



Appeal Decision

Site visit made on 17 July 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/Y5420/W/19/3227764

450-454 High Road, Tottenham, London N17 9JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by GT Promotions against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2018/3551, dated 9 November 2019, was refused by notice dated 9 January 2019.
 - The development proposed is change of use from bank: Unit 1 to amusement centre (adult gaming centre) and Unit 2 to retail. Installation of new shopfronts.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed change of use of unit 1 on the vitality and viability of Tottenham High Road/Bruce Grove District Centre.

Reasons

3. The appeal site is a former bank that now lies vacant, which is part of a larger building with offices on the upper floors and another vacant unit adjacent on the ground floor. It is located within the Primary Shopping Frontage of Tottenham High Road/Bruce Grove District Centre, which has a good range of shops and services. I observed that High Road already has a number of non-retail uses including an adult gaming centre (AGC) and betting shops in close proximity to the appeal site. The Council confirms there are 7 such uses within the Primary Shopping Frontage. I have no reason to doubt this.
4. The proposal would subdivide the ground floor of the bank into two separate units: unit 2 would be for retail and the other larger unit 1 for an AGC. The use would have various licensed gaming machines and would be for over-18 year olds. An AGC is a non-retail *sui generis* use¹.
5. Policy DM42 of the Haringey Development Management DPD 2017 (DPD) seeks to manage the mix of ground floor uses in its Metropolitan and District town centres such that Primary Shopping Frontages should be characterised by their predominantly retail function. In Primary Shopping Frontages the Policy expects, under part A.a), the overall number of non-retail uses (including extant permissions) to not exceed 35% across the entire frontage, b) that

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

- there should be no more than 2 adjoining non-retail units, and c) an active frontage is provided. This accords with the National Planning Policy Framework (the 'Framework') advice in paragraph 85 that seeks to support town centres and their long-term vitality and viability with a positive approach to their growth, management and adaptation in a way that allows them to respond to changes in the retail and leisure industries and allows a suitable mix of uses.
6. A retail survey was undertaken in August 2018 which found that 55.26% of the Primary Shopping Frontage of this district centre was in retail use and 44.74% in non-retail use. Substantive evidence is not before me to suggest the findings were inaccurate. Therefore, it would seem that non-retail uses in the District Centre already exceed the Policy threshold.
 7. The proposal for unit 1 would change an existing non-retail use into another non-retail use. Hence overall, the appeal proposal would not see an increase in non-retail units and conflict with part A.a) of the Policy would not occur. Furthermore, the existing non-retail A2 use could change to another A2 use without the need for planning permission, regardless of this appeal. The other part of the bank would change from non-retail to retail, resulting in a net increase of one retail unit.
 8. With regards part A.b) of the Policy, the appeal proposal would secure a retail unit one side of the proposed AGC unit. On the other side, beyond the alleyway, there is another large retail unit. Therefore, the appeal proposal would not result in more than 2 adjoining non-retail units and would not conflict with this part of the Policy.
 9. Under part A.c) proposals must also provide an active frontage. I acknowledge that some nearby shops had posters or vinyl displays in the windows, and uses such as banks can present a less visually active frontage. However, an active frontage would be derived from both its appearance and its use with its associated comings and goings, including customers. Some non-retail uses therefore have more active frontages than others.
 10. From my observations of other AGCs, including the one I saw in on my visit, they have limited active frontages. The proposed AGC and the existing nearby one may share some shop-like characteristics in that they have an entrance door and shop windows capable of a window display and people can walk directly into them from the street. However, they generally have solid shop window displays, often filled with posters that limit views into the premises, compounded by generally darkened interiors making it difficult to see what's inside. I noticed the gaming centre near to the appeal site had its window blinds drawn down to the floor and large posters in the window, so it was not possible to see in. It looked closed, despite notices saying it was open 24 hours. It therefore did not present an active frontage and had a deadening effect on the street frontage.
 11. The appellant seeks to distinguish between the activities of AGCs and betting shops (in part to rebut the Council's use of Policy DM42, which I will discuss later) and to describe how the proposed use will bring activity to the frontage. He describes how in betting shops customers often remain on the premises for extended periods to watch live sporting events, and that people who aren't betting can come in and loiter. Betting shop staff don't interact with customers as they are behind full-height glazed screens. However, from my observations of betting shops, including the ones I saw on my visit, they can see a quicker

turnaround of customers who can place a bet on a future event and leave and not necessarily stay to watch an event on the in-store television screens. Betting shops can also have posters in the windows, but generally the interiors are brighter and from the street you can see inside more, as was evident from my site visit.

12. In contrast, the appellant describes that in AGCs only people playing on the machines are permitted to remain and staff circulate to engage with customers. There is a catering element providing customers with tea, coffee, soft drinks, biscuits and sandwiches. Premises would be carpeted and attractively fitted out. However, this would indicate to me intentions to lengthen the stay of customers in AGCs in order to keep them inside to play on the gaming machines, and this would reduce customer comings and goings to the premises.
13. Therefore, taking into account my observations already described, I am not persuaded that AGCs provide an active frontage, or indeed they provide greater frontage activity than betting shops. Nor am I satisfied that 'promotional material' in the shop window results in an active frontage or indeed a visually interesting one, even if it is changed regularly. Whilst a condition could be imposed to insist on the installation of a more conventional shop window display, this would not create an active frontage when combined with the limited visibility into the premises and the limited comings and goings of customers.
14. The appellant's Customer Inflow and Profile Surveys undertaken at various premises around the country gives an indication that some customers link their visits to an AGC with shopping trips. However, different town centres have different demographics, particular circumstances and even different retail to non-retail ratios. None of the surveys were undertaken at a similar premises in the Tottenham High Road/Bruce Grove District Centre. Therefore, as they are not directly comparable I give them limited weight.
15. The proposal would not conflict with the numerical aspects of Policy DM42 relating to the percentage of non-retail uses and there being no more than two adjoining non-retail uses. However, I find the number of betting shops and AGCs already in High Road in a small area in close proximity to each other already serves to reduce the overall active Primary Shopping Frontage of the District Centre. Whilst there is no definition in the development plan or the Framework of what is 'too many' or an 'overconcentration', the introduction of another non-retail AGC would cumulatively exacerbate frontage inactivity and harm the vitality and viability of the Tottenham High Road/Bruce Grove District Centre.
16. Accordingly, the proposal would be in conflict with part A.c) of Policy DM42 of the DMD, whose aims are outlined above. As it would harm the vitality and viability of the District Centre, it would also conflict with the Framework.
17. In its second reason for refusal the Council considers the proposal would lead to an overconcentration of amusement/betting shops and refuses against DMD Policy DM46 entitled 'Betting Shops'. However, this Policy and its supporting text do not mention other gambling type uses such as AGCs. Therefore, as the proposal is not for a betting shop there would be no conflict with this Policy.

Other Matters

18. Staying open later in the evening could contribute to the night-time economy and the net increase of one retail unit would be a benefit to the retail function of the Primary Shopping Frontage. But this would not outweigh the harm I have identified and the conflict with the development plan, to which I attach significant weight.
19. Permanent occupation of the premises is put forward, but this cannot be guaranteed. The use of conditions could control operating hours, exclude certain types of gaming machines and require the installation of an attractive window display. And the proposal would bring a vacant building back into use with a new shopfront and would represent investment in the area. However, none of these factors, alone or in combination, would outweigh the harm.
20. I note the appellant's examples of appeal decisions that have allowed AGCs elsewhere. One was in Cambridge and the other three in London. The Haringey example is in another part of the borough and was over 10 years ago under different development plan policies. Whilst there will be some similarities, such as the proposals are in high street locations, there will be differences with their locations, the nature of the town centres and the local demographics. As they are not directly comparable I give them limited weight. And I must determine the appeal on its own merits.
21. The lack of representations from other local traders does not diminish the harm that I have identified.

Conclusion

22. For the reasons given above, I conclude that the proposal would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, the appeal should be dismissed.

K. Stephens
INSPECTOR