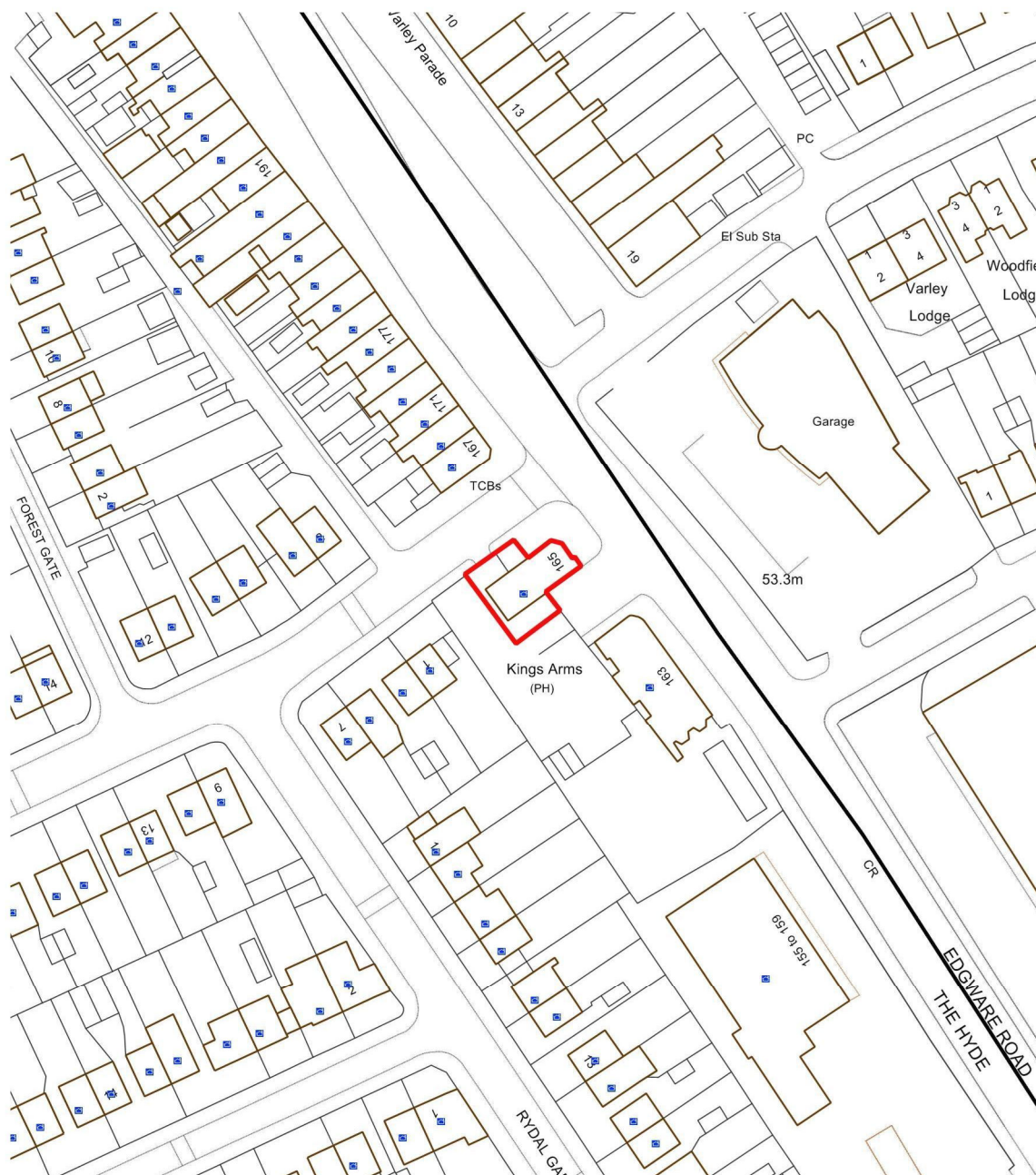
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11/2795



Planning Committee Map

Site address: 165 Edgware Road, Kingsbury, London, NW9 6LL

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This map is indicative only.

RECEIVED: 21 October, 2011

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 165 Edgware Road, Kingsbury, London, NW9 6LL

PROPOSAL: Change of use from Off Licence shop (Use Class A1) to Slot Machine Arcade (Sui Generis)

APPLICANT: Mr T O'Sullivan

CONTACT: Studio 136 Architects Ltd

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant Consent

EXISTING

The application site is an off-licence shop at 165 Edgware Road, on the southwestern corner of Edgware Road and Springfield Mount. It is not located in a conservation area nor is the building listed. Surrounding uses are commercial to either side and along the Edgware Road and residential to the west. The primary shopping frontage begins on the other side of Springfield Mount.

The ground floor commercial unit has a gross floor area of 112sqm and there is a self contained residential unit in the first floor. A 3m wide crossover is provided to the rear of the site from Springfield Mount to gated access into a 4m deep yard area and store.

The unit has moderate access to public transport services (PTAL 2), with close access to bus routes 32 and 142 on Edgware Road and 83 and 183 on Kingsbury Road.

Edgware Road is a London Distributor Road. There are waiting and loading restrictions at the junction of Edgware Road with Springfield Mount between 7am and 7pm on Mondays to Saturdays. Springfield Mount is a local residential access road on which there is a 20mph speed limit.

PROPOSAL

The application proposes the change of use of the ground floor unit from an off-licence (Use Class A1) to a slot machine arcade (Sui Generis). The application does not propose alterations to the shop front or existing servicing provision.

HISTORY

11/2906 Demolition of existing side extension and erection of single storey side extension to increase shop (Use Class A1) - under consideration

04/3841 Extension of single-storey side extension to retail shop **Refused** 27/01/2005

99/0381 Erection of single-storey side extension to retail shop **Refused** 20/04/1999

98/2425 Erection of single-storey side extension and installation of new shopfront **Refused**
20/01/1999

POLICY CONSIDERATIONS

Adopted Brent Unitary Development plan 2004

H22: Protection of Residential Amenity

The establishment of new incompatible non-residential uses in predominantly residential areas will not be permitted.

TRN3: Environmental Impact of Traffic

Where a planning application would cause or worsen an unacceptable environmental impact from traffic it will be refused.

TRN22: Parking Standards - Non-Residential Developments

Non-residential development should make provision for vehicular parking in accordance with the maximum standards set out in the UDP.

TRN34: Servicing in New Development

The provision of servicing is required in all development covered by the plan's standards and the loss of such facilities shall be resisted

SH13: Amusement Centres

Amusement centres will be acceptable in Secondary Shopping Frontages subject to provisions.

SH18: Other Shopping Parades

In shopping parades outside the primary and secondary areas, change of use to appropriate alternative uses will be permitted.

CONSULTATION

A total of 21 adjoining owner/occupiers were consulted regarding the application on Edgware Road and Springfield Mount.

3 letters of objection and 1 petition containing 95 signatories have been received raising the following objections:

- Increase in crime and antisocial behaviour;
- Unclear whether the proposal is for a betting shop/slot machine arcade or adult gaming centre;
- No information on the types of activities;
- Gambling well provided for in the area;

Officer Comment: These matters will be considered in the Remarks Section of the report.

External Consultees

London Borough of Barnet - No comments or objections received.

Internal Consultees

Highway & Transport Delivery - There is no change of parking and servicing allowances for the unit due to the proposed change of use from retail to amusement arcade.

REMARKS

The application proposes to change the use of the ground floor unit to a slot machine arcade. Whilst the proposed use is specified as a slot machine arcade, it would also fall within the definition of a gaming centre or an amusement centre/arcade.

It is noted that the Design and Access Statement submitted with the application refers to the use as a 'Adult Gaming Centre'. These are arcades for adults providing gaming machines with higher payouts than family entertainment centres. It is not possible to impose age limits on the customers of an amusement centre by condition as this would fail the enforceability test of Circular 11/95. As such, this application must be considered in terms of the general principle of providing a slot machine arcade with no such restrictions in place.

Principle of use

The application site fronts Edgware Road, just outside of the Primary Shopping frontage which begins on the northwestern side of Springfield Mount. As the unit is located outside of the protected shopping frontage and is in close proximity to other shops which serve the locality, the principle of the change of use to non-retail can be accepted.

Policy SH13 in the UDP relates specifically to the provision of amusement centres (which would include a slot machine arcade) and sets out that such uses will be acceptable only in Secondary Shopping Frontages subject to consideration of (1) the amenity of residential occupiers; (2) proximity to sensitive uses; (3) traffic impacts; and (4) whether there is a concentration of similar uses. Whilst it is acknowledged the site is not located in a designated Secondary Shopping Frontage, it is located adjacent to the Primary Shopping Frontage and should be assessed against the criteria of Policy SH13 to consider whether the proposal meets the aims of this policy.

Assessment against Policy SH13

(1) Residential amenity

There is a residential flat located above the application site and to the rear are residential properties fronting Springfield Gardens, separated by an access to the public house car park (though does not appear to be in regular use). The site is in close proximity to the Primary Shopping Frontage comprising ground floor commercial premises and is adjacent to a public house; the opening hours of some of these uses extend into the evening. It also fronts Edgware Road, which is a busy highway. Consequently, a degree of noise is to be anticipated for residents of such areas.

The use itself will generally be contained within the building other than the coming and going of customers. The change of use would be unlikely to result in noise and disturbance in excess of what residents above such premises and in the surrounding area would reasonably expect. No proposed opening hours have been provided by the applicant however it is recommended that the hours of use are controlled by condition to restrict the use to daytime opening hours.

There is no evidence to indicate that users of the amusement centre would be a threat to the safety and security or cause anti social behaviour. Moral objections to developments are given little weight in decision making unless there is some tangible land use or amenity impact deriving from such activities which can be shown.

(2) Proximity to sensitive uses

Policy SH13 sets out possible sensitive uses which include schools and religious buildings. No such uses adjoin the site and given the location on the busy Edgware Road, it is considered that this would be an appropriate location for such a use.

(3) Traffic Impacts

There is no designated parking or servicing on site. Transportation have confirmed that parking

and servicing requirements would be unaltered from the existing retail use. As such, the proposal is not considered to result any unacceptable transportation impacts.

(4) Concentration of similar uses

The application site is located on Edgware Road where there are a wide variety of uses. It is noted there are betting offices on Edgware Road and objectors have noted that slot machines are already provided in public houses in the locality. This is an area with a wide variety of uses and given the range and overall provision of commercial uses, the proposal would not result in a concentration of similar uses. The slot machines provided in a public house are ancillary to the main function and would not require planning permission. As they are not the principle use, it is not considered that significant weight can be given to their provision when assessing the concentration of similar uses.

Conclusions

It is considered that having assessed the proposal against the criteria of Policy SH13, the use can be accepted in this location. The scale of the proposed use would be restricted by the gross floor area of 112 sq m.

It should be noted that there is a current application for an extension to the premises however this has been made by a different applicant. This application has been considered on the basis of the plans submitted and as such, a condition will be imposed to restrict extensions.

In term of regulation of the use, the Gambling Commission was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain. A licence would be required for the proposed use and the Council will undertake inspections and enforce the conditions on issued licences, permit and notices. This however is outside of the remit of planning control.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 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 permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

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Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The premises shall not be used except between the hours of:-

09:00 hours and 18:00 hours Mondays to Saturdays
10:00 hours and 16:00 on Sundays and Bank Holidays

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (4) This permission shall only be implemented if no works have been carried out to extend the existing building as shown on the approved plans. No extensions shall take place following implementation of this planning without the prior consent of the local planning authority

Reason: To ensure consideration is given to the acceptability of any future proposals for extension in relation to this use.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017