



Officer Report

Application Number:	HGY/2022/4454
Application Type:	Change of use
Address:	Shop, 144 High Road, Wood Green, London, N22 6EB
Proposal:	Change of use from Betting Shop (sui generis) to Adult Gaming Centre (sui generis).
Case Officer:	Emily Whittredge
Valid Date:	16/12/2022
Applicant:	-
Agent:	Julian Sutton

RECOMMENDATION

Approve with Conditions

1. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Temporary permission
- 4) Opening hours
- 5) Noise limits
- 6) Secured by design
- 7) Shopfront display

Informatives:

- 1) Land ownership
- 2) Hours of construction
- 3) Party Wall Act
- 4) Secured by design

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the change of use of the ground floor commercial unit from betting shop (Sui Generis) to Adult Gaming Centre (Sui Generis).

No external changes are proposed.

Site and Surroundings

The application relates to a ground floor commercial unit on the east side of the High Road in Wood Green. The site is within a Secondary Shopping Frontage in the Wood Green Metropolitan Centre and is in a Growth Area. The unit is a betting shop and has been occupied by Jennings in excess of 10 years.

The site does not relate to a listed building and is not within a conservation area.

Relevant Planning and Enforcement history

HGY/1990/0227 Change of use from retail (A1) to restaurant (A3) Refuse 26/06/1990
HGY/2007/2554 Change of use from A1 (retail) to A2 (financial / professional services) and installation of new shopfront. Approve with Conditions 30/01/2008
HGY/2010/0487 Change of use from A1 (part of no 146) to A2. Approve with Conditions 29/04/2010

CONSULTATION RESPONSE

The following responses were received and summarised below. The full text of the responses can be viewed on the council's online planning register.

1) LBH Haringey Council Public Health Team

Object [summary]

The Public Health team object to a planning application for an adult gaming centre at Wood Green High Road for hours of operation 24 hours. This proposal is at a vulnerable location with multiple gambling premises in the local area. The over-concentration of 24-hour gambling premises has a negative impact on the health and wellbeing of our residents and does not align with the Local Policy DM 42 of the Haringey Development Management DPD. Furthermore, Noel Park ward is ranked high in all risks associated with gambling-related harm and the vulnerable groups highlighted in this report suggests a strong need to safeguard the area from over-concentration of 24-hour operation gambling premises. We want to help promote a healthy high street and retain a vibrant mix of uses in the town centre.

2) Metropolitan Police Designing Out Crime Officer

Object [summary]

The Metropolitan Police Service cannot support this application as it's been presented and are concerned at the lack of information regarding safety and security. Our areas of concern involve the security implemented at the site. Crime prevention has not been addressed nor have The Metropolitan Police Service Designing out Crime Unit been consulted at any time during the planning process.

In summary we have site specific comments in relation to the following items. This list is not exhaustive and acts as initial observations from the Plans. Site specific advice may change depending on further information or site limitations as the project develops: 1. Main entrance door. 2. Easily accessible windows. 3. CCTV. 4. W.C facilities. 5. Unwanted access. 6. [blank], 7. Secure pod-office. 8. Alarm system. 9. Lighting. 10. Air conditioning.

Should planning permission be granted for this application, we would ask that the following Conditions and Informative:

Conditions:

A. Prior to the commencement of above ground works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve 'Secured by Design' Accreditation. Accreditation must be achievable according to current and relevant Secured by Design guide lines at the time of above grade works of each building or phase of said development.
Reason: In the interest of creating safer, secure and sustainable communities.

B. The commercial aspects of the development must achieve the relevant Secured by Design certification at the final fitting stage, prior to the commencement of business and details shall be submitted to and approved, in writing, by the Local Planning Authority.
Reason: In the interest of creating safer, sustainable communities.

3) LBH Town Centre Regeneration

Object [summary]

The Town centre management team have concerns over the Application to vary a premises licence in respect of: crime and disorder, protection of children from harm, and the overall vitality and safety of Wood Green Metropolitan Town Centre. The premises is located in an area of high deprivation and crime, and the proposed variation to the licence would undermine the improvements that the council and others are seeking to make to the area.

The gambling premises present an inactive frontage on the High Road, reducing passive surveillance and making the townscape more hostile and less welcoming. The variation to the premises licence would extend the hours of operation of the adult gaming centre and therefore extend the associated crime and disorder, with a detrimental effect on public safety.

Officer comment: While the comment incorrectly makes reference to variation of a premises license, the objection is to the extension of hours of operation at the site, and this has been taken into account.

4) LBH Transportation Group

1. The site has excellent public transport accessibility and is located within a CPZ (operational hours 08/00-22.00hrs Monday to Sunday).
2. The AGC proposals are for 24 hour operation. This could potentially generate car trips after 10pm when the CPZ restriction stop. There is no information / assessment submitted to quantify such trips or impacts. It would be useful for the applicant to submit travel survey data (for weekday and weekend) from other comparable AGC to support this application.
3. Details of provision for cycle parking for employees and visitors should be provided.

LOCAL REPRESENTATIONS

The application has been publicised by way of letters. No representations were received from neighbours, local groups, etc in response to notification and publicity of the application, and no local groups/societies or Councillor(s) made representations:

The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

Objections:

- promoting crime and disorder
- harm to children
- threatening the District Centre's vitality,
- community safety
- health and well-being
- lack of information regarding safety and security
- over-concentration of 24-hour gambling premises
- does not align with the Local Policy DM 42 of the Haringey Development Management DPD
- Noise report insufficient

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of the development; and
2. The impact on the amenity of adjoining occupiers.

Principle of the development

The application site is located within a defined Secondary Shopping Frontage of the Wood Green Metropolitan Centre in a busy part of Wood Green. The proposal seeks to convert the existing betting shop into an Adult Gaming Centre (AGC). Both betting shops and AGCs are 'sui generis' uses that do not fall within any of the defined use classes within the Use Class Order 1987 (as amended).

Paragraph 86a) of the National Planning Policy Framework (2021) requires planning policies to define a network and hierarchy of town centre and promote their long term vitality and viability - by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, and allow for a suitable mix of uses that reflects their distinctive characters.

Policy DM42 (B) relates to changes of use within Secondary Shopping Frontages, and states that the Council will retain the A1 retail use character of these areas. Policy DM42 states that within Secondary Shopping Frontages of the Metropolitan and District Town Centres, as defined on the Haringey Policies Map, 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; b An active frontage is provided, or if this is not possible, a window display or other appropriate town centre frontage.

As the existing lawful use of the unit is 'sui generis' and the proposal would therefore not result in a net increase in non retail or gambling units within the frontage. For this reason, the proposed development would also not have an impact upon the continuity of the centre's retail frontage. In the context of Policy DM46, the proposal would not affect the concentration of gambling uses in the area.

The Council, however, recognises that the existing betting shop use fails to provide an active frontage and policy DM46 states that where an active frontage cannot be provided, a unit should have an appropriate display or town centre frontage. The proposed AGC provides gambling activities similar to a betting shop where activity to the frontage would mainly be provided by comings and goings, which in themselves do not contribute significant activity to the town centre. The application states that an active frontage and natural surveillance would be maintained

association with the AGC use, but no details of the frontage have been provided. The Jennings frontage has a largely transparent entrance door with the rest of the shopfront obscured by full height display panels and decals, preventing most views in and out of the premises. The application document states that no physical alterations to the building or shop front are proposed, and therefore it may be assumed that the current arrangement will be retained. As such, a condition can be imposed to secure details of an active frontage, or where it is demonstrated one cannot be provided, a shopfront display.

Having regard to the existing lawful use it is considered that the change of use to adult gaming centre would not materially affect the vibrancy and vitality of the town centre. Therefore, the proposal is in accordance with the criteria of Policy DM42 and the NPPF and is acceptable in principle. In making this assessment, significant weight has been given to the nature of the existing use and its impact on the town centre.

Impact on the amenity of adjoining occupiers

The London Plan states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. DM Policy (2017) DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that avoid loss of privacy detrimental to the amenity of neighbouring residents and address issues of vibration, noise, fumes, odour and light pollution likely to arise from the use and activities of the development.

The application seeks to operate the use between 8:00 and 2:00 7 days a week and bank holidays. By virtue of the busy town centre location, it is expected that there is a higher ambient noise level in the area generally than in areas outside the town centre. The hours were originally proposed to be 24 hours but were revised to 2:00 due to officer concerns. While there are examples of 24-hour gambling premises in the area, these were not granted explicit permission under current planning policies, and do not justify permitting additional 24-hour gambling uses in the area. In the interests of ensuring the long-term protection of residential amenity, the Council considers it appropriate to limit the permission to a temporary period so that the impact of the use and its hours of operation can be reviewed prior to a permanent permission being granted. A period of 5 years is considered acceptable, having regard to viability matters for the operator's initial investment. A new application would need to be made to extend the use longer than the 5 year period, and the opening hours would be reviewed at that time. A condition will be imposed to secure the opening hours and the temporary use. The upper floors of the building are in residential use, and to ensure that noise from gaming machines or amplified noise does not harm the amenity of neighbours, a suitable condition will be imposed.

The Metropolitan Police Designing Out Crime officer was consulted and advised that the use should incorporate a number of security measures and be capable of achieving full Secured by Design accreditation. London Plan Policy D11 state that developments should include measures to design out crime. DM (2017) Policy DM2 states that proposals should have regard to the principles set out in 'Secured by Design'. A condition will be added to secure appropriate security measures in line with Secured by Design.

Conclusions

The proposed change of use to Adult Gaming Centre will not undermine the vitality and viability of the town centre or impact the amenity of local residents, subject to the use of appropriate conditions. As such the proposal is in general accordance with DM Policies (2017) DM1 and DM42, London Plan Policies D11 and SD6. All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

CIL APPLICABLE

There would be no increase in internal floor area and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

RECOMMENDATION

GRANT PERMISSION subject to the following condition(s):

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The use hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. The use hereby permitted shall be discontinued on or before September 15th, 2028.

Reason: In order to enable the Local Planning Authority to review and assess impact on neighbouring amenity of the use following reasonable period of time.

- 4 The use hereby permitted shall not be operated before 08:00 hours or after 02:00 hours Monday to Sunday and Bank Holidays.

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Policy DM1 of The Development Management DPD 2017.

- 5 At no time shall any amplified speech or music generated from the site be audible within the adjoining residential premises.

Reason: To prevent loss of amenity to neighbouring residential premises due to noise generated from the premises in accordance with Policy DM1 of The Development Management DPD 2017.

6 a) Prior to the commencement of the use, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the use can achieve 'Secured by Design' Accreditation. Accreditation must be achievable according to current and relevant Secured by Design guidelines at the time details are submitted.

b) Commercial aspects of the development must achieve the relevant Secured by Design Accreditation at the final fitting stage, prior to commencement of business. Details shall be submitted to and approved, in writing, by the Local Planning Authority.

The development shall only be carried out in accordance with the approved details.

Reason: To ensure the safety and security of the development and locality in accordance with Policy DM1 of the Development Management Development Plan Document 2017.

Informatives:

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

INFORMATIVE: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

INFORMATIVE: Secured By Design

In aiming to satisfy the condition the applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813 (currently not staffed)

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.