

# Officer Report

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| <b>Application Number:</b> | <b>HGY/2023/2242</b>                                                                                                                                                                                                                                                                                                                                     |
| <b>Application Type:</b>   | <b>Removal/variation of conditions</b>                                                                                                                                                                                                                                                                                                                   |
| <b>Address:</b>            | Shop, 513 Green Lanes, Hornsey, London, N4 1AN                                                                                                                                                                                                                                                                                                           |
| <b>Proposal:</b>           | Variation of condition 3 (hours of operation) of planning permission ref. HGY/2021/0066 for: Change of use of the ground floor of 513 Green Lanes, from a Licensed Betting Office (Sui Generis) to an Adult Gaming Centre (Sui Generis) operating from 09:00 am to 23:00 pm seven days per week; namely, to extend the hours of operation until 2:00 am. |
| <b>Case Officer:</b>       | Emily Whittredge                                                                                                                                                                                                                                                                                                                                         |
| <b>Valid Date:</b>         | 17/08/2023                                                                                                                                                                                                                                                                                                                                               |
|                            | 3                                                                                                                                                                                                                                                                                                                                                        |
| <b>Applicant:</b>          |                                                                                                                                                                                                                                                                                                                                                          |
| <b>Agent:</b>              | Michelle Gan                                                                                                                                                                                                                                                                                                                                             |

## **RECOMMENDATION**

### **Refuse**

## **SUMMARY OF RECOMMENDATION**

### **REFUSE PERMISSION**

#### Reason for Refusal:

1) The proposed extended opening hours would give rise to an increase in general activity and associated noise and disturbance to the front of the premises during anti-social hours, with potential for anti-social behaviour, and would set a precedent for other similar venues, overall detrimental to the residential amenity of neighbouring occupiers contrary to Policies DM1 of the Haringey Development Management DPD (2017) and Policy SP10 of the Haringey Local Plan (2017).

## **PROPOSED DEVELOPMENT AND LOCATION DETAILS**

### Proposed development

This is an application for the variation of condition 3 (hours of operation) of planning permission ref. HGY/2021/0066 for: Change of use of the ground floor of 513 Green Lanes, from a Licensed Betting Office (Sui Generis) to an Adult Gaming Centre (Sui Generis) operating from 09:00 am to 23:00 pm seven days per week; namely, to extend the hours of operation until 2:00 am.

### Site and Surroundings

The application premises is a ground floor commercial premises in use as a licensed betting office (Sui Generis) in a three-storey mid-terraced building with residential accommodation above. Numbers 515 and 509 Green Lanes adjoin to the north and south respectively. No.513a lies behind the rear to the west.

Green Lanes is a long established shopping street and is the main north-south route through the borough. The centre stretches along Green Lanes from the junction of Endymion Road, near Finsbury Park, in the south, to the junction with Beresford road in the north. The centre serves an important local and is designated as a District Centre in the Haringey Local Plan and the London Plan.

The property is located in a primary shopping area and is a primary frontage as designated in the Local Plan. The area is characterised by a rich mix of commercial uses including retail, restaurant and fast food establishments.

#### Relevant Planning and Enforcement history

HGY/2021/0066 - Change of use of the ground floor of 513 Green Lanes, from a Licensed Betting Office (Sui Generis) to an Adult Gaming Centre (Sui Generis) operating from 09:00 am to 23:00 pm seven days per week; Associated works including shopfront alterations and replacement plant. - Granted subject to conditions

HGY/2020/1925 - Change of use of the ground floor of 513 Green Lanes, from a Licensed Betting Office (Sui Generis) to an Adult Gaming Centre (Sui Generis) with shopfront alterations and replacement plant. - Refused

HGY/2017/0631 - Prior approval for change of use from Betting Office (Sui Generis) to Yoga Studio (D2) - Prior approval not required 10/04/2017

HGY/2009/1091 - Removal of condition 2 of planning decision OLD/1979/0372 to permit A2 (financial and professional services) uses at ground floor level - granted

OLD/1979/0372 - Use of ground floor as a building society branch - granted

#### **CONSULTATION RESPONSE**

The following responses were received to consultation on the application:

##### Ladder Community Safety Partnership (objection)

Loss of Amenity, Clustering of Betting / Gambling Outlets, Crime and Disorder (Summary; for full objection, see the planning register)

I am writing to you on behalf of the local community in my capacity as elected Chair of both the Ladder Community Safety Partnership (LCSP) and the Haringay Ward Police Panel. The LCSP is an umbrella organisation containing hundreds of individual members along with representatives of Neighbourhood Watches and Residents' Associations throughout the Ward including Green Lanes. We are an independent group, although we work in partnership with many other key stakeholders to improve the quality of life for local people. The Police Panel obviously works closely with our local officers and sets priorities which aim to keep the area safe and free from crime, anti-social behaviour and other nuisances. Our members, particularly those who live in flats along Green Lanes and at the eastern end of adjacent Ladder roads, are very concerned at the prospect of an AGC opening until 2am, 7 days a week on Green Lanes. We believe that in the specific context of

the local area, granting permission for a late night gambling outlet in Green Lanes Harringay would be against several key policies in Haringey's Local Plan.

The local community is overwhelmingly opposed to this application which was discussed, and vociferously opposed at a well-attended LCSP meeting on 7 Sept. We believe that it is contrary to numerous LBH planning policies including SP10, SP11, DM1, DM46 and the London Plan (Ch6, 6.9.5). We therefore urge refusal of permission for this application.

#### The Green Lanes Traders Association (objection)

I write on behalf of the Green Lanes Traders Association. It represents over 200 independent businesses, and a major stakeholder in the borough, and part of the HBA (Haringey Business Alliance)

The HTA have worked tirelessly with the local community since 2002, when we had our troubles, fuelled by too many late and extended operating hours of social clubs and gaming arcades which led to anti-social activities on the high street and inevitably increased crime and safety issues.

We strongly oppose this planning application to extend operating hours, as it does not add any value whatsoever to the make up of the local offering on Green Lanes, taking up valuable retail frontage, and sends a negative message to visitors with young families. We believe the vibrancy of Green Lanes like many high street is a delicate one, allowing premises like these to thrive would jeopardise this.

This planning application is clearly not in the interest of the local business community we represent.

#### LBH Licensing Team (representation)

This area has been identified in the Local Area Plan as a location where the community may be at risk from gambling harm. Green Lanes is an area of ongoing concerns with regards to potential harm from gambling related activities. This is particularly concerning given that the applicant is now seeking the ability to operate under later hours.

The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can be. This authority pays particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

Protecting vulnerable persons from being harmed by gambling. Haringey expects high standards of management and protection for those most vulnerable to the effects of a gambling premises in an area with high deprivation levels.

The application for later hours needs careful consideration, having regard to the concerns that the offer of gambling facilities into the early morning is likely to attract a clientele already experience deprivation, alcohol and drug dependency, high levels of crime and anti-social behaviour. Green Lanes has its own issues with socially vulnerable people and we do not consider that an increase in hours is particularly beneficial for this location.

#### Haringey Council Health in All Policies Team (objection)

(Summary; for full objection see the planning register)

The Public Health team object to a planning application for an adult gaming centre at Green Lanes for variation of operating hours past midnight. This proposal is at a vulnerable location with multiple

gambling premises in the local area. The over-concentration of late-night 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, Haringay Ward is ranked high in all risks associated with gambling-related harm and the vulnerable groups highlighted in this report suggest a strong need to safeguard the area from over-concentration of late-night operation gambling premises. We want to help promote a healthy high street and retain a vibrant mix of uses in the town centre. We have also reviewed the planning statement and we are not convinced the noise assessment and customer demographics and profile is accurate and reliable.

#### Cllr Brabazon (objection)

##### *Introduction*

I am a ward councillor for Haringay ward and am writing to object to this application to extend the opening hours of this AGC to 2am, 7 days a week on Green Lanes. I am aware of the concerns of local residents, particularly those who live in flats along Green Lanes and at the eastern end of adjacent Ladder roads about anti-social behaviour and believe that granting permission for a late night gambling outlet in Green Lanes Haringay would be against several key policies in Haringey's Local Plan.

##### *Loss of Amenity*

In his submission, Ian Sygrave, from the Ladder Community Safety Partnership, has pointed out how Policy DM1 lays down clear requirements for new developments, including sensitivity to the local neighbourhood and the avoidance of "harmful impacts, especially to the amenity of neighbouring buildings .... New development should enhance the quality of life of those living and working in the borough" (Para 2.1). I do not see how a late night gambling outlet on a residential road (which Green Lanes undoubtedly is) will enhance anyone's quality of life. The applicants claim to have shown, via a Noise Assessment Report, dating from 2020, that there will be no predicted noise impact but in the very early hours of the morning (when no other gambling venues are open in the area) even a small number of people coming and going creates an erratic, disturbing noise which can have a major negative impact on people trying to sleep. Green Lanes itself is very densely occupied, with 2 or 3 storeys of flats above, adjacent to and opposite the AGC site, with yet more houses and flats in nearby residential roads on both sides of Green Lanes.

Green Lanes is a District Town Centre (Policy SP10) and not identified as having a night time economy. It is seen as a shopping and service centre with an evening economy which would suggest that 11pm is a suitable closing time for an adult gaming centre. The current London Plan (2021) supports and underpins this approach, stating that 'Over-concentrations of some uses however, such as betting shops, pawnbrokers, pay-day loan stores, amusement centres and hot food takeaways, can give rise to particular concerns regarding the impact on mental and physical health and wellbeing, amenity, vitality, viability and diversity. The proliferation and concentration of these uses should be carefully managed through Development Plans and planning decisions ...' (Ch6, Para 6.9.5).

Given this wider planning context, it would seem reasonable for this application to be refused. I would ask that Planning uses its existing Development Plan policies, the guidance from the London plan, and previous planning decisions about AGCs in Green Lanes, to prevent the harm which would be caused by the proposed opening hours, until 2am, 7 days a week.

This would preserve the current position, and also prevent other gambling outlets in Green Lanes from extending their hours. Conversely, if this application were granted, the other AGCs on Green Lanes could apply for extensions. Please note there have been repeated attempts by the AGC at

48 Grand Parade to extend their hours to 24/7, but all have been refused by LBH (4 times) and on appeal (twice). An additional concern is that if successful now, the current applicants will be back again, next time with a 24/7 request. It is therefore vital that the current hours are respected and maintained, as a 'line in the sand'.

### *Clustering of Betting / Gambling Outlets*

Like Mr Sygrave, I am concerned that there is already an overconcentration of such outlets in this part of Green Lanes. In addition to the AGC in this application, at 513 Green Lanes, there is another at 519 Green Lanes, plus two betting shops at 507 Green Lanes and opposite at 12 Grand Parade - not to mention further betting shops and another AGC a few minutes' walk away at 48 Grand Parade. This constitutes a saturation of this particular type of use (see policy DM46) which would be further intensified if longer hours were to be granted. There is great concern, not just amongst residents but by bodies such as public health about gambling facilities and their impact on individuals, families and local communities. There are also issues regarding the impact on the shopping centre itself when so many gambling facilities are concentrated. As stated in DM46, these are valid issues for a Local Plan to take into consideration.

The Council's Statement of Gambling Policy (2022-25) identifies Harringay Ward – in which all of outlets are located – as an Area of Vulnerability i.e. where people are most at risk of gambling-related harm. Extending this AGC's hours increases that vulnerability, setting a dangerous precedent.

### *Crime and Disorder*

The applicant's Planning Statement lists (paras 5.4-5.7, App3) all of the preventative and risk assessment measures which they find it necessary to implement, which suggest they are aware of the wide range of social problems and harm which are associated with gambling and AGCs.

The Council's policy SP11, states that a priority of any new development should be "to reduce crime and the fear of crime". Allowing a late-night gambling outlet does not seem the most obvious way of achieving that objective. With increasing ASB on Green Lanes, which is regularly reported to the police, local authority and to me, I am asking you to refuse this application.

### Met Police Designing Out Crime Officer (no objection)

We have liaised with local officers and currently have no objections to the venue increasing its hours of operation. To minimize any potential increase to crime, ASB and safeguarding staff/customers during extended hours of operation, we would recommend the following actions:

Access control on the main entrance doorset must always be operational, so any new customers have to be granted access by staff (it is common for staff to switch off any access control, especially during peak hours). Staff should have access to a clear facial recording of anyone seeking to enter the venue. This will help to manage the amount of people inside, prevent banned users from entering etc.

Any lone workers to be issued with personal alarms and provisions for a secure office or pod that is alarmed, which offers a level of protection to staff.

Adequate lighting to support CCTV during hours of darkness.

### LOCAL REPRESENTATIONS

The application has been publicised by way of letters. The number of representations received from neighbours, local groups, etc. in response to notification and publicity of the application were as follows:

No of individual responses:

Objecting: 80

Supporting: 0

The following local groups/societies made representations:

Harringay Ladder Community Safety Partnership (object)

The Green Lanes Traders Association (object)

The following Councillor(s) made representations:

Cllr Brabazon (object)

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

Harm to character of the area

Harm to road safety

Noise from slot machines is audible in flat above premises

Will encourage gambling after pubs/bars close

Increase in crime/anti-social behaviour

Negative Impact on residential properties

increased noise/disturbance to local residents

Too many betting/gambling establishments on Green Lanes

Harm personal safety of residents

Increased deprivation of area

Close proximity to local schools

Detract from sense of community

(For full objections, see planning register)

## **MATERIAL PLANNING CONSIDERATIONS**

The main planning considerations raised by the proposed development are:

1. Effect on living conditions of neighbouring occupiers/ broader amenity of the area.

## **ASSESSMENT**

### Effect on living conditions of neighbouring occupiers / amenity of the area

This area of Green Lanes has a range of mainly commercial uses mostly comprising including retail, restaurant and fast food establishments. This proposal would operate between 9 am and 2 am, 7 day per week basis, thereby forming a 'night time' economic use as well as a day time and evening use. While Green Lanes has a vibrant 'evening' economy, its uses cease at night or in the early mornings, consistent with its location in a District Centre rather than a 'Town Centre'. Town centre economic uses are directed to town centres such as nearby Wood Green under Policy SP10 of the Haringey Local Plan (2017) and its supporting text.

The proposed extended opening hours means that the use would carry on late at night and early in morning, later than other gambling premises in this part of Green Lanes. Therefore, the use may

attract customers late at night when local residents can reasonably expect activity to be at a low level and for local conditions to be relatively quiet. Given the nature of this commercial area lining a single street in an otherwise residential area, including the two floors of residential accommodation above this and other adjacent premises, it is likely that any significant increase in opening hours would be noticeable in terms of the noise and general level of activity generated.

Even against the background noise of Green Lanes, the noise impact is considered to arise, most notably when nearby commercial premises and 'evening' economic uses including restaurants and take-always close by late night and early morning. Traffic noise is likely to be at a reduced level during these times, making comings and goings, in addition to any associated anti-social behaviour which may arise, particularly noticeable to residents. Anti-social behaviour is not controlled directly by planning legislation but rather planning controls hours of use. As such, potential noise nuisance with late night uses can add or contribute to anti-social behaviour. The fact that this use would happen at times when most residents would have a reasonable expectation to undisturbed sleep could make the use particularly anti-social in this environment.

While the applicant's noise assessment proposes noise mitigation, the mitigation measures focus on the internal activates and external equipment. However, in terms of customers arriving and leaving the premises at night/ early morning, it relies on a 'prediction' which officers are not convinced by and consider there need to be stricter planning controls in place, namely hours of use. Such an approach is consistent with other applications for gambling uses in the area, for example at 48 Green Lanes where hours of operation are restricted to 09:00-23:00 for the above reasons.

While it would be possible to grant a temporary permission for the proposed hours, in this instance such a permission is considered inappropriate and without justification, as it would set a precedent and increase pressure for similar extended hours among the other gambling premises in the immediate area. For the reasons above, allowing the existing gambling uses to extend into a late night economy in Green Lanes is considered at odds with the nature of the District Centre and the significant residential character of the area. A temporary permission is likely to open the door to multiple temporary permissions for gambling premises operating into the early morning, which would have a cumulative impact in respect of late night/early morning activity and noise disturbance.

The planning permission for the existing AGC use operating until 23:00 daily was granted on the basis that these hours were considered in line with the economy and function of the District Centre. Hours ceasing at 23:00 would not attract customers late at night when residents can reasonably expect activity and background noise to be lower. This avoids the risk of customers and comings and goings causing noise and disturbance when background noise levels are lower. The other AGCs and gambling venues in the immediate area close at 23:00.

Overall, the proposed increase in late night and early morning noise from customers, vehicles and general activity and disturbance would be harmful to the living conditions of the occupants of local residential properties, including those above the application site and in nearby residential roads. An approval would set a precedent for other gambling venues in the area to obtain the same permission. This would be contrary to Policy SP10 of the Haringey Local Plan (2017) and the amenity provisions of Policy DM1 of the Haringey Development Management DPD (2017).

## Conclusion

The proposed hours of operation would harm neighbouring residential amenity and set a precedent at odds with the characteristic 'evening economy' of the Green Lanes District Centre and is therefore unacceptable in planning terms.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

## **RECOMMENDATION**

REFUSE PERMISSION For the following reason(s):

### **Refusal Reasons:**

The proposed extended opening hours would give rise to an increase in general activity and associated noise and disturbance to the front of the premises during anti-social hours, with potential for anti-social behaviour, and would set a precedent for other similar venues, overall detrimental to the residential amenity of neighbouring occupiers contrary to Policies DM1 of the Haringey Development Management DPD (2017) and Policy SP10 of the Haringey Local Plan (2017).