

Appeal case APP/V5570/W/16/3145635

325 Caledonian Road London N1 1DR, change of use from a solicitors (A2) to a betting shop (Sui Generis).

Representation submitted by Paul Convery.

I am an elected Councillor for Caledonian Ward in which the premises are located and I live at 94 Gifford Street, London N1 0DF which is within 400 metres of the appeal site. I make this representation **in support** of the LB Islington decision to refuse permission made following a planning subcommittee meeting on 17th December 2015 and a decision notice issued on 6th January 2016.

1. Granting of a license, Gambling Act 2005

A representative of the applicant asked the subcommittee to take into account the granting of Gambling Act license on December 1st 2015. No planning weight should be given to the grant of a to Paddy Power for these premises. Although the local authority licensing regime can include consideration of similar issues to planning, it is distinct and separate.

2. The Local Plan

There is relevant adopted policy in "Development Management Policies" (adopted June 2013); the "Cally Plan Supplementary Planning Document" (adopted January 2014); a Mayoral SPG, "Town Centres Supplementary Planning Guidance" (July 2014); and emerging policy in the "Location and concentration of uses Supplementary Planning Document" (Consultation draft – July 2015).

(a) The site is close to sensitive community infrastructure

DMP policy DM4.3 Part B resists proposals for certain uses which are likely to cause harm where they are in close proximity to schools or sensitive community facilities. The definition of community facility is expanded in the SPD to cover: Community centres; Centres which provide support for vulnerable persons, e.g. homeless shelters, alcohol recovery/rehab centres; Religious centres and places of worship; and Centres providing support for people with learning disabilities and/or mental health.

The premises at 325 Caledonian Road are located in an area containing 5 primary schools and a Children's Centre within a radius of 500 metres of the site. The Children's centre is located 120 metres away as is the Jean Stokes Community Centre. Each of the local schools draw their children from a catchment area for which the Caledonian Road is the local high street resulting in substantial footfall of children to and from those schools. Within 100 metres is Ponders Bridge House, 402a Caledonian Road, a facility operated by the One Housing Group. This is a special needs supported housing scheme of 12 flats for homeless people with complex mental health needs.

DMP policy DM4.3 identifies a general 500m impact radius (straight line distance) within which any cumulative impact should be assessed.

(b) Concentration of uses ("saturation")

The premises at 325 Caledonian Road are within a designated retail area in the Local Plan, in this case, Caledonian Road Local Shopping Area. DMP policy 4.3 says that:

"betting shops will be resisted where this would result in negative cumulative impacts due to an

unacceptable concentration of such uses in one area."

Islington's "Location and concentration of uses Supplementary Planning Document" adopted in April 2016 identifies at para 7.29 "there are also a number of Local Shopping Areas with multiple betting shops, particularly along Caledonian Road" and that "Excessive concentration of betting shops in areas which are predominantly retail in character could adversely impact the continued health and sustainability of such areas." (para 7.15) The SPD requires "all applications for new betting shops will be robustly assessed, with particular regard had to potential adverse impacts on character, function, vitality, viability, amenity and health & wellbeing." (para 7.32).

There are currently two other betting shops in close proximity to the premises site: Ladbrokes at 289-291 Caledonian Road; and William Hill at 310-312 Caledonian Road. Both are within 150 metres of the currently proposed premises. This represents a significant concentration of gambling uses within a geography containing a very significant quantum of income and social deprivation and a high proportion of vulnerable residents.

Islington has the 2nd highest density of betting shops of any London Borough. The largest concentration of such shops in the borough correlates geographically with many of the most deprived areas in the borough (based on IMD overall score). The premise at 325 Caledonian Road is within the LSOA covering Bemerton Estate which is in the highest (worst) decile of the IMD. The IMD score is formulated in part by the level of income deprivation, which is measured by the proportion of people who are dependent on means-tested benefits.

(c) Function and vitality of the Caledonian Road retail area

DMP Section 4 ("Shops, culture and services") sets out how the LPA expects planning applications to meet the Core Strategy aim *"to maintain the borough's existing healthy retail economy and provide a range of goods and services."* DM4.1 promotes small and independent shops and, in supporting text, says these *"lend the borough its special character and contribute to the identity of its neighbourhoods (and) certain types of small and independent shops perform an essential service and should be easily accessible to all residents."*

The supporting text says that the loss of retail units *"suitable for such shops, particularly units which contribute to local character, individuality and the wider commercial success of an area, will be resisted."* Although 325 Caledonian Road has been used as an A2 solicitors office, permitted development rights mean it is effectively a retail unit that has been used for A2 purposes but can be used for A1 use. Indeed, a previous interested party, Tesco UK, proposed in 2014 to use the unit as a shop without requiring planning permission.

The Cally Plan SPG unambiguously states that retail uses should be protected and prevent an over concentration of betting shops. In relation to the subdivision of shop units, the policy permits an exception to subdivision for A2 uses but excludes betting shops, further reinforcing the policy that betting shops are not a preferred use.

The Town Centres Supplementary Planning Guidance (Mayor of London, July 2014) encourages local planning authorities to maintain the vitality and viability of Town Centres and protect amenity and safety and says that *"Across London there is an urgent need to enable local planning authorities to control the proliferation of betting shops and to address the implications this can have for maintaining the vitality and viability of town centres, and for protecting their amenity and safety. There is real concern that the current planning treatment of betting shops reinforced by the Gambling Act 2005, have prevented sensible action to address these issues."*

(d) Adverse impact of gambling

There is evidence, particularly from the British Gambling Prevalence Surveys, that there is a higher prevalence of problem gambling in the most deprived areas (according to IMD score); amongst people who are unemployed; and those with very severe money problems. Conventional gambling, such as sports events, has risks but these are significantly exacerbated by the impact of Fixed Odds Betting machines which, evidence indicates, combine addictive characteristics with the capacity to gamble large amounts of money very quickly.

If this permission is granted, one of Islington's most deprived areas will feature a significant cluster of betting shops (three premises within 150 metres of each other). It is logical to conclude the opportunities to gamble will be multiplied and the risk of problem gambling may be significantly increased. This has knock-on effects for health, particularly mental health, because problem gamblers are more likely to experience adverse financial, social and health impacts to themselves and their families due to increased debts, anxiety and other harms.

(e) Crime and anti-social behaviour

The premises at 325 Caledonian Road are on the corner of Lyon Street which is a cul-de-sac close to the Caledonian Road junction with Offord Road. This is a location which has experienced high levels of crime and anti-social behaviour including a specific problem of on-street drinking in the cul-de-sac. The presence of a premises permitted for gambling will exacerbate these problems, which have a significant adverse amenity impact on the surrounding neighbourhood and is therefore contrary to policy.

(f) Requirement to prove unsuccessful marketing in current use

Policy DM4.4 requires an applicant seeking change from A class use to demonstrate 2 years of continuous unsuccessful marketing to show *“there is no realistic prospect of the unit being used in its current use for the foreseeable future.”* However, the premises at 325 Caledonian Road have indeed been subject to active consideration for retail use. In February 2014, the local Councillors were made aware that Tesco plc had enquired about special loading facilities to service a proposed retail outlet at the premises and this was confirmed in September 2014, when Tesco submitted an alcohol license application for the premises. Tesco failed to secure the alcohol license but the company's active interest in the site demonstrates that there is a realistic prospect of it being used for A class purposes.

References

“Development Management Policies” (LB Islington, adopted June 2013)

[http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2013-2014/\(2013-12-11\)-Development-Management-Policies-\(adopted-June-2013\).pdf](http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2013-2014/(2013-12-11)-Development-Management-Policies-(adopted-June-2013).pdf)

“Cally Plan Supplementary Planning Document” (LB Islington, Jan 2014)

[http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2013-2014/\(2014-01-30\)-Cally-Plan-SPD-\(adopted-January-2014\).pdf](http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2013-2014/(2014-01-30)-Cally-Plan-SPD-(adopted-January-2014).pdf)

Town Centres Supplementary Planning Guidance (Mayor of London, July 2014) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/town-centres>

“Location and concentration of uses Supplementary Planning Document” (LB Islington, adopted April 2016)

http://www.islington.gov.uk/services/planning/planningpol/pol_supplement/Pages/DM4.3-Location-concentration.aspx