

# Statement of Common Ground with LB Haringey Council



## Introduction

- 1.1. In advance of the Examination in Public sessions (EiP) on the 25<sup>th</sup> August 2016, we are seeking to agree matters in dispute relating to Haringey's Local Plan: Development Management DPD with LB Haringey Council. This Statement of Common (and uncommon) Ground is prepared between Planning Potential and the London Borough of Haringey and sets out agreed matters and matters in dispute.
- 1.2. In Spring 2016, Knights Solicitors wrote on behalf of our client, Power Leisure Bookmakers Ltd, to make representations on the Pre-Submission Version of the Haringey Local Plan: Development Management DPD.
- 1.3. Our comments concern the provisions of Policies 'DM42, DM43 and DM46' and in particular our comments relate to the parts of the policy relating to betting shops.

## Comments

- 1.4. It is clear that since betting shops are now considered under Sui Generis use, betting shop uses are not even considered appropriate in primary shopping frontages of both Town and District Centres in Haringey under Policy DM42. There is no reasonable explanation as to why this is the case. It is not clear if this is the intention of the policy wording, or whether betting shops have simply fallen off the policy due to changes to the Use Class Order. If this exclusion is the intention of the policy wording then this approach is clearly contrary to the spirit and aspirations of the NPPF.
- 1.5. Policies DM42 and DM43 both contain thresholds (35% and 50% respectively) which are supposedly supported by the Council's Retail and Town Centres Study (2013 – note this was published prior to Betting Shop Use Class change). However, the Study actually states that there is no requirement to control the amount and location of Class A2 and A5 uses through new planning policies. It is therefore unclear why the Council have adopted these thresholds.
- 1.6. Policy DM46 states that the total number of betting shops (including extant permissions) will not exceed 5% of the units within a town or local centre. The Council have not produced any evidence to show that 5% is a level of saturation or over-concentration for a town centre (in line with the aspirations of the London Plan).
- 1.7. There does not seem to be a clear link between health outcomes and the proximity to betting shops. The Council's evidence suggests that there isn't enough empirical evidence to support particular thresholds being formulated for betting shops on the grounds of health, so it is unclear why the Council have put forward a 5% threshold figure for betting shop uses under Policy DM46.

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## Summary

- 1.8. In our view, there seems to be a disparity between the Council's evidence base and their justification for formulating a number of threshold policies. It also seems unreasonable to exclude appropriate town centre uses (such as betting shops uses) from Haringey's primary frontages within town and district centres which no reasoned justification.
- 1.9. The London Plan (Policy 4.6 and the supporting Town Centres SPD) states that the policies controlling clustering / concentration of particular uses should only be introduced where the position has reached saturation point. The Council have not presented any robust evidence that the position has reached saturation point and therefore it is considered that the draft policy conflicts with the London Plan.
- 1.10. The overly onerous approach taken by the Council in relation to betting shops is not compliant with the spirit and aspirations of the NPPF.
- 1.11. 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 thresholds as a starting point for all new applications that are not based on a robust and credible evidence base or even in line with the recommendations in that evidence base is wholly unsubstantiated and does not allow officers/members to make objective decisions.
- 1.12. The policy should be re-worded, or as a minimum, significantly loosened to allow healthy competition between betting shops. Greenwich Council's betting shop policy provides a good example of a 'model policy' that is appropriate and compliant with the aspirations of both regions and local policy. The policy states:  
  
*"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 need to avoid over-concentration and saturation of this particular type of use".*
- 1.13. We suggest that Haringey consider the points raised within this representation and adopt the model policy text rather than the current text. On adoption of the model policy, and changes made to the paragraphs identified, we would then consider the Plan 'sound'