



Planning & Development Ltd

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PLANNING STATEMENT CHANGE OF USE FROM BETTING SHOP (SUI GENERIS) TO ADULT GAMING CENTRE (SUI GENERIS)

**144 HIGH ROAD
WOOD GREEN
LONDON
N22 6EB**

Site: 144 High Road, Wood Green, London, N22 6EB

Client: Chongie Entertainment Ltd

Date: December 2022

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SECTION 1: INTRODUCTION

- 1.1 This Statement is submitted to the London Borough of Haringey (*'the Council'*) on behalf of Chongie Entertainment Ltd in respect to the change of use of 144 High Road, Wood Green, London, N22 6EB (*"the site"*) from use as betting shop (*sui generis*) to adult gaming centre (*sui generis*). The application relates to the change of use of the site only. All other matters, including those relating to advertisements will be the subject of further applications.
- 1.2 The application site is currently occupied by Jennings, who are set to vacate their lease shortly. The lawful use at the application site is as a betting shop (bookmakers) (*sui generis* use).
- 1.3 This Statement provides a site description, an overview of the planning history of the site and assesses the application proposals against relevant planning policy and other material considerations. This Statement concludes that the proposed application is entirely acceptable and that planning permission should be granted accordingly.
- 1.4 Chongie Entertainment Limited is a new entrant in the adult gaming centre (AGC) UK market. The Company operates to the highest standards and is fully aware of its social responsibilities in respect to issues associated with gambling which it takes very seriously. The application seeks to maintain a beneficial use within a popular unit for 24 hour trading, allowing activity within the Wood Green Metropolitan Centre outside of normal trading hours and will increase the vitality and viability of the centre along with the creation of up to eight new jobs.

SECTION 2: THE APPLICATION SITE AND SURROUNDINGS

- 2.1 The application site is located on the eastern side of Green Lane (A1205) some 200m south of Wood Green Underground Station (Piccadilly line). The site comprises a ground floor unit with what is believed to be two floors of residential flats above. The unit sits within a parade of shops with retailers in the immediate vicinity including Foxtons (Use Class E), Kokoro (Use Class E), Ellas Café (Use Class E), and Mobile World (Use Class E).
- 2.2 The application site is located within the Secondary Frontage of Wood Green Metropolitan Centre and has a Public Transport Accessibility Level (PTAL) of 6a. The site is, therefore, in a highly accessible location.
- 2.3 Wood Green is designated as a Metropolitan Centre within the London Plan and is the highest order and largest shopping centre within the London Borough of Haringey.
- 2.4 The site is located within Flood Zone 1.
- 2.5 The site is not located within a Conservation Area. Neither is the application site a Listed or Locally Listed Building.

SECTION 3: PLANNING HISTORY

- 3.1 A review of the application site's planning history has been undertaken using the Council's online planning system. The planning history of the property is not of particular relevance to the proposal, but is detailed below.

Application Number	Proposal	Decision	Date
HGY/1989/0943	Display of illuminated fascia sign and illuminated projecting box sign.	Granted	09/10/1989
HGY/1990/0728	Installation of a new shop front	Granted	13/07/1990
HGY/2004/1675	Erection of 2 storey rear extension above existing shop unit to form 2 x 2 bed units with access from Gladstone Mews.	Refused	08/09/2004
HGY/2007/2554	Change of use from A1 (retail) to A2 (financial / professional services) and installation of new shopfront.	Granted	30/01/2008

- 3.2 The planning history of the site does not give any reason as to why the proposal should not be approved.

SECTION 4: APPLICATION PROPOSAL

- 4.1 The application seeks the change of use of the ground floor of 144 High Road, Wood Green, N22 6EB from the existing unit, currently operating as Jennings Bookmakers (sui generis use) to an Adult Gaming Centre (AGC) (sui generis). The unit will operate under the “*Little Vegas*” fascia.
- 4.2 The proposed AGC would extend to some 82 sqm at ground floor only. A level access from High Road is proposed with the majority of the floor area given over to customer space with a staff area and unisex accessible WC to the rear.
- 4.3 No external or physical works are proposed as part of the scheme, with the existing level access to be retained as part of the proposal. No net increase of the existing floorspace is proposed. Issues relating to advertisement consent are to be the subject of a separate application.
- 4.4 The proposed use will provide an active frontage, and subsequently natural surveillance. The proposed AGC use will operate 24/7.
- 4.5 The existing shopfront is to be retained for the proposed shopfront design retaining an active frontage in line with the approach by the applicant to its forthcoming AGCs in order to ensure that it is inviting to customers and to assist natural surveillance.

SECTION 5: PLANNING ASSESSMENT

5.1 This Section of the supporting Application Statement assesses the proposed development against the Statutory Development Plan and relevant material considerations in respect to the key planning issues associated with the development proposal.

5.2 In the first instance it should be noted that the Government now favours a diversity of use in town centre locations with Class E permitted development rights allowing for use, or part use, for all or any of the following purposes:

- *E(a) Display or retail sale of goods, other than hot food*
- *E(b) Sale of food and drink for consumption (mostly) on the premises*
- *E(c) Provision of:*
 - *E(c)(i) Financial services,*
 - *E(c)(ii) Professional services (other than health or medical services), or*
 - *E(c)(iii) Other appropriate services in a commercial, business or service locality*
- *E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)*
- *E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)*
- *E(f) Creche, day nursery or day centre (not including a residential use)*
- *E(g) Uses which can be carried out in a residential area without detriment to its amenity:*
 - *E(g)(i) Offices to carry out any operational or administrative functions,*
 - *E(g)(ii) Research and development of products or processes*
 - *E(g)(iii) Industrial processes*

5.3 The impact of this change in legislation brought about by the long-term decline in traditional high street retailing, which has been amplified by the Covid-19 pandemic, is that it essentially negates town centre development plan policy on change of use and primary and secondary shopping frontages, allowing all sorts of uses to be deemed acceptable in a town centre location without restriction. The Government now actively promotes an approach of encouraging any use that increases footfall to a centre, so much so that even office uses are permitted development at ground floor retail sites and primary/secondary frontages have little concrete meaning in planning policy terms. Similarly, residential uses are also permitted

in town centre locations under permitted development rights. For example, the insertion of Class MA in Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021, gives no consideration to the impact on the preservation of traditional retail use and which requires only three months of vacancy. The effect of the above and the direction of travel of national planning policy guidance now outweigh adopted development plan guidance on town centre use. Frontage thresholds with regard to the protection of former A1 uses therefore have little to no relevance.

- 5.4 Notwithstanding, the Council's adopted local plan is addressed below.

Principle of the Proposed Change of Use

- 5.5 On the adopted Development Plan Proposals Map, the application site is located within the Wood Green Major Metropolitan Centre, forming part of the Secondary Shopping Frontage. The site is located outside of the Wood Green Primary Shopping Area and Growth Area.
- 5.6 The application proposal seeks to maintain the use of a key retail unit within Wood Green District Centre.
- 5.7 The introduction of the proposed AGC will result in a number of benefits including bringing high levels of footfall, linked trips and the creation of up to eight jobs. The new use will complement the surrounding shops and other commercial premises and will assist in diversifying the centre's offer, in accordance with adopted planning policy and draft Wood Green Area Action Plan Policy WG10, which lends support to development which creates managed leisure and other uses which increase activity and safety in Wood Green town centre during the evening hours.
- 5.8 The proposed central location of the application site accords with national planning guidance as set out at paragraph 86 of the NPPF. The adopted London Plan policy confirms that Wood Green is designated as an Intensification Area and Metropolitan Town Centre.
- 5.9 London Plan Policy SD6 (Town Centres and High Streets) confirms that development proposals should promote and enhance the vitality and viability of the centre, accommodate economic growth through intensification and selective expansion in appropriate locations, support and

enhance the competitiveness, quality and diversity of town centre retail, leisure, employment, arts and culture, other consumer services and public services, and be in scale with the centre and contribute to an enhanced environment.

5.10 At the local level, Policy SP10 (Town Centres) confirms that the Council will promote and encourage development of retail, office, community, leisure, entertainment facilities, recreation uses, arts and cultural activities within its town centres according to the Borough's town centre hierarchy. The policy confirms that development proposals which foster a diverse evening and night-time economy in Wood Green will be supported provided that measures are in place to address issues such as community safety, policing, litter and the potential impact of noise and disturbance to local people.

5.11 As such, the location of the application site within the Wood Green Metropolitan Town Centre is entirely appropriate and is precisely where such new uses, such as an AGC, should be located. Simply put, within LB Haringey there is no more appropriate location for such a use than within Wood Green Town Centre.

5.12 In terms of the key adopted Development Management policies, Policy DM41 (New Town Centre Development) states the proposals for new retail, leisure and cultural uses within Metropolitan and District Town Centres and Local Centres will be supported where they:

- (a) Are consistent with the size, role and function of the centre and its catchment;
- (b) Sustain and enhance the vitality and viability of the town centre network; and
- (c) Contribute to the delivery of Haringey spatial strategy.

5.13 In respect of this policy the application proposes a change of use only. The unit is clearly appropriate and consistent with the size, role and function of Wood Green which is a Metropolitan Centre and is the largest and highest order centre in the Borough. In addition, the proposal will sustain and enhance the vitality and viability of the town centre network by maintaining an active unit within the Centre, bringing additional footfall and linked trips.

5.14 The contribution the proposal will make to the viability and vitality of Wood Green is perhaps most apparent through the recent appeal decision (PINS Ref: APP/J2373/W/18/3196247) which considered whether the proposed change of use from a retail use to an amusement centre (AGC) would have an impact on the vitality and viability of Blackpool Town Centre. Here, the Inspector concluded that the proposal would fall within the definition of a main town centre use as set out within Annex 2 of the NPPF and would contribute towards the vitality and viability of the centre.

5.15 Policy DM42 (Primary and Secondary Shopping Frontages) suggests that within Secondary Shopping Frontages the use of ground floor units for appropriate town centre uses will be permitted where:

- a) The overall number of units in non-retail use (including extant planning permissions) will not exceed 50% across the entire frontage, unless it can be demonstrated the proposal will significantly enhance the vitality and viability of the centre; and
- b) An active frontage is provided, or if this is not possible, a window display or other appropriate town centre frontage.

5.16 Firstly, the proposal will satisfy criteria (b) of Policy DM42 by providing an active frontage, and subsequently natural surveillance. Furthermore, a site visit carried out 26 October 2022 confirmed that the proposal will align with criteria (a) listed above. The relevant frontage comprises 1-14 Portman House - 162 High Road. The 14 units which make up the frontage are confirmed as:

Number	Use	Use Class (Former)	Use Class (Current)
1-14 Portman House	Bank	A2	Class E
136 High Road	Beauty Salon	A1	Class E
138 High Road	Chinese Restaurant	A3	Class E
140 High Road	Dessert Parlour	A3	Class E
142 High Road	Beauty Salon	A1	Class E
144 High Road	Betting Shop	Sui Generis	Sui Generis
146 High Road	Café / Restaurant	A3	Class E

Number	Use	Use Class (Former)	Use Class (Current)
148 High Road	Café	A3	Class E
150 High Road	Phone Shop	A1	Class E
152 High Road	Hot Food Takeaway	A5	Class E
154 High Road	Phone Shop	A1	Sui Generis
156 – 158 High Road	Estate Agents	A2	Class E
160 High Road	Café	A3	Class E
162 High Road	Café	A3	Class E

5.17 Notwithstanding the above, it should be noted that the application proposal provides no change to the overall balance of mixes within the parade. In other words, the planning application simply swaps one sui generis use for another. In this respect and notwithstanding that the parade is already in compliance with criteria (b) of Policy DM42, the proposal would have not effect in any event for the reasons set out above. Critically, the application proposal results in no loss of a Class E retail use. As such, the policy is wholly in accordance with the Council's policy and guidance in respect to primary and secondary shopping frontages.

Residential Amenity

5.18 Fundamentally, the application proposes the change of use of an existing commercial unit. No increase in the size of the unit is proposed. Furthermore, it is considered that an AGC is a more respectful use than the current bookmakers use on site in connection with noise. The applicant is conscious of the issue of noise and always strives to be a good neighbour, being respectful of surrounding residents.

5.19 The application site is located below residential flats. As such, the potential impacts from noise upon the amenity of these residents have been considered as part of the proposal. It is important to note that the Jennings bookmakers on site has operated successfully for several years without objection from nearby residential occupiers.

5.20 Indeed, the operation is very similar to what is proposed insofar as the presence of electronic gaming machines and a similar target demographic. All machines will be volume adjustable and can be set to levels so as to be inaudible outside the property. Furthermore, the

management of the operation will follow procedures to ensure that patrons of the proposed venue behave in an orderly manner, including entering and leaving quietly.

- 5.21 The application is submitted with a Noise Impact Assessment prepared by KP Acoustics. This has reviewed the impact of the application proposal in respect to potential impacts on neighbouring properties. The supporting Noise Impact Assessment finds that the proposed 24-hour AGC use of the application site will not give rise to any unacceptable harms in respect to residential amenity.
- 5.22 In an appeal (PINS Ref: APP/P1045/W/19/3228235) regarding the change of use of 1 Union Street, Ashbourne, Derbyshire, DE6 1FG for use on the ground as an adult gaming centre the Inspector considered that there was no evidence that the proposal would result in unacceptable effects on the residential amenity of neighbouring occupants, including a residential flat above the appeal site. The inspector noted as well that *“Given the central location of the appeal proposal it is not unreasonable for adjacent residents to expect a certain degree of noise and disturbance from traffic and neighbouring commercial uses, including the comings and goings of customers visiting business premises akin to the proposed use”* (paragraph 9).
- 5.23 The licensing regime runs alongside planning and will ensure further control of the premises through the requirement to hold a Gambling Premises Licence to operate at the proposed later hours. The Gambling Premises Licence is an ongoing regulatory tool. At any time, the licence can be made the subject of an application for review, as a result of which the conditions can be changed, or the licence revoked. It follows that licensing is a flexible and responsive regulatory tool and any sustained or serious objection can be tackled by way of a review of the licence. At all times, and regardless of any controls of the LPA, the Licensing Authority therefore has many methods of recourse, if the operation of the application site failed to respect the amenities of the local area, including ultimately revoking the Licence.
- 5.24 The night-time use would be low key with few customers and will offer a facility for night workers and shift workers, generating employment and natural surveillance. In the appeal decision from October 2019 for a change of use to an adult gaming centre in Hull (ref. 3233244) the Inspector in allowing the appeal confirmed the 24-hour operation was *‘not unacceptable with its District Centre location’*. The central and commercial nature of the site

makes it an acceptable location for a 24-hour use. Taking the above into account, the proposal is not considered to have any detrimental impact upon the amenities of neighbouring occupiers with regard to noise or nuisance. Furthermore, any issues could be offset by the generation of night-time employment and natural surveillance which will assist in managing external issues such as crime.

- 5.25 Overall, it is considered that the proposal has an acceptable relationship with the neighbouring properties and within the site itself.

Principle of the Proposed AGC, Including Proximity to Existing Betting Offices

- 5.26 The Applicant is aware of Policy DM46 (Betting Shops) within the adopted Plan. Policy DM46 (Betting Shops) confirms that proposals for betting shops will only be permitted where they are appropriately located within, inter alia, the Metropolitan Town Centre and that proposals for new betting shops will be assessed against their impact on town centre vitality and viability having regard to the number of existing betting shops in the centre and the need to avoid overconcentration and saturation of this particular type of use.

5.27

- 5.28 It is important to recognise that there are fundamental differences between AGC use and licensed betting offices (“LBOs”) which mean it is inappropriate to conflate the two. Therefore it is noted that Policy DM46 (Betting Shops) is not applicable to the application proposal.

- 5.29 These differences can be summarised as follows:

- By law, AGCs are not permitted to offer category B2 gaming machines. The only types of unit that are permitted to offer these are casinos and licensed betting offices (“LBOs”). LBOs are limited to providing a maximum of four B2 machines, hence betting shop operators seek to operate many units, often near one another, leading to clustering;
- Chongie AGCs offer the customer a much wider range of products ranging from as little as 10p in stake and a choice of ‘softer game profiles’; and

- LBOs and AGCs are generally very different environments. LBOs generally adopt a less inviting and supportive space for customers who can place a bet or play machines. Their staff are generally located behind a screen or desk and have little interaction with customers. AGCs have historically played an important community role, focusing on customer service, with staff circulating the shop floor, and speaking to, helping and getting to know customers. Supervision and customer interaction are constant, and customers are generally known to staff.

5.30 In respect to the proliferation of AGC uses in the vicinity Wood Green by its nature, as the pre-eminent centre within the Borough, is going to have a number of AGC uses. As Inspectors have found in the appeal decisions set out in the preceding Section, particularly in respect of Hull (where three AGCs in a District Centre was considered acceptable), having AGCs in proximity to the site is not going to give rise to consideration of an over proliferation of such uses. There is a significant separation between the application site and other AGCs within Wood Green, which includes a number of retail uses. As such, any concerns over proliferation of AGCs in this part of Wood Green is not considered to be the case.

5.31 As a Metropolitan Centre, i.e. one of the largest centres in London, below the level of International Centre, one would expect a number of similar uses. In this respect, whilst there are five main similar uses in the Wood Green Centre as a whole, these are all located at the southern end of Wood Green High Road, and equate to only 1.5% of the total number of units (337) (based on the 2013 Retail and Town Centres Study). As such, there should be no concerns over a proliferation of such uses.

5.32 Meanwhile, on the matter of the change of use from the betting shop to an AGC, and the impact of that on a town centre, a recent Appeal decision at 568A Roman Road provides useful insight (PINS ref: APP/E5900/W/20/3263732). The Appeal decision, at paragraphs 5-8 deals with the question as to whether or not the change of use of one gaming-related Sui Generis use to another-gaming related Sui Generis use actually gives rise to any policy concerns and the Inspector's decision shows that significant weight must be given to the fact that the site is already in existing gaming use (as is the case with the Appeal site). The Inspector comments that any perceived risk associated with social issues resulting from the AGC is not relevant as the risk already exists given the current use: *"the proposal would be replacing one unsupported use by another rather than resulting in the creation of an additional unsupported use"*.

Potential Anti-Social Behaviour

- 5.33 Chongie strictly adheres to a Responsible Gaming Code, which ensures that it can operate responsibly within any of the communities it operates in. This is submitted as part of the submitted planning application. This code includes:
- (i) Recognising that prevention is the best form of player protection;
 - (ii) Protecting children and minors;
 - (iii) Encouraging responsible communication;
 - (iv) Reinforcing the need for player responsibility;
 - (v) Employing professional staff;
 - (vi) Keeping players informed;
 - (vii) Guaranteeing fair gaming; and
 - (viii) Working with experienced partners.
- 5.34 The Chongie Entertainment Limited responsible gaming policy (September 2020) confirms that the Company recognises the importance of social, responsible gambling and regularly reviews its policies and procedures and their effectiveness to those that partake in gambling activities. The company is required to meet responsibilities and guidance outlined by the Gambling Act 2005 and the Social Responsibility Code provisions of the Gambling Commissions license conditions and code of practice (LCCP). The Company is legally obligated to follow the requirements specified in the Gambling Act 2005 and the LCCP as issued by the Gambling Commission. Compliance with these would be a condition of any AGC operating license.
- 5.35 The Company operates self-exclusion and takes reasonable steps to ensure that any customers on the self-exclusion register are prevented from using their existing account or opening a new account. The company operates a '*time out*' facility for those who want to take a short break and within the unit. Posters and leaflets will be clearly displayed of key organisations which can help anybody with gambling problems.
- 5.36 Chongie implements an age verification policy to prevent children and young people from entering the premises and operates a Challenge 21/Challenge 25 (as appropriate) on its sites.

5.37 In addition, Chongie Entertainment Limited makes a contribution to problem gambling charities on an annual basis which supports research into the prevention treatment of problem gambling, for visitors to learn how to gamble safely and the identification and treatment of problem gamblers.

5.38 One key point which is reiterated in through multiple appeal decisions is that matters relating to gambling and social responsibility issues are not for the planning system to determine, rather these are the subject of a separate licensing regime. This is perhaps most clearly set out in the appeal dated 9 May 2018 (PINS Ref: APP/T5150/W/17/3189944) where the Inspector dismissed any connection between AGCs and social concerns such as gambling, alcohol abuse and mental health effects noting at paragraph 26 and 30 that:

“Moreover, if such general social concerns about harmful effects and alleged links between gambling, alcohol abuse and mental health disorders were accepted as a sound basis for rejecting planning for such uses, it is unlikely that planning permission would be given for any betting shops or AGCs or indeed other types of premises, such as pawnbrokers/payday lenders, off-licences, public houses or takeaways.”

“Moreover, vulnerable persons in the area would, whether the proposal was approved or not, still have access to betting shops, off-licences, public houses, pay-day lenders and pawnbrokers as they would in many high streets across London and the country”.

Job Creation

5.39 The application will provide eight jobs, comprising two full time and six part time positions. These jobs would suit local people and the Company seeks to employ from the local area wherever possible. This is a further economic benefit of the proposed application.

Parking

5.40 In respect to parking and access issues , the appeal site is in a highly sustainable town centre location benefiting from direct access to a wide range of transport modes. It is within close proximity of Wood Green Underground Station and has a dedicated bus stop on the adjoining High Street, directly in front of the unit. Consequently, the site benefits from a high Public Accessibility Transport Level (“PTAL”) rating of 6a.

- 5.41 AGC customers generally travel by public transport or by foot to its sites. Hence the location proposed is an ideal location for an AGC. Dedicated car parking is not provided at AGC units as they are predominantly located in High Street locations. Consequently, it is not anticipated that the development will give rise to the need to provide car parking.

Flooding Issues and Sustainable Drainage

- 5.42 The application site is located within Flood Zone 1, an area not at risk of flooding.

SECTION 6: SUMMARY

- 6.1 This Statement is submitted to the London Borough of Haringey on behalf of Chongie Entertainment Ltd in respect to the change of use of 144 High Road, Wood Green, London, N22 6EB from use as betting shop (sui generis) to adult gaming centre (sui generis). The application relates to the change of use of the site only. All other matters, including those relating to advertisements will be the subject of further applications.
- 6.2 The application site is currently occupied by Jennings who are set to vacate their lease shortly. The lawful use at the application site is as a betting shop (bookmakers) (sui generis use). This application will extinguish this use.
- 6.3 Chongie Entertainment Limited is a new entrant in the adult gaming centre (AGC) UK market. The Company operates to the highest standards and is fully aware of its social responsibilities in respect to issues associated with gambling which it takes very seriously. The application seeks to maintain a beneficial use within a popular unit for 24 hour trading, allowing activity within the Wood Green Metropolitan Centre outside of normal trading hours and will increase the vitality and viability of the centre along with the creation of up to eight new jobs.
- 6.4 This Statement has referenced a number of appeal decisions which detail how relevant matters in respect to AGCs should be considered. The appeals confirm that matters relating to concerns over gambling and the proliferation of gambling outlets, is not for the planning system to consider, but rather are the subject of the licensing regime. It is also confirmed that AGCs are an appropriate town centre use which contributes to the vitality and viability of an existing centre.
- 6.5 Wood Green is a Metropolitan Centre and is the most appropriate location for an AGC within LB Haringey. The application use proposes the replacement of a betting shop and will add to only a limited number of AGCs within Wood Green.
- 6.6 As such, the application proposal is considered to be of benefit to Wood Green Metropolitan Centre and the application site is entirely appropriate in respect to the proposed use and its location.