

<u>MEETING</u> PLANNING COMMITTEE
<u>DATE AND TIME</u> THURSDAY 23RD NOVEMBER, 2017 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	ADDENDUM (IF APPLICABLE)	3 - 50

Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

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PLANNING COMMITTEE

23 November 2017

ADDENDUM TO OFFICER REPORT

AGENDA ITEM 5

17/2248/FUL – Plot 299, 128 Colindale Avenue, London, NW9 4AX

Appendix 1, Appendix 2, New Submissions

Page 11 – Insert text ‘Appendix 1 to Officer Report’

Page 26 – At end of Page 26 insert Addendum presented with Original Appendix 1 report to Committee on 28 September

Remove condition 7

The terms of condition 7 are already covered under condition 1 of the licensing permission. Remove the following text from the Material Consideration, Key Relevant Policies section:

‘The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.’

The following correspondence was received in relation to this item after the committee report was published:

- Letter from Smith Jenkins on behalf of the Colindale Village Residents Association, received 25th September 2017 (includes letters from Gold Star Federation, The Stay Club and Cllr Zubairi in appendices)

- Letter from Planning Potential, received 28th September 2017

These letters begin on the next page and are followed by the officer’s response.

25 September 2017

Harriet Beattie
Principal Planner – Major Developments Team
London Borough of Barnet
Barnet House
1255 High Road
Whetstone
London N20 0EJ

Dear Ms Beattie,

Objection to planning application 17/2248/FUL

Change of use of 97sqm of Plot 299 of 128 Colindale Avenue from flexible A1/A2/A3 use to a betting shop (Sui Generis use) at Plot 299 128 Colindale Avenue NW9 4AX

We write on behalf of our clients Colindale Village Residents Association, in respect of the above application for planning permission. The application is due to be considered by the Planning Committee on 28th September 2017; please accept this letter as our formal request to speak at this meeting on behalf of our clients.

Colindale Village Residents Association object to the proposals on the grounds explained below which are summarised at the end of this letter.

Background

The application site is a vacant commercial unit which forms part of a new mixed use development, granted under planning permission reference H/05856/13 for:

‘Demolition of all existing buildings; redevelopment to provide 395 flats, 772sqm of retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) and 112sqm of floorspace for retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) or community use (Use Class D1) in six blocks ranging from 4 to 11 storeys; associated highways and public realm works including formation of piazza adjacent to Colindale Avenue and Colindale Park; associated access from Colindale Avenue, internal street network, car and cycle parking, refuse storage, landscaping and amenity space provision; associated plant and relocation of existing substation.’

Planning permission was granted subject to various conditions including a condition to restrict the first occupation of the commercial units on the ground floor of the development to use classes A1/A2/A3 (condition 9). The reason for imposing the condition as stated on the decision notice was *‘To enable flexibility for the first occupation of the commercial units hereby approved, in accordance with policies DM12 and DM13 of the Barnet Local Plan.’*

A further condition was imposed to restrict future use of these commercial units after first occupation and commencement of a use, to require the submission of a full planning application to the Local Planning Authority for express permission for any subsequent change of use (condition 10). The reason for imposing this was condition was *‘To enable the Local Planning Authority to exercise control over future potential uses within the development to safeguard the amenities of occupiers of adjoining residential properties, in accordance with policy DM01 of the Barnet Local Plan.’*

The site falls within the Colindale Area Action Plan (CAAP) area which is a 200 hectare area of land covered by a Development Plan Document (adopted 2010). The Core Strategy identifies that Colindale Avenue will:

'provide the vibrant heart and gateway of Colindale as a sustainable mixed-use neighbourhood centre anchored by a new public transport interchange with pedestrian piazzas. This Corridor will provide a new convenience food store of up to 2,500m² in the neighbourhood centre. It will also include a new location for Barnet College, support for relocation of Middlesex University's student accommodation and support for provision of a new primary healthcare facility.'

Changes to the Use Classes Order in 2015 affecting betting shops

The unit has been vacant since completion and planning permission is now sought for change of use to a betting shop (sui generis use). At the time of planning permission being granted for the development in 2014, a betting shop fell within the A2 use class (financial and professional services). The Use Classes Order was amended in April 2015 and betting shops were removed from the A2 use class, making them expressly sui generis use.

The change to the Use Classes Order imposed much tighter restrictions on betting shops in response to a rise in the number of betting shops and to allow for the local consideration of any issues arising from such a use through a planning application.

Therefore whilst it is acknowledged that the proposed betting shop would not have required planning permission if the use had commenced prior to April 2015, the application must be considered according to current legislation. The current Use Classes Order does not permit change of use from any use class to sui generis use and therefore planning permission is required.

Objection to the loss of permitted A1/A2/A3 use

The application relates to a 97sqm unit which has been vacant since its completion. The proposal will result in the occupation of the unit by a betting shop which falls outside of the uses permitted under the original planning permission. These uses were restricted to A1/A2/A3 in order to provide amenities and facilities for future occupiers of the development as well as existing residents. The reason for imposing the condition was to allow flexibility between these uses for first occupation and in order to comply with policies DM12 and DM13 of the Barnet Local Plan.

Policy DM12 'Maintaining Local Centres and Parades' states that the Council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:

- i. there will be no significant reduction of shopping facilities as a result; and
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and
- iv. there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use.

The application site is not in an existing centre or parade but is an isolated unit with A1 (shop) consent (amongst the other permitted uses) and therefore should be subject to the four policy tests listed above. The proposal would comply with the first two tests as, due to the small size of the unit, it cannot be demonstrated that the proposal would lead to a significant reduction in shopping facilities, and alternative shopping facilities exist in the area. However with regard to criteria iii, the proposal does not meet an identified local need and this is evidenced through the high number of objections from local residents, Local Councillors, from local education establishments and an objection from the Metropolitan Police. There is no policy basis in either Local Plan policies or the Colindale Area Action Plan which identifies a sui generis betting shop use as meeting a local need. Furthermore, with regard to criteria iv, the permitted use of the unit includes A1 use and the application is not supported by any evidence of marketing. Therefore it is unknown what demand there is for the A1 use, although it is likely demand would exist due to the unit

being new, vacant and in a densely populated vibrant area. The application therefore fails to comply with policy DM12, as the wording of the policy requires all four criteria to be satisfied.

Our clients disagree with the officer report which states that the marketing requirement is onerous (page 12) due to the small size of the unit and the proximity of other shopping facilities. The unit is new and has never been occupied, furthermore there is additional protection to the permitted uses of the unit beyond condition 9, by the imposition of condition 10 which requires planning permission for any subsequent change of use after first occupation and commencement of a use. This demonstrates the Council's intention at that time to retain appropriate uses in this location, forming an integral part of the creation of a neighbourhood centre on Colindale Avenue in accordance with the CAAP.

The proposal will also have a negative economic impact on the local area as the proposed betting shop use would be likely to have a lower footfall compared to the permitted uses. The London Assembly report 'Open for Business: Empty shops on London's high streets' (March 2013), provides evidence 'low quality' units, such as betting shops, pawnbrokers and payday lenders, reduce the overall value of the high street. The study found strong evidence that reduced diversity impacts on the attractiveness of a centre, and therefore footfall.

Objection to the proposed betting shop use and the need for a broader community use

Core Strategy Policy CS5 'Protecting and Enhancing Barnet's Character to create High Quality Places' states that all development should 'maximise the opportunity for community diversity, inclusion and cohesion and should contribute to people's sense of place, safety and security'. As explained above, since April 2015 betting shops have been excluded from the A2 use class and are now a sui generis use. Compared to the permitted A1/A2/A3 uses for this unit, a betting shop has a very limited focus. It excludes everyone under the age of 18 and is not attractive to the whole community in the same way as a café or shop. It is therefore considered that the proposal would be contrary to policy CS5 as it fails to create an opportunity for community diversity, inclusion and cohesion.

The proposal also fails to address the aims of policy CS10 'Enabling Inclusive and Integrated Community Facilities and Uses' as this requires community facilities in Barnet such as schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people. The proposed betting shop does not meet this criteria since it fails to provide an inclusive use and does not provide at all for younger people.

The unit to which this application relates was granted planning permission at the same time as 395 flats. This is in addition to the existing residential properties that already existed prior to the development, and other new major developments in the CAAP area, and therefore the area is now densely populated. It is for this reason that a genuine facility accessible to the whole community should be provided in the unit rather than a betting shop.

In total 132 objections have been submitted in response to the planning application online, with further representations having already been submitted in response to the licensing application. These include objections from the Local Members, Cllr Narenthira, Cllr Zubairi and Cllr Sargeant. Many of their comments object to the betting shop use as it does not serve a broad enough community purpose, and there is a greater need for facilities such as coffee shops, children's nurseries, shops, doctors, dentists, etc. which would all have a wider reaching and more beneficial community purpose. It is important to note that there is no public support for this application.

The officer report states that ‘the majority of betting shops are located in town centres and parades with residential units above and/or nearby’ (page 13). However the circumstances of this particular site are different to the majority of betting shops, as the site forms part of the ground floor of a densely populated high-rise development with a large number of residential properties in close proximity and therefore the proposals will impact on a greater number of people.

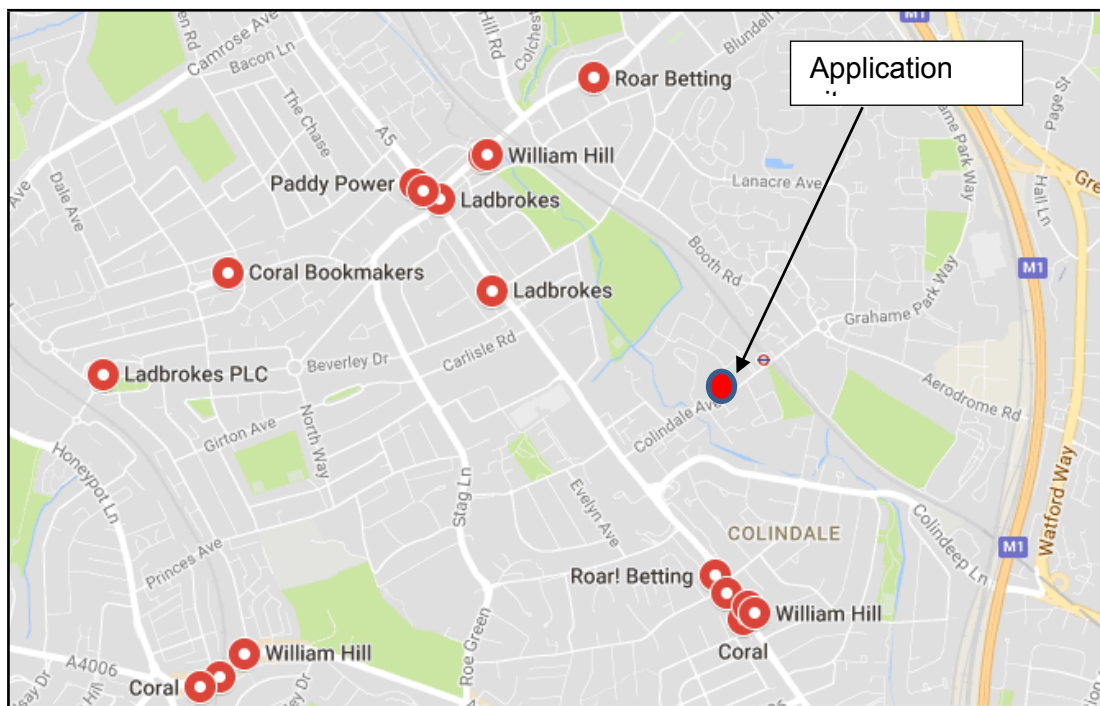
The reason for imposing condition 10 of the original planning permission was ‘To enable the Local Planning Authority to exercise control over future potential uses within the development to safeguard the amenities of occupiers of adjoining residential properties, in accordance with policy DM01 of the Barnet Local Plan’. Our clients therefore believe that the same approach to this proposal must be applied, which must safeguard the amenities of the adjoining residential properties.

Our clients believe that further consideration should be given to the specific nature of this application site and its context as it is not comparable to the other betting shops which typically occupy a ground floor with a limited number of residential units above.

Objection to the ‘lack of betting shops’ in the officer report

The officer’s report states that ‘there is a lack of betting shops in this area’ (page 12). The report does not clarify what number/ratio of betting shops is expected in a given area, and there is no set requirement for betting shops (or in fact any use) set out in local or national policy and therefore the lack of betting shops in an area should not be used as grounds to support the application.

The officer report notes that the nearest betting shop is 0.5miles from the site at Burnt Oak Broadway. The map below shows that there are six betting shops around Burnt Oak Broadway to the north of Colindale Avenue, and a further six to the south along Edgeware Road.



This does not represent a lack of betting shops in the area; in fact there is a wide variety of betting shops in close proximity to the site. The objection letters in response to the application from local residents comment that further betting shop facilities are not required in this location.

Objection to the suitability of betting shop location in local context

Policy 7.3 of The London Plan 'Designing Out Crime' states that:

- A. (Strategic) Boroughs and others should seek to create safe, secure and appropriately accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.
- B. (Planning Decisions) Development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. In particular:
 - a. routes and spaces should be legible and well maintained, providing for convenient movement without compromising security
 - b. there should be a clear indication of whether a space is private, semi-public or public, with natural surveillance of publicly accessible spaces from buildings at their lower floors
 - c. design should encourage a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times
 - d. places should be designed to promote an appropriate sense of ownership over communal spaces
 - e. places, buildings and structures should incorporate appropriately designed security features
 - f. schemes should be designed to minimise on-going management and future maintenance costs of the particular safety and security measures proposed

Paragraph 7.12 of the London Plan goes on to explain 'An integrated mix of land uses throughout a neighbourhood will add to its vitality and security but should be carefully designed to minimise conflict between incompatible activities'.

Policy DM01 of the adopted Barnet's Local Plan (2012) 'Protecting Barnet's character and amenity' lists 11 requirements for development proposals including:

- Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.
- Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

The planning application has attracted objections from a large number of local residents, the Local Members, as well as the Metropolitan Police, the Chair of Governors for the Gold Star Federation (Goldbeaters Primary School and The Orion Primary School) and The Stay Club Colindale (student accommodation and Education Centre for 14-18+). The objections submitted on behalf of the Gold Star Federation, The Stay Club and Cllr Zubairi are attached as **Appendix 1**. All of these objections raise concerns regarding the impact of the proposals on crime and antisocial behaviour and the inappropriate location of the betting shop within a densely populated residential area with a high proportion of students and in close proximity to two primary schools.

The CVRA are concerned that the proposal will lead to crime and anti-social behaviour, and their concerns are substantiated by the objections raised by the Metropolitan Police. The Police objection states that betting shops have extended hours of activity which can negatively impact on the quality of life for local residents. They also comment that there is potential for this site to become a generator for crime and anti-social behaviour.

The CVRA are also concerned regarding the impact of the development on the large student population in the area and the negative impact of gambling on this part of the community, which has recently been highlighted in the media <http://www.bbc.co.uk/news/education-41226348>

Overall it is considered that the proposed betting shop is inappropriately located within this newly established residential area due to the high density of the development, the high proportion of students in the area, and proximity of education establishments, which results in an inappropriate mix of uses and a fear of crime. The proposals are contrary to policy DM01 of the Local Plan and policy 7.3 of the London Plan in this regard.

Conclusion

Colindale Village Residents Association object to the planning application for change of use to a betting shop on the following grounds:

- Objection to the loss of the permitted A1/A2/A3 uses without any requirement for marketing, contrary to policy DM12 of the Local Plan.
- The proposed betting shop use would have a negative economic impact on the area compared to the permitted uses which would have a higher footfall, contrary to the aims of the Colindale Area Action Plan DPD and the Core Strategy.
- The proposed use has a very limited focus and does not serve the whole community compared to the permitted uses, contrary to policies CS5 and CS10 of the Local Plan.
- A variety of betting shops already exist in close proximity to the site and there is no need for an additional facility.
- The betting shop would be inappropriately located in a densely populated residential area with a high student population and in proximity to education establishments, resulting in an inappropriate mix of uses and a fear of crime, contrary to policy 7.3 of the London Plan and DM01 of the Local Plan.

The purpose of excluding betting shops from the A2 use class in 2015 was to allow proposals to be considered at a local level through a planning application to enable engagement from the community. Through the submission of this planning application it has been clearly demonstrated that there is strong opposition to the proposed use, with objections raised by local residents, the Local Member, the Metropolitan Police, The Gold Star Federation and The Stay Club. There is no public support for these proposals.

Recommended planning conditions

In the event Members are minded to grant permission for the proposal, CVRA request amendments to the recommended conditions in order to address their concerns and more closely reflect the recommendations made by the Metropolitan Police. A list of recommended planning conditions are attached as **Appendix 2** and includes a condition limiting the planning permission for a temporary two year period. In the event of planning permission being granted, in order for an assessment of the impact of the development to be made after this time.

Other matters

The submitted Site Location Plan (which is also appended to the officer's report) is inaccurate as it identifies the site with the red edge drawn around the whole of Plot 299, rather than the single 97sqm to which the

application relates. This is inconsistent with the red line on the site location plan submitted for the licensing application and should be corrected with changes made to condition 1 accordingly. Please confirm the Council's position with regard to the process of determining the application in light of this error.

We trust that these objections will be taken into consideration in the determination of the application.

Yours faithfully

Jennie Harris
Senior Planner

Enc: Appendix 1: Objection letters from the Gold Star Federation, The Stay Club and Cllr Zubairi

Appendix 2: List of recommended conditions

Cc: Members of the Planning Committee

Appendix 1: Objection letters from the Goldstar Federation, The Stay Club
and Cllr Zubairi

To: Councillor Gill Sargeant

Dear Gill

I am writing to you in your capacity as local Councillor regarding the application by Paddy Power for a license to operate a new betting shop on the Edition housing development on Colindale Avenue.

As a member of the local community and Chair of Governors for two Primary schools I am fully aware that there is a great deal of opposition to the idea of yet another betting shop in this locality, there already being one nearby on the Edgware Road, as well as one in Burnt Oak merely 5 minutes away by bus or tube.

Many people are concerned about the increase in traffic and lack of parking in an already congested area. They also feel that a betting shop is not the most important facility for the area, which is lacking in Doctor and Dentist surgeries, and/or local corner shops.

Parents have voiced their concerns that a betting shop sets a bad example to children as being the only visible form of recreation/entertainment in the area. Surely our children deserve something better than an encouragement to gambling.

Please will you forward my objection to this license, and make the licensing authority aware that there is considerable local opposition to this application.

Many thanks,

Yours Sincerely

Sue Hinton
Chair of Governors

Dear Harriet Beattie

14th of September,

Re: Proposed PADDY POWER, PLOT 299, 128 COLINDALE AVENUE, LONDON, NW9 4AX

The proposed Paddy Power premises is in line of sight with The Stay Club Colindale, our student accommodation of 1900 students and an Education Centre with a capacity for 800 students are between the ages of 14 to 18+, and for this reason I am writing to object the grant of planning permission for Paddy Power to open in our residential neighbourhood.

To have a gambling premises opposite our student accommodation and in an area of many students may encourage students to visit and frequent the betting office premises.

Our 15-16 year old looking mature students, would have no issues in using FOBTs and would find these entertaining and as a result not attending classes properly and lead to addiction as reported by BBC Education ref. <http://www.bbc.co.uk/news/education-41226348>

The Stay club objection lies on the following factors :

1. Paddy Power marketing encourages under age betting through Paddy Power's marketing which is about mischief and jokey campaigns indirectly appeal to a young audience which actually is our student's demographic.
2. FOBT (fixed odd betting terminals) is continually talked about in the press/news and would be easy for our students to enter and place bets on games clearly attracting their age group and would not have any interaction with staff what so ever.

The published report by Carolyn Harris MP, chairwoman of the parliamentary group on FOBTs stated,

"These machines are easily accessed in the most deprived areas, sucking money out of the pockets of families.

I support a responsible gambling industry, but there is nothing responsible about how FOBTs are currently being operated," (source: <http://www.bbc.co.uk/news/business-38800095>)

3. Use of these FOBT's for our students would have a detrimental effect on their studies as a result leading to missing classes and ultimately addiction.

Paddy Power's Controversial Advertising strategy is not considered a serious betting office to the more traditional betting offices around attracting less knowledgeable audiences and hindering those who seem to have success at winning money with in many reported instances where the winner privileges are held making profit

Our student demographic will fall into this category and therefore, the stay club objects the proposed PADDY POWER, PLOT 299, 128 COLINDALE AVENUE, LONDON, NW9 4AX

Many thanks,

Alex Souza
Property Manager
The Stay Club Colindale|18 Charcot Road|London|NW9 5WU

Dear Jennie

Ref: COUNCILLORS OBJECTION STATEMENT FOR JENNIE HARIS

In any residential area a few outlets are important for a day-to-day running of the life of the residents. Post Office, Banks, News Agent, Local supermarket, DIY shop, Chemist and a few eating/take-away joints form that chain of necessary shops. A Betting Shop happens to be of least importance for a society that has a large population of young students, Working youth and a Railway Station bang opposite the Betting Shop.

“The Gambling Act clearly states that it should be the endeavour of the Betting Agents preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.” The residents of the area are strongly apprehensive that the proposed Betting Shops would attract detrimental crowd.

The Area has 1300 families of various backgrounds. To top it up the Area has a Student Accommodation of about 1500 students and their Age Group is 14-25 years. I must emphasise that this is a very impressionable age. Police data suggests that there is a 65% increase in Anti-social behaviour near the Betting shops.

As a Councillor of Colindale ward I can confirm that it is a ward with the second lowest average Household Income in the Borough. We are all aware that the low-income group is more vulnerable to be addicted to the habit of gambling.

The Betting Law talks of protecting children and other vulnerable persons from being harmed or exploited by gambling. Here we are exposing 1500 students to get hooked to this avoidable habit.

Already there are more than ten Betting shops in a radius of one mile which already includes Paddy Power. What is such an urgent need for the Council to give permission for one more Betting Shop?

Residents/parents and students – all have their apprehensions about opening of Paddy Power in the area. The Council must take note of these objections and plan such openings in the area which could be conducive to a better and health Community Life.

I am sure on these grounds, we should be able to refuse Planning Permission for the proposed betting shop.

Kind regards

Cllr Zakia Zubairi

Appendix 2: List of recommended conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans; 15817-11; 15817-10; Planning Statement: Plot 299, 128 Colindale Avenue, NW9 4AX.

Reason: As stated.

2. The use hereby permitted shall be for the period of two years from the date of this Notice of Decision or the period during which the premises are occupied by Paddy Power whichever is the shorter.

Reason: To enable the Local Planning Authority to assess the effects of this use over a temporary period and in the event of the applicant ceasing the use hereby permitted.

3. The use hereby permitted shall not be open to members of the public before 09:00am or after 06:00pm on weekdays and Saturdays, and shall not be open to members of the public on Sundays and Bank and Public Holidays.

Reason: As stated.

4. Before the development hereby permitted is first occupied, the name and contact number of the manager shall be displayed on the outside of the building.

Reason: As stated.

5. None of the windows of the development hereby permitted shall be obscure glazed.

Reason: As stated.

6. A) No development shall take place until a scheme of hard and soft landscaping to the front of this unit, including details of planting species, heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
B) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is the sooner, or commencement of the use.
C) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of the development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: In the interests of visual amenity and the amenities of the occupiers of nearby residential properties.

7. A) Before the development hereby permitted is occupied, details of CCTV to be installed inside and outside the premises shall be submitted to and approved in writing by the Local Planning Authority.
B) The CCTV shall be installed in accordance with the details approved under this condition before first occupation of the use is commenced and retained as such thereafter.

Reason: As stated.

Harriet Beattie
Principal Planner – Major Developments Team
London Borough of Barnet
Barnet House
1255 High Road
Whetstone
London
N20 0EJ

28 September 2017

Our Ref: 16/3325

Dear Ms Beattie

Applicant's Committee Addendum: 17/2248/FUL – Change of use of 97sqm of Plot 299 of 128 Colindale Avenue from flexible A1/A2/A3 use to a betting shop (Sui Generis Use)

On behalf of our client, Power Leisure Bookmakers Ltd, and in preparation of the upcoming committee in relation to the above application, we would welcome the opportunity to respond to comments made by The Metropolitan Police, as contained within the Officer's Committee Report. We had not previously seen these comments in full and therefore feel it would be helpful for Committee Members if we were to clarify certain points.

As a starting point, it should be noted that the Metropolitan Police were consulted in relation to the Licence Application and raised no objection on the agreement of 3 conditions in relation to CCTV installation; the installation of a magnetic locking device on the entrance door; and the maintenance of an incident book. The licence has subsequently been granted and a copy is attached (**Appendix 1**).

The Metropolitan Police comments contained at Page 8 of the Officer's Report are specifically from the Designing Out Crime Officer. Our consideration of their specific condition recommendations is detailed below.

Hours

The hours proposed by the Designing Out Crime Officer (9am to 6pm Monday to Saturday and closed on Sundays) would be onerous and unviable for a betting shop to operate within. We are pleased to see that the Planning Officer has recommended more appropriate hours of 8am to 10pm (Monday to Saturday) and 9am to 9pm (Sundays and Bank Holidays). We would however request that these hours are consistent across the week with 8am to 10pm permitted. Given that many sporting events, such as La Liga (Spanish Premier League), are likely to finish after 9pm on a Sunday and that the nearby Sainsbury's is open until 11pm daily, this would seem reasonable.

Outside Seating

It is pertinent to note that our client has never and would never consider allowing seating outside of one of their units. We are happy for a condition to be imposed if Members think it necessary.

No Obscuring of Windows

Our client is happy to agree to the condition recommended by the Planning Officer in relation to obscure glazing.

Defensive Planting Under All Curtain Walling

We are unaware of the inclusion of a landscaping condition on any betting shop permission and are unclear why this would be needed. Whilst the inclusion is unprecedented, our client is willing to accept the condition if Members deem it to be critical for permission to be granted.

Full CCTV Coverage Inside the Venue which is to be Extended Outside to Cover the Public Footway

As detailed on page 13 of the Officer's Report, Condition 1 of the Licence requires CCTV to be installed to Home Office Guidance. Further to this, the Condition requires that the CCTV system will cover the entry and exit, as well as outside areas. In this regard, it does not seem necessary to include a pre-commencement condition (Condition 7) on the Planning Permission. A compliance condition would sufficiently deal with this requirement.

It should be noted that if our client was to ignore this provision, they would risk having their licence revoked.

Entrance Doors to be Positioned as far as Possible Away from the Corner and Any Other Residential Doors.

Defensive Planting Strip to Clearly Define Both Uses

Permission for the shopfront was granted on 14 June 2017 under Application Reference **17/2507/FUL**. The approved drawings clearly show that the entrance door will not be positioned on the corner nor will the entrance door be close to residential doorways. This requirement has therefore already been complied with.

Toilet Facilities to be Open – If They Close the Venue Closes

It is not clear what is intended by this condition and whilst not a planning consideration we can confirm that the customer toilets will be open to customers whilst the shop is open. We are happy to accept a condition if Members think it necessary.

Office to be Located within 5m of the Main Entrance with Direct Field of Vision

As above, this is not a planning consideration and therefore should not be included as a condition to permission. In any event, the approved licence plan demonstrates that this requirement would be complied with.

Entry into the Venue to be Controlled Via the Office – With an Electronically Operated Lock

Again, this is not a planning consideration and therefore should not be included as a condition to permission. None-the-less, the approved licence ensures that a magnetic lock (Maglock) is installed on the entrance door and therefore this requirement has already been complied with.

Name and Contact Number of Manager Displayed on the Outside of the Building

This is standard practice for our client and an acceptable condition.

Summary

We have therefore confirmed that all of the conditions requested by the Designing Out Crime Officer can be met.

Granted Licence

Paddy Power were granted their Gaming Licence on 04/07/2017. The Licence and Report from the Licensing Sub-Committee Hearing are attached as **Appendix 1** and **2**, respectively, to this letter. In making their decision, the Sub-Committee had regard to the Gambling commission's guidance and the licensing objectives as set out in the Gambling Act 2005:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way

- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Page 3 of the Sub Committee Hearing Report states that objectors had raised concerns regarding criminal activity and anti-social behaviour however "the Sub-Committee noted that the Police had not raised any concerns". It is then stated that "The Sub-Committee found no cogent evidence to suggest that the premises would be a source of crime and disorder or would be used to support crime".

The Licensing Sub-Committee were ultimately satisfied with the measures proposed and granted the licence accordingly with the two following conditions included to supplement those in relation to CCTV, the Maglock door, and requirement for an incident record to be kept.

(1) There is to be at least two members of staff on duty at all times.

(2) Posters will be prominently displayed in the premises which advise customers that no anti-social behaviour will be tolerated.

Site Location Plan

A late objection has queried whether the site location plan is correct. As the application relates to the subdivision of a unit, the red line has been drawn around the entire unit. The proposed site plan and floorplans show the extent of the unit to be taken by Paddy Power (i.e. the extent of the proposed change of use). Our client will be required to implement the change of use in accordance with the approved plans under Condition 1. If Members have any concerns a further condition can be added which restricts the betting shop use to 97 square metres in accordance with drawing no. 15817.10.

We request that this letter is included as an Addendum to the Committee Report at the Committee.

Yours sincerely,



Niall Hanrahan MRTPI

Senior Planner

Planning Potential

London

Enc.

Appendix 1: Licence Granted 04 July 2017

Appendix 2: Licensing Sub-Committee Hearing Report (04 July 2017)

No: GABET1/17/55781

BETTING PREMISES LICENCE
(in respect of premises other than a track)

This licence is issued under section 164 of the Gambling Act 2005 by

London Borough of Barnet

Corporate Governance Directorate, Building 4, North London Business Park, Oakleigh Road South, N11 1NP

Part 1 – Details of person to whom licence is issued

This premises licence is issued to:

Power Leisure Bookmakers

of the following address:

Waterfront Hammersmith Embankment Chancellors Road London W6 9HP

who holds an operating licence which has been given the following operating licence number by the Gambling Commission:

000-001034-N-103643

Part 2 – Details of the premises in respect of which the licence is issued

Facilities for gambling may be provided in accordance with this licence on the following premises:

Paddy Power

Plot 299 128 Colindale Avenue London NW9 4AX

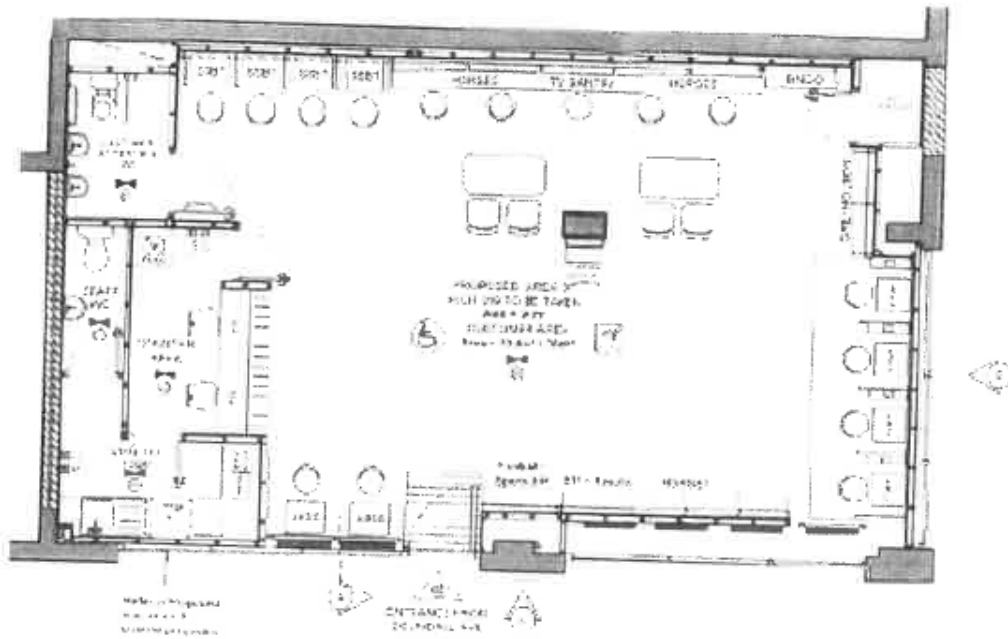
Part 3 – Premises Licence Details

This licence came into effect on 4th July 2017 and is of unlimited duration

Conditions:

1. CCTV shall be installed to Home Office Guidance standards and recordings shall be kept for 31 days and shall be made available to the police and licensing officers if requested. The CCTV system will cover the entry and exit point and the main customer area to include the machine areas and staff area of the premises. External cameras to be installed to cover the outside areas including the front door and along the boundary of the premises.
2. A maglock will be fitted to the front door of the premises and shall be controlled by staff.
3. An incident record shall be kept and made available to the Police and Responsible Authorities.
4. There is to be at least two members of staff on duty at all times.
5. Posters will be prominently displayed in the premises which advise customers that no anti-social behaviour will be tolerated.

Scale plan



Signed on behalf of the issuing licensing authority

[Handwritten signature]

LIGPREMLIC

RARNET

No: GABET1/17/55781

SUMMARY OF THE TERMS AND CONDITIONS OF A PREMISES LICENCE

This summary is issued under section 164 of the Gambling Act 2005 by

London Borough of Barnet

Corporate Governance Directorate, Building 4, North London Business Park, Oakleigh Road South, N11 1NP

This summary is issued to:

Power Leisure Bookmakers

of the following address:

Waterfront Hammersmith Embankment Chancellors Road London W6 9HP

has been issued in respect of the following premises:

Paddy Power

Plot 299 128 Colindale Avenue London NW9 4AX

Summary of the Terms and Conditions of the Premises Licence

1. The premises licence will run in perpetuity unless:
 - the Secretary of State prescribes a period after which the licence will expire under section 191 of the Gambling Act 2005;
 - the licence holder surrenders the licence under section 192 of the Gambling Act 2005
 - the licence lapses under section 194 of the Gambling Act 2005;
 - the licence is revoked under section 193 or 202(1) of the Gambling Act 2005.
2. The premises licence applies only in relation to the premises specified in Part 2 of the licence and may not be varied so that it applies to any other premises (except in the case of a converted casino premises licence).
3. The premises licence authorises the premises to be used for:
 - betting (including betting on the outcome of virtual events)**
 - making available up to 4 gaming machines each of which is of Category B2, B3, B4, C or D**
4. The premises licence is subject to:
 - any conditions specified on the face of the licence as being attached under section 169(1)(a) of the Gambling Act 2005;
 - any other conditions attached to the licence by virtue of regulations made under sections 167 and 168 of the Gambling Act 2005 (other than any conditions under section 168 which have been excluded by the licensing authority); and
 - any conditions attached to the licence by virtue of specific provisions of the Gambling Act 2005.
5. In particular, it is a condition of the premises licence under section 185 of the Gambling Act 2005 that the holder keeps the licence on the premises and arranges for it to be made available on request to a constable, enforcement officer or local authority officer. The holder of the licence commits an offence if he fails to comply with this condition.

4 July 2017

Members Present:-

Councillor John Hart (Chairman)

Councillor Alison Cornelius Councillor Jim Tierney

Also in attendance

Harinder Dhaliwal – HB Public Law Legal Officer

Faith Mwendu – Governance Officer

Daniel Pattenden – Licensing Authority

Nindi Dhanja – Agent for the Applicant

Gerald Gouriet – Barrister for the Applicant

Councillors:

Councillor Nagus Narenthira

Councillor Gill Sargeant

Councillor Zakia Zubairi

1. APPOINTMENT OF CHAIRMAN

Councillor Alison Cornelius, seconded by Councillor Jim Tierney nominated Councillor John Hart to preside as Chairman for the meeting.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed for the meeting.

5. NEW PREMISES APPLICATION: PADDY POWER, PLOT 299, 128 COLINDALE AVENUE, LONDON, NW9 4AX

The Sub-committee considered an application for a New Premises Licence for a Betting (other), under section 159 of the Gambling Act 2005 for Paddy Power, Plot 299, 128

Colindale Avenue, London, NW9 4AX together with submissions from the Licensing Officer, the Applicant and the Local Ward Councillors and public speakers who were objecting to the application.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations) 2005.

All parties were informed that the Committee's decision would be advised to all interested parties within 5 working days.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by officers from HB Public Law and the London Borough of Barnet Governance Service.

8. ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

The Sub-Committee, having considered the application and all verbal and written representations received, by a majority decision **RESOLVED:**

Decision Notice

This was an application submitted by Poppleston Allen on behalf of Power Leisure Bookmakers Ltd in respect of Plot 299, 128 Colindale Avenue, London, NW9 4AX. The application was submitted under section 159 of the Gambling Act 2005 for a premises licence.

The Sub-Committee considered all the representations made and heard representations from the representative of Paddy Power, and the objectors which included residents and the three Colindale Ward Councillors. The Sub-Committee had regard to any relevant code of practice under section 24, the Gambling Commission's guidance, Barnet Council's statement of licensing policy and the following licensing objectives set out in section 1 of the Gambling Act 2005 in reaching its decision, namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Sub-Committee noted that some of the representations referred to the demand and need for a premises of this nature in the area. However, the Sub-committee noted that section 153 of the Gambling Act 2005 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application. Hence, the expected demand for the premises was not taken into account in the decision-making process. The Sub-Committee also noted that a number of the representations referred to planning applications and the outcome of these applications. The Sub-Committee noted the Gambling Commission Guidance and in particular section 210(1) of the Gambling Act 2005 which provides that in making a decision in respect of an application, a licensing

authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building. Whilst the Sub-Committee had a great deal of sympathy for the residents in this regard, the Sub-Committee was bound by the legislation and therefore it did not have regard to planning issues or the expected demand for the premises.

The objectors raised objections concerning criminal activity and anti-social behaviour and believed that an additional betting shop would encourage this type of behaviour. The Sub-Committee noted that the Police had not raised any concerns. Whilst the sub-committee noted the objectors' concerns, no empirical evidence that could be subject to scrutiny was produced. The Sub-Committee noted that the guidance produced by the Gambling Commission refers to disorder as being activity that is more serious and disruptive than mere nuisance. The Sub-Committee found no cogent evidence to suggest that the premises would be a source of crime and disorder or would be used to support crime. In addition, the Sub-Committee was satisfied that the conditions put forward by the police and agreed with the applicant were sufficiently robust in order to promote this licensing objective. The Sub-Committee in particular noted that the CCTV would also be monitoring outside areas including outside the front door and along the boundary of the premises.

Concerns were also raised for the protection of children and other vulnerable persons from being harmed or exploited by gambling. Residents were concerned that there were local schools, student accommodation and a Mental Health Trust "Recovery House" in the area and that as a result children and vulnerable persons would be exposed to gambling. During the course of the Hearing, representations were made by residents stating that the Recovery House and the schools had stated that they were concerned that a betting shop would be opening in the vicinity of their premises. The Sub-Committee however noted that no representations had been received from any school in the area or from Barnet, Enfield and Haringey Mental Health Trust in regard to the Recovery House. The Sub-Committee felt that the measures put forward by the applicant and its policies and procedures were appropriate to promote this licensing objective. In particular, the conditions proposed in relation to protecting children from harm were sufficiently robust to allay any concerns. The Sub-Committee also noted that the Safeguarding Children's Board had not made a representation. In relation to vulnerable persons, the Sub-Committee noted that the applicant had implemented additional measures including training procedures raising staff awareness to certain recognised behaviours which would be indicative of problem gamblers and that they worked with external agencies to ensure that the policies and procedures could be reassessed and improved.

The Sub-committee was concerned about the staffing arrangements proposed by the applicant. The applicant stated that there would be one member of staff on duty in the shop in the morning and that this would be increased to two in the afternoon according to how busy the shop was. The Sub-Committee was concerned that just one member of staff would not be in the position to adequately supervise the gambling premises and this could undermine the licensing objectives. This would be a factor to consider regarding the prevention of underage gambling but also in relation to vulnerable persons. The Sub-Committee was concerned that this risk could arise for instance if a member of staff took a break such as a comfort break. In addition, the Sub-Committee also felt that one member of staff could not adequately deal with an aggressive member of the public. In the circumstances, the Sub-Committee imposed a condition requiring there to be at least two members of staff on duty at all times. The Sub-Committee felt that this was appropriate in the promotion of the licensing objectives and in particular protecting

children and other vulnerable persons from being harmed or exploited by gambling and also preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

Concerns were also raised in relation to anti-social behaviour, amounting to disorder when leaving the premises. In order to allay these concerns, a condition was suggested namely that posters will be prominently displayed in the premises which advise customers that no anti-social behaviour will be tolerated. The applicant confirmed that he would be content with the inclusion of this condition. The Sub-Committee also noted resident concerns as to how litter would be addressed and welcomed the fact that the applicant stated that it would ensure that the area outside the premises would be kept free of litter and that the applicant would be supplying and emptying these bins.

Residents also expressed concern in relation to the current layout of the premises being contrary to the plan provided with the application. Residents stated that there was currently an additional exit point from the premises that was not reflected on the plan attached to the applicant's application. The licensing officer and the applicant both emphasised that if the application was granted, the layout of the premises would have to be in accordance with the plan. The licensing officer stressed that if the layout was any different from how it was portrayed in the plan, the applicant would be in breach of their licence. For the avoidance of doubt, the Sub-Committee reiterates that the layout of the premises must be in accordance with the plan that was attached to the application.

Having considered all of the representations of all the parties, the Sub-Committee discussed the matter and decided to grant the application. As well as the additional conditions that had already been agreed with the police, the Sub-Committee imposed the following additional conditions:

- (1) There is to be at least two members of staff on duty at all times.
- (2) Posters will be prominently displayed in the premises which advise customers that no anti-social behaviour will be tolerated.

The Sub-Committee was satisfied that the application, as granted with the additional conditions, was in the promotion of the licensing objectives. The Sub-Committee would like to emphasise that there is a review process under section 200 and 201 of the Gambling Act 2005 and, if there are any issues that arise following grant of the licence, the matter can be brought back before the Sub-Committee for consideration.

Right of Appeal

Any party aggrieved with the decision may appeal to Willesden Magistrates Court within 21 days of notification of this decision.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 4.40 pm

Officer response to Smith Jenkins letter:

The majority of the issues raised in Smith Jenkins statement have been addressed in the committee report. Additional comments are below:

At the time that the outline application for this site was approved, a betting shop, as an A2 use class at that time, could legitimately have occupied the site. Due to the change of use class for betting shops from A2 to sui generis, a formal planning application has now to be made in order to determine the acceptability of this change in use class. As part of the appraisal procedures, policies have been assessed and appropriate consultation undertaken. It is under this application that the local authority deems the change of use not detrimental to the character of the area, amenities of neighbouring occupiers or the functionality of this parade. In the event that approval is granted for this application, permission will be extended to include in addition to the A1/A2/A3 classes, a betting shop use.

As well as in town centre locations with flatted units above, there are numerous betting shops in the borough in high density residential areas. Such locations include North Finchley (e.g. Paddy Power on the High Road has three storeys of residential flats above it as well as residential units attached upper floors) and Grahame Park (William Hill on the Concourse, Grahame Park is in a dense residential area).

None of these premises listed in the statement lie either within the Colindale Area or within 0.5 miles of the site. The Local Authority would therefore argue that the absence of betting shops in Colindale and the distance of betting shops from the application site constitute 'a lack of betting shops in the area' as stated in the committee report. The committee report details nearby retail units.

In the event that crime or anti-social behaviour directly results from the change of use, the betting shop licence can be revoked. This is a licensing matter. This would mean that, although the premises may have planning permission for a betting shop use, it could not continue to be run as a betting shop.

In order to comply with licensing, under 18s cannot be served in the betting shop premises. In the event that the betting shop was to serve under 18s, the licence would be revoked.

Officer response to Planning Potential letter is detailed below:

Condition 7 relating to CCTV has been removed as the terms of this condition are already covered by condition 1 of the licensing permission.

Page 27 – Insert words at top of page 'Appendix 2'

Page 50 – At end of Page 50, insert Addendum presented with Original Appendix 2 report to Committee on 25 October

Amendment to reason for refusal 2:

Addition of part iii of Policy DM12 to the reason for refusal.

The amended reason for refusal will read as follows:

The proposal has failed to provide evidence of effective marketing of an A1 use or any of the other uses previously approved under application H/05856/13 for this unit or any of the other units within the 128 Colindale Avenue parade contrary to parts iii and iv of policy DM12 of Development Management Policies DPD (adopted September 2012).

Following publication of the October Committee reports, 4 new letters were submitted to the Local Planning Authority. One of these is from Smith Jenkins, who is acting on behalf of the Colindale Village Residents Association. Other letters submitted after the September Planning Committee are included in the committee report.

23rd October 2017

Harriet Beattie
Principal Planner – Major Developments Team
London Borough of Barnet
Barnet House
1255 High Road
Whetstone
London N20 0EJ

Dear Ms Beattie,

Planning application 17/2248/FUL

Change of use of 97sqm of Plot 299 of 128 Colindale Avenue from flexible A1/A2/A3 use to a betting shop (Sui Generis use) at Plot 299 128 Colindale Avenue NW9 4AX

We write on behalf of our clients Colindale Village Residents Association (CVRA), further to our previous letter dated 25th September concerning the above application and following consideration of the application at the Planning Committee on 28th September.

At the meeting Members were minded to refuse the application but the decision was deferred to the next meeting to allow a report to be prepared with proposed reasons for refusal. Members voted unanimously in favour of this motion.

The CVRA would like to highlight the further letters of objection which have been submitted since the application was considered by the Planning Committee, and respond to the committee report which has been prepared for the next meeting on 25th October including the proposed reasons for refusal.

Further objections to the proposal

Since the application was considered at the Planning Committee meeting on 18th September, there have been further objection letters submitted to the Council from the following:

- Barnet, Enfield and Haringey (BEH) Mental Health Trust Recovery Houses
- Managing Director of Very Good Entertainment (Restaurant)
- New Hendon Village Residents Association
- Colindale Village Residents Association (letter to Chief Executive of Barnet Council)

The number and breadth of objections from local residents, residents associations, the Police, local businesses, education and health institutions as well as Local Councillors demonstrates the strength and volume of local opposition to this proposal. The changes made to the Use Classes Order in April 2015, removing betting shops from the A2 use class, was introduced in order for the consideration of any local issues arising from betting shop uses to be assessed through a planning application. These proposals have been subject to public consultation through the planning application process and this has overwhelmingly demonstrated that there is no support for the proposals from any part of the local community.

All of the objection letters (excluding letters from local residents) have been collated and are attached as **Appendix 1**.

Response to committee report and proposed reasons for refusal

The CVRA are disappointed that no reasons for refusal had been drafted by officers in advance of the Planning Committee on 28th September, knowing the strength of opposition towards the proposal including objections from all three Local Councillors. This has delayed the determination of the application unnecessarily.

The proposed reasons for refusal set out in the report to committee for 25th October have been assessed and the CVRA comment as follows:

Reason 1: The proposed sui generis use would fail to comply with the previously approved flexible A1/A2/A3 use, contrary to DM12 of Development Management Policies DPD (adopted September 2012)

The CVRA accept that this is not a strong reason for refusal due to the original planning permission allowing A2 uses which would have included betting shops at that time. The permission was granted in December 2014 before the changes to the Use Classes Order were made in April 2015, and betting shops were not excluded from the approved uses set out in the decision notice for H/05856/13.

Whilst it is acknowledged that the proposed betting shop would not have required planning permission if the use had commenced prior to April 2015, the application was submitted in April 2017 and therefore must be considered according to current legislation. The current Use Classes Order does not permit change of use from any use class to sui generis use and therefore planning permission is required.

Reason 2: The proposal has failed to provide evidence of effective marketing of an A1 use or any of the other uses previously approved under application H/05856/13 for this unit or any of the other units within the 128 Colindale Avenue parade contrary to part iv of the policy DM12 of Development Management Policies DPD (adopted September 2012)

The CVRA consider that the unit should have been marketed prior to the submission of the application and fully endorse this reason for refusal. The officer report states that a marketing strategy is not required. However consideration should be given to fact the unit is new and has never been occupied, and its permitted use includes A1 use and therefore marketing is required according to policy DM12 of the Development Management Policies DPD. Furthermore there is protection to the permitted uses of the unit provided by condition 9 of the original planning permission, which states:

Upon their first occupation, the commercial units on the ground floor of the buildings hereby approved shall be occupied for uses falling within Class A1, A2, A3 or D1 of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

The imposition of condition 10 also requires planning permission for any subsequent change of use after first occupation and commencement of a use. This demonstrates the Council's intention at that time to retain appropriate uses in this location in order to safeguard the amenities of nearby residential properties, forming an integral part of the creation of a neighbourhood centre on Colindale Avenue in accordance with the Colindale Area Action Plan.

The application site is not in an existing centre or parade but is an isolated unit with A1 (shop) consent (amongst the other permitted uses) and therefore should be subject to the four policy tests in DM12 of Development Management Policies DPD. It is accepted that the proposal would comply with the first two tests as, due to the small size of the unit, it cannot be demonstrated that

the proposal would lead to a significant reduction in shopping facilities, and alternative shopping facilities exist in the area. However with regard to criteria iii, the proposal does not meet an identified local need and this is evidenced through the high number of objections from local residents, businesses, Local Councillors, from local education establishments, the local Mental Health Trust and the Metropolitan Police. There is no policy basis in either Local Plan policies or the Colindale Area Action Plan which identifies a sui generis betting shop use as meeting a local need. Furthermore, with regard to criteria iv, the permitted use of the unit includes A1 use and the application is not supported by any evidence of marketing. Therefore it is unknown what demand there is for the A1 use, although it is likely demand would exist due to the unit being new, vacant and in a densely populated vibrant area.

The application therefore fails to comply with policy DM12 as whole (not just criteria iv stated in the reason for refusal), as the wording of the policy requires all four criteria to be satisfied. The reason for refusal should be amended accordingly.

The CVRA are also aware of instances where local residents have contacted the landowners Fairview New Homes Ltd to enquire about the availability of the commercial units at this development, but have been advised all units are sold, or their enquiries remain unanswered. Evidence can be provided if required.

Reason 3: The proposed change of use will result in noise and disturbance to nearby residential amenities, in particular residential units of 128 Colindale Avenue, contrary to policy 7.15B (parts a and b) of the London Plan (2016) and part d of policy DM04 of Development Management Policies DPD (adopted September 2012).

Reason 4: The proposed betting shop would result in anti-social behaviour which would have a detrimental impact on the amenities of local residential occupiers, contrary to policy 7.3B of the London Plan policy (2016), part d of policy DM01 of Development Management Policies DPD (adopted September 2012)

The CVRA are concerned regarding the impact of the development on the amenities of the occupiers of nearby residential properties and fully support a reason for refusal on this basis. It is important to consider the specific circumstances of this site as it is different to the majority of betting shops, as the site forms part of the ground floor of a densely populated high-rise development with a large number of residential properties in close proximity and therefore the proposals will impact on a greater number of people. It is for this reason that the Council imposed planning conditions 9 and 10 on the original planning permission, in order to control the potential use of the units to safeguard the amenities of nearby residential properties.

The CVRA request that reasons 3 and 4 are amalgamated into one reason based on an inappropriate mix of uses and failure to minimise the fear of crime, resulting in a significant negative impact on the amenities of occupiers of nearby residential properties. A betting shop is an unneighbourly use due to the proposed opening hours and associations with crime and anti-social behaviour which are confirmed by the objections raised by the Metropolitan Police. A betting shop would be inappropriate in this location within this newly established densely populated residential area, including a high proportion of students, and in proximity to several education establishments and a mental health rehabilitation facility, which results in an inappropriate mix of uses and a fear of crime. The proposals are contrary to policy DM01 and DM04 of Development Management Policies DPD and policies 7.15 and 7.3 of the London Plan in this regard.

Reason 5: *The proposed betting shop would not be usable to all members of the local community and would therefore fail to comply with policy CS6 of the Local Plan Core Strategy DPD (adopted September 2012)*

The CVRA consider that a betting shop use has a very limited focus, and fully endorse a reason for refusal based on the use not being accessible to the whole community in the same way as a café or shop. The officer report states that there are other A1/A2/A3 uses which do not serve all members of the community such as an estate agent, however the CVRA do not agree that this is a relevant comparison. The unit has permission for A1/A2 and A3 uses and the majority of these uses would be accessible to the whole community. It is important to secure the provision of a genuine facility accessible to the whole community in this location as the area is now densely populated from major new residential developments as well as the existing residential properties that already existed prior to the development. Again, this is why the Council imposed conditions on the original planning permission for the development so that the future uses of the units could be controlled, in the interests of residential amenity.

The drafted reason for refusal relates the harm to policy CS6 of the Local Plan Core Strategy. Policy CS6 relates to promoting Barnet's Town Centres and is therefore not relevant and assumed to be an error. It is suggested that the policy basis for this reason for refusal is amended to policy CS5 'Protecting and Enhancing Barnet's Character to create High Quality Places' and policy CS10 'Enabling Inclusive and Integrated Community Facilities and Uses'.

We trust that these comments will be taken into consideration in the determination of the application and that the application will be refused at the Planning Committee on 25th October.

Yours faithfully

Jennie Harris
Senior Planner

Enc: Appendix 1: Collated objection letters (excluding objections from local residents)

Cc: Members of the Planning Committee

Chairperson New Hendon Village Residents Association
9th October 2017
For the attention of Harriet Beattie, Barnet Council

Dear M/s Beattie,

I am writing to you on behalf of the Beaufort Park Residents Association concerning the proposed granting of a lease to Paddy Power to open a betting shop adjacent to the Colindale tube station entrance.

Whilst we as a group do not have a specific issue with regard to betting or gambling as such, we do feel that the positioning of a betting shop at the tube station location would be inappropriate and not in keeping with the local development environment. The Colindale area is increasingly becoming a mixed environment for families, students, young people and older residents all of whom could be adversely affected by the granting of a lease for a betting shop.

As far as we as a group are concerned, we consider that it is vital to maintain the quality of life in the Colindale area as more and more people and families, choose this part of north London to settle and set up home. With the increasing concern being expressed about the impact that gambling is having on young people, we do feel that the granting of a lease to Paddy Power would be a retrograde step for the local community.

Yours sincerely,

Christopher Wakley
Secretary, BPRA

Objection to planning application 17/2248/FUL
Paddy Power betting shop Plot 299 of 128 Colindale Avenue NW9 4AX
9th of October 2017

I am writing to you on behalf of the Colindale Village Residents' Association (CVRA) to object to the above planning application for a Paddy Power betting shop in Colindale.

We object on the following grounds:

The proposed betting shop use would have a negative economic impact on the area compared to the permitted uses which would have a higher footfall, contrary to the aims of the Colindale Area Action Plan DPD and the Core Strategy.

The proposed use has a very limited focus and does not serve the whole community compared to the permitted uses, contrary to policies CS5 and CS10 of the Local Plan.

A variety of betting shops already exist in close proximity to the site and there is no need for an additional facility.

The betting shop would be inappropriately located in a densely populated residential area with a high student population and in proximity to education establishments, resulting in an inappropriate mix of uses and a fear of crime.

The proposed betting shop will increase traffic to an already congested area which has an impact on local air quality, safety of pedestrians, particularly local school children, who use Colindale Avenue. The lack of designated parking space will also mean that customers will be looking to park in the surrounding area which is already suffering from lack of parking spaces for residents. Although Colindale tube station is opposite the proposed site this has not contributed to reducing traffic over the years.

The proposed plot is part of the Edition residential development with access to the shop being part of the main residential building. This creates safety concerns noise, disturbances and lack of privacy for residents using their building and respective homes.

Joey Skye
CVRA CHAIR
15 Osler Court, 9 Charcot Road,
Colindale NW9 5XW

Dear Harriet,

I am writing to you regarding the planning application by Paddy Power to operate a new being shop on the Edi-on housing development on Colindale Avenue.

As a local business I am fully aware that there is a great deal of opposition to the idea of yet another being shop in this locality, there already being one nearby on the Edgware Road, as well as one in Burnt Oak merely 5 minutes away by bus or tube.

Many people are concerned about the increase in traffic and lack of parking in an already congested area. They also feel that a being shop is not the most important facility for the area, which is lacking in Doctor and GP surgeries, and/or local corner shops servicing the community.

Our clients have voiced their concerns that a being shop sets a bad example to the community especially the younger genera-on as being the only visible form of recreation/entertainment in the area. Surely our community deserve something better than an encouragement to gambling.

Yours Sincerely

Lock 8 Estates

New Representations:

Since the papers for Committee were published, new representation have been received from Town Legal on behalf of the applicant (17 November) and Smith Jenkins on behalf of the Colindale Village Residents Association (20 November). Copies of these representations are provided below along with an Officer response.

1 London Wall Buildings
London
EC2M 5PG

townlegal.com

Emma Watson
Head of Planning
London Borough of Barnet
North London Business Park (NLBP)
Oakleigh Road South
London N11 1NP

T: 020 3893 0370
F: 020 3893 0371
D: 0203 893 0381
E: mary.cook@townlegal.com

emma.watson@barnet.gov.uk

By email

Your ref: 17/2248/FUL
Our ref: POW001/0001/SR

17 November 2017

Dear Emma

Plot 299 of 128 Colindale Avenue – planning application number 17/2248/FUL

1. Introduction

- 1.1 As you know, we act for the applicant in the above planning application. Power Leisure Bookmakers Limited. You will also be aware that the application received resolution to grant from your planning committee on 25 October before being referred back to the planning committee for consideration at its forthcoming meeting of 23 November.
- 1.2 We have reviewed the officer's report to the committee meeting of 23 November and wish to make a number of comments on behalf of our client.

2. The purpose of rehearing the application

- 2.1 The officer's report states (in the last paragraph of the first page dealing with our client's application) that, at the committee meeting of 25 October, "not all of the Members had all the information in front of them (from the earlier meeting of 28 September) including having heard

from the objectors as well as the applicant and this could be perceived as having an impact on the decision”.

- 2.2 There was a potential issue at the committee meeting of 25 October in that no one (including the applicant) was allowed to make any oral representations. This was in spite of the fact that it was open to that committee meeting to make any resolution it saw fit in respect of the planning application, including a resolution to grant permission reversing the previous resolution to defer a refusal of permission pending agreement on reasons for refusal. In the circumstances, the 25 October committee meeting should have been conducted in the same way as any other planning committee meeting and four members of the public should have been allowed to speak in the usual way (in accordance with paragraph 3.4 of Section 4 of the Council’s procedure rules).
- 2.3 We note that the committee reports to the first and second committee meetings form part of the committee report for the forthcoming committee meeting. However, the appendices and addenda to these committee reports have not been included. The appendices and addenda should be brought to members’ attention so that there is no question of their not having “all information in front of them”.
- 2.4 Officers have recommended that members at the forthcoming committee meeting “review their resolution to grant permission by rehearing the application in full”. Members will be able to rehear the application and review all of the information pertinent to it in full. It will be legally open to them following such a rehearing to resolve to grant or resolve to refuse the application. However, if members do resolve to refuse the application, it would need to be clear on what basis they have come to a different conclusion from the conclusion they reached previously on 25 October.

3. **Relevant material considerations**

- 3.1 In the original committee report for the 28 September planning committee, the officer referred to the objection that it would not be “appropriate to have a betting shop opposite a college” and recommended that the Council “cannot consider the betting shop’s influence on student or young people’s lifestyle choices as this is not a material planning consideration”. This this is not completely correct.
- 3.2 The impacts that a betting shop may have on young people is *potentially* a material consideration¹. However, any potential impacts were fully addressed in the Council’s consideration of the licensing application. The Council’s licensing sub-committee meeting of 4 July 2017 (the minutes for which were appended to the first committee report of 28 September and which we trust will be brought to members’ attention prior to 23 November) noted that concerns had been raised regarding the protection of children in light of local schools and student accommodation in the local area. The licensing sub-committee concluded that “conditions proposed in relation to protecting children from harm were sufficiently robust to allay any concerns”, in particular the condition requiring two members of staff to be present on the premises at all times. The conditions to the gambling licence are, along with the licensing sub-committee minutes, appended to the 28 September committee report.
- 3.3 This matter was clearly considered at the licensing stage. The committee is entitled to conclude that the conditions attached to the development’s gambling licence are “sufficiently robust to allay any concerns”.
- 3.4 Even apart from the consideration by the licensing sub-committee of the issue, no evidence has been presented to suggest that impacts to young people will arise. In the absence of any evidence to the contrary, the committee is entitled to conclude that such impacts are unlikely to arise. A mere generalised fear of an impact arising cannot be the basis for a planning decision without at

¹ See for example the treatment of takeaway shops in *R (Copeland) v LB Tower Hamlets* [2010] EWHC 1845 (Admin) at [30] to [34].

least some objective evidence to substantiate it². As the licensing sub-committee concluded, there is no substantiating evidence in this instance.

3.5 So, while a consideration as to the impacts of a betting shop on young people might *potentially* be material, there is no basis in this instance for it to form any basis for refusal of the application.

4. **Conclusion**

4.1 We hope that this letter clarifies to members the purpose of their rehearing of the application at the forthcoming committee meeting as well as the status of impacts of young people as a material consideration.

4.2 We understand that other units within the same block have been let to the Co-operative and Costa Coffee respectively, and a bakery has agreed to take another. These tenants were aware of our client's agreement for lease. Please refer to the enclosed letter from Edition Estates and the marketing particulars attached to this.

4.3 The diversity of uses (A1, A3 and our client's sui generis use) would materially benefit the vitality and viability of the town centre. Our client's unit has been carved out of one the three units which were originally consented in the larger scheme and therefore the presence of a betting shop would not detract from the diversity of units originally proposed. Quite the contrary.

4.4 Please could you ensure that this letter is placed before members in good time before the committee meeting?

Yours faithfully

Town Legal LLP

Encl

Officer Response: The matters raised in this correspondence relate in the main to the legal process of rehearing the application. The Officer recommendation remains to approve the scheme subject to conditions.

² Please refer to the submission of Robert Griffiths QC in *West Midlands Probation Committee v Secretary of State for the Environment* (1998) 76 P. & C.R. 589: "apprehension and fear cannot be measured objectively and provide no basis for establishing that there is demonstrable harm to interests of acknowledged importance", with which Pill LJ agreed but considered was not applicable to the instant facts due to the "pattern of conduct and behaviour found by the Inspector to have existed over a substantial period of time".

Walking distances from the Elysian House and the Stay Club who have objected to the Proposed “Paddy Power” U



Diagram 1

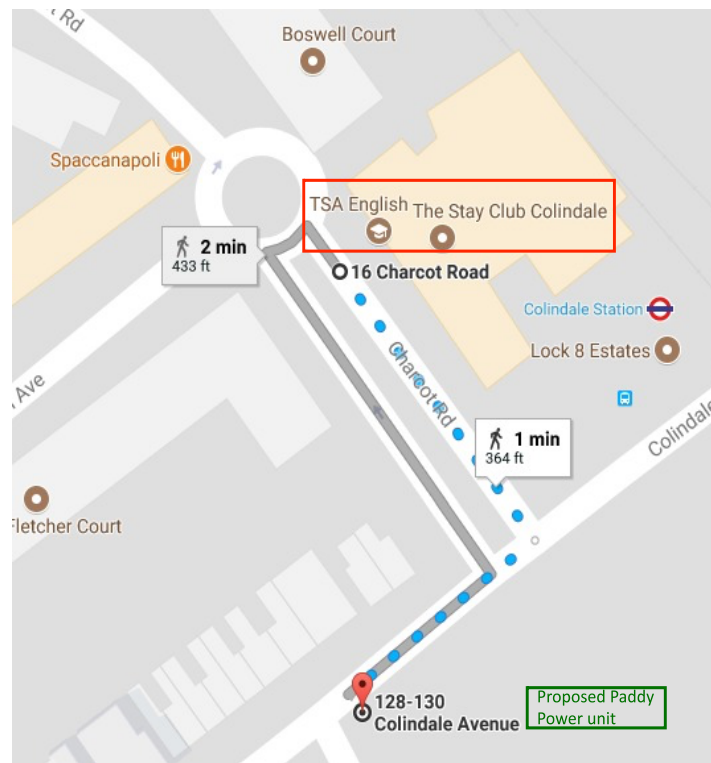


Diagram 2

For the benefit of the councillors who may not have visited the plot concerned, please see below two diagrams showing the walking distances from the Elysian House (rehabilitation centre for mental health) [Diagram1] and the Stay Club [Diagram2] in relation to the proposed Paddy Power unit a 5 minutes walk and 1 minute walk respectively.

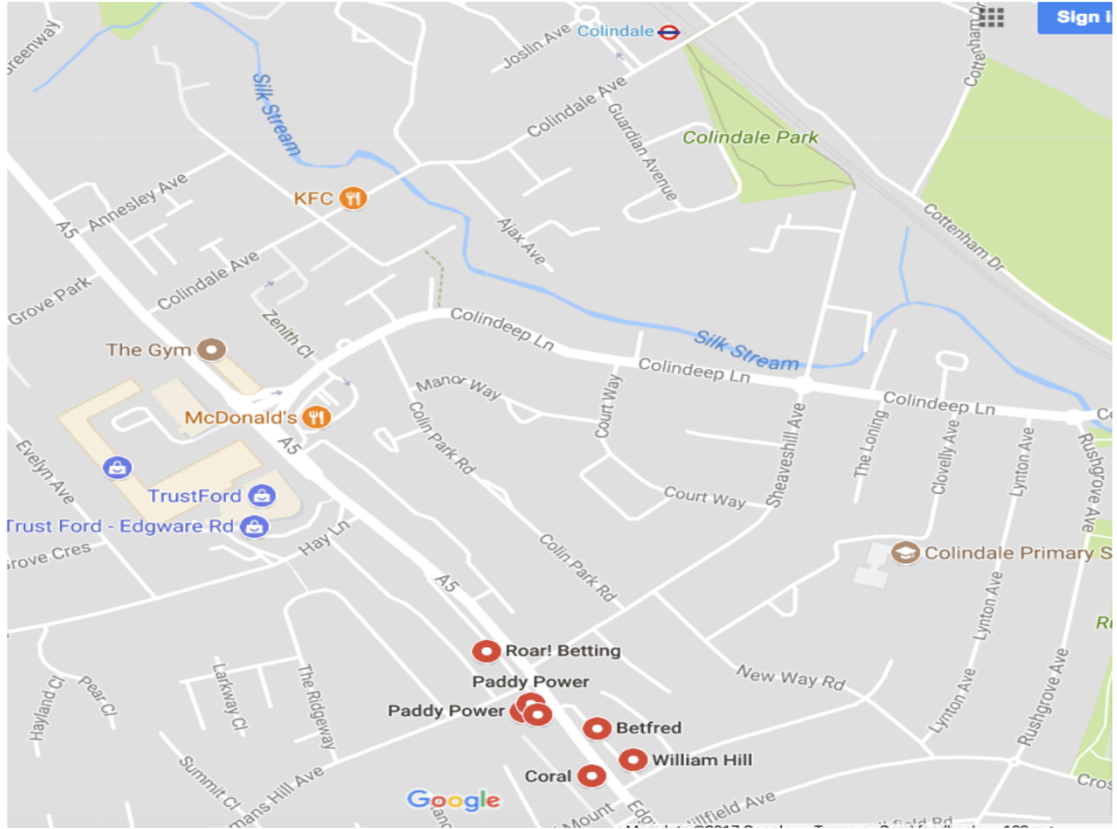
Impact of Clustering of Betting Shops

- Impacted on the retail appeal and character of areas in which local people live
- Contributed to incidents of low-level crime and ASB (anti-social behavior)
- Contributed to increase levels of street litter and other related shop generated debris
- Contributed to concerns about the longer term sustainability of local shopping area

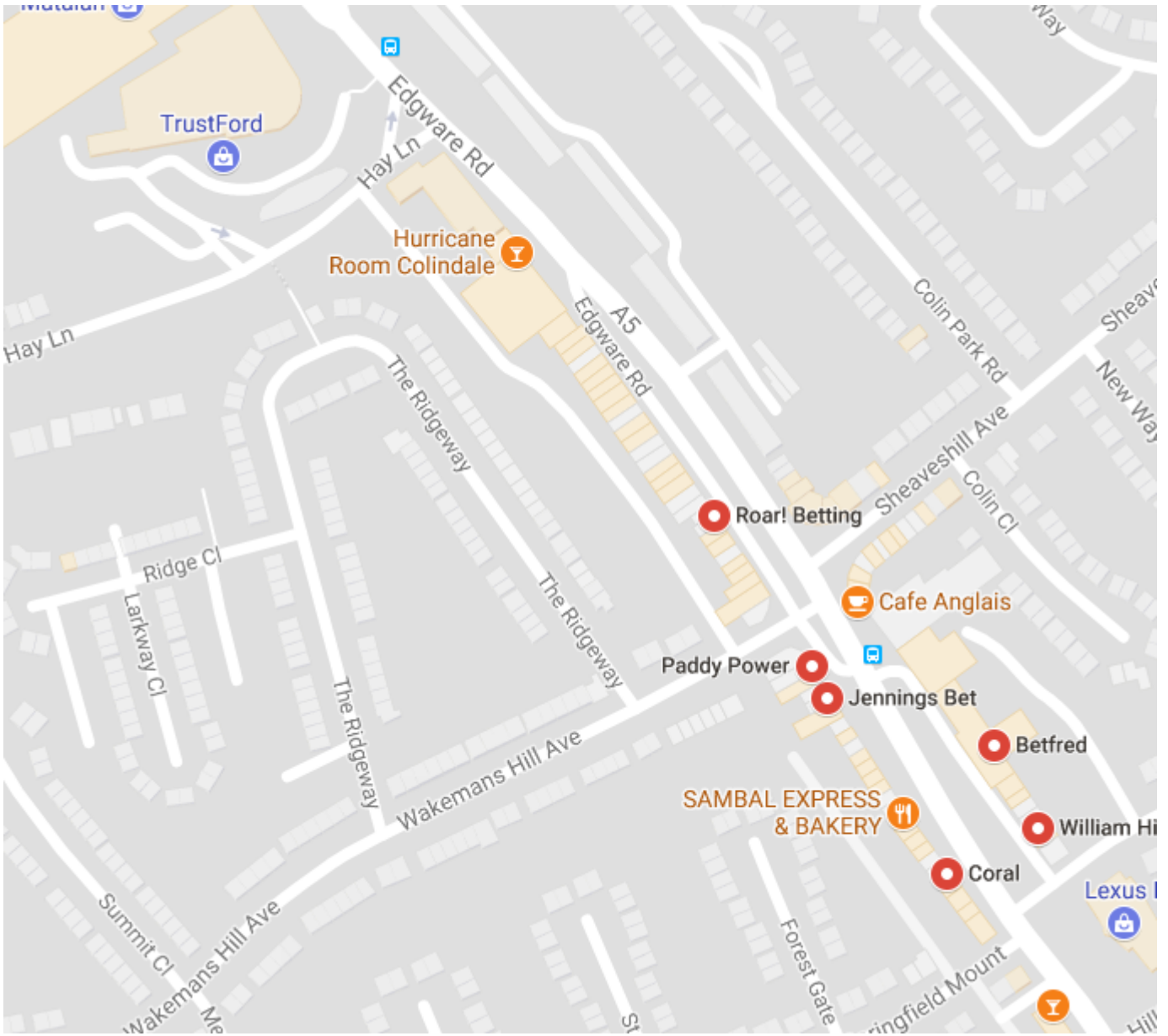
Source –

http://www.haringey.gov.uk/sites/haringeygovuk/files/final_report_pdf-5.pdf

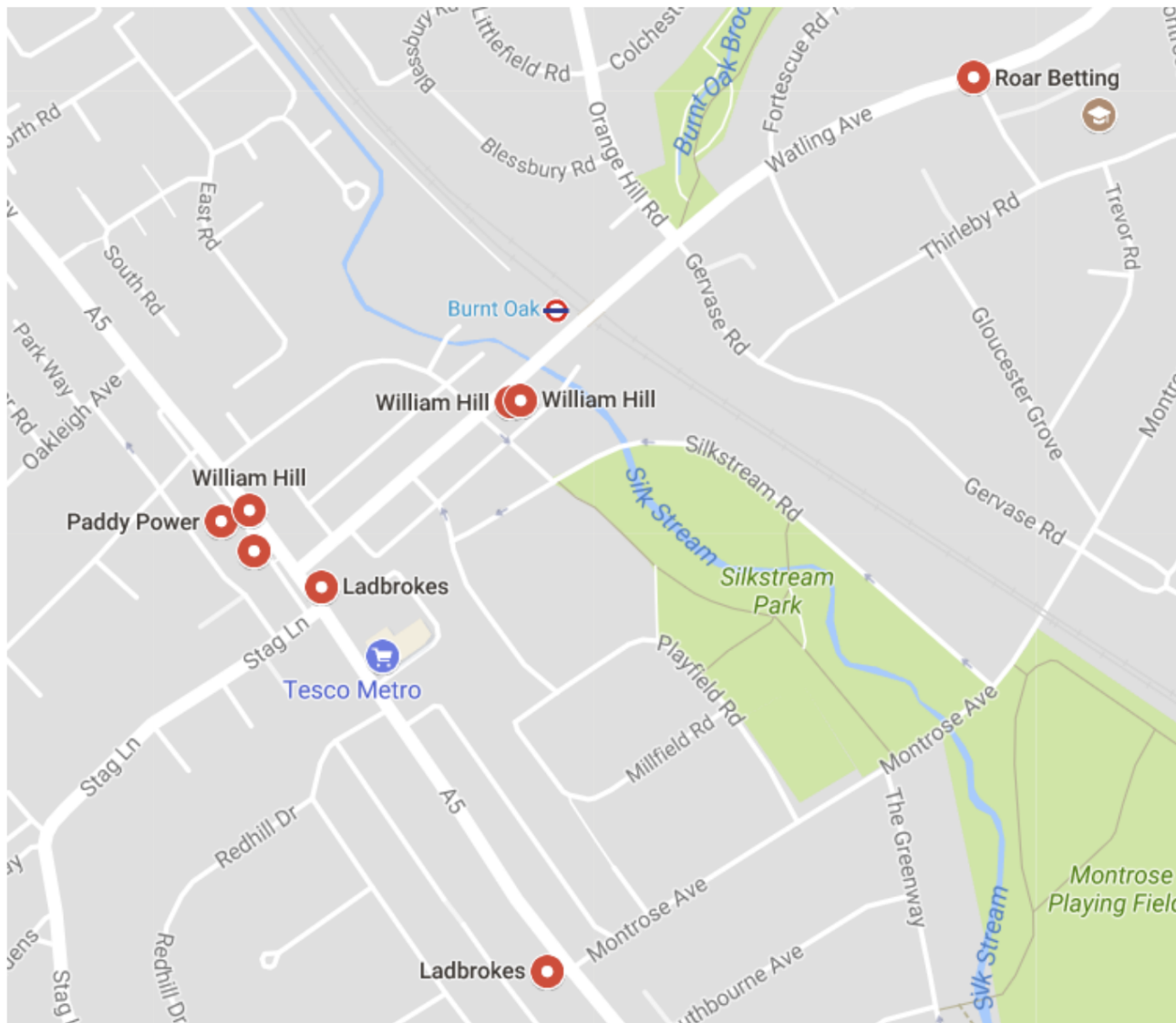
Scrutiny Review of the Clustering of Betting Shops in Haringey, Haringey Council



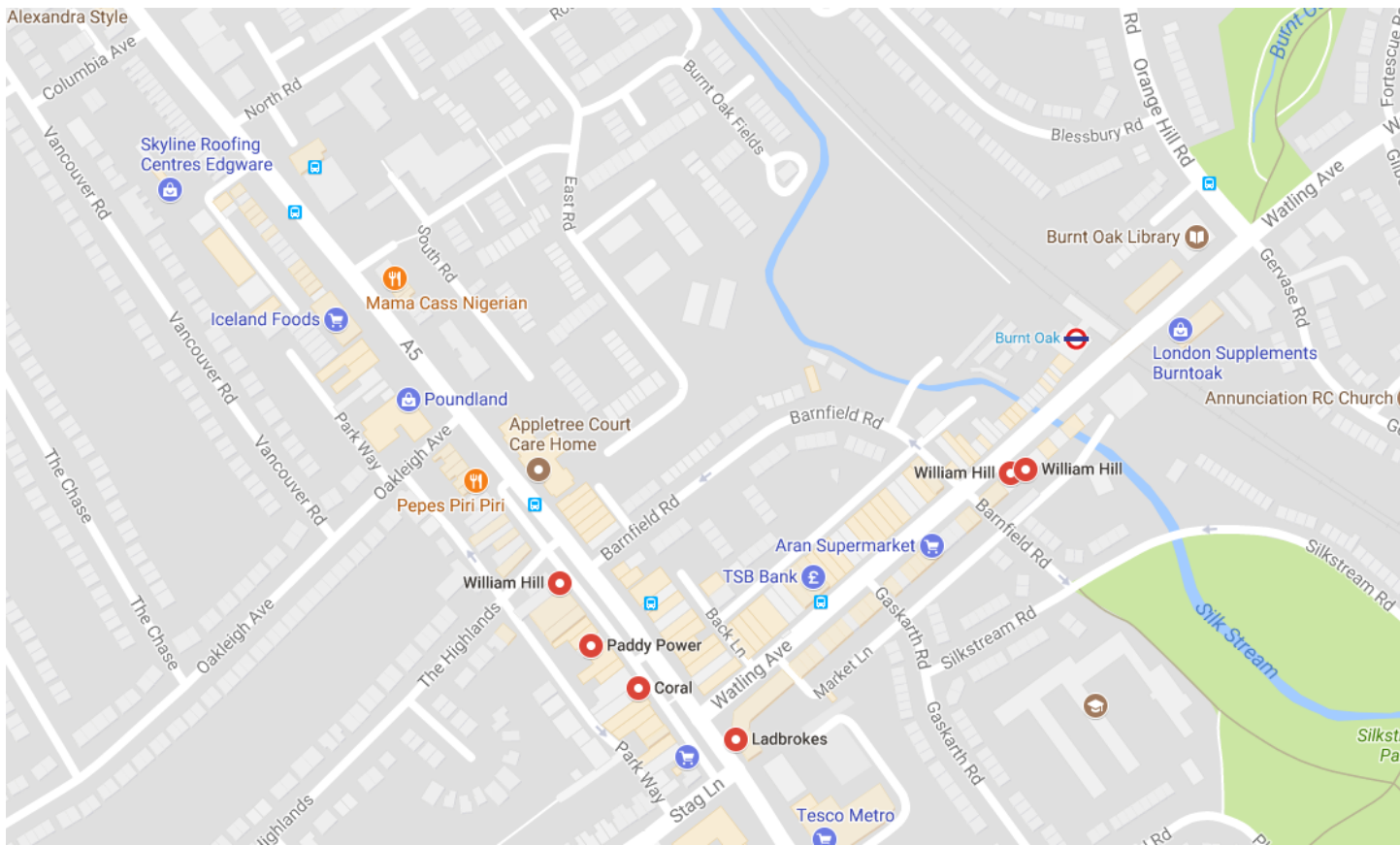
7 Betting shops including 2 Paddy Power. (0.4 miles from Colindale Station)



Notice in this closer in view of Edgware Road – All of the orange buildings highlight this as a ‘high street’ all of these very many units are open to retail and business – it is not a residential road.



Further 8 Betting shops including 1 Paddy power
(0.6 miles from Colindale Station)



Notice in this closer in view of Burnt Oak – All of the orange buildings highlight this as a 'high street' all of these very many units are open to retail and business – it is not a residential road.

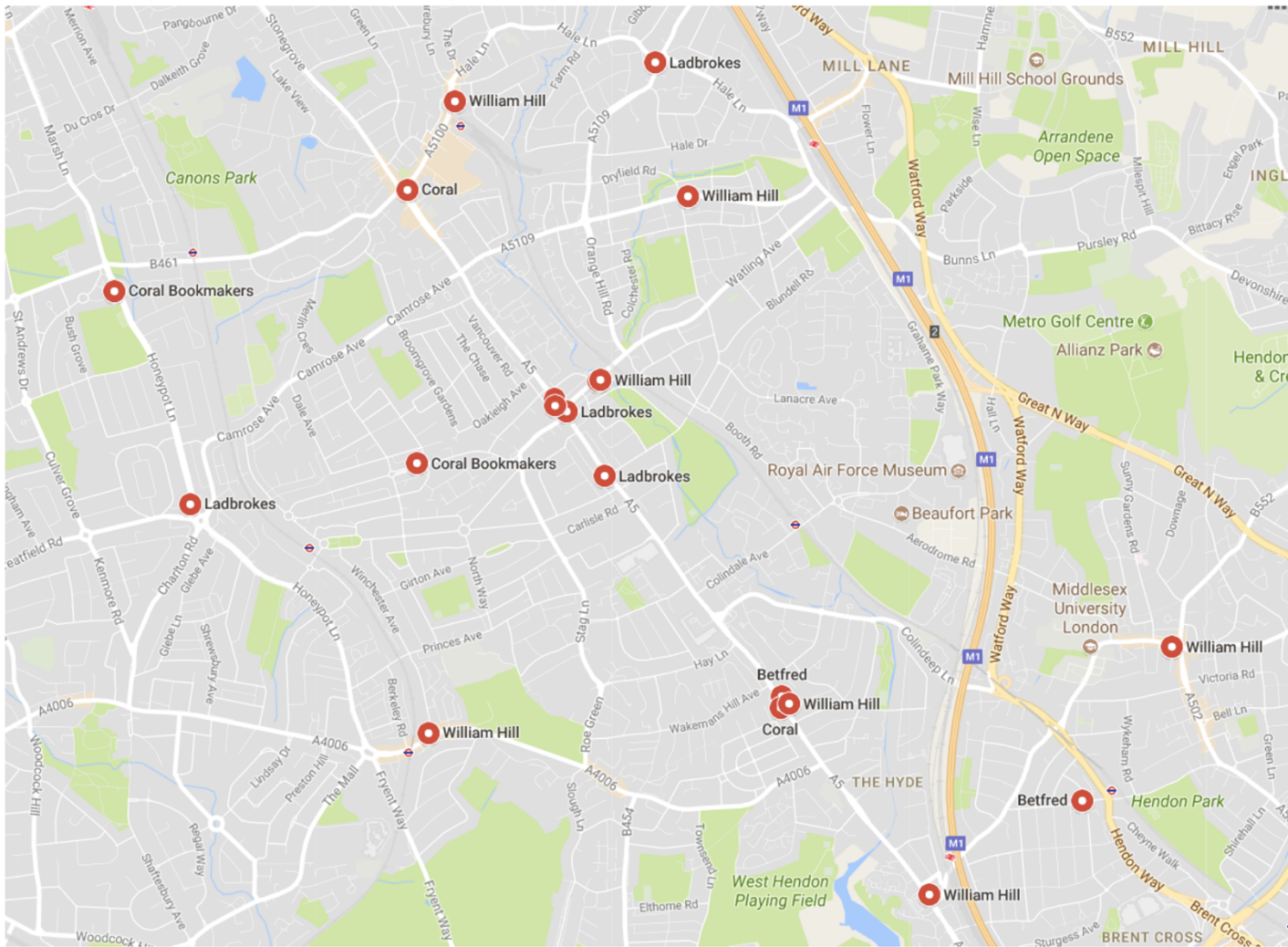


Further 7 Betting shops, including 2 Paddy Power.
(5 minutes by tube)



**Further 4 Betting Shops at Hendon Central – Including 1 Paddy Power
(2 Minutes by Tube)**

Notice in this closer in view of Hendon Central – All of the orange buildings highlight this as a 'high street' all of these very many units are open to retail and business – it is not a residential road.



**In Total - 38 Betting shops, in a radius of 1.6 miles
5 Betting shop per square mile**

- Notice that in this wide shot – all of the betting shops are located along wider white roads – indicating a major route. Colindale Avenue is hardly perceptible and is not a main route but a residential road



View from Mornington Close our first affected area of the community – entirely residential.

With a view up the road – clearly a residential street with homes on both sides.



Views from the front of the proposed unit – where the door is currently – completely residential and ground floor apartments opposite being offered no privacy from the proposed customers of the betting shop.



Facing across the road from the proposed location – again it is all houses.



Finally note all the apartments with their balconies directly above the shop. Living in an apartment your balcony is your only private outside area to enjoy – this enjoyment will negatively be affected by the people hanging around the outside of the shop smoking and drinking.

Further – notice the height and density of the apartment buildings. This is not a single or double row of flats above a high street – this is a high density residential development in a residential area.

The shop units are limited in number and were sold to us as residents as for the community – not for speculative interests to draw in people from far away too add to betting shops already staggering low cost profits.

Further – notice that there is zero public parking facilities. All visitors to this shop would have to take public transport or walk. There are existing easy to access public locations so very close by tube or bus – which offer a range off providers for betting services.

Officer Response: The Haringey Scrutiny Report was prepared in April 2011 when it believed the Council was considering the preparation of preparing an Article 4 to restrict a propensity of betting shops in town centres. Since then the Use Class Order has changed and new national planning policy guidance has come into effect. The context of the report is therefore different to the assessment of individual planning applications. The Haringey report assesses the impact of the clustering of betting shops in town centres. The current proposal does not create a cluster or is located within a town centre, but rather for a one single betting shop in a new neighbourhood centre. Officers have reviewed the full Haringey document (which was not included with the objection or before this Committee) and would advise that it also includes responses from the local Haringey policy who advised at that time that there is no evidence to suggest a relationship between crime and clustering of betting shops (para 1.12 and 9.14 of Haringey report). Reference in the objection to the application site being a residential street, does not take account of the Colindale Area Action Plan designation of Colindale Avenue as a neighbourhood centre where a

mix of uses would be acceptable. The objection does not raise any new issues or provide any evidence to justify a change in the Officer recommendation to approve the scheme.

17/5822/FUL – Plot 299, 128 Colindale Avenue, London, NW9 4AX

Site History Correction

Page 53 – Insert Correction under 17/2248/FUL

Decision – delete ‘Approved subject to conditions’ and insert ‘Yet to be determined’.

Decision Date – delete ‘25.10.17’ and insert ‘Yet to be determined’

Page 53 – Correct text in 4th Paragraph under ‘Proposal’

Delete ‘the applicant has been granted permission’ and replace with ‘An application has yet to be determined’.

17/5047/CON

Old Fold Manor Golf Club

Old Fold Lane

Barnet EN5 4QN

Pages 191-200

Amendment to informative 1: Add ‘Construction Management and Logistics Plan V2
October 2017

Amendment to informative 2: “The applicant is reminded that timescales for phased tree removals are detailed on drawing 105.17A. Prior to any deviation from the approved timescales these should be submitted to and agreed in writing by the Local Planning Authority.”

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