

Officer Report

Application Number:	HGY/2024/0058
Application Type:	Full planning permission
Address:	Shop, 49 High Road, Wood Green, London, N22 6BH
Proposal:	Installation of new shopfront
Case Officer:	Nathan Keyte
Valid Date:	09/01/2024
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Applicant:	Mr Jordan Godden
Agent:	

RECOMMENDATION

Refuse

1. Site location and description

The property is a mid terrace commercial property with residential above, currently in sui generis use as an adult gaming centre – as approved on appeal under HGY/2015/1575.

The character of the area is characterised by retail commercial units and falls within the Wood Green Metropolitan Centre, as well as in the Wood Green Primary Shopping Area. The site is not a listed building nor in a conservation area.

A visit was undertaken to view the site from the public domain on 05-03-24.

2. Description of Proposal

The proposal is for the installation of a new shopfront. The existing display is generally as approved under previous permission HGY/2015/1575, however it is noted that the stated 'existing 55" Digital Displays' are not in accordance with that permission nor has any subsequent advertisement permission for the screens been noted in the application nor on Council files.

It is proposed to alter the shop front to provide a secure lobby, moving the entrance door from the centre of the front to the southern side of the shopfront, providing two 75" Digital Displays internal to the shopfront. The façade, current setback from the front boundary will also be removed, with glazing and new door proposed on the front façade.

No separate application for advertisement consent has been submitted for the proposed screens, and would be required for the screens to be considered under separate legislation (noting that advertisement displayed inside a building cannot be illuminated if within 1 metre of any external door, window or other opening through which it is visible from outside the building). The assessment of the screens themselves are therefore not assessed as part of this application.

3. Relevant Planning and Enforcement history

The most recent applications for this site are summarised as follows:

HGY/2015/1575 – Change of use from retail to amusement centre (adult gaming centre) – refused, but allowed on appeal.

5. Local Representations

The application has been publicised by way of letters and on the public register. No representations have been received on the application.

6. Assessment of planning considerations

The main planning considerations raised by the proposed development are:

1. Design and impact on the character and appearance of the area;
2. Inclusive access &
3. Highway/ public safety.

Design and impact on the character and appearance of the area

Policy context

London Plan (2021) policies emphasise the importance of high-quality design and seek to optimise site capacity through a design-led approach. Policy D3 ‘Delivering good design’ states that “development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.”

Local Plan Policy SP11 (2017) and Haringey Development Management Development Plan Document (DPD) Policy DM1 ‘Delivering High Quality Design’ seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey’s sense of place and identity. Policy DM1 contains design standards which include, amongst other things, a need to relate positively to the locality having regard to, amongst other things, distinctive local architectural styles, detailing and materials.

Policy DM8 specifically concerns shopfronts and states that “The Council will require shopfronts, including their signs, security shutters and canopies, to be designed to a high standard and contribute to a safe and attractive environment. In particular:

- a) The Council will seek the retention of traditional shopfronts of distinctive character contributing to the visual, architectural or historic quality of the local townscape;`
- b) Replacement shopfronts should conserve original materials as far as possible
- c) The alteration or replacement of an existing shopfront or a new shopfront must allow for easy access by all members of the community;
- d) The Council will not support shopfront canopies fixed in the ‘down’ position. Retractable shopfront canopies may be acceptable where they are of an appropriate design and maintain sufficient clearance; and;
- e) Security shutters should be open mesh and wherever possible, be located internally.”

DPD Policy DM42 relating to Primary Shopping Frontages requires active frontages to be provided, and restricts non-retail uses.

Background

The use of the shop as an Adult Amusement Centre was allowed on appeal, granted 12 January 2016. This followed the refusal of the application by Haringey Council, with the reasons of refusal involving detrimental impact on the vitality and viability of the Town Centre as a result of the change of use, loss of valuable retail floor space in a primary shopping area, and would set an undesirable precedent for future similar proposals.

The Inspector reviewed the case as well as additional evidence provided by the Applicant with their appeal. The Inspector noted in paragraph 12 of their decision that the appeal scheme would have the potential to introduce dead or inactive frontage, noting other adult gaming centres in the area having inactive frontages dominated by advertising and with boarding restricting views into the units. The appeal scheme was noted as differing from these other examples by way of having a retail element proposed, and a window display for items for sale. Subject to a condition requiring this active frontage, the Inspector found that the appeal scheme would not be considered to have a materially harmful effect on the vitality and viability of the Town Centre.

Hours for opening were also attached to use under the Appeal decision, being open from 1200 until 2200 Monday to Sunday.

Assessment

The loss of a characteristic shopfront and recessed entrance door and replacement with a generic shopfront would be at odds with the original design, layout, and appearance of this retail unit.

It is accepted that there are examples of other unsympathetic shopfronts in the vicinity of the site. However, weight is to be given to the Appeal decision which established the current use on the site, and the condition put in place requiring a window display showing items for sale be provided at all times to mitigate impacts upon the vitality and viability of the Town Centre and shopping area.

The proposed scheme with its large glazing and 75" display screens would appear to be in contradiction to the current condition requiring attractive and active frontage, noting the comments against inactive frontages in paragraph 12 of the Appeal Decision which states these in the area were: 'dominated by advertising, and with boarding restricting views into the units'. The submitted application does not provide comment on how this element of the attractive frontage would continue, with two 75" illuminated screens proposed instead, and its removal would impact upon the vitality and viability of the town centre.

Therefore, while some change to the shop frontage may be acceptable, how this is undertaken to be in keeping with the requirements of the appeal decision, or why such a requirement is no longer necessary, would need to be convincingly put forward. It is also noted that were two large 75" Digital Displays be applied for advertisement consent, the LPA would have concerns with the potential impacts of these on the appearance of the area.

In giving special attention to the desirability of preserving the appearance, vitality and viability of the area, and with reference to the appeal decision that permitted the current use of the shop, it is concluded that the development fails to maintain the vitality and viability of the site, or preserve or enhance the character or appearance of the area, and does not accord with policies DM8 and DM42 of the Development Management DPD, and policy HC1 of the London Plan.

Inclusive Access

Policy D5 of the London Plan and local plan policy DM3 sets out that inclusive design is to be considered in all aspects of development; this includes the refurbishment of existing buildings. Inclusive design enables all users of the premises to enter and exit the premises independently without additional effort, separation or special treatment and with dignity.

The proposal does not comment on how inclusive access will be provided to the shop. It is proposed to provide a double opening entrance of 1.6m in width from the street front into a secure lobby, with a single sliding door then needing to be negotiated before entering the Adult Gaming Area. While the outer doors look to provide sufficient width to enable inclusive access, it is not clear whether the internal door will meet the requirements for inclusive access. This would have been clarified were the application to otherwise have been acceptable.

Highway & public safety

As outlined above Policy DM8 requires shopfront and associated structures to not affect ease of access.

The proposal does not introduce changes to the awnings and would therefore not introduce additional impact on the highway and public safety. Any impact from the proposed LED display screens would be assessed under an advertisement consent application.

7. Conclusion

With reference to the appeal decision that permitted the current use of the site as an adult gaming centre, it is concluded that the development fails to maintain the vitality and viability of the site, or preserve or enhance the character or appearance of the area, and does not accord with policies DM8 and DM42 of the Development Management DPD, and policy HC1 of the London Plan.

8. Recommendation

Refuse Planning Permission.

Refusal Reasons:

The proposed shopfront, by reason of its design and lack of active frontage fails to maintain the vitality and viability of the site, or preserve or enhance the character or appearance of the area, and does not accord with policies DM8 and DM42 of the Development Management DPD, and policy HC1 of the London Plan.

Informatives:

The applicant is advised that the proposed display of internal signage would require advertisement consent. However, this is unlikely to be supported given the reasons within the Officer's report and policies DM8 and DM42.