

Agenda Item 04

Supplementary Information Planning Committee on 18 October, 2023

Case No. 23/0989

Location	5-6 Park Parade, London, NW10 4JH
Description	Change of use from betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade. Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louvre vent and installation of new door at 6 Park Parade

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Application of policy BE5

During the committee site visit, members queried the interpretation of policy BE5 in relation to the requirement to have a minimum number of units between each use. They highlighted that the policy relates to the need to ensure that there is not an over-concentration of particular uses, and highlighted that both of the uses (adult gaming centres and betting shops) are covered by this policy and both involve gambling.

This query relates to the application of paragraph d) in the part of policy BE5 which relates specifically to betting shops, adult gaming centres and pawnbrokers. As discussed in the main report, two parts of this policy relate to adult gaming centres within town centres (with paragraph c) relating to neighbourhood parades).

The application of paragraph b) is clear within the policy. This paragraph relates to the percentage of the town centre frontage which consists of adult gaming centres, pawnbrokers or payday loan shops. When applying this part of the policy, one looks at the length of frontage occupied by units in any of these uses as a proportion of the total frontage length within the town centre. Officers confirm that the proposal would comply with this part of the policy.

The application of paragraph d) is less clear, as there is ambiguity in the wording of the policy. This part of the policy is as follows:

Betting shops, adult gaming centres and pawnbrokers will be permitted where it will result in: d) a minimum of 4 units in an alternative use in-between each.

The ambiguity is evident within the use of the word "each", with no clarity within the policy itself on whether this is each unit, or each use. The reference to "alternative use" could be interpreted as a reference to the units in-between being an alternative to the suite of uses (betting shops, adult gaming centres or pawnbrokers) or an alternative to the specific use.

When interpreting this policy, officers have looked to paragraph 6.4.39 of the supporting text to the policy. *To ensure there is not an overconcentration of particular uses within any single length of frontage the policy seeks to prevent adult gaming centres, pawnbrokers, betting shops and takeaways locating in close proximity to a unit in the same use.*

This refers to the need to avoid overconcentration of particular uses, with reference to adult gaming centres, pawnbrokers, betting shops and takeaways (with takeaways being the subject of the second part of policy BE5). There is specific reference within this paragraph of supporting text to over-concentration occurring when one of these uses is in close proximity to a unit in the same use.

It is acknowledged that both betting shops and adult gaming centres involve gambling, but in relation to the classification of uses within planning, they are seen to be different uses. Both are Sui Generis, which means that planning permission is required for any change of use to or from a betting shop or an adult gaming centre.

As set out within the committee report, when applying the policy justification set out in the supporting text to the wording of the policy itself, officers have concluded that the policy would prevent two adult gaming centres in close proximity to each other, but not an adult gaming centre in close proximity to a betting shop as would be the resultant situation in this instance should permission be granted.

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Nevertheless, the ambiguity in the wording of the policy itself is acknowledged, as is the fact that they are both gambling uses and certain impacts are comparable between the two different uses (whilst others differ).

Advertising within windows and on the premises

During the site visit, one member queried whether advertisement would be included within the frontage and whether there would be moving images which could affect highway safety. The provision of advertisements on business premises (and elsewhere) is dealt with separately through the Advertisement Regulations. Separate Advertisement Consent is required for many types of advertisement. However, some categories of advertisement benefit from "deemed consent" (i.e. an application is not required provided they meet certain criteria).

Additional objection received

An objection was received from the Met Police Designing Out Crime Officer, noting the following matters:

- That the close proximity of the public house (opposite) and off-licences either side and the nearby pawn shop can create a nurturing habitat for street drinking which in turn can increase the risk of antisocial behaviour (ASB);
- That the alleyway to the rear is not well observed and has poor natural surveillance;
- That the main entrance is recessed and provide a concealment opportunity and could be used as a toilet or to take drugs;
- That there is no mention of security in the proposal or a management plan;
- That the proposal indicates that the AGC won't be staffed and could therefore be exploited by drug dealers or users. They consider that persons should be vetted prior to entry to ensure they are of suitable age and have not been barred;
- That the windows onto the street need to allow for surveillance into and out from the centre.

They also highlight that the local policing team raised the following concerns:

- That Park Parade has the second highest figures for recorded ASB in the town centre and is a known area where robbery often occurs, and for drug offences (both possession and supply);
- That there are organised gangs of drug dealers in Park Parade taking over and using premises to conduct their activities, and that an unsupervised venue will allow this to happen out of police view;
- That last year, an operation was conducted in the High Street where a betting shop was used by a 20 strong gang to drug deal out of sight;
- That there is a nearby college and school and that their pupils frequent park parade on their way to and from the education facility and could be influenced by the venue and its clientele;
- That there is a nightclub and public house opposite;
- That the town centre already has a street drinking problem contributing to ASB, and that the betting shop venues attract street drinkers;
- That there have been 6 Closure Orders in Park Parade relating to premises causing ASB or allowing criminality.

The Met Police advise that they have a number of recommendations should the application be granted, including:

- Security rated entrance doors;
- Video and auto intercom at entrance to ensure potential guests are vetted prior to entry;
- Glazing to main façade meets BSEN standards, with a roller shutter fixed to the exterior;
- That the recessed entrances are removed or have shutters or grills to eliminate this overnight;
- That the rear escape doors are alarmed and that they have a sufficient security rating;
- That the walls and doors of any cash room are security rated;
- That any external mailbox meets specific certification levels;
- That CCTV (with complementary lighting) is provided to specific standards and maintained by certified companies;
- That intruder alarms are installed
- That the applicant liaises with the MPS North West Licensing team.

The matters raised by the Met Police are acknowledged.

In relation to visibility between the inside of the unit and the street, this is considered to be important to ensure that the units provide a good level of activity to ensure that they're not detrimental to the street environment as well as enhancing security and safety. Condition 5 requires clear and unobstructed windows above 1.2 m in height, and which prevents the placement of promotional material in the windows or entrance doors.

The proximity to other uses has been referred to, including the public house and nightclub that are opposite. The Council's planning policies do not prevent public houses and nightclubs in close proximity to adult gaming centres, and the change of half of the existing betting shop unit to an adult gaming centre in close proximity to the pub and night club is not contrary to the Council's policies.

Reference is made to this proximity and other factors potentially increasing street drinking and in turn, increasing antisocial behaviour. When considering planning applications, regard must be given to London Plan policy D11 which relates to safety and security and good design can be very effect in reducing the likelihood of design. However, it is also noted that adult gaming centres are legitimate town centre uses and are not prohibited by central government legislation, whilst street drinking is prohibited by the whole-of-borough Public Space Protection Order. The issues experienced within the town centre are acknowledged. However, over-concentration is deal with through the Council's planning policies and the application could not be refused on the potential unlawful activities of users.

Reference is also made to drug dealing from premises. A planning decision cannot be refused due to the potential for illegal activities being undertaken. However, the requirement for clear glazing would mean that it would be more difficult for those who are within the premises to be out-of-view from the street.

A number of comments have been made regarding internal security and design features, including the alarming and security rating of doors and the provision of roller shutters. Roller shutters have not been applied for and are generally not supported in town centres (except when they are internally located behind the shop window) due to the impact this has on the town centre. The presence recessed front doors can sometimes be associated with after hours urination, but given the presence of the existing recessed entrance, and while officers would not be against the removal of the recess (so that the doors are flush), it is not considered reasonable to require the removal of this in the proposal given the presence of the existing recess. In relation to internal security features and management, it is not considered that this can be controlled through the planning decision in relation to the proposed change of use.

Given the matters raised and the policy requirement to ensure that developments include measures to design out crime in line with London Plan Policy D11, it is recommended that an additional condition is attached requiring formal Secured by Design accreditation for the premises prior to first occupation.

Recommendation: That planning permission is granted subject to the conditions set out in the report and an additional condition requiring formal Secured by Design accreditation prior to first occupation of the units.

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