

## **APPENDIX A**

### **Controlling the clustering of betting offices**

#### **Supplementary Planning Document**

**January 2014**

## **Contents**

### **1. Introduction**

### **2. Status**

### **3. Planning policy framework**

### **4. Consultation**

### **5. Purpose and scope**

### **6. The guidance**

SPD Implementation Point 1 – Controlling clustering

### **7. Strategic working**

### **8. Monitoring, Implementation and Review**

**Appendix 1: Figure 1 – Clustering control zones**

## 1. Introduction

- 1.1 This Supplementary Planning Document (SPD) seeks to control the clustering of betting offices in the interests of the character and amenity of the borough's shopping frontages. It complements the Council's Article 4 Direction which removes permitted developments rights for a Hot Food Takeaway (A5), Drinking Establishment (A4) and Restaurant and Cafe (A3) to change to a betting office without planning permission.
- 1.2 This SPD will assist the Council in delivering the Community Strategy vision to encourage growth and unlock the potential of Barking and Dagenham and its resident and the priorities of reducing crime and the fear of crime and improving health and wellbeing through all stages of life.
- 1.3 This SPD specifically supplements the following policies and objectives of the Local Plan:

*Core Strategy (2010)*

- **SO.7: Promoting Vibrant Town Centres**
- **CM1: General Principles for Development**
- **CM5: Town Centre Hierarchy**
- **CE1: Vibrant and Prosperous Town Centres**

*Borough Wide Development Policies (2011)*

- **BE1: Protection of Retail Uses**
- **BE2: Development in Town Centres**
- **BE3: Retail Outside of Town Centres**
- **BP8: Protecting Residential Amenity**
- **BP11: Urban Design**

- 1.4 The SPD does not have the same status as the development plan but is an important material consideration in the determination of planning applications.
- 1.5 The provisions of this SPD will be implemented primarily through the development management process and the determination of applications for betting office development. This document is intended to complement rather than duplicate other planning documents. It should be read in conjunction with the Barking and Dagenham Local Strategic Partnership's Community Strategy and the adopted Local Plan.

## **Betting offices – a definition**

- 1.6 Betting offices are designated in planning terms as use class A2 Financial and Professional Services under the Town & Country Planning Use Classes Order (1987) as amended. Betting offices also require a premises licence under the Gambling Act (2005), which is administered by the Council.
- 1.7 Under their licence terms, the definition of a betting office is that the primary activity on the premises must be betting services. Each premises is permitted to have up to four gaming machines, known as fixed odds betting terminals. Additional licences may be required for the use of other betting mediums to lay bets such as betting websites. The licence is valid for an indefinite period once granted, and can only be repealed if the proprietor breaks the terms and conditions of their licence, or fails to pay their annual fee.

## **2. Status**

- 2.1 This guidance has been put together in accordance with the National Planning Policy Framework (NPPF, 2012). The statutory Development Plan is the starting point when determining a planning application for the development or use of land. The Development Plan consists of the London Plan (2011) and the development plan documents within the London Borough of Barking and Dagenham's Local Plan.
- 2.2 This SPD provides further detail on the implementation of Local Plan policy that applicants must follow to ensure they meet the policy requirements.

## **3. Planning policy framework**

- 3.1 This Supplementary Planning Document (SPD) has been prepared by the London Borough of Barking and Dagenham to control the impact of the clustering of betting offices on the high street in the interests of the character and amenity of the borough's shopping frontages. It draws upon national and regional planning policy guidance and expands on local policies in the Local Plan.

### National Planning Policy Framework (NPPF)

- 3.2 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. It explains that there are three dimensions to sustainable development: economic, social and environmental. Whilst it is recognised that betting offices have an economic role in that they contribute to the local economy and that they in some respects have a social role in so much that betting is a popular past time it is also the case that the

clustering of betting offices can contribute to problems of anti-social behaviour and can have a negative impact on the character of the high street and local amenity. This SPD seeks to balance the negative and positive impacts of the clustering of betting offices on the social, economic and environmental dimensions of sustainable development. It therefore seeks to control clustering whilst ensuring there are still sufficient opportunities for betting offices to locate in the borough.

- 3.3 The NPPF seeks to empower local planning authorities to create thriving and safe high streets which provide local communities with a diverse offer of retail and services. Core Principle 2: *Ensuring the vitality of town centres*, of the NPPF states that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. Paragraph 23 states that Local Planning Authorities (LPAs) should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. LPAs should set out policies that make clear which uses will be permitted in such locations, and promote competitive town centres that provide a diverse retail offer which reflects the individuality of a town centre.
- 3.4 Paragraph 69 of the NPPF requires planning policies and decisions to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The clustering of betting offices has the potential to have an adverse impact on the character and amenity of town centres with a knock on impact on vitality and viability. Paragraph 157 requires local plans to identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with clear explanation.

### The London Plan

- 3.5 At the London (regional) level, the London Plan (2011) forms part of the development plan for the area.
- 3.6 London Plan Policy 2.15 on Town Centres states amongst other things that development proposals in town centres should sustain and enhance the vitality and viability of the centre and promote safe, secure and lifetime neighbourhoods.
- 3.7 London Plan Policy 4.8: *Supporting a Successful and Diverse Retail Sector* states that boroughs should support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need. Local Plans should support convenience retail and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping.

- 3.8 Paragraphs 2.2.8 to 2.2.10 of the Mayor of London's draft Supplementary Planning Guidance on Town Centres highlights that betting offices cluster in centres in less prosperous areas which can lead to a narrowing of a centre's offer, and may well put some off from visiting and shopping in them altogether – particularly because of concerns about crime and anti-social behaviour that they can give rise to. It goes on to state that there are genuine planning issues affecting amenity and the continued success of town centres which justify allowing planning authorities to consider the merits of proposals for betting offices. Betting offices are different in planning terms from the other types of use in the A2 class; they have different hours of operation from other uses covered in A2 (typically they open seven days a week for up to twelve hours a day – rather longer than the typical financial/business use), with different impacts on local amenity.

### Local Plan

- 3.9 The Core Strategy is considered the principle planning document within the Local Plan. It sets out the strategic policies which guide all planning decisions. The document shapes strategic growth in the borough. It sets a range of policies which are relevant to the issue of the clustering of betting offices.

### Core Strategy (2010)

- 3.10 Strategic Objective 7 of the Core Strategy promotes a vibrant Barking Town Centre and District Centre which offers a mix of uses including retail, leisure, culture and entertainment, housing, community facilities and food and drink and makes sure residents throughout the Borough and beyond have access to them.
- 3.11 Core Strategy policy CM1: General Principles for Development states that retail and other town centre development will be focused within the centres set out in the retail hierarchy defined in policy CM5. It goes on to say that development should meet the needs of new and existing communities.
- 3.12 Core Strategy policy CM5: Town Centre Hierarchy states that encouragement will be given to development and services that will help maintain and enhance the vitality and viability of the borough's major, district and neighbourhood centres.
- 3.13 Core Strategy policy CE1: Vibrant and Prosperous Town Centres states that all retail development in the borough should maximise opportunities to meet the needs of existing communities and to provide them with social and economic benefits.

## Borough Wide Development Policies (2011)

- 3.14 Borough Wide Development Policy BE1: Protection of Retail Uses sets out the percentage of non-retail uses that are allowed within the borough's shopping frontages within the town centre hierarchy.
- 3.15 Borough Wide Development Policy BE2: Development in Town Centres, of the Borough Wide Development Policies DPD promotes development in town centres that will bring vitality, viability and regeneration benefits. It makes clear that all development as well as meeting the requirements of BE1 must also to meet a series of design criteria including 'not to be detrimental to the visual and/or environmental character and amenity of the area' this includes reference to general disturbance.
- 3.16 Borough Wide Development Policy BE3: Retail Outside of Town Centres explains that the Council will seek to retain existing individual shops that are located outside centres in the town centre hierarchy particularly those that sell fresh food and that applications for changes of use to non-retail will normally be refused.
- 3.17 Borough Wide Development Policy BP8: Protecting Residential Amenity explains that all developments are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place.
- 3.18 Borough Wide Development Policy BP11: Urban Design states that having regard to their layout and function the design of buildings and layout of new development should protect or enhance the character and amenity of the area and to provide safe environments that reduce the fear of crime and improve crime prevention.

## **4. Consultation**

- 4.1 The consultation on this Draft SPD is in line with Barking and Dagenham's Statement of Community Involvement and runs from

**XX January 2014 to XX March 2014.**

Copies are available on the Barking and Dagenham website at <http://barking-dagenham.limehouse.co.uk/portal/>

Alternatively, you can request a copy by emailing [planningpolicy@lbbd.gov.uk](mailto:planningpolicy@lbbd.gov.uk) or writing to:

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Responses can be made online at <http://barking-dagenham.limehouse.co.uk/portal/>, sent by email to [planningpolicy@lbbd.gov.uk](mailto:planningpolicy@lbbd.gov.uk) or by post to the above address

## **5. Purpose and scope**

- 5.1 Cabinet agreed xxxxx that the permitted development right for A5, A4, and A3 uses to convert to a betting office without planning permission be withdrawn via an immediate Article 4 Direction. Cabinet agreed this was expedient so the Council could exercise more control over planning for betting offices in the interest of the proper planning of the borough's town centres. Of particular concern was that
- Clusters of betting offices have become established in Barking Town Centre and the District Centres.
  - The most significant cluster of betting offices in the borough is along Station Parade in Barking Town Centre. This has coincided with problems of anti social behaviour in the area, is detrimental to the character of the high street and local amenity and how people perceive the town centre. Two of these betting offices used permitted development rights which the proposed Article 4 Direction would remove.
  - There is potential for existing betting office clusters in Barking Town Centre and the Borough's District Centres to intensify or new ones to be formed (including in neighbourhood centres) and the issues experienced along Station Parade to be repeated. Two decisions have recently been appealed which would intensify existing clusters in Barking Town Centre and Dagenham Heathway. A third appeal was allowed on 12 December 2013 for a Paddy Power at 33 Faircross Parade within 50 metres of a Corals at 24 Faircross Parade.
- 5.2 This SPD will compliment the Direction and supplement the policies in the Local Plan by ensuring that were a betting office does need planning permission that it is not within 100 metres of an existing betting office.
- 5.3 Of the forty betting offices currently in operation, three have been through the exercise of permitted development rights. The remainder required planning permission, therefore the SPD will be useful in its own right in controlling clustering.
- 5.4 Since the Gambling Act came into force in 2007 four betting offices have closed and four betting offices have opened in the borough and additionally, as of 25 November 2013, three betting offices have been

refused and appealed. One of these betting offices, at 33 Faircross Parade, was allowed on appeal on 12 December 2013. Therefore there has been no net increase in betting offices in the borough since 2007. Nationally the number of betting offices peaked in 1968 at 15,782 and at 30 September 2012 it was 9049.<sup>1</sup> Gerald Eve LLP estimate that the number is likely to remain stable in future. However, since the Gerald Eve LLP research was published in 2012, locally four applications have been received for new betting offices. This represents 10% of the existing number of functioning betting offices.

- 5.5 The borough has 1 betting office for every 3,373 residents of 18 and above. This is the 16th highest concentration in London and ranked 2nd of the Outer East London Boroughs. VOA<sup>2</sup> data estimates that in 2012 the borough had 253,000 square metres of retail floorspace and therefore there is 1 betting office for every 6,325 square metres of retail floorspace. Barking and Dagenham has the 11th highest concentration in London and the highest concentration in Outer East London and not dissimilar to Southwark who have recently made an immediate Article 4 Direction. Had the four recently received applications for betting offices been approved Barking and Dagenham would have been ranked 10th by capita and 4th by floorspace in London. The direction of travel therefore is towards increased concentrations of betting offices, as experienced in inner London Boroughs such as Southwark and Hackney.
- 5.6 However, the issue this SPD focuses on is not the proliferation of betting offices but their clustering. Three of the four betting offices that have closed since 2007 have been in neighbourhood centres and the four betting offices that have opened have been in Barking Town Centre and the District Centres of Dagenham and Chadwell Heath and have been in close proximity to existing betting offices.
- 5.7 In Dagenham Heathway planning permission was granted for a BetFred betting office in 2007 in Unit 25 of the Mall within 20 metres of the existing William Hill betting office at 220 Heathway which was approved in 1997<sup>3</sup> <sup>4</sup>. In 2008 a Coral betting office was approved at 251-253 Heathway opposite William Hill and Bet Fred<sup>5</sup>.
- 5.8 In Barking Town Centre Paddy Power in 2011 used permitted development rights to open a betting office at 23 Station Parade opposite Corals which had also used permitted development rights to open a betting office at 24 Station Parade in 2005.

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<sup>1</sup> ABB, response to draft SPD, 2013

<sup>2</sup> VOA, May 2012 [http://www.voa.gov.uk/corporate/statisticalReleases/120517\\_CRLFloorspace.html](http://www.voa.gov.uk/corporate/statisticalReleases/120517_CRLFloorspace.html)

<sup>3</sup> Betfred Unit 25 The Mall, ref 07/01321/FUL

<sup>4</sup> William Hill 220 Heathway, ref 96/00267/TP

<sup>5</sup> Coral 251-253 Heathway, ref 08/00004/FUL

- 5.9 In Chadwell Heath District Centre Betfred used permitted development rights in 2008 to open a betting office within 50 metres of a Ladbrokes at 1-2 Tudor Parade and within 150 metres of a Paddy Power at 13-15 Station Road<sup>6 7 8</sup>.
- 5.10 The three planning applications which have been appealed include a Paddy Power at 243-245 the Heathway within 50 metres of the Corals at 251-253 the Heathway and a Paddy Power at 51 East Street Barking with 100 metres of the Ladbrokes at 29a East Street. The third appeal concerned a Paddy Power at 33 Faircross Parade within 50 metres of a Corals at 24 Faircross Parade<sup>9 10 11</sup>. This was allowed on appeal on 12 December 2013.
- 5.11 The 2009 and 2012 Barking Town Centre Retail Studies provide floorspace and outlet indices for betting offices<sup>12 13</sup>. This data shows that under both indices betting offices have increased significantly, surpassing that of Hot Food Takeaways which the Council has acted on in July 2010 when it published its planning guidance on hot food takeaways. An outlet index of 183 effectively means that there are 83% more betting offices in Barking Town Centre than the UK average. It also shows that restaurants, pubs and cafes are underrepresented.

	Floorspace Index	Outlet Index
2009	129	146
2012	140	183
Source Barking Town Centre Retail Study 2009 and 2012 update – Jones Laing Laselle/King Sturge Goad.		

- 5.12 The Council's earlier Neighbourhood Health Check in 2006 established similarly that in the Council's neighbourhood centres that betting offices were overrepresented<sup>14</sup>. It identified that betting offices were the third most common non-retail use after Hot Food Takeaways and Restaurants and Cafes constituting 3% of premises in neighbourhood parades.
- 5.14 This section of the SPD has explained that there has been a recent trend of betting offices clustering in Barking Town Centre, Dagenham Heathway and Chadwell Heath and that the planning applications received in 2013, subject of appeal, could exacerbate this. It has also

<sup>6</sup> Betfred 36 High Road, Chadwell Heath

<sup>7</sup> Ladbrokes 1-2 Tudor Parade, Chadwell Heath, ref 02/00389/FUL

<sup>8</sup> Paddy Power, 13-15 Station Road, ref 03/00865/FUL

<sup>9</sup> Paddy Power 243-245 Heathway, Dagenham, ref 13/00448/FUL

<sup>10</sup> Paddy Power 51 East Street, Barking, ref 12/00349/FUL

<sup>11</sup> Paddy Power 33 Faircross Parade, Barking, ref 13/00267/FUL, Appeal Ref: APP/Z5060/A/13/2202087

<sup>12</sup> Table 9, Barking Town Centre Retail Study Update 2009, King Sturge LLP, May 2009

<sup>13</sup> Table 9, Barking Town Centre Retail Study Update 2012, Jones Laing Laselle, February 2012

<sup>14</sup> Table 4.2, London Borough of Barking and Dagenham, Neighbourhood Health Check 2006, Atkins, January 2006

evidenced that in Barking Town Centre there are 83% more betting offices in comparison to the UK average, but that equally there is an underrepresentation of cafes and restaurants. This is substantiated by the borough having the highest ratio of betting offices to retail floorspace in Outer East London and not dissimilar to inner London Boroughs such as Southwark.

- 5.15 The recent pattern of betting offices opening and closing demonstrates that bookmakers are targeting prime retail frontages in Barking Town Centre and the District Centres. Taking into account the demolition of the vacant retail units at London Road/North Street vacant space in Barking Town Centre is 12.18%, which is below the national average<sup>15</sup>. The Barking Town Centre Retail Update Study (2012) explains that the retail core of the centre, such as, East Street and Vicarage Field have few vacancies and this area presents a better measure of the health of the centre<sup>16</sup>. It is also the case that, as at 25 November 2013, from 1- 41 Station Parade, 2-74 Station and 2-40 Longbridge Road within which the cluster of 5 betting offices; 2 Corals, 1 Paddy Power, 1 Metrobet and 1 Ladbrokes are located there was not a single vacant retail unit. Moreover there are two vacant premises with planning permission for betting offices in neighbourhood centres. These are 11 Royal Parade Dagenham and 121 Rose Lane in Marks Gate<sup>17 18</sup>.
- 5.16 The Council is concerned that the clustering of betting offices is detrimental to the character of the high street which affects all town centre uses. Members of the public are concerned about the intimidating presence of gangs outside the premises at 24 and 23 Station Parade and this is substantiated by the consultation feedback the Council received from the public and the Metropolitan Police on the first draft SPD. Both these premises were established through the permitted development rights that the proposed Article 4 Direction seeks to withdraw. Whilst the licensing regime provides some control over this issue it has a narrower remit than the planning system. Equally, whilst the anti-social behaviour and intimidation from gangs outside these premises has improved recently officers consider it is reasonable for the Council to have more control over the location of betting offices so that it can have more control over the planning of its town centres to avoid similar problems arising in the future not only in Barking Town Centre but in shopping frontages in all the borough's centres.

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<sup>15</sup> Paragraph 2.29, Barking Town Centre Retail Study Update 2012, Jones Laing Laselle, February 2012

<sup>16</sup> Paragraph 2.31, Barking Town Centre Retail Study Update 2012, Jones Laing Laselle, February 2012

<sup>17</sup> 11 Royal Parade Dagenham ref 63/00081/DAG

<sup>18</sup> 121 Rose Lane Marks Gate ref 68/00341/TP

- 5.17 The establishment of clusters of betting offices in Barking Town Centre and the District Centres is a new and worsening problem. The most significant cluster in Station Parade in Barking Town Centre has had an impact on local amenity and the Council wishes to avoid a repeat of this elsewhere. The spate of applications in 2013 for betting offices does not reassure the Council that the borough has yet reached saturation point. Nor do the experiences of boroughs such as Newham, Hackney and Southwark.
- 5.18 Therefore, the SPD compliments the Article 4 Direction in this regard by ensuring that where betting offices do need planning permission that they are not within 100 metres of one another.
- 5.19 Officers consider that a balance needs to be struck between controlling the clustering of betting offices whilst not closing off opportunities for betting offices to locate in the borough. For this reason it is proposed that a new betting office should not be permitted within 100 metres of an existing betting office. For example the three betting offices on Dagenham Heathway are within 50 metres of one another and the two Coral's, Paddy Power and Ladbrokes on Station Parade are within 100 metres of one another. A map is provided of these zones in Appendix 1 to this report and demonstrates the 100m buffer would help control clustering whilst still allowing considerable scope for betting offices to locate in the borough thereby balancing the economic, social and environmental dimensions of sustainable development.

## **6. The guidance**

### **SPD Implementation Point 1 – Controlling clustering**

**Planning permission for new betting offices will not be granted within 100 metres of an existing betting office.**

### **REASONED JUSTIFICATION**

- 6.1 This Supplementary Planning Document (SPD) complements the Council's Article 4 Direction in controlling the clustering of betting offices in the interests of the character of the borough's shopping frontages. The Council has analysed existing clusters in Barking Town Centre, Dagenham Heath, Green Lane and Chadwell Heath and considers that 100 metres is sufficient separation to avoid the negative effects of clustering which have been experienced in Barking Town Centre. The Council is keen that the problems experienced in Barking Town Centre are not repeated elsewhere in the borough and therefore would not wish existing clusters to become more intensive or for new clusters to form.

- 6.2 At the same time the Council recognises that betting offices are a popular pastime and also an important component of the local economy providing jobs and business rates. The map provided in Appendix 1 demonstrates that the 100 metre buffer provides sufficient opportunities for betting offices to locate in the borough's shopping frontages subject to satisfying the policies in the Local Plan.
- 6.3 The 100 metre distance will be applied from the mid-point on the highway of the premises for which planning permission is being sought and will take into account licensed betting offices with planning permission within and without the borough. The map provided in Appendix 1 is correct as of 25 November 2013 but when determining applications for betting offices the Council will take into account the latest information.
- 6.4 In particular this Implementation Point should be read in conjunction with Policy BE1 of the Borough Wide Development Policies DPD which must also be complied with.

## **7. Strategic working**

### Council's Licensing Authority

- 7.1 Whilst this guidance will help restrict opportunities for new betting offices to establish themselves in the borough the reality is that many of Barking and Dagenham's centres already have notable concentrations of betting offices. Therefore, the Council and the Trading Standards and Licensing team will look closely at existing licensed premises, and work closely with the Gambling Commission to ensure any breach of licence conditions is fully investigated and appropriate remedial action is taken.
- 7.2 In cases where there is evidence to suggest that gambling at one of the premises is a source of crime and disorder, or that the premises is associated or used to support crime and disorder, the Council will seek to use its powers as the licensing authority under the Gambling Act (2005) to revoke the licence. Equally if there is evidence to suggest that the betting office is failing to meet any other of its licensing objectives the Council will seek to revoke the licence. Other breaches (in addition to failing to pay the licence fee) which can justify the revocation of a premises' licence under the Gambling Act (2005) include:
- Children and other vulnerable people are being harmed or exploited by gambling
  - Gambling is not being conducted in a fair and open way
- 7.3 The Council's Licensing Authority will ensure that current licenced betting offices provide better access to information about the issues

on gambling, debt and the services available to assist and support those with gambling addiction.

## **8. Monitoring, Implementation and Review**

### Monitoring

- 8.1 Preparation of Local Plan documents is not a once and for all activity. It is essential to check that the SPD is being implemented correctly, that the desired outcomes are being achieved and if not, what corrective action needs to be under taken.
- 8.2 This will be done through a regular process of monitoring in partnership with the Council's Licensing and Trading Standards and Development Management teams, the success of the SPD and its policies against a set of indicators and targets in the Annual Monitoring Report.
- 8.3 Such indicators may include:
- The total number and concentration of betting offices in the borough
  - The attractiveness and diversity of the borough's high street offer in Town Centre Health Checks and Retail Study updates
  - Success at appeal

### Implementation

- 8.4 The SPD will be primarily implemented through the development management process and the determination of planning applications. The SPD does not have the status of the development plan, but it will be an important material consideration in determining planning applications.

### Review

- 8.5 The Council's Annual Monitoring Report will highlight any issues that may need a review.
- 8.6 Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Development Framework, may also prompt the need for further reviews.

Figure 1 – Clustering control zones

