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# Appeal Decision

Site visit made on 1 December 2014

**by Michael Evans BA MA MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 December 2014**

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**Appeal Ref: APP/E5330/A/14/2226118**

**Unit 2, Odeon Parade, Eltham SE9 6SX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Done Brothers (Cash Betting) Ltd against the decision of the Council of the Royal Borough of Greenwich.
  - The application Ref 14/1239/F, dated 6 May 2014, was refused by notice dated 14 July 2014.
  - The development proposed is a change of use to Use Class A2, along with alterations to the shopfront.
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## Decision

1. The appeal is allowed and planning permission is granted for change of use to Use Class A2, along with alterations to the shopfront, at Unit 2, Odeon Parade, Eltham SE9 6SX, in accordance with the terms of the application, Ref 14/1239/F, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1023BF-LP and 1023BF-SF, both revision 1.
  - 3) The use hereby permitted shall not be open to customers outside the following times: 0800 to 2200 Mondays to Saturdays and 0900 to 2200 on Sundays and all recognised public holidays.
  - 4) The glass used to construct the new shopfront, including the door, shall be clear and unobscured and retained as such thereafter.

## Main issue

2. The main issue in the consideration of this appeal is the effect on the vitality and viability of the local centre, having particular regard to the implications of the proposed use for anti-social behaviour and the fear of crime, as well as the design of the display window.

## Reasons

3. The appeal concerns vacant premises that are located within a designated local shopping centre on Well Hall Road. The surrounding area is primarily residential in nature.

4. Development plan policy regarding non-retail uses in protected shopping frontages is found in Policy TC(b) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies. This identifies a number of criteria that such proposals must satisfy. These include not increasing the likelihood of anti-social behaviour or increasing the fear of crime, while also including the installation and retention of a display window of good design.
5. In the supporting text to Policy TC(b) it is suggested that the fear of crime is affected by the increasing preponderance of betting shops on high streets and neighbourhood parades. It is also considered that an over-concentration of betting shops can impact on the vitality and viability of town centres, negatively affect their amenity and safety and is associated with an increase in financial stress.
6. The policy itself states that when determining applications for new betting shops within protected retail frontages, consideration will be given to the number of existing betting shops in the centre and the need to avoid over-concentration and saturation of this particular type of use. No specific threshold is given to assist with deciding on whether there would be too many betting shops, although in relation to any specific use class, or a combination of A3, A4 and A5 uses, the limit is given as 25% of premises in the centre or block. The policy is not concerned with the number of such uses in the wider area beyond the designated centre, or in the Borough as a whole, so that concerns in these respects would not justify rejection of the appeal.
7. In any case, the Council has provided no evidence seeking to show that there would be an over-concentration of betting shops in the locality. From the northern end of Odeon Parade to Kidbrooke Lane there are a total of about 29 commercial ground floor premises, of which only one is currently in use as a betting shop. In the event of the appeal succeeding there would be two out of 29 premises in such use. Such a fairly low proportion could not, in my view, be reasonably said to reflect an over-concentration or saturation of such uses, which Policy TC(b) seeks to prevent.
8. I note the concern expressed by an interested party that such uses have the potential to be used for money laundering purposes. Nevertheless, there is no information specifically linking any crime or anti-social behaviour that may have occurred in the area to any existing betting shop in the locality. There are also no representations from the Police to demonstrate any link between betting shops and crime and anti-social behaviour in the locality, or to express concern in relation to the current proposal.
9. The Council indicates that there is anecdotal evidence that such uses result in a perception of an area where crime and disruption may be prevalent and a local Councillor suggests that local residents are concerned by the potential for crime and anti-social behaviour. However, these somewhat generalised expressions of concern are not accompanied by any detailed or specific information regarding the nature of such potential or perceived activity. Furthermore, the representations received from local residents do not reflect any significant fears in relation to such matters anyway.
10. In these circumstances it has not been shown that the use would increase the likelihood of anti-social behaviour or increase the fear of crime. This is despite it being indicated that the area is particularly deprived with reference to crime

and disorder. As a result there would be no conflict with the intention of Policy TC(b) vi to prevent such adverse effects.

11. The Council expresses concern that there would be a board behind the shopfront of 6 foot by 3 foot, inhibiting views into the premises, with the resultant display window being neither attractive nor active. Nevertheless, Policy TC(b) ii indicates no requirement for views into the shop beyond the display and my attention has not been drawn to any design guidance concerning such matters. Moreover, windows with restricted views beyond the display are not uncommon in the centre. In any event, the glass frontage would, at the very least, enable views through the glazed door of activity within the unit, which could be ensured by the imposition of a condition.
12. The panels visible through the glass shopfront would, according to the Appellant, advertise current offers and events. It seems to me that the appearance would be broadly similar to that of the betting shop further to the south, which I found reasonably colourful and attractive. I therefore see no reason why the display window now proposed should appear unattractive. I therefore conclude that the scheme would result in a display window of good design, in accordance with Policy TC(b) ii.
13. The Council's second reason for refusal claims it has not been demonstrated that the property has been adequately marketed for A3 purposes and that such a use is not therefore viable. The Council also expresses a preference for A3 use, arguing that a restaurant or cafe could act as a meeting place for the community and therefore aid the vitality and viability of the centre.
14. I have carefully considered the wording of both Policy TC(b) itself and the supporting text. However, I can see no indication that proposals for the re-use of vacant premises should be rejected in the absence of marketing for their existing permitted use or because of a preference for an A3 use. There is also no requirement in the policy that uses should provide an essential local facility. However, the new betting shop would directly serve visiting members of the public, in accordance with Policy TC(b) i.
15. The Council suggests that because there is an existing betting shop in the parade there would be no increase in footfall. However, it seems to me that at the very least customers of the existing betting shop would be likely to wish to compare the offers available at the new premises. This would increase the footfall towards the northern part of the parade, where money may also be spent at other businesses, such as the nearby fast food outlet.
16. There is no detailed evidence to support the contention that other uses may have higher employment levels. Interested parties also express concerns in relation to problem gambling and consequent health effects in an area of high social deprivation, especially with regard to the use of fixed odds betting terminals. However, given the availability of alternative gambling opportunities, such as the existing betting shop, I am not persuaded that the proposal would necessarily result in an increase in such problems and the Council has raised no objections on this basis.
17. It seems to me that rejecting the proposal would risk perpetuating the ongoing presence of a vacant building, with unsightly wooden hoardings across the frontage that give a somewhat harsh and uninviting appearance. Bringing the property back into use with an attractive shopfront can, in my view, only aid,

rather than diminish, the vitality and viability of the centre, while also resulting in additional employment. I have considered the Council's Planning Brief for the Coronet Cinema Site, April 2004 and consider that the proposal would accord with the main thrust of the supplementary planning guidance by contributing to the regeneration of the area.

18. In these circumstances and taking account of all other matters raised, it is concluded that there are no grounds sufficient to justify rejecting the proposal and the appeal succeeds.
19. In addition to that referred to above, a condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. In order to prevent noise and disturbance at quieter times of the day, it is necessary to restrict the hours of opening, as suggested by the Council.

*M Evans*

INSPECTOR