

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

**Application No :** 13/04036/VAR

**Ward:**  
**Bromley Town**

**Address :** 61 High Street Bromley BR1 1JY

**OS Grid Ref:** E: 540353 N: 168908

**Applicant :** Done Brothers (Cash Betting) Ltd

**Objections : NO**

**Description of Development:**

Variation of condition 2 and condition 4 of permission reference 11/02648/FULL2 to allow unrestricted A2 use and to amend opening hours.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Bromley Town Centre Area  
Local Cycle Network  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Secondary Shopping Frontage

**Proposal**

This proposal seeks the variation of condition 2 and condition 4 of permission ref. 11/02648 to allow unrestricted A2 use, for use by a Betting Shop operator and to amend opening hours in connection with the proposed use.

The proposed opening hours are 0800 to 2200 Monday to Saturday and 0900 to 2200 hours Sundays and Bank Holidays.

**Location**

The site is located on the east side of High Street, Bromley and falls within primary retail frontage of Bromley Town Centre as designated in the Bromley Area Action Plan (adopted October 2010).

**Comments from Local Residents**

Nearby owners/occupiers were notified of the application and no representations were received at the time of writing the report.

## Comments from Consultees

Policy comments include the following:

By relaxing condition 2 there is a concern that this section of the high street could lead to an over concentration of similar uses which has started to occur around the northern section of the high street with four Betting Shops at the following locations:

- 179 High St - William Hill
- 1 Market Square - Jenningsbet
- 18 Market Square - Betfred
- 5 Widmore Road - Ladbrookes

It could also be argued that this section of the high street (referred to above) lends itself to Betting Shops because of the evening uses it attracts from the many restaurants and pubs in surrounding streets; East Street, Widmore Road, High Street and Market Square.

The Draft Alterations to the London Plan state at para 4.50a "over concentrations of betting shops and hot food takeaways can give rise to particular concerns. See Policy 4.8 in the Town Centres SPG".

The Town Centre Draft SPG (January 2013) para 2.2.8 states "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 vitality and viability of town centres and for protecting amenity and safety". Para 2.2.10 goes on to state "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 shops. Betting shops 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. It is recognised that the planning system can only be used to secure land use objectives. It is also recognised that there are current limitations in the ability of boroughs to control betting shops by virtue of their A2 use classification. The Mayor has written to the Secretary of State on this issue which will be considered in the context of the current review of the Use Classes Order".

By relaxing condition 2 and allowing the opening of a betting shop as opposed to a financial service could adversely impact the vitality & viability of this section of primary frontage. Furthermore, it could also compromise the ability of the Council to resist ever greater concentrations of future betting shops and could also impede the Council's longer term growth to attract retail and financial uses to the high street.

Whilst the agent has stated the current unit is vacant it has not been stated for how long. The unit could be best occupied by a retail or financial service. The previous tenant SRC Transatlantic given its particular financial operation, proposed opening

hours and retention of a shop window was considered acceptable as it complemented the shopping function of the town centre and generated pedestrian visits during shopping hours.

### **Planning Considerations**

The application falls to be determined in accordance with the NPPF, the London Plan and the following policies of the Unitary Development Plan

S1 Primary Frontages  
S10 Non-retail Uses in Shopping Areas  
Bromley Area Action Plan

### **Planning History**

The most relevant planning history of the site includes planning permission ref. 11/02648 for the change of use of ground floor and basement from A1 (retail) to A2 use (financial and professional services); this was subject to Conditions, including

Condition 2

The premises shall be used for financial services only and for no other purpose (including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

and Condition 4

The use shall not operate before 7am and after 7pm Mondays to Fridays, not before 9am and after 6pm on Saturdays and not before 11am and after 4pm on Sundays and Bank Holidays.

which this current application seeks to vary.

### **Conclusions**

The main issues relating to the application are the effect that it would have on the retail character of the Town Centre and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The unit is situated along a primary retail frontage where the Council will permit changes of use from retail (Class A1) to other uses provided that the use would not harm the retail character of the shopping frontage; would generate significant pedestrian visits during shopping hours; would complement the shopping function of the town centre; does not create a concentration of similar uses and there is no adverse impact on residential amenities.

The supporting statement advises that permission is sought to allow the unit to be occupied for unrestricted financial and professional service use (A2) to enable the occupation of the unit by A2 betting shop operator, Betfred.

The supporting statement advises that the proposed use will positively contribute to the evening economy in town centres and to enable occupation by Betfred longer opening hours are sought, hence the application to vary Condition 4 relating to hours (see above for proposed hours). It also states that the application is within a pedestrian area of the town centre and a review of the Council Tax information for the same postcode area reveals there are no residential properties within the immediate vicinity and as such the extended opening hours will not have an adverse impact on residential amenity. The statement surmises that the proposed variation would not result in any harm to the vibrancy, diversity of uses or retail function of the town centre primary retail frontage and that the nature of the proposed occupier will increase footfall and vibrancy compared to the permitted financial services use, and will contribute to the evening economy.

The statement advises that the proposal will not create a concentration of similar uses over and above the existing situation.

For information, the site does not fall within the pedestrianized area of the Town Centre; there appear to be limited nearby residential units.

Prior to the adoption of the AAP (October 2010) this part of the high street was designated as Secondary Shopping Frontage and therefore further towards Bromley South Station there are a number of A2 uses (mix of financial, estate agents, betting shops). The most southern part of the high street remains as secondary frontage whilst the application site is now in Primary frontage. Applications to change the use of retail to A2 include refs. 10/01982 and 11/01547 (which are located further to the north along the high street). Immediately adjacent at No. 63 is an amusement centre (sui generis) which received planning permission in 1993 (ref. 93/02592). No. 63 also has a planning permission for a change of use to a licensed bingo hall (D2) (ref. 09/01297) which was granted in September 2009.

Policy comments note that whilst a betting shop is likely to generate a high level of pedestrian activity during the day time hours it seems unlikely the same can be true of the evening hours, which is proposed to be extended by 3hrs each week day evening, 4hrs on Saturday and 6hrs on Sundays compared to the previous occupier. And by relaxing condition 2 there is a concern that this section of the high street could lead to an over concentration of similar uses (see above). Policy comments raise concern that by relaxing condition 2 and allowing the opening of a betting shop as opposed to a financial service it could adversely impact the vitality & viability of this section of primary frontage. Furthermore, it could also compromise the ability of the Council to resist ever greater concentrations of future betting shops and could also impede the Council's longer term growth to attract retail and financial uses to the high street.

Changes to permitted development (pd) rights in May 2013 which allow betting shops to be opened in almost every type of high street premise without requiring

planning permission for two years are noted. However, given the planning condition the pd rights are not applicable to this application but even in the light of this legislation, on balance, given the considerations discussed above it is considered that to relax conditions 2 and 4 of planning application ref. 11/02648 would lead to an unacceptable use during evening hours and could undermine the success of the town centre in the longer term.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Having had regard to the above it was considered that the proposed variation of conditions 2 and 4 are not acceptable in that it would lead to an unacceptable use during evening hours and could undermine the success of the town centre in the longer term.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

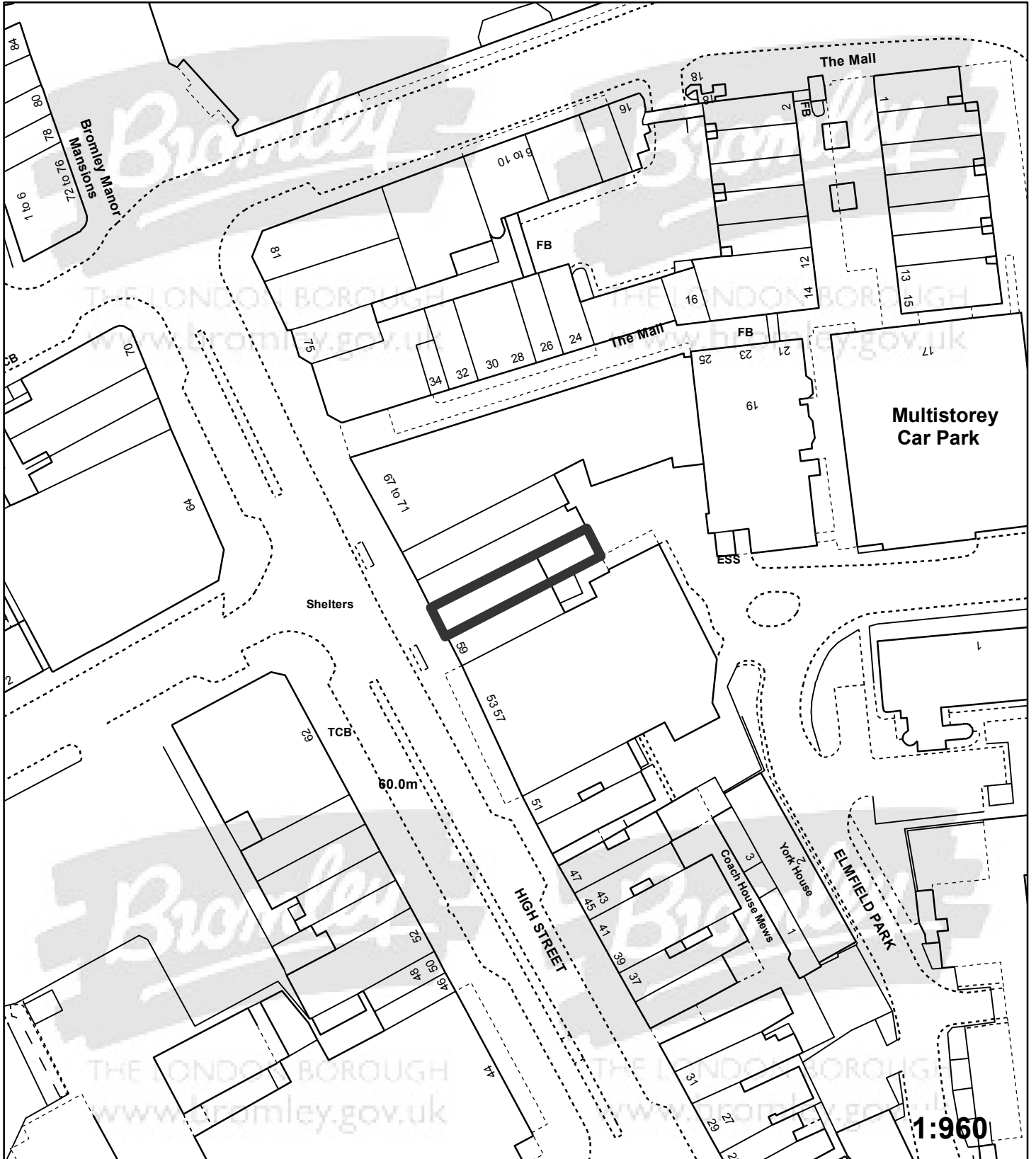
The reasons for refusal are:

- 1 The proposal to vary condition 2 in order to allow the opening of a betting shop as opposed to a financial service, could adversely impact the vitality & viability of this section of primary frontage. Additionally it could compromise the ability of the Council to resist ever greater concentrations of future betting shops and could also impede the Council's longer term growth to attract retail and financial uses to the high street and is therefore contrary to Policy S1 of the Unitary Development Plan.
- 2 The proposal to vary conditions 4 would lead to an unacceptable use during evening hours and could undermine the success of the town centre in the longer term thereby contrary to Policy S1 of the Unitary Development Plan.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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