

Officer Report

Application Number:	HGY/2023/1953
Application Type:	Removal/variation of conditions
Address:	17 High Road, Wood Green, London, N22 6BH
Proposal:	Variation of condition 3 (opening hours) of planning permission ref. HGY/2020/2996 for Change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis), namely to amend the opening hours from 8:00-23:00 to 8:00-2:00 Monday to Sunday and Bank Holidays
Case Officer:	Emily Whittredge
Valid Date:	19/07/2023
Applicant:	3
Agent:	C/O Agent Tom Leigh

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 original decision
- 2) In accordance with approved plans
- 3) Temporary permission
- 4) Opening hours
- 5) Noise limits
- 6) Secured by design and Shopfront display

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the variation of condition 3 (opening hours) of planning permission ref. HGY/2020/2996 for Change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis), namely to amend the opening hours from 8:00-23:00 to 8:00-2:00 Monday to Sunday and Bank Holidays.

No other changes are proposed.

Site and Surroundings

The application relates to a ground floor commercial unit on the south west side of the High Road in Wood Green. The site is within a Primary Shopping Frontage in the Wood Green Metropolitan Centre and is in a Growth Area. The site does not relate to a listed building and is not within a conservation area.

The unit is currently in operation as an adult gaming centre.

Relevant Planning and Enforcement History

HGY/2022/0520 Variation of condition 3 (hours of operation) of planning permission ref. HGY/2020/2996 for Change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis), to extend the hours of operation [to 24-hours] - Refused 22/03/2022.

HGY/2021/3006 Details of Secured by Design measures and window display as required by conditions 5 and 6 of planning permission ref. HGY/2020/2996 for Change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis) - Approved with Conditions 30/11/2021.

HGY/2021/2633 Internally illuminated fascia sign - Approved with Conditions 06/10/2021.

HGY/2021/2062 Details of Secured by Design measures and window display pursuant to conditions 5 and 6 of planning permission ref: HGY/2020/2996 for Change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis) - Refused 17/08/2021.

HGY/2020/2996 Change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis) - Approved with Conditions 22/01/2021.

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 variation of opening 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, 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 late-night gambling premises. We want to help promote a healthy high street and retain a vibrant mix of uses in the town centre.

2) 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.

3) LBH Transportation Group

Comments

- The proposal site has PTAL rating of 6b indicating that its access to public transport is very good when compared to London as a whole, suggesting that there are opportunities for trips to be made to and from the site by modes other than the private car.
- The site is located within the Wood Green Inner CPZ, which restricts parking to permit holders only Monday to Sunday, 0800-2200.
- The site is located an incredibly short distance from Turnpike Lane Station. However, when the shop closes, the Underground network will be closed on the following days: Monday-Thursday and Sundays. There are bus stops a short distance from the site which are served by multiple bus routes. It should be acknowledged that when the shop closes that most of these services may not be running and will be less frequent.
- On the same side of the High Road is a disabled parking bay, which can only be used by those with blue badges. Furthermore, there is a loading bay that operates Monday-Saturday 08:00-18:30. Outside of those times vehicles will be able to park in the bay.
- Most of the local car parks, which there are many within Wood Green Town Centre, are closed by midnight. The Council operated car park on Bury Road is the closest to the site.

Conclusion

- Overall, the site may not be completely supported by public transport due to the extended time of operations that they are seeking planning permission for, when compared to current operating times. Car parking could be somewhat of an issue as most shops within the town centre are supported by car parking, though the extended hours would go beyond their operating hours. It could potentially lead to an uplift in car parking locally to the site.

LOCAL REPRESENTATIONS

The application has been publicised by way of letters. One representation was 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:

- Wood Green is already full of betting establishments that are open till late. I do not support this application to allow this establishment to be open until even later.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Background;
2. S73 application; and
3. Impact on the surrounding area.

Background

The venue was granted planning permission for a change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis) (application reference: HGY/2020/2996). The permission included Condition 3 which prevents the permitted use from operating before 08:00 hours or after 23:00 hours Monday to Sunday and Bank Holidays. The premises license granted to the site limits opening hours to 23:00.

S73 application

The application premises are situated within a vibrant shopping parade that benefits from low levels of vacancies. Most premises within the area typically close in the evening, which is considered appropriate given the significant number of residential units above the commercial premises in the area, and along adjacent roads in Whymark Avenue and Waldegrave Road.

The commercial activities associated with the shopping parade are expected to generate a high degree of noise and activity associated with its uses. However, allowing activity extending into the late night and early morning must be carefully considered given that the nature of noise and activity is unpredictable and will be amplified in the early hours given the lower levels of background noise.

The application seeks to extend the hours of operation until 2 am daily. Permission was recently refused for 24-hour operation, and the Planning Inspectorate agreed with the LPA's findings and dismissed the appeal. Wood Green town centre is an area that is identified as having a night-time economy, although it also has significant residential occupation. All night, non-stop activity within the Wood Green area is regarded as damaging and out of character given the residential surrounds, but any activity late at night and into the morning must be carefully considered. As such, the Local Planning Authority does not consider a permanent grant of permission for extended hours to be appropriate, but recognises that a temporary permission may be warranted to allow further assessment.

Impact on the surrounding area

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 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. An application for 24 hours operation was refused and an appeal dismissed on the basis that activity outside the venue would be difficult to control. While the Council's position on this point has not changed,

Two nearby gambling premises, no. 9 and no. 13 High Road, do not have planning histories for their current uses although they have been in place for some time, and are therefore not subject to planning conditions restricting their opening hours. The Licensing team has confirmed that both premises are licensed, but these were granted in 2011 and 2007 respectively and prior to the requirements of a local area profile and risk assessment and the wider consideration of the impact of gambling harm in the community. The licenses allow the operation of no. 9 as 24-hours, while no. 13 can trade until 10pm daily. New requirements since 2016 have reduced opening hours on newer applications, such as was the case for the application site.

A temporary permission was recently granted at no. 144 High Road for an AGC, on the basis that the impacts of the use and opening hours until 2am will be reassessed following the period. 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 these hours of operation can be reviewed prior to a permanent permission being granted. A period of 3 years is considered acceptable, allowing reasonable period of operation before the impacts can be reviewed and reassessed. A new application would need to be made to allow the extended hours beyond than the 3 year period, and the opening hours would be reviewed at that time. A condition will be imposed to secure the temporary opening hours, and a further condition will limit levels of amplified noise from the venue.

The council's Transportation team has commented on the proposals, noting that parking and public transportation may be limited during the extended opening hours of the venue. While bus services are reduced when the premises closes, there is an N91 night bus with stops nearby, and no CPZ parking restrictions in the surrounding area late at night.

Conclusions

The proposed extended hours of the Adult Gaming Centre on a temporary basis of 3 years is considered acceptable, to allow the impact of the hours on the area to be reviewed after this period. Future proposals for extended hours will be reassessed.

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 hereby permitted shall be begun not later than the expiration of 22 January 2024.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 22 January 2021 Haringey ref: HGY/2020/2996.

- 2 The development hereby permitted shall be carried out in complete accordance with the plans and drawings approved under application ref. HGY/2020/2996, 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 This permission shall be for a limited period of 3 years from the date of this decision expiring on 26th October, 2026 when the hours of operation hereby approved shall be discontinued and the former hours reinstated.

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 The development shall be carried out in accordance with the details of Secured by Design measures and window display approved under application reference: HGY/2021/3006, and shall be maintained thereafter.

Reason: To ensure safe and secure development and reduce crime and to avoid a 'dead' frontage within the Primary Shopping Frontage in line with Policy DM42.