

Officer Report

Application Number:	HGY/2023/1804
Application Type:	Removal/variation of conditions
Address:	448-454 High Road, Tottenham, London, N17 9JN
Proposal:	Variation of Condition 3) i) (hours of operation of Nos 450 – 454 High Road) of appeal decision APP/Y5420/W/20/3260036 (ref. HGY/2020/1777) for: Change of use of the ground floor to part adult gaming centre and part coffee and cake shop, namely to extend the opening hours to: Thu, Fri and Sat: from 0900hrs to 0600hrs the following day; and Sun, Mon, Tue and Wed: from 0900hrs to 0200hrs the following day.
Case Officer:	Emily Whittredge
Valid Date:	07/07/2023
	3
Applicant:	City Gaming Limited
Agent:	Woods Whur 2014 Limited

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 to amend the hours of operation of the development allowed under appeal decision APP/Y5420/W/20/3260036 (ref. HGY/2020/1777); namely to extend the opening hours of Nos 450 – 454 High Road from:

09:00hrs – 00:00hrs Monday – Saturday and 09:00hrs – 23:00hrs on Sunday;

to:

Thu, Fri and Sat: from 09:00hrs to 06:00hrs the following day; and Sun, Mon, Tue and Wed: from 09:00hrs to 02:00hrs the following day.

Site and Surroundings

The application site comprises the two units on the ground floor of a three storey Locally Listed 1920s building situated on the east side of the High Road,

Relevant Planning and Enforcement history

CONSULTATION RESPONSE

The following consultation responses were received:

LBH Transportation

There are no transport objections regarding this application.

LBH Licensing

The Licensing Authority have issued a licence for City Gaming AGC, However please note this is ONLY for 450-454 High Road N17. We are not aware of 448 High Road being part of this AGC premises.

The hours of operation agreed under a Consent Order via the Magistrates Court for 450-454 High Road N17 are as follows:

Thursdays, Fridays, and Saturdays: from 0900hrs to 0600hrs the following day;

Sundays, Mondays, Tuesdays, and Wednesdays: from 0900hrs to 0200hrs the following day.

LBH Health In All Policies Team

Object

The hours of operation agreed under a consent order is for 450-454 High Road and not 448. There needs further clarity on this.

Headcounts at City Gaming Limited 108 Kilburn High Road. This analysis of the headcounts is not strong evidence with no information on the customer profile and individual responsible for undertaking the assessment. We cannot determine whether the visitors are vulnerable to problem gambling.

Public Health object to the approval of advertisements and projecting sign box. The comparison sites used in the application 456-460 High Road and 468 High Road are retail premises which do not pose gambling harm risks to customers. Furthermore, the retailer's projecting sign is not halo lit. The other gambling premises do not have a projected sign box and are not further illuminated i.e. pin-mounted halo lit lettering of Game Nation, ruby strip.

Officer response: The hours of operation relate to 450-454 High Road only as stated in the application form, and this has been further clarified in the description. The approved advertisements are not within the scope of this application.

LOCAL REPRESENTATIONS

The application has been publicised by way of letters. The number of representations received from neighbours, local groups, etc.

One objection letter has been received with the following objections:

- NO to making this a 24/7 gambling den.
- The operating hours of this gambling den should be reduced and not increased.
- a socially detrimental, preying business that exploits the misfortunes of local residents
- The place needs nice businesses for visitors to eat and spend money that stay in the local economy

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 the High Road has a range of mainly commercial uses including retail, restaurant and fast food establishments and some leisure. This proposal seeks to allow the AGC premises at Nos 450 – 454 High Road to operate during: Thu, Fri and Sat: from 0900hrs to 0600hrs the following day; and Sun, Mon, Tue and Wed: from 0900hrs to 0200hrs the following day, thereby forming a 'night time' economic use as well as a day time and evening use. Policy SP10 and its supporting text directs nighttime economic uses to Wood Green, whereas the District Town Centres are described as shopping and service centres to meet people's day-to-day needs. While the Tottenham High Road/Bruce Grove District Centre has an established 'evening' economy, its uses largely cease at night, consistent with its location in a District Centre.

The proposed extended opening hours means that the use would carry on overnight until early morning, covering the entire nighttime period when the background noise is lowest and most residents will expect to be sleeping. Officers argue that the effect of operating until 6am and 2am on alternate days would have a similar impact on residents as a 24-hour operation, which would set an unwelcome precedent for gambling premises in this part of the High Road/Bruce Grove District Centre. 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 with residential units in the first floor opposite and in nearby buildings, 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 Tottenham High Road, the noise impact is considered to arise, most notably when nearby commercial premises and 'evening' economic uses including take-always close by late night. 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 the use is proposed to operate essentially all night when most residents would have a reasonable expectation to undisturbed sleep, could make the proposal particularly anti-social in this environment.

While the applicant's noise assessment proposes noise mitigation, the mitigation measures focus on the internal activities 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 restricting

the hours of use and not allowing operation to continue overnight. Such an approach is consistent with other recent applications for gambling uses in the Borough.

Granting permission for all-night opening hours would set an unwelcome precedent and increase pressure for similar extended hours among the other gambling premises in the area. For the reasons above, allowing the existing gambling uses to extend into a late night/early morning economy in this location is considered at odds with the character of the District Centre and officers must consider the potential impact of noise and disturbance to local people. A permission for such extended hours is likely to open the door to pressure from other uses to operate into the early morning, which would have a cumulative impact in respect of late night/early morning activity and noise disturbance.

The existing AGC use was recently allowed at appeal subject to a condition imposed by the Inspector limiting the hours to no later than 00.00 hours Monday - Saturday and 23:00 hours on Sundays. These hours were specified by the Planning Inspectorate, and although the Local Planning Authority requested limits on opening hours during the appeal process, the hours set by the Inspector are even more restrictive than those proposed by the council. Therefore, officers do not consider there is justification for the extension of the hours, given the appeal was in 2019 and there have been no material changes that would support such a variation.

The hours of operation being sought align with the hours granted under a consent order for the licensing of the premises. However, licensing is an independent matter to planning. There is an existing AGC located in the parade opposite at 475 High Road N17 6QA, which was granted planning permission in the 1980s with a restriction on operating no later than 22:00. It is noted that it appears to be operating 24 hours a day contrary to the permission. For this reason, No. 475 High Road does not serve as a precedent for all-night hours of operation at other gambling premises.

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 'evening economy' of the Tottenham High Road/Bruce Grove 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).