

LB Redbridge  
Local Plan 2015-2030  
Submission  
Response to CED028

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Representor: Planning Potential  
Policy / Issue / Matter: Policy LP11 / Issue 7 / Matter V  
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## 1. Background

- 1.1. In September 2016, we wrote on behalf of our client, Power Leisure Bookmakers Ltd, to make representations on the Pre-Submission Consultations on the Local Plan 2015-2030. These were appended to our Hearing Statement submitted on the 23 June 2017 in advance of the Examination in Public Sessions (EiP) on the 18th July.
- 1.2. On 11 July 2017, we were informed that LB Redbridge had submitted Document CED028 to the Inspector. This Statement is produced based on the information contained within CED028. The comments made within our Hearing Statement therefore still stand and this additional Statement should be read alongside it.
- 1.3. Power Leisure Bookmakers Ltd consider that the Local Plan is unsound.

## 2. Response to CED028

### Referenced Documents

- 2.1. The removal of the 50m radius policy is welcomed, in line with our original representations and Hearing Statement. However, the Council clearly still have a negative view of betting shops and the modifications continue to propose a policy which is not 'justified', 'effective' or 'consistent with national policy'.
- 2.2. At Paragraph 5.21 the council reference the London Assembly report 'Open for Business: empty shops on London's high streets' (March 2013) stating that "units, such as betting shops and pawnbrokers, reduce diversity and impact on the attractiveness of a centre, and therefore footfall". The referenced document however, states that *"actually, it does not matter whether it is a betting shop or a mobile phone shop. It is the users. You just do not want six out of ten shops the same"*. The document also states that *"the British Property Federation argued that an over-supply of certain shops is usually a transient state of affairs that the market will ultimately correct"* (Para 3.5).
- 2.3. It should also be noted that the referenced London Assembly document was published in 2013, before the 2015 Use Classes Order, which removed betting shops from the A2 classification. The document is focused on the potential for additional powers for local authorities, given that betting shops did not need planning permission to open on the site of A2, A3, A4 or A5 uses. With betting shops becoming a Sui Generis use in April 2015, this permitted development right has been withdrawn and new betting shops always require a change of use application to be submitted.
- 2.4. At 5.22 the council refer to the report 'Health on the High Street' by the Royal Society for Public Health. This document acknowledges the limitations within its own research and states *"there may be other businesses on the high street which could contribute to or detract from promoting health and wellbeing which were beyond the scope of this research"*. Again, this document was produced at a time when betting shops had permitted development rights and the subsequent Use Classes Order update has sought to ensure that all new betting shops require an application to be submitted in order for the proposals to be assessed.
- 2.5. In addition, the document recognises that *"research suggests that individuals who gamble very occasionally can experience increased mental wellbeing from the odd bet (Forest, 2013) and gambling has been described as a form of adult play that can provide connectedness and socialisation (Shaffer and Korn, 2002)"*. **Problem gambling is a real and challenging issue however, it is an issue that is, and should be, tackled via licensing rather than the planning system. It is licensing that has the appropriate mechanisms in order to deal with such a complex issue.**
- 2.6. The document lists a number of references; however, it is unclear how these documents have been assessed and how they relate directly to the formulation of the proposed modifications, including how a 2% threshold has been identified as suitable across the whole borough. One of the referenced documents, Ben Cave Associates Ltd (2014), states that:

*"Although many of these situational characteristics (e.g. concentration, clustering or proximity of venues) are thought to influence vulnerable gamblers, there has been very little empirical research into these factors and more*

*research is needed before any definitive conclusions can be made. The scientific literature therefore falls short of supporting particular densities or exclusion/saturation distances for betting shops in the area” (paragraph 6.2.54).*

### **The Grouping of Betting Shops, Money Lenders and Shisha Bars**

- 2.7. It remains unclear why betting shops, money lenders and shisha bars have been grouped together within the policy. These uses, which are all Sui Generis and always require an application to be made, offer significantly different services/products. Specifically, betting shops offer a leisure activity, money lenders offer a formal financial service, and shisha bars offer a primarily evening based form of social entertainment – they should therefore not be linked together.
- 2.8. The council provide existing figures for these uses, grouped, within the boroughs town centres. The percentages given offer no local context, such as total unit numbers or proximity to one another. As we expressed in our Hearing Statement, it has been made abundantly clear via appeals at 620 High Street, Leytonstone, 64 Kilburn High Road and 325 Caledonian Road, that the number of betting shops in a centre does not necessarily constitute a cluster or that harm will arise.
- 2.9. Indeed, at 620 High Road, Leytonstone, 3.5% of units in betting shop use was considered to be *“a low figure when compared with a comparison of other non-A1 uses in the centre”*. Only one centre in Redbridge (Ilford 3.6%) currently has a higher percentage of betting shops, payday lenders and shisha bars according to the Council’s data. The Council have presented no detail as to how or why such a figure is deemed to be harmful and the impact that these uses are having on specific centres such as Ilford.
- 2.10. It should be noted that betting shops actually represent less than 4% of the country’s retail units and in most inner London areas less than 3%. Indeed, numbers of betting shops have in fact decreased by about a half across the country since the 1970s.
- 2.11. We consider that, in line with the London Plan and Town Centres SPG (2014), the starting point for Plan policy making is whether there is an existing over concentration or cluster of uses (including betting shops) which has reached saturation levels, where positive impacts are outweighed by negative impacts. Simply providing a percentage for the borough’s town centres does not achieve this and so there should be no threshold policy. All applications should be decided on their own merits and with the local context in mind.
- 2.12. The Council have suggested a 2% threshold covering betting shops, payday lenders and shisha bars without any clear justification or evidence that this represents the tipping point where the concentration has reached saturation levels and the negative impacts outweigh the benefits. Only when this has been identified should local authorities set a threshold at that level of saturation, as prescribed at paragraph 1.2.28 of the London Plan Town Centres SPG (July 2014).
- 2.13. Indeed, the 2% figure is extremely low, even if betting shops, payday loan lenders and shisha bars are correctly ungrouped. The 4% threshold for betting shops, only, in town centres within Brent, as adopted as part of their Local Plan (2016), highlights just how unreasonable a 2% threshold is in reality. This policy also acknowledges the significantly different context of neighbourhood centres and

allows a 10% threshold (or 1 unit, whichever is the greater) for betting shops within those locations.

- 2.14. Although we do not agree that any threshold should be set, if one is found to be acceptable, this figure should be set at a more reasonable level and clearly separate betting shops from other uses i.e. payday lenders and shisha bars.
- 2.15. It should be noted that Camden Council's proposed 400m exclusion zone around existing betting shops was rejected by the Inspector at the Hearing. It was subsequently noted within their Inspector's Report that the rise in betting shop numbers has been relatively modest and that the evidence did not show extensive numbers of clusters in the borough. The Inspector's Report also stated:

*"There is also little Camden-specific information before me to demonstrate that concentrations of these uses are having a significant adverse effect on the vitality and viability of centres. As such it is unclear that 'saturation levels' have been reached 'where negative impacts outweigh benefits', in line with guidance in the Mayor for London's Town Centres SPG (2014) (CD5.14)." (Paragraph 136)*

- 2.16. The report goes on to say:

*"Policy 4.8 in the London Plan promotes the management of clusters of retail uses. Nevertheless, overall, I consider that the Council's approach to betting shops, payday loan shops and pawnbrokers in the last section of Policy TC4 is not adequately justified or in line with national and local policy. Accordingly, I recommend deletion of these requirements through modification **MM86**." (Paragraph 138)*

- 2.17. We consider that Redbridge have also failed to justify their policy in line with guidance in the Mayor of London's Town Centres SPG and Policy LP11 should therefore be deleted.
- 2.18. The claim within paragraph 5.26 that the borough's centres with higher percentages of betting shops, payday lenders and shisha bars is reducing their vitality and viability, is not backed up by evidence. In addition, proposed modifications to Policy LP11 confirm the intention to exclude betting shops from Shopping Parades. As discussed in our Hearing Statement, betting shops provide a supportive role to other services within all centres and should therefore not be excluded from any designated shopping area, whether that be a town centre or a smaller shopping parade.
- 2.19. The introduction of the requirement for each new Sui Generis unit to be separated from any existing sui generis unit or group of units by at least two non sui generis units, is again unjustified. There is no evidence to suggest that having two sui generis units next to one another is harmful, particularly given that they could offer a completely different offer to one another.
- 2.20. We are also unsure as to the inclusion of Part E to Policy LP11 which states that the council will resist proposals that operate with inappropriate hours of operation. Given that the policy relates to town centres where opening hours are expected to be varied throughout and often extended into the late evening, the purpose of this element of the policy is unclear. Acceptable opening hours can, of course, be dealt with via planning conditions.

### 3. Summary

- 3.1. As stated in our initial representations and Hearing Statement, we believe that Policy LP11 and supporting text paragraphs 3.18.1 - 3.18.2 continue to not be 'justified', 'effective' or 'consistent with national policy'. The policy and reasons are not founded on a robust and credible evidence base and as demonstrated within this Statement, have been found to be based on inaccurate assumptions and perceptions.
- 3.2. Furthermore, the policy and supporting text is not consistent with national policy nor with the London Plan. The overly onerous approach taken by the Council in relation to betting shops is not compliant with the spirit and aspirations of the NPPF or with guidance set out in the London Plan Town Centres SPG. The policy therefore amounts to a conflict with Section 19 of the Planning and Compulsory Purchase Act 2004 and also conflicts with Part 4 Regulation 8 of the 2012 Town and Country Planning (Local Planning) (England) Regulations.
- 3.3. We have no issue with the fact that the Council will want to scrutinise new betting shop applications and ensure that they will not lead to any clusters or concentrations which would lead to negative impacts, however, to assert unnecessary exclusion zones or onerous thresholds as a starting point for all new applications that are not based on a robust and credible evidence base, is wholly unsubstantiated and does not allow officers/members to make objective decisions. It is important to remember that betting shops now operate as a Sui Generis use and an application is required for any change of use to a betting shop. This already gives Council's control over proposals for a betting shop.
- 3.4. We conclude that the proposed modifications are not based on robust evidence or sufficient analysis of the borough's centres. It is a knee-jerk reaction to a popular political issue and significant and convincing research into the benefits and negatives of betting shops is required in order to justify an overly onerous and unfounded policy. Adoption of the policy will create a moratorium on potential new operators and spell an end to healthy competition between betting shops. This would, of course, belittle the NPPF and its strategic aims for our town centres in encouraging town centre shops and services to locate within centres, rather than out of centre.
- 3.5. In addition, clarity needs to be provided in relation to the requirement for betting shops to be located within centres.
- 3.6. The lack of evidence that 'saturation levels' have been reached 'where negative impacts outweigh benefits', in line with guidance in the Mayor for London's Town Centres SPG (2014), mean that the council are not in a position to justify a restrictive betting shop policy at this time. The policy should therefore be deleted.

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136. The Council's evidence shows some increase in betting shops, payday loan shops and pawnbrokers in Camden since 2007. However, the rise in betting shop numbers in particular has been relatively modest, and the evidence does not show extensive numbers of clusters in the borough. There is also little Camden-specific information before me to demonstrate that concentrations of these uses are having a significant adverse effect on the vitality and viability of centres. As such it is unclear that 'saturation levels' have been reached 'where negative impacts outweigh benefits', in line with guidance in the Mayor for London's Town Centres SPG (2014) (CD5.14).
137. The Council's approach in Policy TC4 would limit betting shops, payday loan shops and pawnbrokers to one within 400 metres. There is no clear evidence before me that a grouping of two such uses within this distance would amount to a cluster or saturation or cause significant adverse effects on vitality and viability or in other regards. The approach would also capture areas outside centres and extend over a considerable portion of developed parts of the borough.
138. Policy 4.8 in the London Plan promotes the management of clusters of retail uses. Nevertheless, overall, I consider that the Council's approach to betting shops, payday loan shops and pawnbrokers in the last section of Policy TC4 is not adequately justified or in line with national and local policy. Accordingly, I recommend deletion of these requirements through modification **MM86**.
139. However, in the context of Policy 4.8 and the need to promote a mix of uses in town centres, I consider that the general reference in the supporting text to proliferation should be retained. I also consider that the general reference in the supporting text to community safety and fear of crime is appropriate, on the basis that these are valid planning issues that may or may not arise.