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# Statement of Case

369-371 Green Lanes,  
London, N13 4JH

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27 NOVEMBER 2024

Q240798

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# 1 Introduction

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- 1.1 This Statement of Case ('SoC') has been prepared by Quod, on behalf of East Kent Leasing Limited ('the Appellant'), following the decision by London Borough of Enfield ('LBE'), to refuse planning permission (ref. 24/01776/FUL) for the proposed change of use of the ground floor from Financial Services (Class E(c)(i)) to Adult Gaming Centre (*sui generis*) with 24/7 hours operation and minor alterations to the shopfront at 369 - 371 Green Lanes, London, N13 4JH ('the Appeal Site').
- 1.2 The appeal is submitted under Section 78(2) of the Town and Country Planning Act 1990.
- 1.3 The planning application was submitted to LBE by the Appellant and validated on 31<sup>st</sup> May 2024 under reference 24/01776/FUL. Specifically, planning permission was sought for the following development:

*“Change of use of the ground floor from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront.”*

- 1.4 The application was refused under delegated powers on 26<sup>th</sup> July 2024 for the following reasons:
  1. The development proposal, by virtue of its nature and siting, would lead to a clustering, intensification and over-concentration of betting and gambling uses in the immediate area, failing to make the best use of the land. This clustering would be detrimental to the vitality, viability and character of the town centre in this location. The proposal is also likely to exacerbate existing issues such as crime, anti-social behaviour, and social disadvantage in this area, which would be harmful to the health and wellbeing of residents and to community cohesion. Given this, the proposal is contrary to policies GG1, GG2, GG3, SD6, D3 and D8 of the London Plan (2021), to policies CP9, CP17 and CP30 of the Core Strategy (2010), to policies DMD33 and DMD37 of the Development Management Document (2014), and to the National Planning Policy Framework (2023).
  2. The proposal results in a loss of Use Class E floorspace in the Palmers Green District Centre and detracts from the shopping role of the street, does not provide a public service, does not propose an active frontage, fails to demonstrate a local need and introduces an adverse impact on the locality with the potential of increased crime and anti-social behaviour. As such, the proposal is contrary to SD6 and SD8 of the London Plan (2021), CP17 of the Core Strategy (2010) and DMD27 of the Development Management (2014).
  3. The proposed hours of operation introduce a night-time use where there is presently no diversity of night-time activity, resulting in a sole, isolated night-time use that attracts crime and antisocial behaviour, leading to an impact on safety and perception of safety, contrary to Policy HC6 of the London Plan (2021) and Core Policy 11 and Core Policy 17 of the Core Strategy (2010).

4. The proposal would fail to preserve the special interest of the non-designated heritage asset contrary to paragraph 203 of the National Planning Policy Framework 2023; Policy HC1 of the London Plan 2021; Policy 40, 41, and 44 of the DMD 2014; and Policy 31 of the Core Strategy 2010.
5. The proposal fails to provide adequate cycle and refuse storage provision and is therefore contrary to Policies T5, T7 of the London Plan (2021), CP 24 and CP25 of the Core Strategy (2010), DMD45 DMD47 and DMD48 of the Development Management Document (2014) and the NPPF (2023)

1.5 A copy of the Decision Notice and Officers Report is appended at **Document 1**.

### Presumption in Favour

- 1.6 This Statement sets out the Appellant's case in support of the proposed development. It will demonstrate that the proposed development is sustainable development, according with the aims and objectives of national and local planning policy which recognises the need to support local businesses and to ensure that vacant units are occupied to create activity and encourage people to visit town centres.
- 1.7 It will be demonstrated that the proposed development accords with the Development Plan when read as a whole and this appeal should be approved without delay.

### Supporting Information

- 1.8 This Statement should be read alongside the supporting documentation which is set out below:
  - Decision Notice and Officers Report (ref. 24/01776/FUL);
  - Inspector's Report (APP/Q5300/W/24/3341158);
  - Simon Bird KC Opinion;
  - Town Centre Health Check, prepared by Quod;
  - Built Heritage Statement, prepared by RPS;
  - Transport Note, prepared by Rappor.

## 2 Background to the Appeal

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### Appeal Site & Site Context

- 2.1 The Appeal Site comprises 369-371 Green Lanes and occupies a Primary Shopping Area of the District Centre. A Site Location Plan is appended as **Document 2**.
- 2.2 The Appellant is East Kent Leasing Limited who operate Adult Gaming Centres and is owned by the Godden family who have been in the gaming industry for over 40 years. The family business originated in the South-East of England and since 2012 has expanded into Greater London, including operating sites in Croydon, Kilburn, Wood Green, Islington and Romford. The senior management team of East Kent Leasing Limited have operated over 400 Adult Gaming Centres throughout the UK. This AGC will employ approximately 8 full time staff.
- 2.3 Its AGC premises trade as 'Palace Amusements' and none have any issues related to crime and disorder or have ever been subject to a licence review by either the police or local authority. The Appellant has recently acquired 369-371 Green Lanes as part of a 15-year lease agreement and intends to invest approximately £600,000 to transform the Appeal Site from a vacant former bank to a new, fully fitted out AGC with 24/7 operation.
- 2.4 The Appeal Site lies within Palmers Green District Centre. It is also located within a designated Primary Shopping Area ('PSA'). The Appeal Site is not listed nor within a Conservation Area, however the retail parade (known as 'Syke's Buildings') is locally listed by LBE in their Local Heritage List (dated May 2018). According to the Environment Agency Flood Map for Planning, the Appeal Site is within Flood Zone 1 (land with a low risk of flooding).
- 2.5 The existing unit at 369-371 Green Lanes was previously occupied by Lloyds bank. The branch formally closed on 27<sup>th</sup> October 2022 and has been actively marketed to Class E occupiers since September 2022. The unit has not contributed economically to Palmers Green District Centre since this branch closed. The lawful use is Class E(c)(i) (Financial Services).
- 2.6 The refused planning application (ref. 24/01776/FUL) was submitted in the context of growth of the Palace Amusements brand. New and refurbished venues provide the latest interactive and technological features in their existing AGCs thus reflecting their quality and excellence gained from many years of experience in this market sector.

### Relevant Planning History & Appeal Precedent

#### Planning History

- 2.7 **May 2023** – Planning permission (ref. 23/01098/FUL) was granted at the upper floors of 369-371 Green Lanes for the conversion of the existing 2 x residential units, over first, second and third floor levels, to provide 5 x residential units, infill first and second floor rear extensions and balconies, replacement rear dormers and new rooflights, new access on Green Lanes and Devonshire Mews with refuse and recycling stores with community amenity space.

2.8 This planning permission has been implemented and will result in the division of the ground floor premises to provide an additional front entrance (onto Greens Lane), with corridor access to the stairs leading up to the upper floors and also sound insulation within the residential premises to prevent any unacceptable transmission of noise from the commercial ground floor to the residential upper floors. The Appellant understands that this planning permission has been implemented and the sound insulation will be installed.

2.9 This permission was subject to the following condition:

*“Prior to the occupation of the development, an acoustic report must be submitted to and approved in writing by the Local Planning Authority demonstrating, by the performance of a sound insulation test, that the airborne sound attenuation of the floor / separating wall between the proposed development and the ground floor hall has a minimum airborne sound insulation of  $DnTw + Ctr > 55dB$ . The development must be implemented in accordance with the approved details and maintained as such thereafter”.*

2.10 **July 2024** – Planning permission (ref. 24/01776/FUL) was refused at 369-371 Green Lanes London N13 4JH for the Change of use of the ground floor from Financial Services (Class E(c)(i)) to Adult Gaming Centre (*sui generis*) with 24/7 hours operation and minor alterations to the shopfront. This refusal is the subject of this appeal.

#### Relevant Appeal Precedent

2.11 In August 2024, planning permission (ref. 23/02426/FUL) was allowed at appeal at 163-169a Fore Street, Edmonton, N18 2XB for the change of use of the ground floor from bank (Class E(i)) to Adult Gaming Centre (*sui generis*) with 24/7 operation. This Site lies within Angel Edmonton District Centre which is also in LB Enfield and was adjacent to another AGC at 169A Fore Street which was granted planning permission in 2019 (19/01617/FUL).

2.12 The appeal unit at 163-169a Fore Street was vacant for over three years, despite being actively marketed to Class E operators since July 2021. The unit was formerly occupied by a bank Class E(i) (financial services).

2.13 The application was initially refused by LBE on the following grounds:

- The development proposal, by virtue of its nature and siting, would lead to a clustering, intensification and overconcentration of betting and gambling uses in the immediate area, failing to make the best use of the land. This clustering would be detrimental to the vitality, viability and character of the town centre in this location. The proposal is also likely to exacerbate existing issues such as crime, anti-social behaviour, and social disadvantage in this area, which would be harmful to the health and well-being of residents and to community cohesion. Given this, the proposal is contrary to policies GG1, GG2, GG3, SD6, D3 and D8 of the London Plan (2021), to policies CP9, CP17 and CP30 of the Core Strategy (2010), to Policies DMD33 and DMD37 of the Development Management Document (2014) and to the National Planning Policy Framework (2021).
- The development proposal, by virtue of the provision of inadequate information relating to crime prevention, safety and security, is not sufficiently safe and secure and would not adhere to the principles of Secure by Design. Given this, the application fails to comply

with Policy D11 of the London Plan (2021), with Policies CP9 and CP30 of the Core Strategy (2010), with Policy DMD37 of the Development Management Document (2014) and with the National Planning Policy Framework (2021).

- 2.14 Planning permission was granted at Appeal, as the Inspector concluded that the proposal would be compatible with, and support, the character and vitality of the town centre and would be acceptable in terms of its effects on health and wellbeing of residents. It also concludes that appropriate measures could be included to minimise any risk of crime.
- 2.15 A copy of the Inspector's Report is appended as **Document 3**.
- 2.16 There is no other planning history of relevance.

### Council's Consideration of the Application

- 2.17 The planning application was validated by LBE on 31 May 2024. The application was subsequently refused under delegated powers for the following reasons.
1. The development proposal, by virtue of its nature and siting, would lead to a clustering, intensification and over-concentration of betting and gambling uses in the immediate area, failing to make the best use of the land. This clustering would be detrimental to the vitality, viability and character of the town centre in this location. The proposal is also likely to exacerbate existing issues such as crime, anti-social behaviour, and social disadvantage in this area, which would be harmful to the health and wellbeing of residents and to community cohesion. Given this, the proposal is contrary to policies GG1, GG2, GG3, SD6, D3 and D8 of the London Plan (2021), to policies CP9, CP17 and CP30 of the Core Strategy (2010), to policies DMD33 and DMD37 of the Development Management Document (2014), and to the National Planning Policy Framework (2023).
  2. The proposal results in a loss of Use Class E floorspace in the Palmers Green District Centre and detracts from the shopping role of the street, does not provide a public service, does not propose an active frontage, fails to demonstrate a local need and introduces an adverse impact on the locality with the potential of increased crime and anti-social behaviour. As such, the proposal is contrary to SD6 and SD8 of the London Plan (2021), CP17 of the Core Strategy (2010) and DMD27 of the Development Management (2014).
  3. The proposed hours of operation introduce a night-time use where there is presently no diversity of night-time activity, resulting in a sole, isolated night-time use that attracts crime and antisocial behaviour, leading to an impact on safety and perception of safety, contrary to Policy HC6 of the London Plan (2021) and Core Policy 11 and Core Policy 17 of the Core Strategy (2010).
  4. The proposal would fail to preserve the special interest of the non-designated heritage asset contrary to paragraph 203 of the National Planning Policy Framework 2023; Policy HC1 of the London Plan 2021; Policy 40, 41, and 44 of the DMD 2014; and Policy 31 of the Core Strategy 2010.
  5. The proposal fails to provide adequate cycle and refuse storage provision and is therefore contrary to Policies T5, T7 of the London Plan (2021), CP 24 and CP25 of the Core

Strategy (2010), DMD45 DMD47 and DMD48 of the Development Management Document (2014) and the NPPF (2023)

- 2.18 During the determination of the planning application, objections were received from LBE's Conservation Officer, LBE's Place Shaping Officer and LBE's Traffic and Transportation Officer.
- 2.19 The Officer's Report states that 96 public comments were received which raised concerns such as; the overconcentration of adult gaming and gambling businesses; the negative impact on the High Street; and the increase in anti-social behaviour. The Officer's Report states that Ward Members expressed concerns largely consistent with the public comments.
- 2.20 The full response from LBE's Conservation Officer has not been made available by LBE to the Appellant. The Officer's Report states that the Conservation Officer objected on the basis that the proposed development would have a negative impact on the locally listed Skye Buildings and would also fail to comply with Enfield's policies on shopfronts and advertisements. It was concluded that the proposed development fails to make a positive contribution to the local character and distinctiveness.
- 2.21 The full response from LBE's Place Shaping Officer has not been made available by LBE to the Appellant. The Officer's Report concludes that LBE's Place Shaping Officer have stated that the proposal would undermine efforts to improve the attractiveness and character of the high street.
- 2.22 The full response from LBE's Traffic and Transportation Officer has not been made available by LBE to the Appellant. The Officer's Report states that the cycle parking and refuse area is not aligned with LBE's standards, as they are proposed internally. However, the cycle parking was never proposed internally, it is proposed in an external area at the rear. The Appellant is of the view that the LPA read the plans incorrectly and without consulting with the Appellant assumed the cycle parking was proposed internally.
- 2.23 The Metropolitan Police did not object to the planning application. They did raise a concern that the proposed development may attract crime and anti-social behaviour to the area. The Officer's Report states that there is an existing issue with crime, stating that the area has been susceptible to burglaries, criminal damage, public order, anti-social behaviour and vehicle crime. The Metropolitan Police recommended the following planning condition would overcome their concerns:
- "Prior to occupation, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development".*
- 2.24 The Officer's Report concludes that notwithstanding the tenancy of a presently vacant unit in the District Centre, there is no planning benefit to this proposal and that the primary issues are; the impact of the proposal in terms of safety and security; the principle of the change of use from Class E to a sui generis AGC in an area where gambling establishments are already



prevalent; impact of a night-time use; impact on a non-designated heritage asset; and storage arrangements for cycle and refuse.

## Structure of the Statement

2.25 This SoC sets out the reasons why the proposed development should be granted planning permission, and addresses the main planning considerations, as follows:

- Whether the proposed development would lead to a clustering, intensification and overconcentration of betting and gambling uses in the immediate area and how the proposed development and loss of Class E floorspace will affect the vitality and viability of the town centre;
- Whether AGC's and specifically the proposed development would exacerbate an existing crime and anti-social behaviour problem, leading to an adverse effect on the health and wellbeing of local residents;
- Whether the hours of operation of the proposed development at nighttime would create a problem with crime and antisocial behaviour;
- Whether the proposed development fails to preserve the special interest of the non-designated heritage asset; and
- Whether the proposed development fails to provide adequate cycle and refuse provision.

2.26 We deal with each of these points within the Statement, taking into account the Officer's Report, relevant planning policies at national and local level and consultation responses.

2.27 Overall, it will be demonstrated that the proposed development is not only supported by planning policy, at all levels, but also by existing precedent set within the area, which reflects the Appeal Site's commercial nature.

## 3 Planning Policy Framework

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- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.2 The Development Plan comprises the London Plan (2021); Enfield Core Strategy (2010); and the Development Management Document (2014). Material considerations include the National Planning Policy Framework (2021) and the National Planning Policy Guidance (NPPG) and the Emerging Draft Local Plan (Regulation 24) (2024).
- 3.3 The policies set out below are the adopted policies which are considered relevant to the proposal:

### London Plan (2021)

- GG1 ('Building strong and inclusive communities')
- GG2 ('Making the best use of land')
- GG3 ('Creating a healthy city')
- GG5 ('Growing a good economy')
- GG6 ('Increasing efficiency and resilience')
- SD6 ('Town centres and high streets')
- SD8 ('Town centre network')
- HC1 ('Heritage conservation and growth')
- HC6 ('Supporting the night-time economy')
- T5 ('Cycling')
- T6 ('Car parking')
- T7 ('Deliveries, servicing and construction')
- D3 ('Optimising site capacity through the design-led approach')
- D4 ('Delivering good design')
- D8 ('Public realm')
- D11 ('Safety, security and resilience to emergency')
- D13 ('Agent of change')
- D14 ('Noise')
- E9 (7) (Retail Markets and Hot Food Takeaways)

### Core Strategy (2010)

- CP9 ('Supporting community cohesion')
- CP11 ('Recreation, Leisure, Culture, and Arts')

- CP17 ('Town Centres')
- CP24 ('The Road Network')
- CP25 ('Pedestrians and Cyclists')
- CP30 ('Maintaining and improving the quality of the built and open environment')
- CP31 ('Built and Landscape Heritage')

### **Development Management Document**

- DMD25 ('Locations for new retail, leisure and office development')
- DMD27 ('Angel Edmonton, Edmonton Green, Southgate and Palmers Green District Centres')
- DMD33 ('Betting Shops')
- DMD34 ('Evening economy')
- DMD37 ('Achieving High Quality and Design-Led Development')
- DMD39 ('The design of business premises')
- DMD40 ('Ground Floor Frontages')
- DMD41 ('Advertisements')
- DMD44 ('Conserving and Enhancing Heritage Assets')
- DMD45 ('Parking Standards and Layout')
- DMD47 ('Access, New Roads and Servicing')
- DMD48 ('Transport Assessments')
- DMD68 ('Noise')

### **Other Relevant Policy Considerations**

- National Planning Policy Framework (NPPF, 2023)
- National Planning Practice Guidance (NPPG, 2018)
- Enfield 'Waste and Recycling Storage' Planning Guidance (2019)

### **Emerging Development Plan**

3.4 LBE are currently progressing with the preparation of their New Local Plan. LBE submitted their Draft Local Plan (2024) to the Secretary of State for Examination on 6<sup>th</sup> August 2024. The Inspector has provided their initial response outlining preliminary matters and questions. LBE responded to this on 30<sup>th</sup> September 2024. The Examination Hearing Sessions have not yet been scheduled.

3.5 Although the Draft Local Plan (2024) does not form part of the adopted Development Plan, the plan has been submitted to the Secretary of State for Examination and as such forms a material consideration. As such, the following emerging policies contained in the Draft Local Plan are of relevance to the proposed development.

- Strategic Policy PL8 ('Palmers Green')

- Strategic Policy DE1 ('Delivering a well-designed, high quality and resilient environment')
- Policy DE9 ('Shopfronts and advertisements')
- Policy DE10 ('Conserving and enhancing heritage assets')
- Strategic Policy E2 ('Promoting jobs and inclusive business growth')
- Strategic Policy TC1 ('Promoting town centres')
- Strategic Policy TC2 ('Encouraging vibrant and resilient town centres')
- Policy TC6 ('Managing the clustering of town centre uses')
- Policy DE8 ('Design of business premises')
- Policy E10 ('Fostering a successful evening and night-time economy')

3.6 Evidence of the proposed development's compliance with the adopted and emerging planning policy framework is provided within the Statement of Case set out at Section 4 of this Statement.

## 4 Statement of Case

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### Betting Shops & AGCs

- 4.1 The term ‘*betting*’ is referenced in the first reason for refusal and within the Officer Report, which states that:

*“The development proposal, by virtue of its nature and siting, would lead to a clustering, intensification and over-concentration of betting and gambling uses in the immediate area...”*

- 4.2 The Officer’s Report also references ‘betting’ and states that “*An adult gaming centre is also a gambling establishment, like a betting shop*”.

- 4.3 AGC’s are not betting shops and should be considered to be fundamentally different operationally to betting shops. This is supported by recent appeal precedent for an AGC in Bedford in February 2023<sup>1</sup>, which confirms that AGC’s should be considered to be fundamentally different operationally to betting shops, with the Inspector’s Report stating at Paragraph 4 that:

*“... AGC use is different to betting shops because the former includes a range of low stakes gaming machines, electronic bingo and complementary refreshments in a smart lounge environment. They do not show live sporting events and rather than being behind a counter, staff remain with customers on the venue floor. Betting shops typically close at 10pm, whereas AGCs typically operate 24-hours with the predominant customer base after midnight being the local entertainment workforce and shift workers. As such, even though betting shops and AGCs are both licenced gambling uses, AGCs are different from traditional betting shops in terms of the offer they provide and customer base they serve.”*

- 4.4 A copy of this Inspector’s Report is appended as **Document 4**.

- 4.5 There is a clear difference between betting shops and AGC’s which is well known in the industry and Policy DMD33 (‘Betting Shops’) of LBE’S Development Management Document does not apply to AGC’s.

- 4.6 It should be noted that the aforementioned AGC at 163-167 Fore Street Edmonton Green which was allowed at appeal in August 2024<sup>2</sup>. Similar to the Appeal Site, the original planning permission (ref. 23/02426/FUL) was refused by LBE on the basis that the proposed development would lead to a clustering, intensification and over-concentration of betting and gambling uses in the immediate area. In advance of this appeal, the Appellant sought an Opinion from leading Counsel, Simon Bird KC. This Opinion is owned by the Appellant and is also publicly available as it was submitted as part of that appeal. It is very relevant to the current appeal as it clarifies that betting shops and AGC’s are fundamentally different and that

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<sup>1</sup> APP/K0235/W/22/3306897

<sup>2</sup> APP/Q5300/W/24/3341158

Policy DMD33 was incorrectly applied during the consideration of the refused planning application. In summary, the Opinion states:

*“Policy DMD33 is a very specific policy which applies only to “Betting Shops”. There is no definition of this term within the Glossary to the Development Management Document and its meaning therefore falls to be ascertained by reference to the principles I have outlined above. The meaning of the term “Betting Shop” is not one which depends on any evaluation judgement by those applying the policy; it is a specific term which should be given an objective interpretation in accordance with the language used having regard to its context.*

*A “Betting Shop” is a shop in which a betting service is offered to visiting members of the public i.e. people to go to place bets, whether that is on horseracing or the outcome of other events or competitions which take place away from the premises. Such premises are separately licensed to AGCs under the Gambling Act 2005. In contrast, AGCs, once known as amusement arcades or amusement centres, essentially involve an on-site leisure activity, albeit one which involves putting stake money into a machine as the gambling activity. They have a maximum payout of £500. An AGC is not a “Betting Shop” having regard to the ordinary and natural meaning of that term. Further, there is nothing within the context of Policy DMD33 which would support that term being given a wider meaning so as to embrace other gambling uses. In fact, the context confirms that the Council’s interpretation of the policy wrong.*

4.7 The KC Opinion also states that it is clear from the supporting text of the Development Management Document (2014) that when LBE wished to refer to AGCs it did so in terms (as per Table 5.1 of the Development Management Document (2014)). It also states that if it had intended Policy DMD33 to apply to AGCs or to any use which involved an element of gambling in addition to Betting Shops, it would have been worded differently.

4.8 Furthermore, the KC opinion states that the Use Classes Order was amended in April 2015 by Article 2 (1) of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 to exclude betting offices from Class A2 and they now fall within Article 3(6)(n) of the Use Classes Order as being a use which does not fall within any defined Use Classes. AGCs remain a separately identified *sui generis* use (Article 3(6)(b)), reinforcing the distinction between the two uses for planning purposes.

4.9 The Opinion concludes:

*“Neither the wording nor context of Policy DMD33 of the Development Management Document supports the application of the policy to proposals for AGCs. From my analysis I conclude that it is legally erroneous to apply Policy DMD33 to such proposals. AGCs are not “Betting Shops” for the purposes of this policy, and the requirements of the policy cannot be applied to them when discharging the Section 38(6) of the Planning and Compulsory Purchase Act 2005 duty”.*

4.10 Indeed, if Policy DMD33 was applied to AGCs, then planning permission ref. 19/01617/FUL for a change of use of 169A Fore Street to an AGC (ref. 23/02426/FUL) would have been a contravention to this policy.

4.11 In considering the Appeal at 163 – 169a Fore Street, the Inspector did not think it necessary to consider whether the AGC would constitute a betting shop because in that case, even if Policy DMD33 were applicable, there was no conflict with it.

4.12 A copy of the Opinion provided by Simon Bird KC is enclosed as **Document 5**.

## Reason for Refusal 1

### Over concentration

4.13 The first reason for refusal states that the proposed development would lead to a clustering, intensification and overconcentration of betting and gambling uses in the immediate area, failing to make the best use of land and that this clustering would have a detrimental effect on vitality, viability and character of the town centre in this location.

4.14 The Officer's Report states that four gambling units would be an intensification and overconcentration of gambling premises in the area. However emerging policy DM TC6 ('Managing the clustering of town centre uses') of the Draft Local Plan (2023) which states that proposals for AGC's will only be supported where it can be demonstrated that:

*(a) the site is within a designated centre and will not result in an over-concentration of such uses in a designated centre; and*

*(b) they would not cause harm to the amenity and character of the area.*

4.15 The site is within the Palmers Green District Centre and there is only one existing AGC on Green Lanes. One additional AGC does not result in overconcentration.

4.16 Policy DM TC6 has not yet been through Examination in Public and therefore carries little weight. However, it does show that LBE differentiate between AGC's and betting shops. The only relevant adopted policy is Policy E9(7) of the London Plan, which refers to clustering / over concentration of uses in town centres. This is relevant as it states that planning policies and development proposals should *inter alia*:

*7) manage clusters of retail and associated uses having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan including:*

*a) town centre vitality, viability and diversity*

*b) sustainability and accessibility*

*c) place-making or local identity*

*d) community safety or security*

*e) mental and physical health and wellbeing.*

4.17 The supporting text to this policy refers to policy SD6 (town centres and high streets) and at paragraph 6.9.5 states that this policy promotes a diverse range of uses in town centres, to support the vitality and vibrancy of town centres. It also states that the clustering of betting shops, amusement centres etc... should be carefully managed. Careful management means that proposed developments should be compliant with the five criteria set out in Policy E9(7).

The proposed development meets all five of these criteria and it cannot be considered that one additional AGC will result in a concentration of this land use.

#### Vitality, Viability and Character of the Town Centre

- 4.18 The existing unit is vacant and has been vacant since October 2022. The submitted Marketing Report (dated 23<sup>rd</sup> September 2023) prepared by DMA Commercial Real Estate Consultants ('DMA') confirms that the Appeal Site has remained vacant since the closure of Lloyds Bank in October 2022. This is despite an extensive marketing campaign by DMA which commenced in September 2022. The Marketing Report confirms that despite a total of five offers being received, the only viable offer for the Appeal Site has come forward from the Appellant. At the time of submission of the Appeal in November 2024, the unit remains vacant.
- 4.19 A Town Centre Health Check of Palmers Green District Centre was commissioned by the Appellant in October 2024. The purpose of the Town Centre Health Check is to better understand the present activity in Town Centre. A copy of the Town Centre Health Check is appended as **Document 6**.
- 4.20 In summary, the Town Centre Health Check found that Palmers Green is a well-maintained District Centre which comprises a mix of retail and services, including for the surrounding residential catchment. It states that vacancies have increased since 2021, and in recent years there has been a loss of a number of key retail attractors, including the closure of Iceland, Clarks, Greggs, Waitrose and Co-op.
- 4.21 The Town Centre Health Check confirms that Palmers Green currently includes four bookmakers and AGC's. The number of bookmakers has reduced since 2016 from six to four<sup>3</sup>. The existing betting shops are located at:
- 363-365 Green Lanes (Ladbrokes);
  - 402 Green Lanes (Ladbrokes);
  - 503 Green Lanes (Paddy Power); and
  - 319 Green Lanes (Betfred).
- 4.22 There is one existing AGC located at Unit 292-292A Green Lanes which is occupied by Merkur Slots. As such, the current provision of AGC's is not significant. Indeed, collectively, the betting shops and AGC's together account for approximately 2.5% of all units, and 2.9% of all floorspace in the town centre.
- 4.23 If the appeal is allowed, it would result in a total of four betting shops and two AGC's on this part of Green Lanes. Collectively, these uses would account for approximately 3.02% of all units within Palmers Green District Centre and 3.40% of all floorspace.
- 4.24 The proposed development would bring a vacant unit back into economic use, something which has previously been viewed positively by LBE when granting planning permission for an

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<sup>3</sup> 2017 London Town Centre Health Check Analysis Report



AGC at 169a Fore Street, Edmonton Green (ref. 19/01617/FUL), which the Officer stated in their report that bringing a vacant unit back into use as an AGC was a benefit.

- 4.25 Presently, the future of the Appeal Site is uncertain since the premises became vacant in October 2024 following the closure of Lloyds bank. There has been little viable interest in the retail use of the premises as demonstrated in the accompanying Marketing Report (dated 23<sup>rd</sup> September 2023). This is consistent with the results of the Town Centre Health Check carried out in October 2024, which confirms that there are increased vacancies in Palmers Green District Centre since 2021.
- 4.26 Furthermore, the proposed development would provide a number of economic benefits which should be taken into consideration during the determination of this appeal, such as an increased number of jobs with excellent staff facilities, the knock on economic effects on other local businesses by increasing footfall to the unit and associated linked trips as well as the potential for further investment in the street in the future, for example public realm improvements.
- 4.27 The proposed AGC would also generate additional footfall in the Palmers Green District Centre. A Linked Trip Customer Survey carried out by the Appellant in November 2023 is presented at **Document 7**. This survey was based on 642 responses from customers at Palace Amusements AGC's. The survey found that 76% of the customers said that the main purpose of their trip to the town centre was to visit Palace Amusements and that 53% of customers visited other shops and services as part of their visit. From this survey, it is clear that Palace Amusements creates trips to the town centres that they have a presence in and support other businesses in these town centres. The proposed AGC would therefore have positive benefits on the wider centre.
- 4.28 The Planning Inspectorate has in the past taken a pragmatic approach to the future of High Streets and proposals for AGCs in high street units, particularly if the unit is vacant. A good example of this is the appeal decision<sup>4</sup> dated November 2021, with regard to a site in Golders Green, London. This appeal was in relation to a change of use application from a vacant estate agents (Class E) to an AGC (*sui generis*). A copy of the Inspector's Report is appended as **Document 8**. The Inspector concludes that the proposed development would not unacceptably reduce the number of retail units in the town centre in the current context nor would it result in an over-concentration of AGCs or non-retail uses. Other positive considerations were raised by the Inspector including the significance of bringing a vacant back into use and that a AGC would generate notable footfall. These are all relevant considerations in the context of the proposed development.
- 4.29 A further example is the appeal decision<sup>5</sup> with regard to an AGC in Ipswich dated November 2023 in relation to a change of use application from a vacant retail unit (Class E) to an AGC (*sui generis*). A copy of the Inspectors Report is appended as **Document 9**. Similarly to the proposed development, the existing unit had been vacant for some time, in a location which had recently seen a significant number of vacant premises.

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<sup>4</sup> APP/N5090/W/21/3270129

<sup>5</sup> APP/R3515/W/23/3319465

- 4.30 The Inspector states in their report that whilst an AGC is not specifically listed as a main town centre use in the National Planning Policy Framework, it is a leisure use that attracts visitor footfall and would be appropriate in a town centre if other policy requirements are met. The Inspector also outlined that an AGC is a use which would be beneficial to the vitality and viability of the defined shopping zone and is a use which would “...*help to attract people to visit the town centre during the evening*”.
- 4.31 In addition, the Inspectors Report states that AGC uses provide active frontages, with the possibility of linked trips to other town centre uses. The Inspectors Report concludes that this would have a positive effect on the vitality and viability of the Central Shopping Area
- 4.32 It should also be noted that the Inspector’s Report for the recent appeal decision<sup>6</sup> at Angel Edmonton also emphasises the importance of bringing a vacant retail unit back into use. It also states that the proposed AGC use would increase footfall as a result of its increased capacity and in turn will provide some benefit to other nearby uses through increased custom.
- 4.33 Reason for Refusal 1 states that the proposed development was refused on the basis that it was contrary to Policies GG1 (‘Building strong and inclusive communities’), GG2 (‘Making the best use of land’) GG3 (‘Creating a healthy city’), SD6 (‘Town Centres and high streets’), D3 (‘Optimising site capacity through design-led approach’) and D8 (‘Public realm’) of the London Plan (2021). However, the proposed development seeks to make use of an existing site, whilst ensuring that the high street continues to generate a wide range of economic and other opportunities whilst ensuring that the crucial role of the District Centre is promoted. It is compliant with these policies.
- 4.34 Reason for Refusal 1 also states that the proposed development is contrary to Policies CP9 (‘Supporting community cohesion’), CP17 (‘Town centres’) and CP30 (‘Maintaining and improving the quality of built and open environment’) of the Core Strategy (201). In line with the requirements of these policies, the proposed development supports the District Centre of Palmers Green and helps strengthen it as an important service centre by providing a town centre related service and facility. In addition, the proposed development will foster a diverse evening and night-time economy in Palmers Green, whilst ensuring that measures are in place to address issues such as community safety.
- 4.35 Furthermore, the proposed development was refused on the basis that it fails to comply with Policy DMD33 (‘Betting Shops’) and Policy DMD37 (‘Achieving high quality and design led development’) of the Development Management Document (2014). It has already been demonstrated that the proposed development should not be defined as a betting shop and as such, there is no requirement to assess the proposed development against Policy DMD33.
- 4.36 The proposed development meets the requirements of Policy DMD37 in that it provides a diverse and compatible use in a District Centre.
- 4.37 Although not part of the adopted development plan, the proposed development complies with Strategic Policy PL8 (‘Palmers Green’) of the Draft Local Plan (2023) which states that development in Palmers Green should encourage greater diversification of uses present along the high street. It also states that where proposals encourage this in a way that will positively

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<sup>6</sup> APP/Q5300/W/24/3341158

contribute to the vitality of the high street they will be encouraged. Policy PL8 also states that development proposals should maintain distinctive shopfronts.

- 4.38 The proposed development is also compliant with Strategic Policy E2 ('Promoting jobs and inclusive business growth'), Strategic Policy TC1 ('Promoting town centres'), Strategic Policy TC2 ('Encouraging vibrant and resilient town centres'), Policy DM TC6 ('Managing the clustering of town centre uses') and Policy DM E10 ('Fostering a successful evening and night-time economy') which seek to ensure that the long term vitality and viability of Enfield's Major and District Centres are secured through; supporting a growing, diversifying economy; enabling development in the thriving town centres; delivering investment and job creation through the diversification of town centre activities; and supporting evening and night-time economy activities in town centres whilst mitigating their potential impacts and not undermining the role and function of Palmers Green.

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## Reason for Refusal 2 - Loss of Class E Floorspace

- 4.39 The second reason for refusal makes reference to the loss of Class E floorspace in the Palmers Green District Centre. Policy DMD27 of the Development Management Policies Document (2014) seeks to protect the existing retail uses by managing the loss of Class A1 retail (now known as Class E(a)). Policy DMD27 permits the change of use of ground floor uses within Primary Shopping Areas, providing that a number of criteria are met.
- 4.40 The reason for refusal states that the proposed development detracts from the shopping role of the street. Although the proposed development would result in the loss of one Class E unit (which has a lawful Class E(i) (Financial Services) use)), the Town Centre Health Check highlights that the concern with Palmers Green District Centre is the increasing vacancy rates rather than the lack of Class E uses. As the proposed development would bring a vacant unit back into use, it would not detract from the shopping role of the Primary Shopping Area.
- 4.41 Furthermore, the second reason for refusal states that the proposed development would not provide a public service or demonstrate a local need. This is contrary to LBE's approval of other applications which seek a change of use of a ground floor unit within a Primary Shopping Area, to an AGC. An example of this is planning application ref. 19/01617/FUL in Angel Edmonton District Centre. This application was approved on the basis that it met the requirements of Policy DMD27 which includes the proposed use providing a direct service to the public and demonstrating a local need. Policy DMD27 did not form part of the reason for refusal for the planning application relating to the Angel Edmonton appeal (ref. 23/02426/FUL), despite the elements of the proposed development being almost identical.
- 4.42 Finally, the second reason for refusal states that the proposed development does not propose an active frontage. As previously set out, the proposed development would bring a vacant unit back into active use in a District Centre which has recently seen an increase in the number of vacant units. Activity would be returned to the street frontage, something which has previously been recognised in relevant appeal precedent<sup>7</sup>. Furthermore, the Appellant is willing to accept a planning condition regarding the treatment of the shopfront to ensure an active shopfront is provided. An appeal decision (3328090)<sup>8</sup> in March 2024 for an AGC in Barnet, Edgware took this approach, adding a planning condition requiring:

*“A window display shall be provided at all times at the ground floor window fronting Station Road and the glass shall not be painted, tinted or otherwise obscured and no furniture, fixings or display wall which may obscure visibility shall be placed within 1 metre of the inside of the glass”*

- 4.43 A copy of the Inspector's Report is appended as **Document 10**.

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<sup>7</sup> APP/R3515/W/23/3319465

<sup>8</sup> APP/N5090/W/23/3328090

4.44 It has been demonstrated that the proposed development meets the needs of Policy DMD27 of the Development Management Document (2014) which permits the change of use of ground floor units within Primary Shopping Areas. The application also meets the key aims of the London Plan (2021) including Policy SD8 which states that District Centres should focus on the consolidation of a viable range of functions, particularly leisure and social infrastructure.

### **Reason for Refusal 3 - Crime, anti-social behaviour and social disadvantage**

4.45 Crime and anti-social behaviour is referenced in and existing crime and anti social behaviour in the area are referred to in Reasons 1, 2 and 3. The Council perceive that the proposed development would exacerbate existing criminal behaviour and social disadvantage which would be harmful to the health and wellbeing of residents and community cohesion. The second reason for refusal makes reference to the proposed development resulting in an adverse impact on the locality with the potential of increased crime and anti-social behaviour. The third reason for refusal also makes reference to the proposed hours of operation and the introduction of a night-time use attracting crime and anti-social behaviour.

4.46 The Metropolitan Police did not object to the planning application. The issue of crime, anti-social behaviour and social disadvantage was raised in the Metropolitan Police Designing Out Crime Officers response to the planning application but it was considered that this could be managed by meeting Secured by Design principles.

4.47 The Appeal Site is located within Palmers Green District Centre (under Core Policy 17), where diversifying the night-time economy is supported subject to securing measures to address issues including community safety, policing, litter and the potential impacts of noise and disturbance to local people. Policy CP17 also notes that Entertainment Management Zones may be established to manage and co-ordinating licensing and street management in areas including entertainment venues.

4.48 Godden Gaming Organisation (GGO) is a linked business to East Kent Leasing (the Appellant). The GGO Security, Crime Prevention and Social Responsibility Statement was submitted as part of the planning application which provides further details on the crime prevention measures at the proposed premises.

4.49 GGO operate a risk based approach to their social responsibility and security provision to ensure that they uphold the Licensing Objectives and that their venues are designed to reduce crime occurring with or directly outside all of their premises.

4.50 At 369-371 Green Lanes they intend to design the venue to achieve at minimum a Secured By Design Silver Commercial Award. The measures below are reflective of this desire, and follows our meeting with PC Ian Waylen, Designing Out Crime Officer.

4.51 Most of the premises are in prominent town and city centre locations and appeal to a wide demographic of clientele, ranging from young professionals through to a more elderly, often retired customer base by providing a modern high street environment, as an alternative to ageing bingo clubs, casinos and bookmakers. Over 60% of customers are aged 40+ and more than 65% of customer base are females. It is therefore business-critical to ensure that their premises are safe and secure.

- 4.52 Operationally, the Appellant implements a range of best practice measures across their AGCs to mitigate any risk of anti-social behaviour and / or negative social outcomes. As set out in the Security, Crime Prevention and Social Responsibility Statement Godden Gaming carry out risk assessments by venue, have alcohol free premises, operate a Think 25 policy, are members of BACTA and are active on the social responsibility committee. They also ensure that senior management carry out regular visits to each site, operate a “know your customer” policy and provide excellent staff training and retention and have CCTV, Day Safe Systems and Access Control in their premises.
- 4.53 To assist with reducing anti-social behaviour, no alcohol is served or consumed on any of GGO’s premises. There are also robust procedures in place to ensure compliance with regard to both the law and license conditions and codes of practice, so that those under the influence of alcohol cannot enter the premises. The Appellant operates a ‘Think 25’ policy nationally and invests heavily in staff training and independent ‘Test Purchasing’.
- 4.54 Quality local management, staff and training are key strengths as this establishes strong and positive relationships with customers, neighbours and local authorities, which ultimately leads to a solid reputation for responsible operating.
- 4.55 Operationally, GGO implements a range of best practice design measures such as the fitting of extensive CCTV coverage, HD cameras and digital recording equipment. All of our stores are fitted with extensive CCTV coverage and are equipped with the latest HD cameras and digital recording equipment that ensure we retain a minimum of 30 days’ footage. The CCTV is viewed and monitored remotely by key managers and security staff. The CCTV system shall also cover the lockable cabinet in which the NVR is stored (the Secure Office). All footage will be time and date stamped and recorded in a format that is accessible to the local authority and police upon request. The CCTV system will be installed to BS EN 62676 and a log shall be kept with regards to if/when the any of the CCTV is defective.
- 4.56 All venues are fitted with an intruder alarm system and this is remotely monitored. Alarm systems will be a minimum Grade 3 system and will be compliant with PD 6662, and only certificated equipment will be used. Any alarm activations inform Senior Management by push-notification instantly as well as reporting to the alarm monitoring station for police response. All staff carry remote panic alarms which on activation link the CCTV to a remote monitoring station to enable live updates to the Police. Fixed panic alarms are also located in key areas. All fire exits will have audible alarms to alert staff in relation to unauthorised use. The store would also utilise a system of ‘day-safe’ which is a time-lock safe and deposit safe to reduce the risk of cash loss in the event of a robbery or burglary. A ‘Maglock’ will also be installed on the entrance doors which can be turned on to control access in the evening or night as required. This can be operated by members of staff.
- 4.57 The full Security, Crime Prevention and Social Responsibility Statement has been submitted as part of the original planning application pack.
- 4.58 An Observations & Crime Analysis Report was prepared by Leveche Associates Ltd and also submitted as part of the planning application. The report sets out the findings following a review of reported crime data at Green Lanes. These are summarised as follows:
- The Green Lanes area is one with a relatively low number of reported crimes;

- The reported crime data in the Green Lanes area is lower than the Fore Street and Hertford Road locations where the Appellant and other companies with similar business models already successfully operate AGCs;
- From the data examined of reported crime over the February – April 2023 three-month period, only 25 offences could be described as being within the vicinity (100m) of the premises at Green Lanes;
- The reported crime data for the comparison premises at Fore Street and Herford Road demonstrates that the premises are not crime generators with no increase in crime that can be attributed to their operation and minimal incidents of reported crime in the areas local to the premises.

4.59 As previously set out, there is one existing AGC located on Green Lanes (Unit 292-292A). A press release dated 31<sup>st</sup> September 2021<sup>9</sup> which advertises job opportunities would suggest that the AGC opened around that time. An assessment of crimes defined as ‘anti-social behaviour’ from September 2021 to August 2024 has been undertaken using the Metropolitan Police crime data<sup>10</sup>. To confirm, the Metropolitan Police data on anti-social behaviour crimes is not available before September 2021.

4.60 As set out at **Figure 1**, there is no evidence of anti-social behaviour crimes increasing within Palmers Green District Centre following the opening of the AGC at Unit 292-292A in or around September 2019:

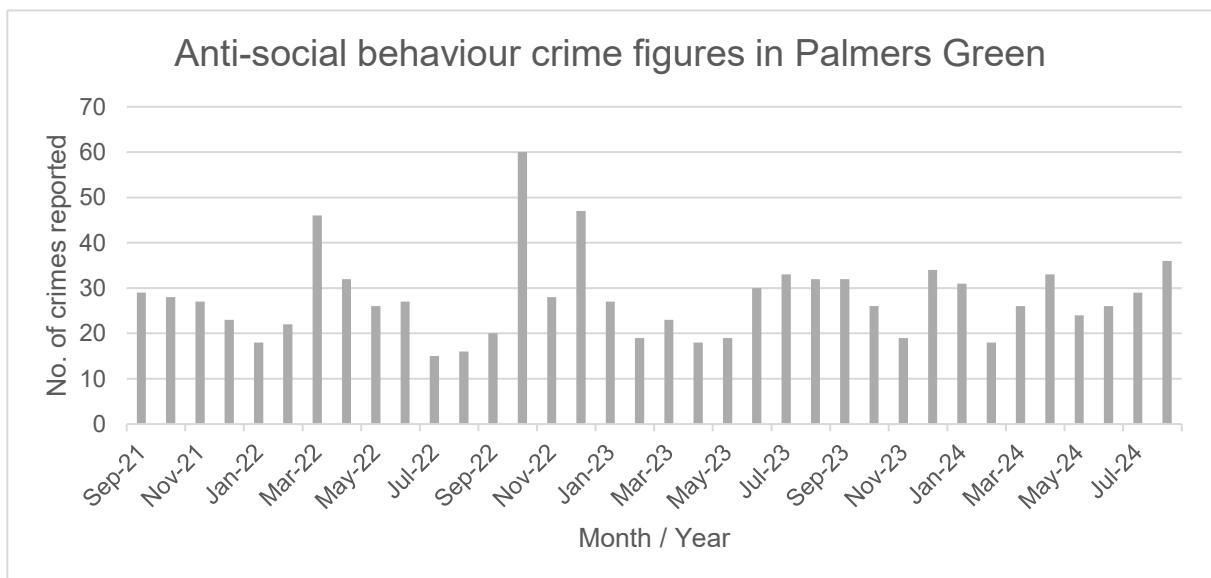


Figure 1: Anti-social behaviour crime figures in Palmers Green (September 2021 to August 2024)

4.61 Similar evidence was put forward by the Appellant for the recent appeal that was allowed at Angel Edmonton<sup>11</sup>. The crime data submitted by the Appellant demonstrated that instances of

<sup>9</sup> <https://www.pgweb.uk/planning-all-subjects/pg-town-centre-improvements/3170-excitement-as-24-hour-entertainment-centre-opens-in-palmers-green>

<sup>10</sup> Source - Met Police, Palmers Green Crime Statistics (Date Unknown)(  
<https://www.met.police.uk/area/your-area/met/enfield/palmers-green/about-us/crime-map>

<sup>11</sup> APP/Q5300/W/24/3341158

anti-social behaviour crime had not increased following the opening of an AGC on the same street (Fore Street, Angel Edmonton). In response, the Inspector's Report states the following:

*"The Metropolitan Police report antisocial behaviour associated with AGCs. They report concerns for resources on the ground to deal with the area, and that they are unable to support any further AGCs in this particular location. Their comments are of great importance given their experience of the local area. However, it is not apparent that the particulars of the proposal before me would necessarily exacerbate existing problems, other than in light of more broad concerns. It may be the case that localised crime is worse than reported for a number of reasons including fear of repercussions, however it is unclear to what extent this is likely to be the case or how it would be worsened as a result of the proposal".*

4.62 This is not the first time that the Planning Inspectorate has taken a reasonable approach in relation to concerns relating to the relationship between AGCs and anti-social behaviour. An example of this is a recent appeal decision<sup>12</sup> (February 2024) in relation to an appeal against a refusal of planning permission in Cheltenham Town Centre which sought the change of use from a vacant retail unit (Class E) to an AGC (*sui generis*). The Inspector concluded the following in response to the concerns raised regarding the relationship between AGCs and anti-social behaviour:

*"Concerns have been raised about the potential for anti-social behaviour attributed to the proposed use, but there is no firm evidence before me that would prove this to be the case in practice based on the operation of other such venues. I note the concerns relating to the social and other problems sometimes linked with gambling and gaming, and those made on moral grounds and that this type of use is considered unacceptable in the CTC for those reasons.*

*Whilst some of those concerns are understandable and have legitimacy, planning is concerned with land use matters. As such, the concerns raised are not material to my considerations since national and local planning policies do not prevent adult gaming centres from operating. Also, such matters are regulated by other legislation including the licensing regime".*

4.63 A copy of the Inspector's Report is appended as **Document 11**.

4.64 Notwithstanding, the Licensing Regime controls the issues raised in RfR 3. If the premises were to increase crime or exacerbate existing crime, the Premises License would not be granted. The planning system should not duplicate other legislative regimes. In an appeal dated 2023<sup>13</sup> relating to the change of use from a vacant pawnbroker (Class E) to an AGC (*sui generis*) in Hastings Town Centre. The Inspector agreed with this point:

*"...such matters are regulated by other legislation, including the licensing regime, and it is not for the planning system to duplicate issues covered through other legislative regimes. As highlighted by the appellant, other Inspectors have come to similar conclusions in respect of similar matters relating to health and wellbeing... For these reasons, I conclude that the proposed development would not harm the health and wellbeing of Hastings residents".*

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<sup>12</sup> APP/B1605/W/23/3325026

<sup>13</sup> APP/B1415/W/22/3294882



- 4.65 A copy of the Inspector’s Report is appended as **Document 12**.
- 4.66 As per the measures set out in the Security, Crime Prevention and Social Responsibility Statement, the proposed development seeks to contribute towards reducing crime, fear of crime and anti-social behaviour by creating an environment which promotes community safety and discourages offending, utilising secured by design measures.
- 4.67 The proposed development is in line with the emerging Strategic Policy DE1 (‘Delivering a well-designed, high quality and resilient environment’) of the Draft Local Plan (2023) which states that all development should create safe and secure places and comply with the principles of secured by design. Furthermore, the proposed development utilises a vacant business premises in line with Policy DM DE8 (‘Design of business premises’).
- 4.68 As previously set out, a number of measures are proposed to reduce crime, fear and anti-social behaviour. As such, the proposed development is in line with Policy TC2 (‘Encouraging vibrant and resilient town centres’) which ensures that all developments positively contributes positively to placemaking in town centres – including through reducing anti-social behaviour and crime. It is also in line with Policy DM TC6 (‘Managing the clustering of town centre uses’) which states that proposals for AGCs will only be supported where they do not cause harm to the amenity and character of the area.

#### **Reason for Refusal 4 - Impact on the non-designated heritage asset**

- 4.69 Units 369-371 are non-designated heritage assets. The fourth reason for refusal states that the proposal would fail to preserve the special interest of the non-designated heritage asset. It should be noted that no objections were raised by LBE’s Heritage Officer. LBE’s Place Shaping Officers also raised no concern relating to the impact of the proposed development on the non-designated heritage asset.
- 4.70 When describing the significance of the building, LBE’s local heritage list states:
- “The shopping parade 315-397 Green Lanes (1907-130) is designed in an exuberant “New Elizabethan” style and is distinctive and possibly unique. It is a key feature of the Palmers Green streetscape, although somewhat neglected. Designed by Arthur Sykes, the parade and the Grade II listed bank building at 288 are both praised by Pevsner. It is a harmonious piece of a style now unusual in our town centres. It has group value with Nos 286-288 nearby. The parade on Green Lanes extends from the Triangle to Devonshire Road and was originally known as “The Market”. It was built in seven stages, between 1909 and 1913, and featuring ellipses, balconies and tall steep new Tudor style gables on four storey buildings. Pevsner recognised the influence of Charles Voysey, the eminent Arts and crafts architect”.*
- 4.71 The Officer’s Report notes that the unit has experienced significant alterations to the existing shopfronts throughout the history and that the significant shopfronts are of an unsympathetic design following the removal of several historic features. Furthermore, the Officer’s Report states that the primary issue with the proposed external alterations is the obscuring of the existing window given that this does not meet LBE’s design requirements.
- 4.72 Since the decision, the Appellant commission a Built Heritage Statement to be prepared by RPS. The Statement seeks to provide an appraisal of the relevant legislative framework and

planning policy at national and local levels, with special regard to the policies that relate to developments affecting the setting and significance of built heritage assets. The Statement also provides a proportionate overview of the Appeal Site's history and its surroundings, an appraisal of the Appeal Site's significance and contribution to the significance of other relevant built heritage assets and an assessment of the potential impacts of the proposed development on that significance. The Statement is appended as **Document 13**.

- 4.73 The Statement concludes that the proposed development has no impact on the significance of the local listing designation of which the Appeal Site is part of. It recommends that the proposed alterations to the shopfront of the Appeal Site are improved to accord with LBE's guidance on Shopfronts and Associated Advertisements – Supplementary Planning Guidance.
- 4.74 The Appellant is willing to agree to a planning condition requiring details of the frontage to be submitted to LBE.
- 4.75 It can be demonstrated that the proposed development would have no impact on the significance of the local listing designation in line with Policy HC1 ('Heritage conservation and growth') of the London Plan (2021), Policy 31 ('Built and landscape heritage') of the Core Strategy (201) and Policy DMD44 ('Conserving and enhancing heritage assets') of the Development Management Document (2014) The proposed development also meets the requirements of Policy DMD40 of the Development Management Document (2014) given that the proposed frontage maintains visual interest within the street.

## Reason for Refusal 4 – Cycle and Refuse Provision

### Cycle Provision

- 4.76 The fifth reason for refusal relates to cycle and storage provision. LBE's Highway Officer has advised that the cycle parking and refuse area is not aligned with the standards as they are proposed to be located internally. The Highway Officer states that the proposed internal cycle parking would cause a risk in the event of an emergency and the proposed internal refuse store is inaccessible.
- 4.77 The cycle parking is not proposed internally. The area at the rear is uncovered and a yard that can be used for cycle parking. The Appellant is of the view that the plans were mis read by the LPA. Notwithstanding, no concerns were raised regarding the design of the cycle parking or refuse area at pre-application stage. Furthermore, as confirmed in the Officer's Report, no objection was received from the highways team. It should be noted that the proposed site layout submitted as part of the planning application was discussed with LBE Planning Officer's as part of pre-application discussions and no issues relating to the design of the cycle parking or refuse store were raised.
- 4.78 Following the decision, a Transport Technical Note has been prepared by Rappor. The Statement considers the cycle parking provision at the Appeal Site, in the context of forecasted staff numbers and requirements for adequate access. The Statement also assesses the proposed refuse storage provision. The Transport Note is appended as **Document 14**.
- 4.79 No customer cycle parking is proposed as part of the proposed development. Customer cycle parking is not considered to be appropriate given that the Appeal Site is in a District Centre

location which has existing cycle parking spaces in close proximity. It should also be noted that the existing building (which was formerly occupied by Lloyds bank) did not provide customer cycle provision.

- 4.80 There are a total of two staff cycle parking spaces proposed within the building. LBE have not made it clear in their Officer's Report why cycle parking within the building is unacceptable. The cycle parking spaces meet the London Plan (2021) requirements and are secure and covered. The Transport Note acknowledges that the cycle parking spaces are accessed via a small number of steps. The number of stairs is not considered to be significant to prevent or discourage a member of staff from accessing the cycle parking.
- 4.81 The Appellant is willing to agree a planning condition requiring details of a cycle wheel ramp to improve access to cycle parking. This would allow staff to manoeuvre bicycles up and down the stairs with bike wheels travelling through a channel. This avoids the need for the bike to be carried up the stairs. The cycle wheel ramp would not affect the use of the stairs by pedestrians.
- 4.82 Without prejudice, should it be necessary, the Appellant is also willing to agree to a planning condition to widen the rear entrance door to the yard from Devonshire Mews. This would provide additional width for a cyclist and bike to comfortably enter and exit the building.
- 4.83 The Officer's Report also states that the proposed cycle parking could cause a risk in an emergency. As set out in the Transport Note, there would be over 1 metres in width within the corridor for a pedestrian to pass a parked bicycle. This is sufficient to allow pedestrians to safely pass bikes in all circumstances, including in an emergency. It should also be noted that in an emergency, the rear access route is not the only emergency route available for staff and customers – there is also the front entrance off Green Lanes.
- 4.84 The Transport Note concludes that the proposed cycle parking provision would ensure safe, convenient and accessible routes for pedestrians and cyclists. The provision of cycle parking would also represent an improvement over the existing site. It can therefore be demonstrated that the proposed development is in line with Policy T5 ('Cycling') of the London Plan (2021) and Policy CP24 ('The road network') and CP25 ('Pedestrians and cyclists') of the Core Strategy (2010) and Policy DMD45 ('Parking standards and layout') and Policy DMD48 ('Transport Assessments').

#### Waste Collection

- 4.85 The reason for refusal states that the proposed development fails to provide adequate refuse provision. The Appellant has confirmed that a weekly general waste and recycling collection is undertaken and waste is collected from the Appeal Site via sacks. As such, there is no requirement to move wheelie bins to and from the building on collection days.
- 4.86 The Transport Note acknowledges that the sacks will need to be carried up the small number of stairs at the rear of the property but given they will only contain basic waste that would not be heavy, there is not considered to be an issue.
- 4.87 Furthermore, the Officer's Report states that the proposed refuse storage areas has a small entrance which makes the location inaccessible. Drag distances were also questioned and LBE suggest that the location of the refuse storage area is not close to the highway.

- 4.88 As set out in the Transport Note, the refuse storage area would be accessed via the rear entrance from Devonshire Mews. This is an existing entrance that also served the previous occupiers of the Appeal Site (Lloyds bank). Given the type of and quantum of waste generated by the proposed use would be very similar to the previous use, there will be no change in the requirement for waste collection. The dedicated storage area proposed would allow waste to be stored away from areas accessible to customers and not within the office or other areas where staff would be during operating hours. Given the type and quantum of waste, this location is considered appropriate.
- 4.89 As waste is collected via sacks, there is not an issue with staff or refuse collectors moving sacks from the rear of the building to Devonshire Mews on collection days. The gate is of a sufficient width to accommodate a person carrying a waste sack and there would only be a requirement to move sacks up a small number of steps. Notwithstanding, it has previously been set out that the Appellant is willing to agree to a planning condition which widens the rear entrance gate to the yard from Devonshire Mews. Along with providing additional width for a cyclist and bike to comfortably enter and exit the yard, the widened gate would also provide additional space for the movement of waste sacks on collection days.
- 4.90 Reference is made in the reason for refusal to Policy T7 ('Deliveries, servicing and construction') of the London Plan (2021) and Policy DMD47 ('Access, new roads and servicing') of the Development Management Document (2014), however these policies is not considered to be applicable given that it does not relate to the storage or collection of waste.

## Summary

- 4.91 The Officer's Report concludes that LBE are of the view that there is no planning benefit to this proposal and that it introduces harm in several areas of consideration including; the attraction of crime and anti-social behaviour to the area; the impact on the non-designated heritage asset; the unsatisfactory arrangements for the storage of cycles and refuse; the loss of Class E floorspace; and the overconcentration and clustering of betting and gambling facilities on Green Lanes.
- 4.92 It has been demonstrated through this SoC that the proposed development will not create clustering, intensification and overconcentration of betting and gambling uses in the immediate area, as the use is not a betting shop. The proposed development would contribute positively towards the vitality and viability of the District Centre. It would bring a vacant unit back into active use in a District Centre which has recently seen an increase in the number of vacant units. Activity would be returned to the street frontage, something which has previously been recognised in relevant appeal precedent<sup>14</sup>. The proposed AGC would also generate additional footfall in the District Centre with evidence from other AGCs (as set out in relevant appeal precedent<sup>15</sup>) suggesting that visits to AGC's contribute to the success of other surrounding retailers through linked trips.
- 4.93 It has been demonstrated that the proposed development would not unacceptably result in the loss of Class E floorspace as that the unit is currently vacant and not in any use. The proposed use is in line with the site's allocation within the Primary Shopping Area. Furthermore, it is clear

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<sup>14</sup> APP/R3515/W/23/3319465

that there is sufficient mitigation and preventative measures in place to minimise any risk of anti-social behaviour and crime within the immediate area.

- 4.94 The proposed development will help create a vibrant nighttime economy for the District Centre and improve vitality and viability, create linked trips to other businesses which is consistent with local and national planning policies for town centre development.
- 4.95 A Built Heritage Statement has been prepared by RPS which concludes that the proposed development has no impact on the significance of the local listing designation of which the Appeal Site is part of. The Statement recommends minor changes to the frontage of the Appeal Site. The Appellant is willing to agree to a planning condition requiring details of the frontage to be submitted to the LBE, so that they can control the amount of glazing or a planning condition requiring a proportion of the shopfront to remain open to maintain and improve activity onto the street.
- 4.96 Finally, a Transport Statement has been prepared by Rappor. Although the proposed cycle parking and refuse storage is considered to be acceptable, the Appellant is willing to agree to a planning condition requiring details of a cycle wheel ramp to improve access to cycle parking and details to widen the rear entrance door to the building from Devonshire Mews to provide additional width for both cyclists and pedestrians.
- 4.97 The Appellant is willing to agree a planning condition requiring details of a cycle wheel ramp to improve access to cycle parking. This would allow staff to manoeuvre bicycles up and down the stairs with bike wheels travelling through a channel. This avoids the need for the bike to be carried up the stairs. The cycle wheel ramp would not affect the use of the stairs by pedestrians.
- 4.98 The Appellant is also willing to agree to a planning condition to widen the rear gate to the yard from Devonshire Mews. This would provide additional width for a cyclist and bike to comfortably enter and exit the building.

## 5 Conclusion

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- 5.1 The Appellant is committed to opening a new business in Palmers Green District Centre and in doing so, bringing the vacant units back into economic use. The submitted evidence demonstrates that the proposed development will not result in clustering, intensification and overconcentration of betting uses in the immediate area.
- 5.2 Furthermore, the economic benefits of the proposed development should be taken into consideration. Along with creating job opportunities, the proposed development would bring a vacant unit in the Palmers Green District Centre back into use. This is particularly relevant given that Palmers Green District Centre has recently seen an increase in the number of vacant units.
- 5.3 The submitted evidence also demonstrates that there is sufficient mitigation and preventative measures in place to reduce the risk of anti-social behaviour and crime within the immediate area.
- 5.4 The 'fallback' position if this appeal is dismissed is likely to be that the unit remains vacant for a sustained period which will result in the deterioration of the fabric of the building and impact on the vitality and viability of the District Centre and wider area. It must be considered that the long-term vacancy of the unit is a negative for all concerned.
- 5.5 The proposed development is acceptable in principle. This Statement of Case has demonstrated that the proposals are fully in accordance with the adopted policies in LBE's Development Plan. The proposals are also supported by strategic and national planning policy. In light of the policy compliance with the proposed development, we respectfully request that the appeal is allowed.



## Appendix 1

### DECISION NOTICE AND OFFICERS REPORT (REF.24/01776/FUL)

# PLANNING REFUSAL



Woods Whur 2014 Limited  
St James House  
28 Park Place  
Leeds  
LS1 2SP

Please reply to: Allison Russell  
Email: [planning.decisions@enfield.gov.uk](mailto:planning.decisions@enfield.gov.uk)  
My ref: 24/01776/FUL  
Date: 26 July 2024

Dear Sir/Madam

In accordance with the provisions of the Town and Country Planning Act, 1990 and the Orders made thereunder, and with regard to your application at:

**LOCATION:** 369 - 371 Green Lanes London N13 4JH  
**REFERENCE:** 24/01776/FUL  
**PROPOSAL:** Change of use of the ground floor from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront.


**ENFIELD COUNCIL**, as the Local Planning Authority, give you notice that the application, as described above, is **REFUSED** for the following reason(s):-

01. The development proposal, by virtue of its nature and siting, would lead to a clustering, intensification and over-concentration of betting and gambling uses in the immediate area, failing to make the best use of the land. This clustering would be detrimental to the vitality, viability and character of the town centre in this location. The proposal is also likely to exacerbate existing issues such as crime, anti-social behaviour, and social disadvantage in this area, which would be harmful to the health and wellbeing of residents and to community cohesion. Given this, the proposal is contrary to policies GG1, GG2, GG3, SD6, D3 and D8 of the London Plan (2021), to policies CP9, CP17 and CP30 of the Core Strategy (2010), to policies DMD33 and DMD37 of the Development Management Document (2014), and to the National Planning Policy Framework (2023).

02. The proposal results in a loss of Use Class E floorspace in the Palmers Green District Centre and detracts from the shopping role of the street, does not provide a public service, does not propose an active frontage, fails to demonstrate a local need and introduces an adverse impact on the locality with the potential of increased crime and anti-social behaviour. As such, the proposal is contrary to SD6 and SD8 of the London Plan (2021), CP17 of the Core Strategy (2010) and DMD27 of the Development Management (2014).

Brett Leahy  
Director, Planning & Growth  
Enfield Council  
Civic Centre, Silver Street  
Enfield EN1 3XY

[www.enfield.gov.uk](http://www.enfield.gov.uk)

 If you need this document in another language or format, contact the service using the details above.



03. The proposed hours of operation introduce a night-time use where there is presently no diversity of night-time activity, resulting in a sole, isolated night-time use that attracts crime and anti-social behaviour, leading to an impact on safety and perception of safety, contrary to Policy HC6 of the London Plan (2021) and Core Policy 11 and Core Policy 17 of the Core Strategy (2010).

04. The proposal would fail to preserve the special interest of the non-designated heritage asset contrary to paragraph 203 of the National Planning Policy Framework 2023; Policy HC1 of the London Plan 2021; Policy 40, 41, and 44 of the DMD 2014; and Policy 31 of the Core Strategy 2010.

05. The proposal fails to provide adequate cycle and refuse storage provision and is therefore contrary to Policies T5, T7 of the London Plan (2021), CP 24 and CP25 of the Core Strategy (2010), DMD45 DMD47 and DMD48 of the Development Management Document (2014) and the NPPF (2023)

**Dated: 26 July 2024**

Authorised on behalf of:  
 Karen Page  
 Head of Planning and Building Control  
 Housing, Regeneration and Development Department  
 Enfield Council  
 PO Box 53, Civic Centre  
 Silver Street, Enfield  
 EN1 3XE

If you have any questions about this decision, please contact the planning officer  
[allison.russell@enfield.gov.uk](mailto:allison.russell@enfield.gov.uk).

**List of plans and documents referred to in this Notice:**

Title/Number	Version	TYPE
Location Plan		Drawing
Block/Site plan		Drawing
Layout/Floor Plans - Existing (24002/001C)		Drawing
Layout/Floor Plans and door detail - Proposed (24002/002/C)		Drawing
Elevation - Proposed (24002/004/C)		Drawing
Premises Survey May 2023 - map and list of nearby ground		Supporting Information
floor premises		Supporting Information
Waste Management Plan		Supporting Information
DMA Property marketing report		Supporting Information
Noise Impact Assessment		Supporting Information
Statement on Social Responsibility and Security		Supporting Information
Crime Impact Report		Supporting Information
Premises Licence		Supporting Information
Summary of AGC planning appeals		Supporting Information
Customer Survey - Linked Trips		Supporting Information

## **APPEAL GUIDANCE:**

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73 'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.
- 12 weeks: Householder planning, householder prior approval and minor commercial applications.
- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from <https://www.gov.uk/appeal-planning-decision> or by contacting 03034445000. The appeal must be sent to PINS. A copy must also be sent to the Council at [planning.appeals@enfield.gov.uk](mailto:planning.appeals@enfield.gov.uk).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

<b>LONDON BOROUGH OF ENFIELD</b>	
<b>Application Ref:</b> 24/01776/FUL	<b>Date:</b> 23/07/2024
<b>SITE ADDRESS:</b> 369 - 371 Green Lanes, London, N13 4JH	
<b>PROPOSAL:</b> Change of use of the ground floor from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront.	
<b>RECOMMENDATION:</b> That permission be <b>REFUSED</b>	

### 1.0 Site Description

The application for the proposed change of use and alterations to the shopfront concerns the ground floor of 369 - 371 Green Lanes, London, N13 4JH.

Lloyds Bank previously operated from the site and has since closed down. The property has been vacant for over a year, approaching two years.

The site is located within the shopping parade of Palmers Green, known as Syke's Buildings which is a designated primary shopping area and District Centre.

The site is not listed nor within a conservation area, however the retail parade is included on the Council's Local Heritage List.

Palmers Green is the local council ward.

### 2.0 Relevant Planning History

23/01098/FUL

Conversion of the existing 2 x residential units, over first, second and third floor levels, to provide 5 x residential units, infill first and second floor rear extensions with balconies, replacement rear dormers and new rooflights, new access on Green Lanes and Devonshire Mews with refuse and recycling stores with communal amenity space.

Status: Approved

### 3.0 Proposal

Change of use of the ground floor from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront.

Hours of proposed operation are 24 hours, seven days a week .

## 4.0 Consultation

### Public

Thirty five (35) neighbouring properties were notified directly by letter and the consultation period ended on 30.06.2024. A total of 96 representations were received. In summary, the matters raised are:

- Overconcentration of adult gaming and gambling businesses.
- Concern regarding anti-social behaviour near the site which more gambling business may make worse.
- Negative impact on the high street.
- The area that has more betting/gaming shops than the community can support
- Strain on existing community facilities
- Contrary to Policy DMD 33
- Contrary to the development plan
- Noise nuisance
- This proposal will cause harm to the vitality and viability of Palmers Green Town centre
- The proposed frontage is inappropriate in design.
- Betting and gambling have become a scourge on our society and in Palmers green we have more than enough.
- Palmers Green high Street is already blighted by betting shops and gambling arcades.
- The proposal to allow an adult gaming centre to trade 24 hours a day will have an adverse effect on the amenity of local residents.
- Close to adjoining properties.

Furthermore, Ward Members expressed concerns largely consistent with the above-summarised public comments.

### Internal and third party

Traffic and transportation officers raise no objection.

Environmental health officers raise no objection. They have no concerns regarding air quality, noise, or contaminated land.

Conservation Team: Objection.

Thames Water have no comments.

Metropolitan Police Designing Out Crime officers state that following discussions with the applicant, several measures could be implemented to help deter crime. These are suggested to be conditioned. Notwithstanding this, the Met Police state that there are serious concerns that crime and disorder could be attracted to the vicinity.

The area has been susceptible to burglaries, criminal damage, public order, Anti-social behaviour and vehicle crime.

## **5.0 Relevant Policies**

### London Plan (2021)

GG1 Building strong and inclusive communities  
GG2 Making the best use of land  
GG3 Creating a healthy city  
GG5 Growing a good economy  
GG6 Increasing efficiency and resilience  
SD6 Town centres and high streets  
SD8 Town centre network  
D3 Optimising site capacity through the design-led approach  
D4 Delivering good design  
D8 Public realm  
D11 Safety, security and resilience to emergency  
D13 Agent of change  
D14 Noise  
HC1 Heritage, conservation, and growth  
HC6 Supporting the night-time economy  
T5 Cycling  
T6 Car parking  
T7 Deliveries, servicing and construction

### Core Strategy (2010)

CP9 Supporting community cohesion  
CP17 Town centres  
CP25 Pedestrians and cyclists  
CP30 Maintaining and improving the quality of the built and open environment  
CP31 Built and landscape heritage

### Development Management Document (2014)

DMD25 Locations for new retail, leisure and office development  
DMD27 Angel Edmonton, Edmonton Green, Southgate and Palmers Green District Centres  
DMD33 Betting shops  
DMD34 Evening economy  
DMD37 Achieving high quality and design led development  
DMD39 The design of business premises  
DMD40 Ground floor frontages  
DMD44 – Conserving and Enhancing Heritage Assets  
DMD45 Parking standards and layout  
DMD68 Noise

### Other Relevant Policy Considerations

National Planning Policy Framework (NPPF, 2023)  
National Planning Practice Guidance (NPPG, 2018)  
Enfield 'Waste and Recycling Storage' Planning Guidance (2019)

## 6.0 Analysis

Officers take the view that the primary benefit of this proposal is the tenancy of a presently-vacant shop unit in a District Centre with a business offering eight full-time and two-part time jobs.

The application includes a Marketing Report which advises that several offers of occupancy were made, but the applicant was either dissatisfied with the particular terms or the tenants would have presented competition to other businesses to whom the applicant lets premises. Neither of these are planning considerations, nor does the statement demonstrate that an alternative tenant is not viable. In a District Centre, the development site could be occupied by a Use Class E occupant without the need for planning permission and a change of use. The subject location could be viably occupied by a business that would also create jobs and any employment planning benefit brought by this proposal is minor, if any. On this basis, officers find that there is limited to no planning benefit of the proposal.

The primary issues for discussion and analysis are the impact of the proposal in terms of safety and security, the principle of change of use of the existing vacant unit from Class E to a Sui Generis Adult Gaming Centre in an area in which gambling establishments are already prevalent, impact of a night-time use and impact on a non-designated heritage asset and storage arrangements for cycle and refuse.

### Principle of change of use and clustering of betting facilities on Green Lanes

London Plan policy SD6 states that overconcentration of some uses such as betting shops, pawnbrokers, pay-day loan stores, amusement centres and hot food takeaways, can give rise to concerns regarding the impact on mental and physical health and wellbeing. The proliferation and concentration of these uses should be carefully managed through planning decisions.

Policy DMD33 states that there should be a minimum of five non-betting shop units between the proposed site and the next betting shop premises, or at least 25m between them, whichever is greater.

This policy seeks to control the negative aspects associated with betting shops, as gambling establishments. An adult gaming centre is also a gambling establishment, like a betting shop. Clustering of uses will be prevented to ensure that there is no harm to the vitality and viability of centres or harm caused through anti-social behaviour.

At this location there is only one shop between the site and a Ladbrokes betting shop. Additionally, both the development site and Ladbrokes one shopfront away are double shopfronts, i.e., having the width of two typical shops along Green Lanes. This introduces an additional level of presence, dominance and concentration of these uses – which policy states should be limited. There is a Paddy Power directly opposite, 23 metres from the subject site. Merkur Slots operates an adult gaming centre from 292/292A Green Lanes, N13 5TW, which is approximately 75 metres from the site. There is a Ladbrokes at 363-365 Green Lanes and Betfred at 319 Green Lanes. The proposal would result in three betting establishments within less than 25m of one another and two within fewer than five shopfronts. Four gambling units, three within metres of each other, would clearly be an intensification and overconcentration of gambling premises in this area.

The development plan policies relating to town centres and betting shops (Policies SD6, SD8, CP17, DMD27, DMD33 and DMD34) all strive to make town centres pleasant, vibrant safe areas that offer a variety of uses to visitors. Gambling premises are typically designed with dead frontages adding little to the street scene. Betting shops often appear well lit with posters, whereas adult gaming centres have darkened windows and vinyls which offer little in the way of natural surveillance, adding nothing in the way of vibrancy to the area.

Gambling premises are associated with the potential for anti-social behaviour and introducing a dynamic that is not conducive to enhancing the vibrancy and vitality into the areas in which they are located. It is for this reason that planning policies identify such uses as requiring special consideration and restrictions on the number of premises.

The Council are investing significant public/grant funding into the development of Palmers Green Town Centre. In collaboration with the local community, the Council is creating Devonshire Square – a new outdoor community and cultural space which will incorporate new urban greening, encourage biodiversity, accommodate al fresco dining and support the local community to run a variety of events and activities in this space including markets, live performances and film screenings. Devonshire Square will provide a ‘shop window’ to the rest of the high street along this stretch of Green Lanes.

The site for the Adult Gaming Centre is a short distance away, and there are concerns about the ‘closed off’ frontage of the Gaming Centre and how this will impact the attractiveness and character of the high street.

For the reasons outlined above, four gambling premises in this location is considered to be contrary to the policies of the development plan which seek to enhance town centres and direct gambling premises to appropriate locations.

It is noted that Environmental Health officers have raised no objection in relation to noise.

#### Loss of Use Class E floorspace

Policy DMD 27 states that a change of use within Palmers Green District Centre will only be permitted if all of ten criteria are met. The policy is written to prevent the loss of A1 uses. As use classes have been amended, the policy could be expanded to interpret that the policy protects Use Class E uses. The proposal is for a sui generis Adult Gaming Centre. The proposal fails to meet criterion a. by creating more than two in four non Use Class E premises; b. by detracting from the shopping role of the street; d. by not complementing the shopping function of the centre; e. by not providing a service to the public; g. by not providing an active frontage; h. by not demonstrating a local need; and i. by creating the potential for adverse impact on the locality with introduction of crime and anti-social behaviour.

The proposal conflicts with Policy DMD 27 by resulting in an unacceptable loss of Use Class E floorspace and detracting from the district centre.

#### Night-time uses

The proposal seeks to operate the Adult Gaming Centre 24 hours and 7 days a week.

London Plan Policy HC6 encourages decision makers to promote night-time uses to promote growth and diversification of activities in appropriate locations. The supporting text identifies night-time activities as “eating, drinking, entertainment, shopping and spectator sports, as well as hospitality, cleaning, wholesale and distribution, transport and medical services, which employ a large number of night-time workers.” The London Plan acknowledges that “Managing issues such as transport, servicing, increased noise, crime, anti-social behaviour, perceptions of safety, the quality of the street environment, and the potential negative effects on the health and wellbeing of Londoners, will require specific approaches tailored to the night-time environment, activities and related behaviour.”

Locations that are suitable for a healthy and safe night-time economy relies on the diversity of late-night activities that include those that the London Plan identifies. There are very few drinking establishments on this section of Green Lanes. The two that exist are open no later than 1:00 am. This means that the proposed establishment would be the only night-time operation. This does not create a diversity of night-time uses or a condition that promotes a perception of safety, especially as betting and gambling premises are documented to attract crime.

Core Strategy Policy 11 and Core Policy 17 are consistent with London Plan Policy HC6 in ensuring night-time uses don't result in issues of crime or impacts to amenity.

On this basis, the proposed hours are not supported.

#### Designing out crime

Policy DMD37 states that all development should create safe and secure places and comply with the principles of Secure By Design. The NPPF states that developments should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion.

Metropolitan Police Designing Out Crime officers have raised concerns to the application. While physical measures on the site can achieve secure by Design Accreditation, there are concerns that crime and anti-social behaviour may be attracted to the area. The area has been susceptible to burglaries, criminal damage, public order, anti-social behaviour and vehicle crime. There are concerns that another gambling business in the area could result in an increase in crime.

#### Conservation

The proposal relates to 369-371 Green Lanes, which are non-designated heritage assets and are not within any conservation areas.

The buildings form parts of the group of Skye's Buildings (nos. 315-397 Green Lanes), a locally listed building possess historic, architectural, townscape and environmental interest of local value. When describing the significance of the building, Enfield's local heritage list states 'the shopping parade 315 - 397 Green Lanes (1907-13) and is designed in an exuberant "New Elizabethan" style and is distinctive and possibly unique. It is a key feature of Palmers Green's streetscape, although somewhat neglected. Designed by Arthur Sykes, the parade and the Grade II listed bank building at 288 are both praised by Pevsner. It is a harmonious piece of a style now unusual in our town centres. It has group value with Nos 286-288 nearby. The parade on Green Lanes extends from the Triangle to Devonshire Road and was originally known as "The Market". It was built in seven stages, between 1909 and 1913, and featuring ellipses, balconies and tall steep new Tudor style gables on four



storey buildings. Pevsner recognised the influence of Charles Voysey, the eminent Arts and crafts architect.'

The building has experienced significant alterations throughout the history. The original shopfronts have been significantly altered with an unsympathetic design following the removal of several historic features. Further to this, a planning permission was granted in 2023 to convert the northern (right) section of the shopfront into an entrance leading to the new residential units on the upper floors.

The proposals encompass alterations to the existing shopfronts, including the removal of the ATM machine opening and nearby post/signage/vent units, alterations to the door, installation of aluminium smart wall with box framing, and additional LED lights. No signage has been proposed. The proportion of the existing elevation configuration will remain unchanged.

The primary issue with the proposal concerns the obscuring of the existing window. According to the 'Shopfronts and Associated Advertisement - Supplementary Planning Guidance,' shop front proposals should be maintained unobscured (8.1), and shop window advertisements are restricted to no more than 10% of the window area (section 13.5). However, based on the information provided, the proposals allow for 50% coverage on the southern (left) window, and the smaller panels flanking the doorway appears to be completely covered by the proposed smart walls. These proposals do not adhere to the design guidance and therefore will not receive support.

Signage will require an advertisement consent and is not being approved as part of this application.

It should be stressed that although the existing elevation has been modernised and lost historic interest, the application could have been an opportunity to improve the existing ad-hoc appearance of the application site and enhance this heritage asset.

The proposals will have a negative impact on the Skye Buildings, a non-designated heritage asset identified by the Enfield Council's Local Heritage List. According to the National Planning Policy Framework (2023), given the proposal would have a detrimental impact upon the significance of a non-designated heritage asset, the local planning authority should take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset (Para.209).

The proposals also fail to comply with Enfield Development Management Document's policies on shopfront and advertisement (DMD40, DMD41) as well as the guidance set out by the 'Shopfronts and Associated Advertisement - Supplementary Planning Guidance' (sections 8.1 and 13.5).

Furthermore, the proposed fails, to make a positive contribution to local character and distinctiveness (Para.203c).

### Transport

Traffic and transportation officers have reviewed the proposal and advised that the proposed development is unlikely to have a negative impact on existing on street parking availability due to the fact that it is change of the use.

However, the cycle parking and bin area is not aligned with the standards as they are proposed inside.

Regarding cycle parking, provision in the hall area will cause a risk in the emergency events. In addition to that there are stairs, and the entrance is under 1.2m which makes that cycle parking area inaccessible.

Regarding refuse bin area, the location, which has small entrance and stairs makes the location inaccessible and it is not close to the highway that means the drag distance is not aligned with the standards.

## **7.0 Conclusion and Recommendation**

Officers are of the view that there is no planning benefit to this proposal. However, the proposal does introduce harm in several areas of consideration. Enfield Council Place Shaping officers have stated that the proposal would undermine efforts to improve the attractiveness and character of the high street. The Metropolitan Police have raised concerns that crime and anti-social behaviour may be attracted to the area. Conservation officers have raised objections in respect of the proposed design alterations, which are not considered to preserve the non-designated heritage. Transportation officers have advised that unsatisfactory arrangements for the storage of cycles and refuse are proposed. Furthermore, the proposal would involve a loss of Use Class E floorspace in the Palmers Green District Centre, intensification, overconcentration and clustering of betting and gambling facilities on Green Lanes which is likely to result in increased crime and anti-social behaviour in the immediate area and which would be detrimental to the health and wellbeing of nearby residents, the vitality and viability of the town centre and the high street in this location and introduce a detrimental night-time. Given this it is recommended that planning permission is REFUSED for the following reasons:

- 1) The development proposal, by virtue of its nature and siting, would lead to a clustering, intensification and overconcentration of betting and gambling uses in the immediate area, failing to make the best use of the land. This clustering would be detrimental to the vitality, viability and character of the town centre in this location. The proposal is also likely to exacerbate existing issues such as crime, anti-social behaviour, and social disadvantage in this area, which would be harmful to the health and wellbeing of residents and to community cohesion. Given this, the proposal is contrary to policies GG1, GG2, GG3, SD6, D3 and D8 of the London Plan (2021), to policies CP9, CP17 and CP30 of the Core Strategy (2010), to policies DMD33 and DMD37 of the Development Management Document (2014), and to the National Planning Policy Framework (2023).
- 2) The proposal results in a loss of Use Class E floorspace in the Palmers Green District Centre and detracts from the shopping role of the street, does not provide a public service, does not propose an active frontage, fails to demonstrate a local need and introduces an adverse impact on the locality through crime and anti-social behaviour. As such, the proposal is contrary to SD6 and SD8 of the London Plan (2021), CP17 of the Core Strategy (2010) and DMD27 of the Development Management (2014).
- 3) The proposed hours of operation introduce a night-time use where there is presently no diversity of night-time activity, resulting in a sole night-time use that attracts crime and anti-social behaviour, leading to concerns of safety and perception of safety, contrary to Policy HC6 of the London Plan (2021) and Core Policy 11 and Core Policy 17 of the Core Strategy (2010).

- 4) The proposal would fail to preserve the special interest of the non-designated heritage asset contrary to paragraph 203 of the National Planning Policy Framework 2023; Policy HC1 of the London Plan 2021; Policy 40, 41, and 44 of the DMD 2014; and Policy 31 of the Core Strategy 2010.
- 5) The proposal fails to provide adequate cycle and refuse storage provision and is therefore contrary to Policies T5, T7 of the London Plan (2021), CP 24 and CP25 of the Core Strategy (2010), DMD45 DMD47 and DMD48 of the Development Management Document (2014) and the NPPF (2023).



## Appendix 2

### SITE LOCATION PLAN

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# Location Plan

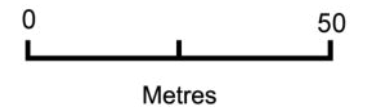
Site Address: Lloyds Bank, 369-371, Green Lanes, Southgate, N13 4JH

Date Produced: 31-May-2024

Scale: 1:1250 @A4



Planning Portal Reference: PP-13080361v1





## Appendix 3

**INSPECTORS REPORT (REF. APP/Q5300/W/24/3341158)**

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# Appeal Decision

Hearing held on 27 June 2024

Site visit made on 27 June 2024

**by C Shearing BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 August 2024**

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## **Appeal Ref: APP/Q5300/W/24/3341158**

### **163-167 Fore Street, Edmonton, Enfield, London N18 2XB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Luxury Leisure against the decision of the Council of the London Borough of Enfield.
  - The application Ref is 23/02426/FUL.
  - The development proposed is described as 'Change of use of ground floor premises at 163-167 Fore Street from bank (Class E/A2) to sui generis Adult Gaming Centre (AGC) use to enlarge the existing AGC at 169A, with 24/7 hours AGC use, and with ancillary use at the first floor of 163-167 Fore Street.'
- 

## **Decision**

1. The appeal is allowed and planning permission is granted for change of use of the ground floor premises at 163-167 Fore Street from bank (Class E/A2) to sui generis Adult Gaming Centre (AGC) use to enlarge the existing AGC at 169A, with 24/7 hours AGC use, and with ancillary use at the first floor of 163-167 Fore Street in accordance with the terms of the application, Ref 23/02426/FUL, subject to the conditions set out in the schedule below.

## **Preliminary Matters**

2. The description of development does not include reference to external alterations to the premises, including the shop front. As this was not part of the description of development on which the Council carried out public consultation, and as the appellant raised no objection to those alterations being omitted from the proposal, I have not considered alterations to the shopfront as part of this appeal.
3. It was agreed in the hearing that only the section titled 'Summary Statement of Common Ground', being pages 1-3 of the Statement of Common Ground, should be considered as agreed between the main parties, since that section is signed by both.
4. The New Enfield Local Plan (NELP) has recently completed its Regulation 19 Consultation. The Council have suggested that limited weight should be ascribed to its policies and the most relevant policy is discussed in turn below.
5. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The policies that are material to this decision are not subject to any fundamental proposed changes.

## **Main Issues**

6. The main issues are: the effect of the proposal on the character and vitality of the town centre and on the health and wellbeing of residents, and; whether the proposal would deliver appropriate measures to minimise risk of crime.

## **Reasons**

### *The Town Centre*

7. The area surrounding the appeal site is particularly vibrant during the day and characterised by significant footfall on both sides of the road, as well as continuous traffic including frequent bus services in both directions. The appellant has provided evidence of the conditions surrounding the appeal site during night time hours which suggests much quieter conditions late at night. There are several Adult Gaming Centres (AGCs) of varying size which already exist close to the appeal site, some of which operate through the evening and overnight as well as during the day. There are also other late night uses in the wider area, including a nearby public house and fast food outlet, as well as night bus services, which together contribute to night time activity on this part of Fore Street.
8. The appeal site lies within the Angel Edmonton District Centre. Angel Edmonton is also a Strategic Area for Regeneration as defined by the London Plan 2021 (the LP). Both the Enfield Core Strategy 2010 (the CS) and the LP acknowledge the role of the night time economy in strengthening town centres. LP Policy SD6 encourages a strong night-time economy and management of night-time activities, and Policy GG1 promotes the role of town centres in providing opportunities for building relationships including at night-time, while also creating safe spaces.
9. The Council report that the ward within which the appeal site lies has high deprivation levels and relatively high crime levels. The Metropolitan Police also describe the area as being susceptible to issues including street-based crime and anti-social behaviour. It is alleged that people that are more vulnerable to gambling related harm include those living in deprived areas and that increased exposure can make certain people more vulnerable to the harms of gambling.
10. The Council draw on other sources which identify a link between gambling and harm to physical and mental health, and the supporting text within the LP acknowledges that over concentrations of some uses, including betting shops and amusement centres among others, can give rise to particular concerns regarding impacts on mental and physical health and wellbeing, amenity, vitality, viability and diversity<sup>1</sup>. As such it recognises that the proliferation and concentration of these uses should be carefully managed through planning decisions, including in town centres which are within Strategic Areas for Regeneration, which is the case for the appeal site. The potential effects of a concentration of such uses can therefore be very significant and it is apparent that particular care should be taken in considering proposals for these types of uses.
11. The proposal would not entail the creation of a new AGC and as such the quantum of AGCs in this part of the town centre would not change. The

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<sup>1</sup> LP Paragraph 6.9.6



- proposal would, however, entail a notable uplift in floorspace and potential customer capacity through the enlargement of no.169a, and a greater part of the town centre frontage would be occupied by an AGC use.
12. Policy DMD33 of the Enfield Development Management Document 2014 (the DMD) refers specifically to betting shops. Part b) of the policy relates to the proximity of other betting shops and sets out that there should be a minimum of five non-betting shop units between the proposed site and the next betting shop premises, or at least 25m between them, whichever is greater. Having considered the position and proximity of other AGCs in the vicinity of the site, I am content that the appeal scheme would not create conflict with this part of the policy, since the proximity of no.169a to other AGCs is an existing situation and this would not be worsened by the proposal. There is not strong evidence to suggest that an unacceptable distance would exist between the appeal site and any other similar facilities on the opposite side of the road or further south. Given the existing circumstances on the ground the proposal would not unacceptably contribute to a proliferation or clustering of AGCs in this part of the town centre as set out in Policy DMD33.
  13. The proposal would comply with the remaining parts of Policy DMD33 by reason of its town centre location and, while the shopfront alterations are not considered as part of the appeal, given the agreed common ground and conditions, it is likely that an appropriate solution in respect of the active frontage could reasonably be achieved. As a consequence, it is not necessary to consider further whether the AGC would constitute a betting shop since, even if Policy DMD33 were applicable, I have not found conflict with it.
  14. The appellant has set out characteristics of the proposed use and draws on their experience of owning other AGCs elsewhere. The use would operate, for example, within corporate social responsibility policies and responsible gaming codes in order to promote responsible behaviours. While separate from planning legislation, the premises would also be subject to licensing conditions, would not sell alcohol and would have staff on the floor at all times, offering natural surveillance of users. I observed these characteristics within no.169a and additional door supervisors would be added during night time hours. Together these measures provide assurances that the premises would be operated in a responsible manner to help control adverse effects on health and well-being of its users. Overall there is not conducive evidence to lead me to conclude this particular proposal would have harmful effects on the health and well-being of the local community.
  15. The Metropolitan Police report antisocial behaviour associated with AGCs. They report concerns for resources on the ground to deal with the area, and that they are unable to support any further AGCs in this particular location. Their comments are of great importance given their experience of the local area. However, it is not apparent that the particulars of the proposal before me would necessarily exacerbate existing problems, other than in light of more broad concerns. It may be the case that localised crime is worse than reported for a number of reasons including fear of repercussions, however it is unclear to what extent this is likely to be the case or how it would be worsened as a result of the proposal.
  16. The proposal would increase footfall as a result of its increased capacity and in turn provide some benefit to other nearby uses through increased custom.

Despite concerns for its marketing, it is relevant that the appeal site has been vacant since July 2021 and the frontage is substantially covered by posters. As such its lack of active frontage does not contribute positively to the vitality of the town centre.

17. The Council consider the proposal fails to make best use of the land since it would not align with its aspirations for local improvements, and Class E uses and spaces for small businesses would be preferable. The Angel Edmonton Town Centre Action Plan sets out a vision for the area and describes how it will be achieved, including addressing the diversity of the town centre offer. The Council have clearly made progress towards these ambitions for example at the Living Room Library and public art projects close to the appeal site. However, it is not apparent that the proposal would hinder nor directly contradict these local ambitions. Neither is there substantive evidence of the likelihood of a small business otherwise occupying the site if the appeal were dismissed, or whether the size of the unit here would be attractive to those occupiers which the Council would prefer. On this basis the proposal would not conflict with LP Policy GG2 which seeks to create successful sustainable mixed-use places.
18. I note the appeal decision evidenced by the Council relating to a site in Islington<sup>2</sup> where the Inspector concluded that the proposed AGC would have a detrimental impact on the vitality and viability of the town centre and fail to assist in achieving a healthy, inclusive and safe place, similarly in an area of deprivation. However, that Inspector found the introduction of an AGC would result in an overconcentration of gambling related uses, and the local policies under which that appeal was considered were different. As such, the same circumstances do not apply.
19. In conclusion on this main issue, while acknowledging the potentially negative effects of such uses on local communities, there is not substantive evidence to demonstrate that unacceptable effects would result here. The proposal would be compatible with, and support, the character and vitality of the town centre and would be acceptable in terms of its effects on the health and wellbeing of residents.
20. The proposal would comply with CS Policy CP17 which supports proposals that foster a diverse evening and nighttime economy in areas including Angel Edmonton, providing that measures are in place to address such issues including community safety. It would also adhere to CS policies CP9 and CP30 which require development to help deliver and support community cohesion and promote safe, inclusive and sustainable neighbourhoods including reducing fear of crime. It would comply with LP policies SD6 and GG1 insofar as they relate to the vitality and viability of town centres including the night-time economy and LP Policy GG3 which requires consideration of impacts on mental and physical health and wellbeing of communities. I do not find conflict with LP Policy GG2 as set out above nor conflict with the objectives of the Framework relating to ensuring the vitality of town centres and promoting healthy and safe communities.
21. Policy TC6 of the NELP resists overconcentration of uses including amusement centres. It does not, however, set out how this would be assessed. While the proposal would increase the presence and floorspace of AGCs in the town

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<sup>2</sup> Appeal reference APP/V5570/W/20/3257308 – Steel House, 258 Seven Sisters Road, Islington

centre, it is not apparent that this amounts to an unacceptable overconcentration, given the particular circumstances here set out above.

### *Risk of Crime*

22. Concerns have been raised for the ability of the proposal to deliver crime prevention measures to deter crime and anti-social behaviour at the site. There has been correspondence between the relevant Metropolitan Police Officers and the appellant outside the scope of the appeal, and it is accepted that the appeal site has the ability to achieve the required Secure by Design Standard. While there is little evidence before me relating to this matter, I have no strong reason to reach a different view. Details of such measures should therefore be secured by condition, as set out further below.
23. Together with the measures set out by the appellant integral to the operation of the premises, as well as their obligations under licensing legislation, I am satisfied that the proposal has the ability to deliver appropriate measures to minimise risk of crime.
24. Insofar as this main issue is concerned, the proposal would comply with DMD Policy DMD37, as well as policies CP9 and CP30 of the CS, insofar as they relate to creation of a safe public realm. It would comply with LP Policy D11 in respect of designing-out crime and the Framework where it seeks safe places where fear of crime does not undermine the quality of life of community cohesion.

### **Other Matters**

25. I note the Council's concerns regarding the ability of the proposal to provide an active frontage. As above, based on the agreed common ground, and having consideration for other AGC frontages in the area, I have no strong reason to believe that a satisfactory solution could not be achieved. As such I do not find conflict with DMD Policy DMD37, nor LP Policies D3 and D8 which relate, among other things, to active frontages and a safe and well-designed public realm.
26. The appeal site is adjacent to the Fore Street Conservation Area which is characterised in part by its vibrant town centre frontage and commercial uses at the ground floor level. These characteristics are shared by its immediate setting in which it is experienced, and of which the appeal site forms a part. As the proposal would contribute to the vitality of the town centre, it would preserve those elements of the setting which make a positive contribution to the significance of the asset and how it is experienced.

### **Conditions**

27. The Summary of the Statement of Common Ground includes conditions agreed between the parties. I have considered these in light of the Planning Practice Guidance (PPG) and, even if agreed, conditions should only be imposed where they meet the relevant tests. For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
28. In addition to the standard time limit condition, it is necessary to condition the approved drawings to provide certainty, from which I have omitted those which show alterations to the shop front. In the interests of safety and crime prevention, the main parties agree that a condition to deliver the Secure by Design or equivalent accreditation is necessary. As there is little evidence as to

how this would be reached, to provide clarity and certainty, the condition should ensure that full details are submitted for the Council's approval, setting out how this would be achieved.

29. As set out above, given the description of development to which the appeal relates I have not imposed a condition relating to the treatment of the shop front. Notwithstanding my concerns regarding the condition to close the existing AGC at no.173, given the assessment above, such a condition would not be necessary since the acceptability of the appeal scheme would not rely on it.

### **Conclusion**

30. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is allowed.

*C Shearing*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Angie Fenton	Director (Planning) Quod
Simon Bird KC	Leading Counsel
Shaun Hooper	Operations Director, Luxury Leisure
Andy Wood	Woodswhur Solicitors

### FOR THE LOCAL PLANNING AUTHORITY:

David Maguire	Principal Planning Officer, Enfield Council
Gideon Whittingham	Team Leader, Enfield Council
Ian Waylen	Police Constable, Metropolitan Police
Leslie Gipps	Designing Out Crime Officer, Metropolitan Police
Andrew Catcheside	Place Shaping Team Leader, Enfield Council

### DOCUMENTS SUBMITTED AT OR SHORTLY AFTER THE HEARING:

- Policy TC6 of the Enfield Draft Local Plan: Regulation 19 March 2024 (pages 294 and 295)
- Policy E9 of the London Plan 2021 (pages 267 to 272)
- Extracts of the Gambling Act 2005, Chapter 19, Part 1 and Part 8

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 'Location Plan' produced 02 August 2023, 3511(B)05.
- 3) Prior to the first use of the premises, details shall be submitted to, and approved in writing by the Local Planning Authority, to demonstrate how the premises will achieve a Certificate of Compliance to the relevant Secure by Design or Crime Prevention Standards. Those measures shall be implemented in full accordance with the approved details throughout the use of the premises.

### **End of Schedule**



## Appendix 4

**INSPECTORS REPORT (REF. APPP/K0235/W/22/3306897)**

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# Appeal Decision

Site visit made on 1 February 2023

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 February 2023**

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**Appeal Ref: APP/K0235/W/22/3306897**

**2 Allhallows, Bedford MK40 1LJ**

- 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 Merkur Slots UK Ltd against the decision of Bedford Borough Council.
  - The application Ref 22/01168/COU, dated 18 May 2022, was refused by notice dated 9 August 2022.
  - The development proposed is change of use of ground and first floor from vacant retail unit (Class E) to Adult Gaming Centre (Sui Generis).
- 

## Decision

1. The appeal is allowed and planning permission is granted for change of use of ground and first floor from vacant retail unit (Class E) to Adult Gaming Centre (Sui Generis) at 2 Allhallows, Bedford MK40 1LJ in accordance with the terms of the application Ref 22/01168/COU, dated 18 May 2022, and the plans and drawings submitted with it, subject to the following conditions:
  - 1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.
  - 2) The development hereby permitted shall be undertaken in accordance with the following approved plans and drawings: Location Plan - Plan ref: P1 V No: V01; Block plan - Plan ref: P2 V No: V02; Existing Floor plans - Plan ref: 999-EX-01 00 V No: V04 and Proposed Floor plans - Plan ref: 999-PL-10 00 V No: V03.

## Main Issues

2. The main issues are:
  - i) The effect of the proposal on the vitality and viability of Bedford Town Centre.
  - ii) Whether the proposal would result in any anti-social behaviour.

## Reasons

### *Vitality and viability*

3. The appeal premises comprise a vacant unit located on the western side of Allhallows. This forms part of a Secondary Shopping Frontage in Bedford Town Centre.



4. On the information before me, the proposed Adult Gaming Centre (AGC) use is different to betting shops, because the former includes a range of low stakes gaming machines, electronic bingo and complementary refreshments in a smart lounge environment. They do not show live sporting events and rather than being behind a counter, staff remain with customers on the venue floor. Betting shops typically close at 10pm, whereas AGCs typically operate 24-hours with the predominant customer base after midnight being the local entertainment workforce and shift workers. As such, even though betting shops and AGCs are both licenced gambling uses, AGCs are different from traditional betting shops in terms of the offer they provide and customer base they serve.
5. Whilst the appeal site and the Betfred (betting shop) are located in proximity of each other at the southern end of Allhallows, the two other betting shops are located adjacent each other at the northern end of Allhallows. In particular, Allhallows is a pedestrian shopping street of considerable length leading from Midland Road to St Loyes Street. As such, there is appreciable separation and a range of other town centres between the appeal site and the betting shops at the northern end of Allhallows.
6. There is also a bookmaker about 80m from the appeal site. This, however, forms part of separate frontage along Thurlow Street, which also contains a range of other uses.
7. I have also taken account of the Council's evidence, which is a plan<sup>1</sup> showing the location of premises licensed under the Gambling Act 2005 in the wider area. Even so, these premises are scattered across the town centre.
8. Indeed, having visited Allhallows and the wider town centre, I am not persuaded that at present or with the introduction of the proposal, that there would be an unacceptable concentration of betting shops/gambling premises in the area.
9. Moreover, by occupying a vacant unit, the proposed use would support diversity and vitality within the town centre, thereby improving its vitality.
10. For the above reasons, the proposal would not result in a concentration of similar uses on Allhallows or within Bedford Town Centre. As such, I find no conflict with Policy 15(i) of the Bedford Borough Local Plan 2030 ('LP') which supports a range of uses within secondary shopping frontages provided that they contribute to the vitality, viability and diversity of the town centre.

#### *Anti-social behaviour*

11. The proposed use would be open 24 hours a day, seven days a week. Consequently, this would result in the additional movement of people in an area at times when most of the other shops and uses in this part of the town centre are closed. Nonetheless, and irrespective of whether or not the proposed shop front would allow surveillance of Allhallows, there is no cogent evidence that the ACG and activity associated with this would result in the risk of any unacceptable anti-social behaviour.
12. The Council has referred me to appeal decision<sup>2</sup>. In dismissing that appeal, the Inspector found that the approval of a licence did not justify that proposal or

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<sup>1</sup> Appendix 4 of Bedford Borough Council's Written Representation Statement

<sup>2</sup> APP/W4705/W/22/3306518

outweigh the harm that had been identified. Nonetheless, specifically in relation to the risk of anti-social behaviour, the licensing regime does offer the Council an additional layer of control over such matters.

13. In light of the above reasons, and my findings in respect of the first main issue, the proposal would accord with Policy 15 (ii) of the LP. This Policy seeks to avoid the concentration of similar uses whose cumulative impact would be to the detriment of environmental quality, amenity or parking, or would increase the risk of anti-social behaviour. I also find no conflict with Policy 32 of the LP which amongst other things seeks development proposals to ensure that they minimise factors which might give rise to crime and community safety concerns.

### **Conditions**

14. Having regard to the National Planning Policy Framework and the Planning Practice Guidance. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans and drawings as this provides certainty.

### **Conclusion**

15. For the above reasons, I conclude that the appeal should be allowed.

*M Aqbal*

INSPECTOR



## Appendix 5

### SIMON BIRD KC OPINION

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**163 – 169A FORE STREET, LONDON N18 2UX**

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**A D V I C E**

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1. By notice dated 27 September 2023, the London Borough of Enfield (“the Council”) refused Luxury Leisure’s planning application for:

*“Change of use of ground floor premises at 163-167 Fore Street from vacant bank (Class E) to Adult Gaming Centre (Sui Generis) 24/7 hours use, with ancillary office at the first floor, to enlarge existing Adult Gaming Centre at 169A”*

2. As is clear from the description of the development, Luxury Leisure’s proposed development is for an expanded and improved Adult Gaming Centre (“AGC”) already operating at 169A Fore Street, as opposed to an additional AGC. 163-167 Fore Street are within the defined Angel Edmonton town centre within which Luxury Leisure already operate an AGC (at 173 Fore Street). This would close in the event that planning permission is granted for the expansion of the AGC at 169A.
3. The decision to refuse was a delegated decision and two reasons were advanced. My advice is sought on the reliance placed by the Council on policy DMD 33 of the Development Management Document in the first of the reasons for refusal. The Development Management Document is one element of the

development plan for the Council's area. The reason for refusal alleges, so far as is material to this advice:

*“The development proposal, by virtue of its nature and siting, would lead to a clustering, intensification and overconcentration of betting and gambling uses in the immediate area, failing to make the best use of the land. The clustering would be detrimental to the vitality and viability and character of the town centre and this location.....Given this, the proposal is contrary to policies.....DMD33 of the Development Management Document (2014)....”*

4. Policy DMD33 of the Development Management Document provides as follows:

*“DMD 33*

***Betting Shops***

*Proposals for betting shops will only be permitted if all of the following criteria are met:*

- 1. The proposed development is located within a local or district centre, or within the secondary shopping frontage of Enfield Town;*
- 2. There should be a minimum of five non-betting shop units between the proposed site and the next betting shop premises, or at least 25m, between them, whichever is greater; and*
- 3. The proposal should be designed to provide an active frontage during the daytime and evening, and to have a positive visual impact on the street.”*

5. In support of its application, Luxury Leisure explained the differences between a “betting shop” and an AGC and that DMD33 did not apply to the proposed development, however, the Council's planning officer disagreed:

*“[Policy DMD33] seeks to control the negative aspects associated with betting shops, as gambling establishments. An adult gaming centre is also a gambling establishment, like a betting shop. Clustering of uses will be prevented to ensure that there is no harm to the vitality and viability of centres of harm caused through anti-social behaviour.*

....

*The applicants are keen to assert the distinction between adult gaming centres and betting shops, however, officers do not accept the argument that policy DMD33 does not apply to adult gaming centres”*

6. I am asked to advise on whether officers were correct to apply policy DMD33 to the proposal before them.

#### Interpretation of Planning Policy – the Principles

7. The following principles apply to the interpretation of planning policy:
- (1) When the question of interpretation of a planning policy arises, it is a question of law for the court to determine: see Tesco Stores v Dundee City Council [2012] PTSR 983 and the judgment of Lord Reed:

*“The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by planning authorities in decision-making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and planning authorities. As in other areas of administrative law, the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, while allowing a measure of flexibility to be retained. Those considerations point away from the view that the meaning of the plan is in principle a matter which each planning authority is entitled to determine from time to time as it pleases, within the limits of rationality. On the contrary, these considerations suggest that in principle, in this area of public administration as in others ...*

*policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context.”*

(para18)

- (2) Where a question of interpretation of planning policy arises, in approaching that question it must be borne in mind that the policy is not a statute or other formal legal instrument, but is intended to be a practical aid to decision-taking. Such statements of policy and their purpose and intended audience (being both professionals and the wider public) must be taken into account in assessing any question of interpretation which arises; See Tesco Stores v Dundee (surpra) and the judgment of Lord Reed:

*“Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759, 780 per Lord Hoffmann) ...”*

(para 19)

- (3) The policy should be read and interpreted in a straightforward manner, taking into account the context in which it arises. The extent to which a given policy will require legal analysis will be informed by how specific the wording is and the extent to which its wording logically requires prior textual interpretation before it is applied.

- (4) The context within which policy falls to be interpreted includes the supporting text which relates to the relevant policy. This is not policy nor part of the policy and does not have the force of policy, but it is a legitimate to the interpretation of the policy to which it relates: See R (Cherkley Campaign Limited) v Mole Valley District Council [2014] EWCA Civ 569.

### The Correct Interpretation of DMD33

8. Policy DMD 33 is a very specific policy which applies only to “Betting Shops”. There is no definition of this term within the Glossary to the Development Management Document and its meaning therefore falls to be ascertained by reference to the principles I have outlined above. The meaning of the term “Betting Shop” is not one which depends on any evaluative judgment by those applying the policy; it is a specific term which should be given an objective interpretation in accordance with the language used having regard to its context.
9. A “Betting Shop” is a shop in which a betting service is offered to visiting members of the public i.e. people to go to place bets, whether that is on horseracing or the outcome of other events or competitions which take place away from the premises. Such premises are separately licensed to AGCs under the Gambling Act 2005. In contrast, AGC’s, once known as amusement arcades or amusement centres, essentially involve an on-site leisure activity, albeit one which involves putting stake money into a machine as the gambling activity. They have a maximum payout of £500. An AGC is not a “Betting Shop” having regard to the ordinary and natural meaning of that term. Further, there



is nothing within the context of policy DMD 33 which would support that term being given a wider meaning so as to embrace other gambling uses. In fact, the context confirms that the Council's interpretation of the policy is wrong.

10. Chapter 5 of the Development Management Document deals with "Town Centres and Shopping". Table 5.1 summarises the main uses found in the Borough's town centres. This Table uses the Use Classes as they appeared in the Town and Country Planning (Use Classes) Order 1987 ("Use Classes Order") at the point of the adoption of the Development Management Document. This table includes Use Class A2 – Finance and professional services which, as at November 2014 (that date of the adoption of the Development Management Document), included "Betting Offices":

*"Use for the provision of —*

*(a) financial services, or*

*(b) professional services (other than health or medical services), or*

*(c) any other services (including use as a **betting office**) which it is appropriate to provide in a shopping area,*

*where the services are provided principally to visiting members of the public"*

(emphasis supplied)

11. The Table also identifies a number of Sui Generis uses and "amusement centres" are specifically and separately identified. As at November 2014, Article 3(6)(b) of the Use Classes Order provided that no class specified in the Use Classes Order included an "*amusement arcade or centre*". This

demonstrates that the Development Management Document was seeking to apply the same meaning to terms as the Use Classes Order and confirms that Betting Shops and amusement centres are not one and the same for the purposes of the Local Plan. This is further confirmed by the supporting text to policy DMD 33 which, as I have said, is a legitimate aid to its interpretation:

*“5.9.1 This policy seeks to control the negative aspects associated with betting shops. Clustering of uses will be prevented to ensure that there is no harm to the vitality and viability of centres, or harm caused through anti-social behaviour.*

***5.9.2 The Council may consider the use of conditions for new A-class uses to prevent conversion of the premises to betting shops at a later date.***

***5.9.3 In centres where there is considered to be an oversupply of betting shops the Council will explore the use of an Article 4 Direction to ensure that any future proposal will be subject to a planning application.”***

(emphasis supplied)

12. This text makes it clear that the purpose of the policy was to address the specific problems associated with Betting Shops which were, at least in part, a consequence of their inclusion within Use Class A2. This enabled Betting Shops to proliferate without the benefit of planning permission, in reliance on the operation of the Use Classes Order. For example, the change of use from uses such as travel agents and insurance brokers to Betting Shops could occur without the need for planning permission. The policy was clearly put in place to address the specific issues arising from Betting Shops and the flexibility which Class A2 offered to Betting Shop operators in 2014.

13. That flexibility had never been available to amusement centres which were and remain Sui Generis uses under the Use Classes Order with a change of use to this use always being the subject of planning control.
14. As is quite clear from the supporting text of the Development Management Document, when the Council wished to refer to amusement centres it did so in terms (see Table 5.1). If it had intended policy DMD 33 to apply to amusement centre uses or to any use which involved an element of gambling in addition to Betting Shops it would have been worded differently.
15. The Use Classes Order was amended in April 2015 by Article 2(1) of the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015 to exclude betting offices from Class A2 and they now fall within Article 3(6)(n) of the Use Classes Order as being a use which does not fall within any of the defined Use Classes. Amusement centres remain a separately identified Sui Generis use (Article 3(6)(b), reinforcing the distinction between the two uses for planning purposes.

### Conclusion

16. Neither the wording nor context of policy DMD 33 of the Development Management Document supports the application of the policy to proposals for AGCs. From my analysis I conclude that it is legally erroneous to apply policy DMD33 to such proposals. AGC's are not "Betting Shops" for the purposes of the policy, and the requirements of the policy cannot be applied to them when discharging the section 38(6) of the Planning and Compulsory Purchase Act 2004 duty.

SIMON BIRD KC  
20 October 2023

Francis Taylor Building  
Inner Temple  
London  
EC4Y 7BY

**DX 402 4DE**

**163 – 169A FORE STREET,  
LONDON N18 2UX**

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**ADVICE**

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## Appendix 6

**PALMERS GREEN TOWN CENTRE HEALTH CHECK, PREPARED BY  
QUOD**

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## NOTE

### Town Centre Health Checks (October 2024) – Palmers Green

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#### Approach

- 1.1 In terms of its retail performance, we examine the mix and profile of the centre's shopping and service provision and review key performance indicators to understand how it functions and understand the 'health' of the centre.
- 1.2 The health check has been assessed (where information is available) against the indicators outlined within the Planning Practice Guidance<sup>1</sup>, which are as follows:
  - Diversity of uses;
  - Proportion of vacant street level property;
  - Commercial yields on non-domestic property;
  - Customers' experience and behaviour;
  - Retailer representation and intentions to change representation;
  - Commercial rents;
  - Pedestrian flows;
  - Accessibility – this includes transport accessibility and accessibility for people with different impairments or health conditions, as well as older people with mobility requirements;
  - Perception of safety and occurrence of crime;
  - State of town centre environmental quality;
  - Balance between independent and multiple stores;
  - Extent to which there is evidence of barriers to new businesses opening and existing businesses expanding; and
  - Opening hours/availability/extent to which there is an evening and night time economy offer.
- 1.3 Data has been taken from the retail evidence published by the London Borough of Enfield<sup>2</sup> ('LBE') and the Greater London Authority<sup>3</sup> ('GLA') together with data from Experian GOAD and our site visits conducted in October 2024.

#### Palmers Green

- 1.4 Palmers Green is defined in the Enfield Core Strategy (2010) and the London Plan (2021) as a 'District Centre'. Palmers Green is principally a long linear centre focused predominantly along Green Lanes (A105), with further commercial activity provided along Aldermans Hill.

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<sup>1</sup> Paragraph: 006 Reference ID: 2b-006-20190722

<sup>2</sup> Including the Enfield Retail Need Assessment Update (2018); Enfield Town Centre Healthchecks and Boundary Reviews (2021); and Enfield Retail and Leisure Study Update (2021)

<sup>3</sup> Including the 2017 London Town Centre Health Check Analysis Report



## Note continued

### Diversity of Uses

- 1.5 Palmers Green district centre comprises 35,180 square metres of floorspace (at ground floor)<sup>4</sup> within a total of 201 outlets. Table 1 provides a breakdown of the diversity of uses within the District Centre.

Table 1: Diversity of Uses within Palmers Green District Centre

Sector	Floorspace		Units		National Average	
	(sqm)	(%)	(No.)	(%)	Floorspace	Units
Convenience	6,440	18.3%	16	8.0%	15.5%	9.3%
Comparison	6,320	18.0%	37	18.6%	30.2%	27.0%
Retail Service	4,760	13.5%	45	22.6%	7.2%	15.7%
Leisure Services	10,370	29.5%	59	29.6%	26.0%	25.1%
Financial & Business Services	4,510	12.8%	32	16.1%	6.7%	8.9%
Vacant	2,780	7.9%	10	5.0%	13.8%	13.8%
<b>Total</b>	<b>35,180</b>	<b>100.0%</b>	<b>199</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

Source: Experian Goad (2023) updated following Quod visit October 2024

- 1.6 As of October 2024, there were 37 comparison units, representing a total of 18.6% of all units. This sector provides 6,320 square metres of floorspace, which amounts to 18.0% of all floorspace. The proportion of units and floorspace falling within the comparison retail sector is below the national average (30.2% and 27.0% respectively) and is predominantly taken up by small format stores (average size of 171 square metres).
- 1.7 In respect of convenience retailing, there is a total of 16 units within Palmers Green District Centre, which represents a total of 8.0% of all unit. This is comparable to the national average (9.3%). In terms of floorspace, this amounts to 18.3%, which is above the national average (15.5%). This is largely due to representation from a large-format Morrisons.
- 1.8 Within the service sector, the District Centre is well represented with 136 units occupying 19,640 square metres of floorspace. Accordingly, more than two-thirds (68.3%) of the floorspace falls within the service sector, although this reduces to 55.8% in terms of units. This compares to a national average of 39.9% and 49.7% respectively. This sector includes representation from hairdressers, estate agents and high street banks. There is also a good section of international food themed restaurants, most notably on the eastern side of Green Lanes.
- 1.9 The District Centre currently includes four bookmakers (with representation from Paddy Power, Betfred, Ladbrokes) and amusements (MERKUR Slots) located along Green Lanes. The number of bookmakers has reduced since 2016 (from 6 to 4)<sup>5</sup>. Consequently, the current

<sup>4</sup> As identified by Experian Goad updated following Quod site visit in October 2024

<sup>5</sup> 2017 London Town Centre Health Check Analysis Report





## Note continued

provision of such uses is not significant. Indeed, collectively, these uses accounts for approximately 2.5% of all units, and 2.9% of all floorspace.

- 1.10 Overall, the composition of Palmers Green district centre suggests that it performs an important role as a convenience shopping destination, whilst also providing a strong service offer.

### Vacancies

- 1.11 In October 2024 there were 10 vacant units within the District Centre, equating to 5.0% of all units. This is below the national average (13.8%).
- 1.12 In terms of floorspace, vacancies account for 2,780 square metres, representing 7.9% of total floorspace. Again, this is lower than the national average (13.8%).
- 1.13 Whilst vacancies within the District Centre are below the national average (both in terms of units and floorspace), the current level of vacancies has increased since 2021<sup>6</sup> – from 7 units to 10 units – an increase of more than 40%. Furthermore, it is understood that a large format clothing store on Greens Lane<sup>7</sup> (extending to 770 square metres) is due to close shortly.

### Retailer Representation

- 1.14 Palmers Green has a mix of national and independent retailers. This includes representation from Morrisons, who have a large store at the edge of the district centre, alongside Sainsbury's Local, Poundland, Boots and EE. However, there has been the closure of Iceland, Waitrose and Co-op in recent years.
- 1.15 Within the service sector there are also several national chains, including Subway, McDonalds and KFC. There are also a number of high street banks, including representation from Barclays, Halifax, Santander and NatWest, which are focused on Aldermans Hill / Green Lanes at the southern part of the District Centre.

### Customers' experience and behaviour

- 1.16 There is no up-to-date survey evidence relating to customers' experience and behaviour.
- 1.17 The Council's retail evidence<sup>8</sup> did refer to an operator survey of existing businesses (at the time). Whilst this was completed in 2018, prior to the effects of the Covid-19 pandemic, the key findings included the following:
- Palmers Green is a 'multi-purpose visit' centre. It is appealing to a local consumer base either living or working nearby, or to commuters.
  - Around two-thirds of customers typically visit the centre daily or at least once a week, indicating a high frequency of visit.
  - Average customer spending in Palmers Green is mixed: the highest average spend is less than £10 per visit, followed by over £50 per visit.
  - The centre's main strengths relate to its community nature; its local shopping offer; good bus services/rates; the variety of independent businesses; and Broomfield Park.

<sup>6</sup> As identified by the Town Centre Healthchecks and Boundary Reviews (December 2021)

<sup>7</sup> 240-244 Green Lanes

<sup>8</sup> As identified by the Town Centre Healthchecks and Boundary Reviews (December 2021)



## Note continued

- In terms of deficiencies in the centre's offer, the dominant responses concern a lack of clothing and department stores as well as restaurants and cafes.
- Other main weaknesses include a lack of car parking; the cycle lanes (i.e. they should be removed); too many vacant shops; a limited variety of shops; and poor safety (drugs).

### Commercial Rents

- 1.18 Table 2 identifies the rental levels currently sought in Palmers Green, alongside the retail rental levels achieved to date during 2023/24.

Table 2: Rental Levels, Palmers Green

Shop Unit	Rent (£ per square metre)
<b>Rental Levels Currently Sought</b>	
316A-322 Greens Lane	207
380 Green Lanes	298
<b>Rental Levels Achieved in 2023/24</b>	
1 Aldermans Hill	199
334 Green Lanes	242
323 Green Lanes	390
40 Green Lanes	363

Source: Egi (October 2024)

- 1.19 The rental levels currently being sought (average of £253 per square metre) compares to the average level achieved during 2023/24 of £299 per square metre and significantly higher than that identified to be sought in 2021<sup>9</sup>.

### Pedestrian Flows

- 1.20 During Quod's visit to the centre, we observed that the highest pedestrian flows to be around Morrisons and in the southern part of the centre, which includes a number of key attractors, such as high street banks, Boots and McDonalds. Pedestrian activity was lower at the northern end of the centre where there are less attractions.

### Accessibility

- 1.21 The District Centre has a PTAL rating of 3 and is served by Palmers Green rail station and there are several bus stops along Aldermans Hill (including close to the rail station) and Greens Lane.
- 1.22 The main roads serving Palmers Green district centre include Green Lanes and Aldermans Hill; the former connects with the North Circular (A406) less than 500 metres to the south. In addition to limited 'pay and display' on-street parking, the bulk of the district centre's parking is provided by the surface level car park (time restricted) to the rear of Morrisons. This provides

<sup>9</sup> Ibid



## Note continued

convenient parking for users of the supermarket and, to a lesser extent, visitors to the wider centre.

1.23 The District Centre is also surrounded by residential areas and is accessible by foot from these areas, with pedestrian crossings points and dropped kerbs aid movement by foot.

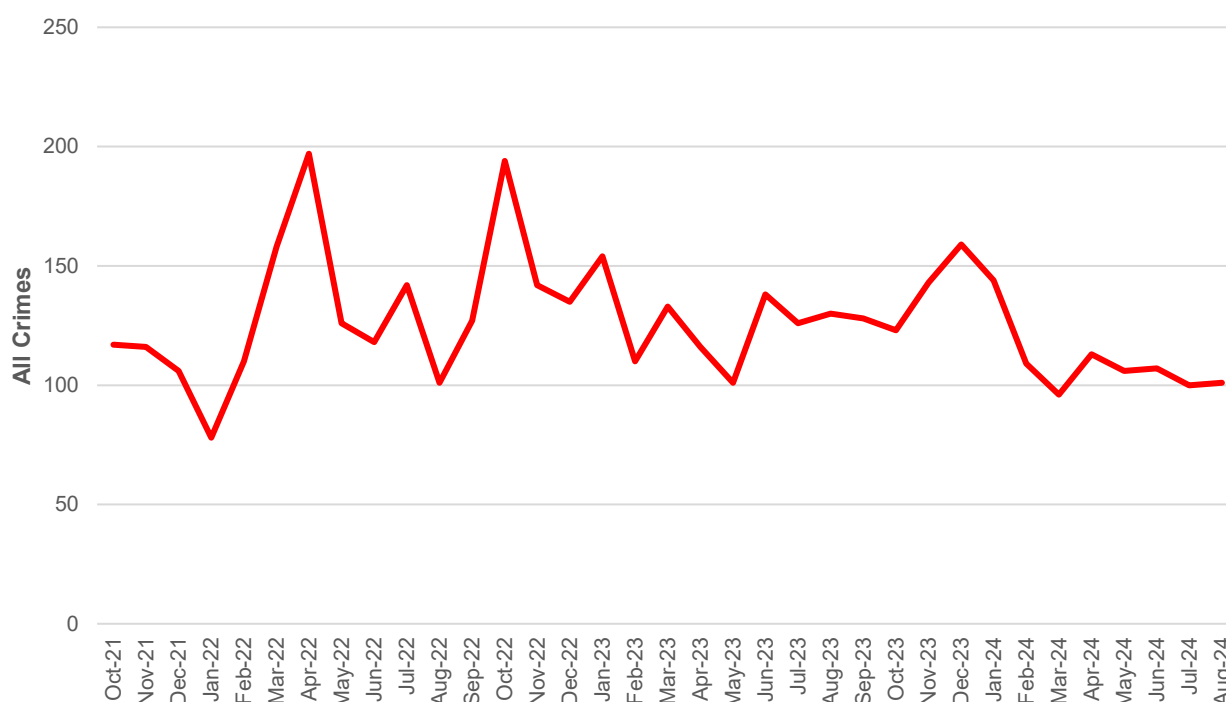
### Perception of Safety and Occurrence of Crime

1.24 During Quod's visit in October 2024, we observed no adverse issue with regards to safety or security, which were conducted during the that. This is consistent with the findings of LBE's evidence base<sup>10</sup>.

1.25 Likewise, reviewing crime data, based on the Palmers Green Neighbourhood (as identified by the Metropolitan Police), which includes the district centre, it is possible to understand crime rates for different types of activity.

1.26 Figure 1 illustrates total crime and anti-social behaviour by month for the local area.

Figure 1: All Crime and Anti-social behaviour by Month – Palmers Green Neighbourhood



Source: Metropolitan Police Service (October 2024)

1.27 The above analysis shows that crime and anti-social behaviour within the local area is much lower than that achieved during 2022 and 2023. For example, in August 2024 total crimes in

<sup>10</sup> Ibid

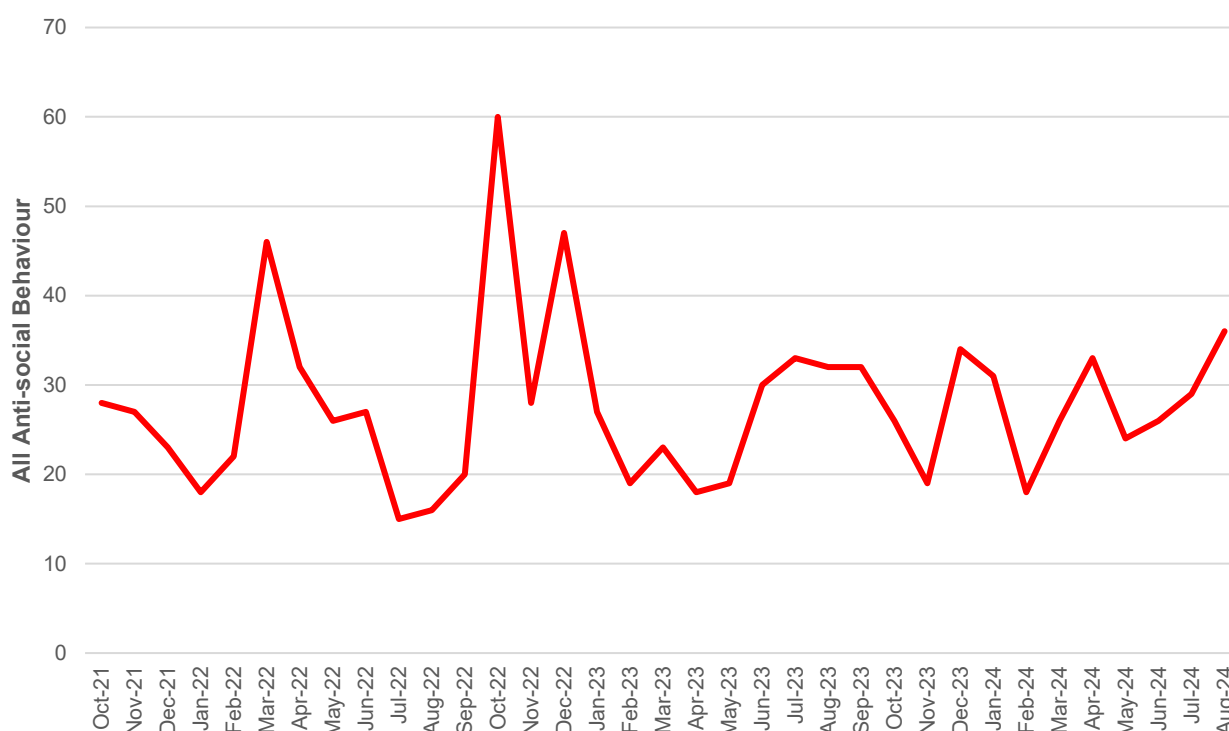


## Note continued

the local area totalled 101. This compared to a high in 2022 of 197 crimes (during April) and a high in 2023 of 159 crimes (during December).

1.28 In looking solely at anti-social behaviour rate (which includes personal, environmental and nuisance anti-social behaviour), Figure 2 illustrates how this has changed since October 2021.

Figure 2: All Anti-social behaviour by Month – Palmers Green Neighbourhood



Source: Metropolitan Police Service (October 2024)

1.29 The above analysis demonstrates that anti-social behaviour in the local area has declined significantly in recent years.

1.30 In looking at overall crime in the Palmers Green Neighbourhood, data published by the Metropolitan Police shows that for the 12 months ending August 2024 compared to the previous 12 months (ending August 2023) crime within this area has declined by 11.0%. Furthermore, between January 2024 and August 2024<sup>11</sup> crime has declined by 29.9%.

1.31 Furthermore, by way of comparison the level of crime is significantly lower than surrounding Neighbourhoods. For example, in nearby Edmonton Green, all crime rate for the period September 2023 to August 2024 is more than 230% higher than that of the Palmers Green Neighbourhood<sup>12</sup>.

1.32 Overall, the evidence suggests that crime in the immediate area is declining and is significantly lower than other neighbourhoods within the Borough.

<sup>11</sup> August 2024 is the most up-to-date date where records are currently available

<sup>12</sup> As identified by data from the Metropolitan Police Service



## Note continued

### Environmental Quality

- 1.33 Palmers Green district centre is mainly made up of terraced buildings where the ground floor has been converted into commercial units, with the upper floors used for other purposes. Generally, properties are well maintained, and the streets are clean.

### Evening Economy

- 1.34 Palmers Green's evening economy is mainly driven by the numerous restaurants. There are also a number of pubs and bars within the district centre. There is also an existing adult gaming centre (Merkur Slots) on Greens Lane, which operates 24 hours a day.

### Summary

- 1.35 Palmers Green is a well-maintained district centre contained comprising a mix of retail and services, including for the surrounding residential catchment. However, vacancies have increased since 2021, and in recent years there has been the loss of a number of key retail attractors, including the closure of Iceland, Clarks, Greggs, Waitrose and Co-op. Consequently, it will remain important that footfall is maintained, and vacancies do not continue to increase.



## Appendix 7

**LINKED TRIPS CUSTOMER SURVEY, DATED NOVEMBER 2023**

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## **LINKED TRIP CUSTOMER SURVEY – NOVEMBER 2023**

Customers exiting Palace Amusements' AGCs were asked to answer a few brief questions. In total, 642 customers across six venues took part in the survey.

Customers were asked whether the Palace Amusements AGC was the main purpose of their visit to the location/centre. They were then asked whether they were visiting any other shops/services as part of their visit to the location/centre and if so what shop/service.

76% of customers surveyed said the main purpose for their visit was to visit Palace Amusements.

53% of customers surveyed visited other shops/services as part of their visit to the centre.

From those 53% of customers - 60% visited shops, 48% visited cafes/restaurants/bars and 16% visited Banks/other Financial services and 12% Other. 36% of customers visited multiple other services as part of their visit to Palace Amusements.

**It is evident from the customer surveys undertaken that without the Palace Amusements within the centre many customers may not have visited the centre on that given day. Further, it is evident that Palace Amusements AGCs increase the likelihood of linked trips to other shops/services within primary retail centres, therefore helping weakening town centres.**

### **Summary of Survey**

1. Surveys undertaken across the following venues:
  - a. 92 High Street, Lewisham
  - b. 49 High Road, Wood Green
  - c. 156 High Street, Hounslow
  - d. 10-12 Chapel Street, Luton
  - e. 4 Fish Street, Northampton
  - f. 561-563 Hertford Road, Enfield
2. Surveys were undertaken between Thursday 16<sup>th</sup> November to Wednesday 22<sup>nd</sup> November 2023.
3. Sample size for the Questionnaire was 642 customers.
4. Customer questions were undertaken on exiting the premises.

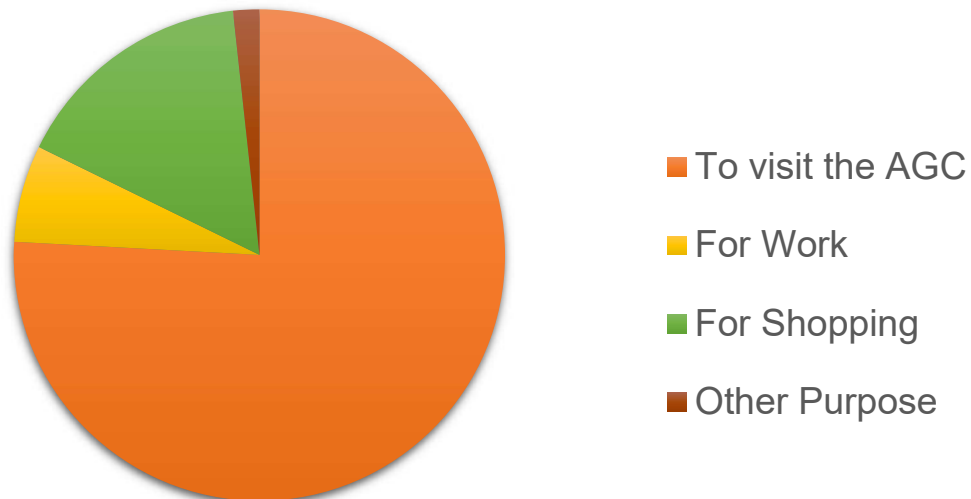


## Summary of Results From Questionnaire

### Q1 What was the main purpose of your visit to Palace Amusements in [Location] today?

Purpose	Number	%
To visit the AGC	487	76
For Work	41	6.4
For Shopping	103	16
Other Purpose	11	1.6
Total	642	

### Q1 What was the main purpose of your visit to Palace Amusements in [Location] today?



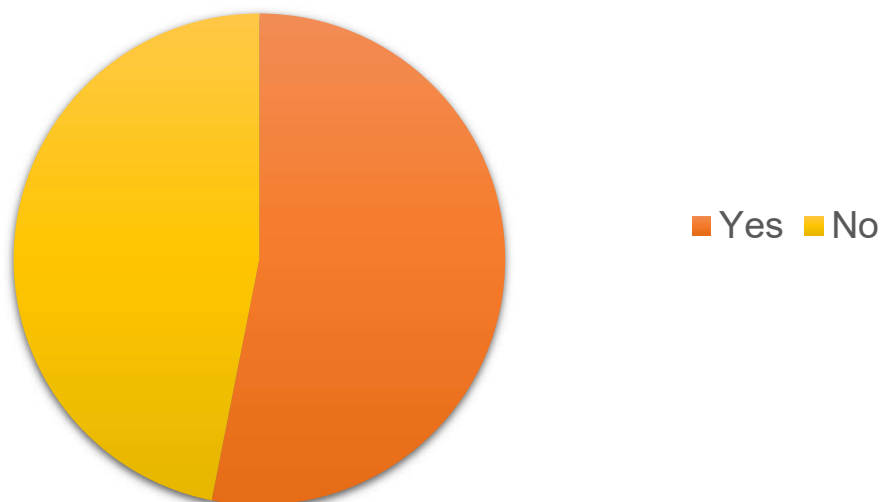




**Q2 Are you also visiting other shops/services whilst in [Location] today?**

	Number	%
Yes	341	53.1
No	301	46.9

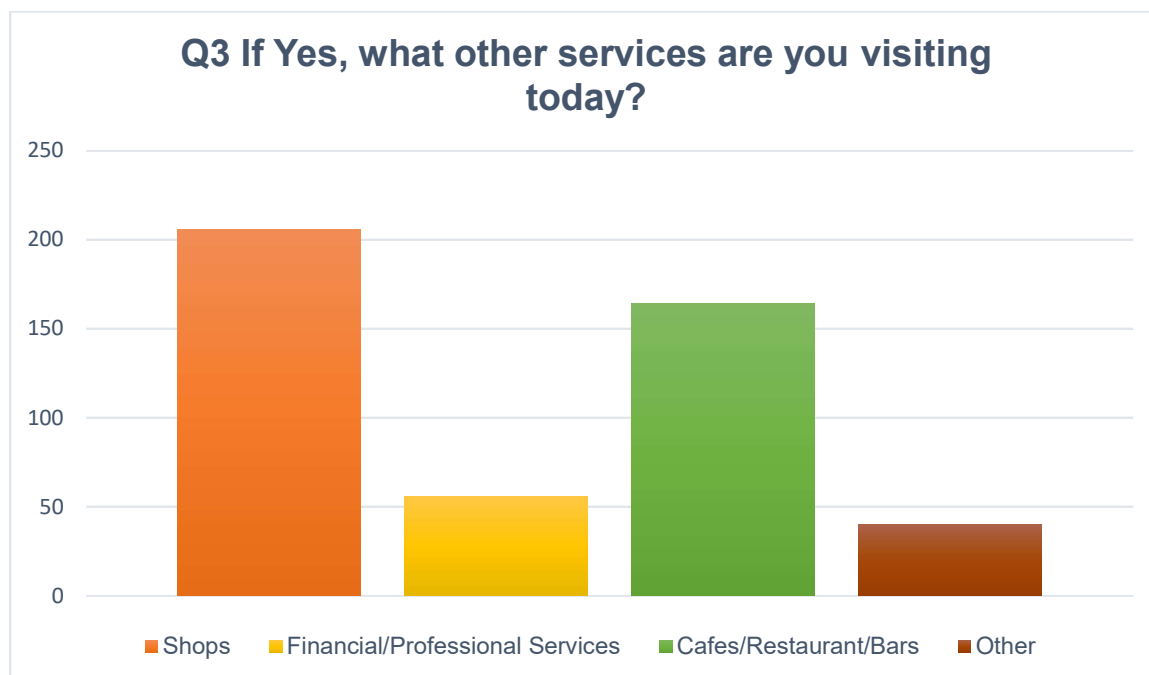
**Q2 Are you also visiting other shops/services whilst in [Location] today?**





### Q3 If Yes, what other services are you visiting today?

	Number	%
Shops	206	60.4
Financial/Professional Services	56	16.4
Cafes/Restaurant/Bars	164	48
Other	40	11.7



### Q4 What is your gender?

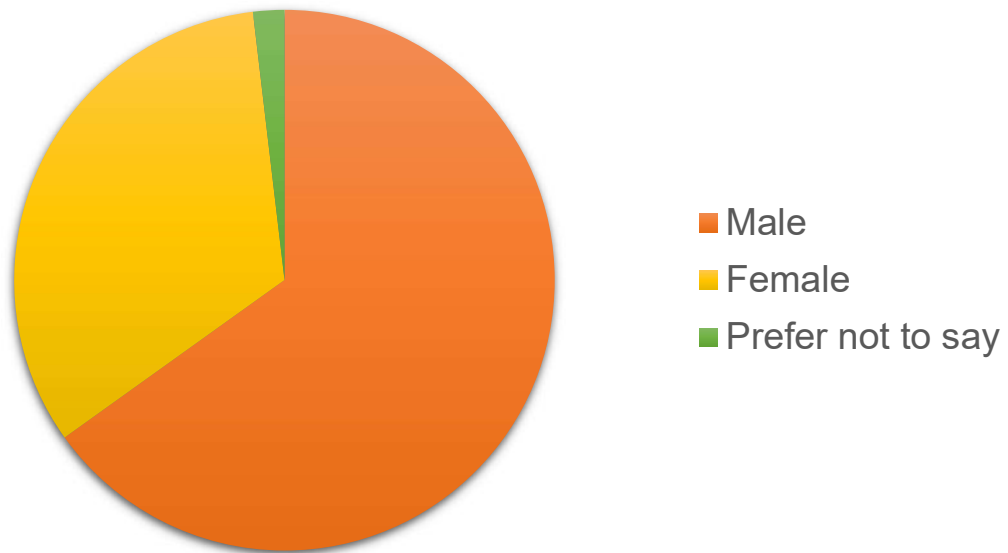
Male	418	65.1
Female	212	33.0



Prefer not to say 12

1.9

### Q4 What is your gender?





## Appendix 8

**INSPECTORS REPORT (REF. APP/N5090/W/21/3270129)**

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## Appeal Decision

Site Visit made on 28 September 2021

**by Bhupinder Thandi BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 November 2021**

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**Appeal Ref: APP/N5090/W/21/3270129**

**48 Golders Green Road, Golders Green, London NW11 8LL**

- 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 Cashino Gaming Ltd. against the decision of the London Borough of Barnet.
  - The application Ref 20/5698/FUL, dated 26 November 2020, was refused by notice dated 22 January 2021.
  - The development proposed is change of use of ground floor from vacant estate agents (Class E) to adult gaming centre (SG use).
- 

### Decision

1. The appeal is allowed and planning permission is granted for the change of use of ground floor from vacant estate agents (Class E) to adult gaming centre (SG use) at 48 Golders Green Road, Golders Green, London NW11 8LL in accordance with the application 20/5698/FUL, dated 26 November 2020, subject to the Schedule of conditions at the end of this decision.

### Procedural Matters

2. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, amending the Town and Country Planning (Use Classes) Order 1987 have come into force. These amendments revoke the previous Class A uses and create a new broad 'Commercial, business and service' use, under Class E. The appeal site falls into this new Class E, previously occupied as an estate agent falling within financial and professional services (A2) use. I have applied the development plan policy approach to retail and non-retail uses.
3. The London Plan (2021) (LP) has been adopted in between the time the application was determined and submission of the appeal. Policy 4.8 of the London Plan (2016), listed in the Council's first reason for refusal, has been superseded by LP Policy E9. The aims of both sets of policies are broadly similar and I am satisfied that no interested party has been prejudiced by this change of policy.
4. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

## **Main Issues**

5. The main issues are:

- The effect of the proposed development upon the vitality and viability of Golders Green town centre; and
- The effect of the proposal upon the living conditions of nearby residents with regard to noise and disturbance.

## **Reasons**

### *Vitality and viability*

6. Golders Green town centre is largely linear focused along Golders Green Road and around the war memorial in front of the station. The town centre has a vibrant mix of daytime and evening uses, with a relatively low number of vacant units. The ground floor of the property is vacant with the previous use an estate agent having vacated the premises in 2016. The property is statutory listed and is located within the Golders Green Town Centre conservation area (CA).
7. Policy DM11 of the Development Management Policies Development Plan Document (2012) (DMP) relates to development principles in town centres and encourages a suitable mix of appropriate uses in such areas to support their vitality and viability. Part b sets out that proposals in primary retail frontages should not reduce retail uses below 75% and should not result in an over-concentration of similar uses which detract from the retail function of the town centre.
8. During my site visit, on a weekday morning, I observed betting shops on Golders Green Road and Finchley Road. However, due to the total number of units and the presence of intervening uses, gambling facilities do not dominate the primary retail frontage or the centre as a whole. Nor would the addition of the adult gaming centre result in a cluster or concentration of such uses. Whilst the proposal may result in a duplication of uses within the centre; the same can be said for the previous estate agent and other uses such as cafes. Furthermore, adult gaming centres and betting shops, for that matter, are an established part of high streets across the country and complement their retail function.
9. I note the Council's comments in respect of marketing evidence. However, there is no requirement under Policy DM11 to provide such information for changes of use from non-retail uses. Nevertheless, the appellant has set out that the property has been vacant for a number of years and demonstrated that active marketing has taken place with limited interest. This evidence has not been challenged by the Council and I have no reason to dispute its credibility. Despite the Council's assertion the evidence before me indicates that there is little prospect of the premises being occupied by another operator use falling within Class E in the near future.
10. The proposal would not unacceptably reduce the number of retail units in the town centre and nor would it result in an over-concentration of adult gaming centres or non-retail uses within it. I note that the policy is designed to prevent the loss of shops which, given the previous use was an estate agent, would not

be the case here. It would also lead to a unit which has been vacant for around five years being brought back into use and would generate notable footfall.

11. The Council contends that the proposed development would not create an active street frontage. However, this is not a determining factor as the policy sets out that community uses are expected to present active frontages. This requirement does not extend to other uses. Despite this, the appellant has indicated that the window display would include a television to create interest and activity. I am satisfied that this approach would create interest along the street frontage.
12. As such, I conclude that the proposed development would not undermine the vitality and viability of Golders Green town centre. It would accord with Policy CS6 of the Core Strategy (2012) and Policies DM01 and DM11 of the DMP which, amongst other things, seek to promote successful and vibrant centres; preserve or enhance local character and encourage a suitable mix of appropriate uses in such areas to support their vitality and viability. It would also accord with LP Policy E9 which, amongst other things, seeks the enhancement of local and neighbourhood shopping facilities and the management of clusters of retail and associated uses having regard to their impacts including in respect of town centre vitality, viability and diversity.

#### *Living conditions of existing occupiers*

13. The Council contend that the proposal would give rise to noise and disturbance to nearby occupants through the comings and goings of customers to the premises.
14. Whilst the Council's Environmental Health Officer raised concerns regarding the planning application, this was based on 24 hour opening hours. The appellant has revised the opening hours to 0700 until midnight daily. This would bring the opening hours in line with a number of uses in the area.
15. Given the town centre location of the appeal property it is not unreasonable for nearby residents to expect a certain degree of noise and disturbance from traffic and commercial uses, including the comings and goings of customers visiting businesses in the area. The nature of the use and the opening hours proposed is unlikely to result in undue noise and disturbance from comings and goings given its location and the presence of evening uses in the area.
16. The appeal site is within a highly accessible town centre location accessible on foot and by different means of public transport including by bus and underground providing choice for visitors. Whilst some customers may well drive to the premises the resultant additional activities and vehicle comings and goings along Golders Green Crescent and surrounding roads is unlikely to be significant and would not unduly harm the living conditions of nearby occupiers in respect of noise and disturbance.
17. I conclude that the proposed development would not adversely affect the living conditions of nearby occupants in respect of noise and disturbance. As such, it would accord with DMP Policies DM01, DM04 and DM11 which, amongst other things, seek to mitigate noise impacts and for developments not to have an adverse effect on the amenity of local residents.

## **Other Matters**

18. Concerns have been raised about the potential for anti-social behaviour with groups of people gathering and loitering in the area and the potential for crime and disorder. However, based on the evidence before me there is nothing to suggest that such occurrences would be attributed to the proposed development. In my judgement crime and disorder are not an inevitable consequence of the proposal but rather a matter of individual behaviour and appropriate management. Moreover, I am not aware of any objection from the local police force.
19. I note that representations have been received in respect of gambling, gambling addiction, associated social deprivation and mental health issues. Concerns have also been expressed on moral and religious grounds and that the area attracts a high footfall of children and families and the proposed development would conflict with the beliefs, wellbeing and way of life of the local community. Whilst these concerns may be legitimate, planning is concerned with land use matters. As such, they are not matters for my consideration as national and local planning policies do not prevent adult gaming centres or betting shops from operating. Moreover, such matters are regulated by other legislation including the licensing regime.
20. I note the ambition to create a sense of place or community hub in the area. However, there is no substantive evidence that the proposed development would have a harmful material effect on this ambition, social cohesion or the promotion of safe and healthy communities.
21. I note that the Council consider the proposal would not harm the character or appearance of the building as a statutory listed building or the CA and I have no reason to disagree. The proposal would bring the property back into a functional use improving the appearance of the unit's frontage to the benefit of the CA and would help to sustain the significance of this designated heritage asset, in accordance with the Framework.

## **Conditions**

22. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
23. I note that the Council have suggested opening hours of 0800 – midnight daily, which based on the evidence before me, is different to those suggested by the appellant and the Council's Environmental Health Officer. In my view opening the premises at 0700 would not unduly affect the living conditions of nearby occupants as it is likely that activity is already taking place in the area including in the form of deliveries and people going to and coming back from work.
24. The Council has suggested a condition for details of the refuse and recycling facilities. However, given the previous use such facilities are already likely to be present at the premises. As such, I find it is not necessary to impose such a condition.



**Conclusion**

25. I have no reason to make a decision other than in accordance with the development plan. I conclude that the proposed development accords with the development plan, when read as a whole. There are no other considerations that outweigh my conclusion.

26. For the reasons set out above the appeal succeeds.

*B Thandi*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan and Existing and Proposed Floor Plans Drawing Number GGR/GG/04.
- 3) The premises shall only be open for customers between the following hours: 0700 – 0000 daily.



## Appendix 9

**INSPECTORS REPORT (REF. APP/R3515/W/23/3319465)**

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# Appeal Decision

Site visit made on 16 October 2023

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08.11.2023**

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**Appeal Ref: APP/R3515/W/23/3319465**

**7 Upper Brook Street, Ipswich IP4 1EG**

- 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 Luxury Leisure against the decision of Ipswich Borough Council.
  - The application Ref IP/22/00704/FUL, dated 5 August 2022, was refused by notice dated 15 December 2022.
  - The development proposed is the change of use of the ground floor from a retail unit (Class E) to an adult gaming centre (Sui Generis) and first floor to storage and staff area with external alterations and associated works.
- 

## Decision

1. The appeal is allowed and permission is granted for the change of use of the ground floor from a retail unit (Class E) to an adult gaming centre (Sui Generis) and first floor to storage and staff area with external alterations and associated works at 7 Upper Brook Street, Ipswich IP4 1EG, in accordance with the terms of the application, Ref IP/22/00704/FUL, dated 5 August 2022, subject to the attached schedule of conditions.

## Main Issue

2. The main issue is the effect of the proposal on the vitality and viability of the Central Shopping Area.

## Reasons

3. The proposal is for the change of use of a vacant Class E retail unit, previously Hughes electrical store, to an adult gaming centre (AGC), a sui generis use. The premises lie on the eastern side of Upper Brook Street near the junction with Carr Street, part of the retail and commercial heart of the town.
4. The site lies within the IP-One Area, Town Centre Boundary and Central Shopping Area as defined by the Ipswich Local Plan 2022 where Policies CS14 and DM27 seek to promote high quality investment to strengthen its regional role and support the town's vitality and viability by promoting appropriate development. To this end Policy DM27 divides the Central Shopping Area into Primary, Secondary and Specialist Shopping Zones where different policies apply. Upper Brook Street with Carr Street and parts of Dogs Head Street and Tacket Street lie in a secondary zone to the east of the primary zone which is centred around Tavern Street, Westgate Street and Buttermarket.
5. Policy DM27 specifies that within the primary shopping zone all uses are required to be primary commercial, business and service uses but within the

secondary shopping zone 'public houses, drinking establishments, takeaways, betting shops, payday loan shops and other main town centre uses' are permitted provided they do not exceed 15% of the units within the zone. An AGC, whilst not specifically listed as a main town centre use in the National Planning Policy Framework, is a leisure use that attracts visitor footfall and would be appropriate in the town centre if other policy requirements are met. In addition to the overall 15% limit on non-Class E uses, proposals must not lead to more than three non-Class E uses in a row nor adjacent premises being within the same use class. These circumstances would not arise in this case.

6. The heart of the Council's case is that the latest 2022 survey<sup>1</sup> shows that of 229 units in the secondary shopping zone, 48 or 21% are in non-Class E uses. Of the 211 occupied units, 43 or 19% are in non-Class E uses. The 15% threshold is therefore exceeded. However, the policy accepts proposals that would exceed the threshold when they would be beneficial to the vitality and viability of the shopping zone, including uses 'that help to attract people to visit the town centre during the evening'. An AGC is such a use.
7. The Council argue that the benefit of the use is not 'robustly demonstrated', a subjective point. However, the unit has been vacant for nearly two years since December 2021. Francis Darrah, Chartered Surveyors with extensive experience of the letting and sale of retail property in Ipswich town centre, note demand for retail space has been declining for some years, there are a significant number of vacant premises in both primary and secondary zones and conversion to residential is the only potential future use in some cases<sup>2</sup>. Their conclusion is that there would be little, if any demand from retail or café type occupiers to use No 7 Upper Brook Street and the building may remain empty for a prolonged period, adding to the overall vacancy rate.
8. AGC uses do provide active frontages with a survey of Admiral customers elsewhere showing that about 50% make linked trips to other town centre premises. Whilst there are three existing AGCs in the area, these are over 90 metres away, so no undue concentration would result, and the planning system has no remit to limit competition.
9. The Council's 2022 survey notes that the town centre is undergoing change with a sharp increase in vacancies since 2017, particularly in the primary shopping zone where further Class E demand should presumably be focussed. Whilst the secondary shopping zone has been more resilient in relation to occupancy, this reflects its diversification with more non-retail uses, some within Class E such as cafes and restaurants but many sui-generis and some Class C1 uses. The proposal would continue this diversification trend.

## **Conclusion**

10. For these reasons the proposal would have a positive effect on the vitality and viability of the Central Shopping Area and should be permitted. Whilst the AGC would conflict with the percentage limit for non-Class E uses in the secondary shopping zone set out in Policy DM27 this is outweighed by the other material considerations that favour the proposal in this case.
11. Although the site falls within the IP-One Opportunity Area C, the associated Policy SP20 primarily relates to the 'development opportunities' within the area

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<sup>1</sup> Central Shopping Area – Identified Frontages Survey Report January 2023

<sup>2</sup> Letter dated 27 March 2023

rather than the use of the established peripheral street frontages. The policy is therefore of marginal relevance in determining the appeal.

12. The Council suggested four conditions should the appeal be allowed. These are accepted by the appellant<sup>3</sup> and meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the approved drawings in the interests of certainty. Conditions are also needed to control the hours of opening and to secure any necessary noise mitigation measures to protect the amenity of nearby residents.

13. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings 3479(c)1 dated 07/07/2022.
- 3) The premises shall only be open for customers between the hours of 0700 to 0000 hours daily.
- 4) Prior to first occupation, details of noise levels and any proposed noise mitigation from gaming machines shall be submitted to and approved in writing by the local planning authority and any required mitigation shall be installed prior to the first use of the adult gaming centre.

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<sup>3</sup> Including the restriction on opening hours included in the Council's case and list of conditions and not disputed in the appellant's final comments.



## Appendix 10

**INSPECTORS REPORT (REF. APP/N5090/W/23/3328090)**

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# Appeal Decision

Site visit made on 25 March 2024

**by C Livingstone MA(SocSci) (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 June 2024**

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**Appeal Ref: APP/N5090/W/23/3328090**

**214 Station Road, The Hale, Barnet, Edgware HA8 7AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Chongie Entertainment Ltd against the decision of the Council of the London Borough of Barnet.
  - The application Ref is 23/1247/FUL.
  - The development proposed is change of use from restaurant/takeaway (sui generis) to adult gaming centre (sui generis).
- 

## Decision

1. The appeal is allowed, and planning permission is granted for change of use from restaurant /takeaway (sui generis) to adult gaming centre (sui generis) at 214 Station Road, The Hale, Barnet HA8 7AR in accordance with the terms of the application, Ref 23/1247/FUL, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
3. The Council has referred in its decision to policies within Barnet's Draft Local Plan (BDLP). I note that the draft plan is at Regulation 24 stage and the policies referred to in the delegated report, TOW03 and TOW04 have been subject to suggested modifications by the Inspector. The main parties have been invited to comment on the recommended modifications to each policy.
4. The BDLP is at examination stage and may be subject to additional modifications. Further, although the BDLP is at an advanced stage and is a material consideration, at the current time it does not form part of the statutory development plan. As such I give it only limited weight in my assessment of the appeal.
5. The Appellant has suggested amended hours of operation to address concerns raised by the Council, closing at 2am and opening at 7am rather than opening for 24 hours a day. As the restriction of opening hours could be applied via condition accepting this change would not cause any procedural unfairness to any parties.

## Main Issues

6. The main issues are:



- the effect of the proposal on the vitality and viability of Edgware town centre;
- whether the proposal would be likely to increase opportunities for crime, disorder and antisocial behaviour (ASB) in Edgware town centre; and
- the effect of the proposal on the living conditions of the occupants of neighbouring properties with particular regard to noise.

## **Reasons**

### *Effect on town centre*

7. The appeal site is located on the primary shopping frontage in Edgware town centre. The building reflects others in the area and comprises of a hot food takeaway on the ground floor with residential accommodation above. The frontage comprises a variety of retail and commercial uses.
8. The appeal seeks to convert the ground floor to an adult gaming centre (AGC). Policy DM11 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP) seeks to support the continued vitality and viability of town centres and avoid retail uses falling below 75% and the over-concentration of similar uses which detract from the retail function of the town centre. Given the current use, the proposal would not result in the loss of a unit in retail use.
9. While there are notable differences between AGCs and betting shops in terms of how they are managed and the type of gambling that takes place within them, they are similar in that they are both gambling based uses. The Council says that there are three betting shops along Station Road. Policy DM11 does not specify what would constitute an 'over concentration' of similar uses. Based on the evidence before me a relatively modest proportion of units are gambling based establishments. As such, the proposed change of use would not result in the over concentration of similar uses.
10. There is a William Hill betting shop one unit away from the appeal site. While this would result in two similar uses being in close proximity, there is no current policy that restricts the proximity of similar uses, or highlights this to be an indicator of over concentration.
11. For the reasons detailed above the proposed change of use would not have a harmful effect on the vitality and viability of Edgware town centre. The proposal is in accordance with Policy SD6 of the London Plan 2021 (LonP), Policy CS6 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS) and Policy DM11 of the DMP which seek to support the vitality and viability of town centres avoiding the over-concentration of similar uses and supporting uses that contribute to a healthy evening economy.
12. Policy DM01 of the DMP relates to character and amenity and it is not determinative in my assessment of the vitality and viability of the town centre.
13. Within their delegated report the Council have also assessed the proposal against two policies within the BDLP, TOW03 and TOW04. The Inspector has suggested modifications to both policies, since the Council's assessment of the planning application, and they may be subject to further change. I note that the Inspector has included a modification that removes the requirement for

AGCs to be more than 400m from the boundary of an existing school or youth centre. As an AGC is only accessible to those over 18 I agree with this modification.

#### *Crime and disorder*

14. Based on my site visit and the evidence before me there are established shops and businesses that are open in the evening in Edgware town centre. However, there may be less people visiting outside typical opening hours, resulting in a decrease in natural surveillance; which can be a deterrent for crime, disorder, and antisocial behaviour. The 24 hour opening time initially proposed may attract members of the public at all times of the day and night to an area that the Metropolitan Police have described as 'currently generating large volumes of ASB (anti-social behaviour), crime and disorder'.
15. There is no substantive evidence before me to suggest that the use of a building as an AGC would encourage or exacerbate anti-social behaviour. Restricting the hours of operation and closing the AGC at 2am, would reduce the length of time that the business would be open outside of typical opening hours. This would mitigate the potential risk identified by the Metropolitan Police.
16. Further, a condition requiring that the ground floor of the building achieves a Secured by Design Accreditation would ensure that a suitable standard of security for customers is achieved and implemented.
17. For the reasons detailed above the proposal would not be likely to increase opportunities for crime, disorder and ASB in Edgware town centre. The development is therefore in accordance with Policies SD6 and D8 of the LonP, Policies CS6 and CS12 of the CS and Policies DM01 and DM11 of the DMP, which seek to ensure that new entertainment uses do not have a harmful effect on the local area. They also aim, among other things, to enhance town centres through improvements in safety and security, achievement of a safe public realm and aim to tackle crime, fear of crime and anti-social behaviour.

#### *Living conditions*

18. There is a residential flat above the ground floor commercial unit. This is typical of Edgware town centre where it is common for buildings to have retail and commercial uses on the ground floor and residential accommodation on upper floors.
19. The submitted Noise Impact Assessment Report calculates that noise transfer between the unit on the ground floor and the first floor flat above would be at a level that would have no observed adverse effect. A degree of disturbance is to be expected for occupants of properties in town centres where the mix of uses can lead to increased footfall and vehicular movements. The proposed AGC was initially proposed to be open 24 hours a day. This would potentially result in patrons entering and leaving the building at all times of the day and night or congregating outside of the building. While there is evidence before me to suggest that there are evening uses within the town centre there are a limited number of 24 hour uses and there is a marked reduction in the number of units that are open in the evening compared to the daytime. As such, the proposal would increase the potential for occupants of neighbouring properties in the area to be disturbed by noise, over and above what would be typically

expected within Edgware town centre in the early hours of the morning; when background noise would be lower.

20. The Appellant has suggested a condition limiting the opening hours of the business to close 2am as detailed above. This would prevent the potential for the disturbance of neighbouring occupants in the early hours of the morning. I am satisfied that the noise mitigation measures proposed in the submitted noise report and amended hours of operation would ensure that reasonable living conditions would be maintained for the occupiers of neighbouring properties.
21. In conclusion the proposal would not have a harmful effect on the living conditions of the occupants of neighbouring properties in terms of noise. The development is therefore in accordance with Policy D8 of the LonP, Policy CS6 of the CS and Policy DM11 of the DMP, which seek to ensure a mutually supportive relationship between surrounding buildings and their uses and do not have a harmful effect on the amenity of local residents.
22. Policy SD6 of the LonP relates to the vitality and viability of town centres and high streets, Policy CS12 of the CS relates to community safety and Policy DM01 of the DMP relates to character and amenity; none of these policies are determinative in my assessment of residential amenity in terms of noise.

### **Other Matters**

23. The protection of vulnerable groups from being harmed or exploited by gambling falls within the scope of the licencing regime and is not a matter that I can consider within the context of a planning appeal.

### **Conditions**

24. The Council suggest four conditions should the appeal be allowed. I have added two additional conditions and edited the conditions suggested by the Council for precision and enforceability. These are accepted by the appellant. The Council raised concerns regarding the suggested closing time of 2am and sought a closing time of midnight. For the reasons detailed above a closing time of 2am is reasonable. I am therefore satisfied that the conditioned opening hours, as well as the other conditions, would meet the tests set out in paragraph 56 of the Framework.
25. In addition to the standard implementation time limit it is necessary to define the approved drawings in the interests of certainty. Conditions are also needed to control the hours of opening and to secure any necessary noise mitigation measures to protect the amenity of nearby residents.
26. I have also included conditions relating to the achievement of a Secured by Design Accreditation in the interests of safety and security and the maintenance of an active frontage to protect the vitality of the town centre.

### **Conclusion**

27. For the reasons given above the appeal should be allowed.

*C Livingstone*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01 Rev A, P03, Sheet 6 Rev A, Sheet 5 Rev A, Sheet 4 Rev A, Sheet 3 Rev A, Sheet 2 Rev A, Sheet 1 Rev C.
- 3) Prior to the occupation of the development hereby permitted, the mitigation measures detailed in the Noise Impact Assessment Report, 20305.NIA-RPT.01 (dated 30<sup>th</sup> January 2023) shall be implemented in their entirety and retained as such thereafter.
- 4) The premises shall only be open for customers between the following hours: 07.00 to 02.00 hours on Mondays to Saturdays, and 08.00 to 02.00 hours on Sundays and Public Holidays.
- 5) A window display shall be provided at all times at the ground floor window fronting Station Road and the glass shall not be painted, tinted or otherwise obscured and no furniture, fixings or display wall which may obscure visibility shall be placed within 1 metre of the inside of the glass.
- 6) Prior to the occupation of the development hereby permitted, the ground floor of the building shall obtain a Secured by Design Accreditation. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

\*\*\*\* end of conditions\*\*\*\*



## Appendix 11

**INSPECTORS REPORT (REF. APP/B1605/W/23/3325026)**

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# Appeal Decision

Site visit made on 18 January 2024

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13.02.2024

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**Appeal Ref: APP/B1605/W/23/3325026**  
**218 High Street, Cheltenham, GL50 3HF**

- 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 Mr Ian Miller for Luxury Leisure against the decision of Cheltenham Borough Council.
  - The application Ref 23/00452/COU, dated 14 March 2023, was refused by notice dated 3 May 2023.
  - The development proposed is change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works.
- 

## Decision

1. The appeal is allowed and planning permission is granted for change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works at 218 High Street, Cheltenham, GL50 3HF in accordance with the terms of the application Ref 23/00452/COU, dated 14 March 2023, subject to the conditions set out in the attached Schedule.

## Preliminary matters

2. The appeal property is in Cheltenham Town Centre (CTC) and within the Town's designated Central Conservation Area (CA).
3. The appellant submitted amended plans with his appeal documentation, and the Council has had the opportunity to comment on them. I have considered the appellant's proposed amendments under the principles established by the Courts in *Wheatcroft*<sup>1</sup>. The plans show modest changes from the originally submitted plans, and I am satisfied that no-one's interests would be prejudiced if I were to consider them as part of the appeal.

## Main issues

4. The main issues are: (a) the effect of the proposal on the retail character and vitality of the CTC; (b) whether the proposal would preserve or enhance the character or appearance of the CA, and (c) the effect on neighbouring residential living conditions with specific reference to noise and disturbance.

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

## Reasons

### *The Town Centre*

5. The appeal property is a vacant shop. The Council does not object to the principle of Adult Gaming Centres (ACG) being established within its town centres. Indeed, the officer report says that '*ACGs are accepted as a main town centre use*' and I have not been made aware of any policies, local or national, which distinguishes them specifically as inappropriate or unacceptable uses within the CTC.
6. The Council's concern is directed to a loss of a retail unit and what it regards as a proliferation of similar uses related to gaming and/or gambling in the CTC. It says that there are 9 such establishments in the CTC, of which 3 are sited in the High Street close to the appeal property. The Council considers this to be an overconcentration of such uses, and an additional unit would diminish the essential retail character and vitality of this part of the CTC.
7. The Council has not disputed the appellant's submitted data showing that the vacancy rate of ground floor units in the CTC is markedly less than for the UK as a whole, or that the CTC is comprised of almost 500 commercial units, and that ACGs and similar uses amount to a relatively small proportion<sup>2</sup> of the total. I saw that the existing level of sui generis uses blended reasonably well with the other uses in this part of the High Street, including many non-retail class E uses and those contained within the Brewery Quarter, and that they contributed to forming a healthy mix of uses within what appeared to me, judging from the footfall and the low number of vacant premises, to be a relatively vibrant centre.
8. The Council says that, although vacant for a lengthy period, the unit was not marketed for a sufficient period of time to appropriately test its attractiveness for a retail use. The evidence from an independent agent shows that it was marketed for about 4/5 months without any realistic retail interest, which in my mind is not an unreasonable length of time for retailers to show at least some interest, if it existed. Irrespective of the Council's view on this aspect, I have not been pointed to any policy requirement for the need for marketing. Moreover, vacant units contribute negatively to the perception of a centre's vitality, as in this case.
9. I conclude that the use is not an inappropriate one within the CTC and it would not materially impinge upon the centre's retail character, its attractiveness or vitality. Accordingly, I find no conflict with the provisions and objectives of policies RT1 & RT2 (a) of the Cheltenham Plan (CP) or policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) directed to ensuring the continued vitality and character of the CTC.

### *Heritage considerations*

10. The appellant's proposals do not materially alter the appearance of the existing shopfront, which is that of a fairly modern retail unit, albeit not reflective of the pleasant design and appearance of the upper parts of the building. The Council says that the existing shopfront does not benefit from a formal planning permission and that, accordingly, it '*has never approved the current*

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<sup>2</sup> At 1.9%



*appearance*'. It strikes me however that the shopfront has been in situ for some time, and there is no evidence before me to suggest that the Council has found it objectionable in the past or attempted to secure its removal using its enforcement powers. The shop front has therefore become an established, and unremarkable feature of the High Street being little different in terms of its appearance to many others in this part of the CTC, including more recent additions.

11. As suggested in the officer report and in the response to consultation from '*Heritage and Conservation*', an enhancement may well be the ideal solution. Nevertheless, I am mindful that the statutory test quoted in the officer report<sup>3</sup> places preservation on an equal footing with enhancement. I do not therefore consider the appellant's approach to be unacceptable in heritage terms, and the elevational design amendments made to the original submission appear to me to successfully address at least some of the Council's earlier detailed concerns.
12. Having regard to the comments in the officer report as to proposed advertisements, I should clarify that these are not a matter for me but of a separate requirement for consent under the appropriate Regulations.
13. Taking account of the existing shopfront and others in the vicinity of the appeal property, I conclude that the proposed development would, at worse, have a neutral impact on its surroundings. The character and appearance of the CA would thus be preserved. Accordingly, I find no material conflict with those provisions of JCS policy SD8 and CP policy HE3 directed to protecting the Borough's heritage assets from inappropriate development.

#### *Living conditions*

14. The appellant does not dispute the presence of residential accommodation in relatively close proximity to the appeal property. The Council's concern is based on the venture's possible effects on those nearby residents' living conditions with particular reference to noise and disturbance. I note however that the Council's Environmental Protection Team (EPT) based its objection on the appellant's initially proposed 24 hr operation. The EPT also commented that it would be willing to review alternative opening hours if put forward by the appellant.
15. In response the appellant has suggested the imposition of conditions. The first, in effect, amounts to a requirement for a noise assessment prior to the operation commencing, whilst the second suggests revised opening hours, which include proposed closing times of 2.00am on 3 days of the week, 4.00am on 3 other weekdays and 10.00 pm on Sundays.
16. To my mind, the main possible sources of disturbance are those emanating from within the premises as a consequence of the operation of the machines and background music. The other concerns the arrival and departure of customers late at night. I acknowledge, however, that this is a use normally acceptable in town centres along with other uses such as bars and nightclubs which may be open late into the night. Residents in town centres could therefore reasonably anticipate a level of activity and noise at night normally associated with town centre uses. By the same token, nearby residents in this

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<sup>3</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

case could also reasonably expect controls to be imposed on a use such as this so that their amenities are not unacceptably harmed at unsocial hours.

17. The appellant has referred to two other appeals within town centres at Ipswich and Golders Green respectively in support of his case<sup>4</sup>. I take a similar view to the Inspectors in those cases that, with appropriate controls and mitigation, the use could be carried out without materially harming the living conditions of nearby residents. Accordingly, on this basis, I conclude that the proposed use would not conflict with the objectives of JCS policy SD14 or CP policy SL1 directed to protecting residential amenity from unacceptable harm.

### **Conditions**

18. The Council's has not provided suggested conditions but has submitted possible subject headings.
19. A condition is imposed to ensure that the development shall be carried out in accordance with the approved plans in the interests of visual amenity and certainty. A condition on materials is unnecessary since the detail is shown on the approved plans.
20. The noise assessment condition suggested by the appellant is imposed, albeit in a modified form, to protect neighbouring residents' amenities.
21. For the same reason, an opening hours condition is imposed. Those suggested by the applicant are unacceptable since they are unlikely to be effective in protecting residents' amenities in the early hours of the morning. Rather I shall impose a condition reflecting those imposed in the Ipswich and Golders Green appeal decisions referred to by the appellant. Such opening hours are likely to be more effective in achieving the required protection.

### **Other matters**

22. I have taken account of all other matters raised in the representations, including the representations made by the Member of Parliament, local councillors, residents, amenity bodies and those representing other interests. I have already addressed the main planning issues raised in the representations.
23. Concerns have been raised about the potential for anti-social behaviour attributed to the proposed use, but there is no firm evidence before me that this would prove to be the case in practice based on the operation of other such venues. I note the concerns relating to the social and other problems sometimes linked with gambling and gaming, and those made on moral grounds and that that this type of use is considered unacceptable in the CTC for these reasons.
24. Whilst some of these concerns are understandable and have legitimacy, planning is concerned with land use matters. As such, the concerns raised are not material to my considerations since national and local planning policies do not prevent adult gaming centres from operating. Also, such matters are regulated by other legislation including the licensing regime.

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<sup>4</sup> APP/R3515/W/23/3319465 & APP/N5090/W/21/3270129

25. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: 3499(B)01; 3499(B)02; 3499(B)03; 3499(B)04; 3499(C)01 Rev A & 3499(C)02 Rev A.
3. Prior to the commencement of the use hereby permitted, an acoustic assessment of the anticipated operation of the use together with details of proposed mitigation shall be submitted to the local planning authority for its agreement and approval. The agreed scheme of mitigation shall be fully installed and operational prior to the commencement of the use and thereafter shall be permanently retained.
4. The premises shall not be open to customers other than between the following hours: 0900 – 0000 on weekdays and Saturdays and 1000-2200 on Sundays.



## Appendix 12

**INSPECTORS REPORT (REF. APP/B1415/W/22/3294882)**

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# Appeal Decision

Site visit made on 2 January 2023

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19 January 2023**

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## **Appeal Ref: APP/B1415/W/22/3294882**

### **40-41 Queens Road, Hastings, TN34 1RE**

- 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 Merkur Slots UK Ltd against the decision of Hastings Borough Council.
  - The application Ref HS/FA/21/00443, dated 29 April 2021, was refused by notice dated 24 February 2022.
  - The development proposed is change of use of the ground floor unit of 40-41 Queens Road from a vacant pawnbroker (E Class) to an Adult Gaming Centre (Sui Generis).
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## **Decision**

1. The appeal is allowed and planning permission is granted for the change of use of the ground floor unit of 40-41 Queens Road from a vacant pawnbroker (E Class) to an Adult Gaming Centre (Sui Generis) at 40-41 Queens Road, Hastings, TN34 1RE in accordance with the terms of the application, Ref HS/FA/21/00443, dated 29 April 2021 and is subject to those conditions set out in the attached schedule.

## **Main Issues**

2. The main issues raised in respect of the appeal are the effect of the proposed development on:
  - a) Levels of noise and disturbance in the area at night and early morning; and
  - b) The health and wellbeing of Hastings residents.

## **Reasons**

### *Noise and disturbance*

3. The proposal seeks 24 hours a day, 7 days a week adult gaming use of the premises. Third party and Council Member concern has been raised to potential unacceptable noise and other disturbance arising from the proposed use of the premises.
4. The proposal has been supported by a noise assessment that assesses potential impact on noise sensitive properties, including those of the flats above the premises. The assessment identifies measures that could be put in place prior to the use commencing to improve the sound insulation performance of the premises. The Assessment also studied other operational adult gaming centres elsewhere to assess activity during the most noise sensitive period of the night. Those operational premises assessed

demonstrated that the comings and goings of patrons at those premises was relatively low.

5. The Council's Environmental Health Team have not raised objection to the proposal and request a condition be imposed requiring the recommendations of the noise assessment to be strictly adhered to and carried out prior to the use commencing. Other requested conditions would aim to control the hours of construction on site and would require details of any fixed plant, machinery and associated equipment that has the potential to cause noise disturbance to be submitted for local planning authority approval prior to installation.
6. There would be some evening, late night and early morning activity generated by the proposed use of the premises. However, the evidence provided by the noise assessment indicates that the adult gaming use of the premises would not attract large crowds during noise sensitive periods of the day and night. Furthermore, given the patronage is likely to be relatively low it is unlikely that noise impacts would occur in regard of patrons entering and exiting the premises. Furthermore, the machines in themselves would generate low levels of noise and only low background music would be played inside the premises.
7. This is a town centre location where there are restaurants and public houses and where some activity would be expected. The evidence does not support the activity generated by the premises would be substantially out of keeping with the noise levels in the area at those sensitive times of day. Consequently, I find that the potential noise generated associated with the proposed use of the premises would not be of an extent that would be substantially harmful to the living conditions of residents in the area.
8. Policy DM6 Hastings Development Management Local Plan 2015 (the Local Plan) states that applicants will be required to supply convincing supporting evidence (from a relevant and suitably qualified professional) that any actual or potential pollution can be overcome through appropriate remedial, preventative or precautionary measures. The proposal has been supported by a noise assessment that assesses potential impact on noise sensitive properties. The imposition of appropriately worded planning conditions that would prevent unacceptable noise generation, as requested by the Council's Environmental Health Team, would make the development acceptable in planning terms.
9. For these reasons, I conclude that the proposed development would not generate harmful levels of noise and disturbance at late night and/or early morning. As such, the proposed development would comply with Policy DM6 of the Local Plan that seeks, amongst other matters, noise that would be detrimental to neighbouring and/or local amenity to be kept to a practical minimum.

#### *Health and wellbeing*

10. Third party and Council Member concern has been raised to an over-concentration of gambling premises in this part of the town centre and the potential adverse social impacts of an adult gaming centre in this location. There is also concern that the use could harmfully affect the more vulnerable residents of Hastings, specifically in respect of gambling and its negative impact on health and wellbeing. It has also been highlighted that Castle Ward, within which the proposal would be located, is in the top 10% of the most

- deprived wards in the whole country and the second with the highest violent crime record in Sussex.
11. The Council's report to its Planning Committee notes that gambling premises only make up a very minor proportion of the overall offer within Hastings town centre. The report comments that the nearest gambling premises, a betting shop, is approximately 100m from the appeal premises with the only other gaming centre over approximately 250m away. This would not represent an over-concentration of gambling premises in this part of the town centre, even with the proposed use in place. Whilst some third party representation suggests there may be more than this, the only other premises that I have been directed to is a premises said to be opening at the former Debenhams.
  12. The Council's report to its Planning Committee also advises Members that matters of impact upon vulnerable people and problem gambling is a matter specifically considered under the licensing regime. The premises has been granted a 24-hour licence by the Council's Licensing Team which is subject to conditions to which the premises must adhere in order to protect customers and staff; such as, protection of children and other vulnerable persons, access to premises, age checks and responsible gambling. The Council's report to its Planning Committee also advises that the operators are fully aware of their Licensing Objectives and, as with all their premises, have robust measures in place to ensure vulnerable people are protected. I have been provided with a copy of the premises licence by the appellant.
  13. Concern has also been raised over the use generating antisocial behaviour which could lead to potential damage to other premises in the locality. Representation from the Local Police Support Team notes that the level of crime and antisocial behaviour in Hastings district is above average when compared with the rest of Sussex but advise that they have no major concern regarding the proposal. I have no substantive evidence before me that would lead me to conclude that antisocial behaviour or crime would be generated as a result of the proposed use.
  14. There is no clear correlation between the proposed gambling premises and its proximity to residents and any addition to problem gambling locally. There is also no clear local evidence that would support the proposed use having a detrimental impact on the health and wellbeing of the residents of Hastings or that would add to deprivation and/or crime in the area. Therefore, there is no clear link between the proposed use and the concerns raised by the Council. As such, I do not give the Council's contentions in respect of these matters significant weight. Furthermore, such matters are regulated by other legislation, including the licensing regime, and it is not for the planning system to duplicate issues covered through other legislative regimes. As highlighted by the appellant, other Inspectors have come to similar conclusions in respect of similar matters relating to health and wellbeing.
  15. For these reasons, I conclude that the proposed development would not harm the health and wellbeing of Hastings residents. As such, the proposed development would not conflict with Policy FA3 of the Hastings Planning Strategy 2014 and the provisions of the National Planning Policy Framework (the Framework) that seek, amongst other matters, to ensure decisions result in development that promotes health and wellbeing.

## **Other Matters**

16. Third party concern is raised over the decline of the town centre and suggest that the premises could be put to a better use and that local business would suffer as a result of the proposed use. The proposal would bring a vacant premises back into use, it would add to footfall and the diversification of the town centre and would provide employment. There is no clear indication that would suggest that the proposed use would bring about a decline in local businesses. Furthermore, the premises has a large shop front which the proposal indicates would be retained. Therefore, the change of use would not significantly alter the appearance of the street scene.
17. The premises would not offer any off-road parking provision. Nonetheless, the site is situated in an urban location where public transport is within walking distance of the site. The Council's highway advisers have not raised an objection to the proposal despite there being no off-road parking.

## **Conditions**

18. I have considered the planning conditions suggested by the Council in light of paragraph 56 of the Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
19. For those reasons set out above and in the interest of safeguarding the living conditions of residents, conditions that require the development to be carried out in accordance with the recommendations contained within the noise assessment report and within specified construction times are necessary. For the same reasons a condition is necessary to provide details of any fixed plant, machinery and associated equipment that has the potential to cause noise disturbance are to be submitted for local planning authority approval prior to installation. In the interest of the living conditions of local residents and the visual appearance of the area a condition is necessary for the provision of refreshments to be ancillary to the permitted use.
20. The Council seeks to secure the premises as an Adult Gaming Centre (Sui Generis use) only and to remove any future change of use of the premises that may be permitted under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification). I consider this to be necessary to ensure that any future alternative use of the premises is appropriate to this town centre location and to safeguard the living conditions of existing and future residents.
21. A condition is requested that would prevent patrons from smoking or vaping outside the premises which fronts Queens Road. However, it is set out in the Council's Committee Minutes that the Planning Services Manager advised Members that such a condition would be unenforceable. I have no substantive reason that might lead me to a different view to that of the Planning Services Manager, therefore, I have not imposed such a condition.



**Conclusion**

22. Having regard to the above the appeal should be allowed.

*Nicola Davies*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, existing and proposed floor plans (QRD/HAS/04A) and noise assessment report (PR2001\_47\_FINAL\_R1).
  
3. Prior to the commencement of the use hereby approved, the development shall be carried out in accordance with the recommendations contained within the Noise Assessment (PR2001\_47\_FINAL\_R1) dated 19/10/2021. The works required within the Noise Assessment (PR2001\_47\_FINAL\_R1) dated 19/10/2021 shall thereafter be retained permanently whilst the permitted use is in operation.
  
4. During construction any work which is audible at the site boundary, including deliveries to and from the premises, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
  
5. The acoustic specification of any fixed plant, machinery and equipment associated with air movement (including fans, ducting and external openings), compressors, generators or plant which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation. Any fixed plant, machinery and equipment approved shall be provided in full accordance with the details approved and thereafter be retained permanently whilst the use is in operation.
  
6. The provision of refreshments at the premises shall remain ancillary to the permitted use as an Adult Gaming Centre (Sui Generis use).
  
7. Notwithstanding the provisions of The Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the use hereby approved is for an Adult Gaming Centre (Sui Generis use) only and there shall be no further change of use without planning permission first being applied for and approved in writing by the Local Planning Authority.

### **End of schedule**



## Appendix 13

### HERITAGE NOTE PREPARED BY RPS

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# BUILT HERITAGE STATEMENT

Nos.369 - 371 Green Lanes, London, N13 4JH

HER-01095  
Built Heritage Statement  
Nos.369 - 371 Green  
Lanes, London, N13 4JH  
October 2024

## BUILT HERITAGE STATEMENT

### Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
1	Draft for Comment	Edward Hawkins	Tom Copp	Tom Copp	October 2024
2	Final	Edward Hawkins	Tom Copp	Tom Copp	October 2024

### Approval for issue

Tom Copp

25 October 2024

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#### Prepared for:

#### East Kent Leasing Limited

## EXECUTIVE SUMMARY

This Built Heritage Statement has been prepared in accordance with paragraph 200 of the National Planning Policy Framework, which requires that:

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

Nos.369 - 371 Green Lanes, London Borough of Enfield, N13 4JH, henceforth referred to as the 'Site', is proposed for the change of use of its ground floor from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront. An application for planning permission was submitted to the London Borough of Enfield ref.24/01776/FUL and subsequently refused, with one reason (reason 04) relating to Built Heritage matters. Reason 04 states that:

*The proposal would fail to preserve the special interest of the non-designated heritage asset contrary to paragraph 203 of the National Planning Policy Framework 2023; Policy HC1 of the London Plan 2021; Policy 40, 41, and 44 of the DMD 2014; and Policy 31 of the Core Strategy 2010.*

No Built Heritage assessment was submitted alongside application ref.24/01776/FUL. This Built Heritage Statement addresses that omission in respect of paragraph 200 of the NPPF and accompanies an Appeal of the decision issued by the London Borough of Enfield on application ref.24/01776/FUL.

The Site comprises part of a locally listed, earlier 20<sup>th</sup> Century parade of shops with residential units above (local listing ref.114 - nos.315-397 Green Lanes). This parade is known as the 'Sykes Buildings' after their architect, Arthur Sykes. The Site, as part of a local listing, represents a formally recognised non-designated built heritage asset. The proposed development represents a physical alteration of this non-designated built heritage asset, and an alteration to the use of its ground floor. The Decision Notice and Officer's Report provided by the London Borough of Enfield for application ref.24/01776/FUL identify adverse impacts to the significance of the locally listed Sykes Buildings only. No other non-designated built heritage asset or any designated built heritage asset is identified by the London Borough of Enfield as being adversely impacted, though the locally listed parade is considered to have group value with several proximate built heritage assets.

This report includes an appraisal of the relevant legislative framework and planning policy at national and local levels, with special regard to policies that relate to developments affecting the setting and significance of built heritage assets. This report also provides a proportionate overview of the history of the Site and its surroundings, an appraisal of the Site's significance and contribution to the significance of other relevant built heritage asset, and an assessment of the potential impacts of the proposed development on that significance.

The conclusions of this Built Heritage Statement differ from those of the London Borough of Enfield. Based on the available information, it is considered that the proposed development can be demonstrated to have no impact on the significance of the local listing designation of which the Site is a part.

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Figure 5 - 1936 Ordnance Survey

Figure 6 - 1945 Aerial Photograph (Google Earth Image)

Figure 7 - 1956-1957 Ordnance Survey

Figure 8 - 1957-1958 Ordnance Survey

Figure 9 - 1974-1977 Ordnance Survey

Figure 10 - 1987-1991 Ordnance Survey

Figure 11 - 2003 Ordnance Survey

Figure 12 - 2006 Aerial Photograph (Google Earth Image)

Figure 13 - 2013 Aerial Photograph (Google Earth Image)

## Appendices

Appendix A - References

# 1 INTRODUCTION

- 1.1 This Built Heritage Statement has been researched and prepared by Edward Hawkins and reviewed by Tom Copp of RPS Consulting Services Ltd, on behalf of East Kent Leasing Limited.
- 1.2 The Site comprises Nos.369-371 Green Lanes, London Borough of Enfield, N13 4JH. The Site forms part of a locally listed parade of earlier 20<sup>th</sup> Century shops, with residential accommodation above. The Site is therefore recognised formally as a non-designated heritage asset with a degree of architectural and historic interest in a local context. The Site is not located within or in the immediate vicinity of any conservation area.
- 1.3 Figure 2 shows designated and non-designated built heritage assets within a 250m radius of the Site. This radius is considered proportionate to the scale of the proposed development to identify potentially relevant built heritage assets that may be affected by the proposals. Not all built heritage assets within this radius have the potential to be affected by the proposed development.
- 1.4 The proposed development comprises the change of use of the ground floor of the Site from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront.
- 1.5 An application for planning permission for the proposed development was submitted to the London Borough of Enfield under ref.24/01776/FUL and subsequently refused, with one reason (reason 4) relating to Built Heritage matters. Application ref.24/01776/FUL will be appealed to the Planning Inspectorate. This report forms part of the Appeal submission and includes an appraisal of the relevant legislative framework and planning policy at national, strategic and local levels, with special regard to policies that relate to developments affecting the significance of built heritage assets. This provides an overview of the history of the Site and its surroundings, an appraisal of the Site's significance and contribution to the significance of other relevant built heritage assets, and an assessment of the potential impacts of the proposed development on that significance.
- 1.6 This report satisfies the requirements of paragraph 200 of the NPPF and provides sufficient information to reach a decision in respect of built heritage matters.
- 1.7 This Built Heritage Statement should be read in conjunction with the other supporting documents that accompany this Appeal submission.
- 1.8 All photos, maps and plans are for illustrative purposes only.



## 2 LEGISLATIVE AND PLANNING POLICY FRAMEWORK

- 2.1 The current national legislative and planning policy system identifies, through the National Planning Policy Framework (NPPF), that applicants should consider the potential impact of development upon 'heritage assets'. This term includes: designated heritage assets which possess a statutory designation (for example listed buildings and conservation areas); and non-designated heritage assets, typically identified by Local Planning Authorities (LPAs) and incorporated into a Local List and/or recorded on the Historic Environment Record.

### Legislation

- 2.2 Where any development may affect certain designated heritage assets, there is a legislative framework to ensure proposed works are developed and considered with due regard to their impact on designated heritage assets. This extends from primary legislation under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.3 The relevant legislation in this case extends from section 66 of the 1990 Act which states that special regard must be given by the decision maker, in the exercise of planning functions, to the desirability of preserving or enhancing listed buildings and their setting.
- 2.4 The meaning and effect of these duties have been considered by the courts, including the Court of Appeal's decision in relation to Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137.
- 2.5 The Court agreed within the High Court's judgement that Parliament's intention in enacting section 66(1) was that decision makers should give '*considerable importance and weight*' to the desirability of preserving (i.e. keeping from harm) the setting of listed buildings.

### National Planning Policy

#### National Planning Policy Framework (Ministry of Housing, Communities and Local Government, December 2023)

- 2.6 The NPPF is the principal document that sets out the Government's planning policies for England and how these are expected to be applied.
- 2.7 It defines a heritage asset as a: '*building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest*'. This includes both designated and non-designated heritage assets.
- 2.8 Section 16: Conserving and Enhancing the Historic Environment relates to the conservation of heritage assets in the production of local plans and decision taking. It emphasises that heritage assets are '*an irreplaceable resource, and should be conserved in a manner appropriate to their significance*'.
- 2.9 For proposals that have the potential to affect the significance of a heritage asset, paragraph 200 requires applicants to identify and describe the significance of any heritage assets that may be affected, including any contribution made by their setting. The level of detail provided should be proportionate to the significance of the heritage assets affected. This is supported by paragraph 201, which requires LPAs to take this assessment into account when considering applications.
- 2.10 Under '*Considering potential impacts*' paragraph 205 states that '*great weight*' should be given to the conservation of designated heritage assets, irrespective of whether any potential impact equates to total loss, substantial harm or less than substantial harm to the significance of the heritage assets.
- 2.11 Paragraph 207 states that where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, permission should be refused, unless this harm is

necessary to achieve substantial public benefits, or a number of criteria are met. Where less than substantial harm is identified paragraph 208 requires this harm to be weighed against the public benefits of the proposed development.

- 2.12 Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

## National Guidance

### Planning Practice Guidance (DCLG)

- 2.13 The Planning Practice Guidance (PPG) has been adopted to aid the application of the NPPF. It reiterates that conservation of heritage assets in a manner appropriate to their significance is a core planning principle.

- 2.14 The PPG defines the different heritage interests as follows:

- archaeological interest: As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

- 2.15 Key elements of the guidance relate to assessing harm. It states that substantial harm is a high bar that may not arise in many cases. It also states that while the level of harm will be at the discretion of the decision maker, generally substantial harm is a high test that will only arise where a development seriously affects a key element of an asset's special interest. It is the degree of harm, rather than the scale of development, that is to be assessed.

### Overview: Historic Environment Good Practice Advice in Planning

- 2.16 Historic England have published a series of documents to advise applicants, owners, decision-takers and other stakeholders on managing change within the historic environment. These include Historic Environment Good Practice Advice in Planning (GPAs) documents and Historic England Advice Notes (HEANS).

### GPA2: Managing Significance in Decision-Taking in the Historic Environment (March 2015)

- 2.17 This document provides advice on numerous ways in which decision making in the historic environment could be undertaken, emphasising that the first step for all applicants is to understand the significance of any affected heritage asset and the contribution of its setting to that significance. In line with the NPPF and PPG, the document states that early engagement and expert advice in

considering and assessing the significance of heritage assets is encouraged. The advice suggests a structured, staged approach to the assembly and analysis of relevant information:

1. Understand the significance of the affected assets;
2. Understand the impact of the proposal on that significance;
3. Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;
4. Look for opportunities to better reveal or enhance significance;
5. Justify any harmful impacts in terms of the sustainable development objective of conserving significance balanced with the need for change; and
6. Offset negative impacts to significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

### **GPA3: The Setting of Heritage Assets (Second Edition; December 2017)**

- 2.18 This advice note focuses on the management of change within the setting of heritage assets. This document replaces GPA3: The Setting of Heritage Assets (March 2017) and Seeing History in the View (English Heritage, 2011) in order to aid practitioners with the implementation of national legislation, policies and guidance relating to the setting of heritage assets found in the 1990 Act, the NPPF and PPG. The guidance is largely a continuation of the philosophy and approach of the 2011 and 2015 documents and does not present a divergence in either the definition of setting or the way in which it should be assessed.
- 2.19 As with the NPPF the document defines setting as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve'*. Setting is also described as being a separate term to curtilage, character and context. The guidance emphasises that setting is not a heritage asset, nor a heritage designation, and that its importance lies in what it contributes to the significance of the heritage asset, or the ability to appreciate that significance. It also states that elements of setting may make a positive, negative or neutral contribution to the significance of the heritage asset.
- 2.20 While setting is largely a visual term, with views considered to be an important consideration in any assessment of the contribution that setting makes to the significance of an asset, and thus the way in which an asset is experienced, setting also encompasses other environmental factors including noise, vibration and odour. Historical and cultural associations may also form part of the asset's setting, which can inform or enhance the significance of a heritage asset.
- 2.21 This document provides guidance on practical and proportionate decision making with regards to the management of change within the setting of heritage assets. It is stated that the protection of the setting of a heritage asset need not prevent change and that decisions relating to such issues need to be based on the nature, extent and level of the significance of a heritage asset, further weighing up the potential public benefits associated with the proposals. It is further stated that changes within the setting of a heritage asset may have positive or neutral effects.
- 2.22 The document also states that the contribution made to the significance of heritage assets by their settings will vary depending on the nature of the heritage asset and its setting, and that different heritage assets may have different abilities to accommodate change without harming their significance. Setting should, therefore, be assessed on a case-by-case basis.
- 2.23 Historic England recommends using a series of detailed steps in order to assess the potential effects of a proposed development on significance of a heritage asset. The 5-step process is as follows:
1. Identify which heritage assets and their settings are affected;

2. Assess the degree to which these settings and views make a contribution to the significance of a heritage asset(s) or allow significance to be appreciated;
3. Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it;
4. Explore ways to maximise enhancement and avoid or minimise harm; and
5. Make and document the decision and monitor outcomes.

### **HEAN12: Statements of Heritage Significance: Analysing Significance in Heritage Assets (October 2019)**

- 2.24 This advice note provides information on how to assess the significance of a heritage asset. It also explores how this should be used as part of a staged approach to decision-making in which assessing significance precedes designing the proposal(s).
- 2.25 Historic England notes that the first stage in identifying the significance of a heritage asset is by understanding its form and history. This includes the historical development, an analysis of its surviving fabric and an analysis of the setting, including the contribution setting makes to the significance of a heritage asset.
- 2.26 To assess the significance of the heritage asset, Historic England advise to describe various interests. These follow the heritage interest identified in the NPPF and PPG and are: archaeological interest, architectural interest, artistic interest and historic interest.

### **HEAN 7: Local Heritage Listing: Identifying and Conserving Local Heritage (January 2021)**

- 2.27 This advice supports communities and local authorities in introducing a local heritage list in their area or making changes to an existing list. The value of a local heritage list is reinforced when its preparation is informed by selection criteria, thereby encouraging a more consistent approach to the identification and management of local heritage assets across England, to the benefit of all, including community groups, owners and developers, and others who need to understand local development opportunities and constraints. A local heritage list can celebrate the breadth of the historic environment of a local area by encompassing the full range of heritage assets that make up the historic environment and ensuring the proper recording of local heritage assets.

## **Strategic Planning Policy**

- 2.28 The relevant Strategic Development Plan framework for the Study Site is provided by The London Plan, The Spatial Development Strategy for Greater London, adopted March 2021. Policy relevant to archaeology within the Study Site is included within Chapter 7 of the Plan, as 'Heritage and Culture', policy HC1, 'Heritage Conservation and Growth' as follows:

#### *"HC1 Heritage and Conservation Growth*

- A. Boroughs should, in consultation with Historic England, local communities and other statutory and relevant organisations, develop evidence that demonstrates a clear understanding of London's historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to, and interpretation of, the heritage assets, landscapes and archaeology within their area.*
- B. Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:*
  - 1. setting out a clear vision that recognises and embeds the role of heritage in place-making*

2. *utilising the heritage significance of a site or area in the planning and design process*
  3. *integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place*
  4. *delivering positive benefits that sustain and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.*
- C. *Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings, should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.*
- D. *Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.*
- E. *Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making, and they set out strategies for their repair and re-use."*

### Adopted Local Planning Policy

- 2.29 In considering any planning application for development, the planning authority will be mindful of the framework set by government policy, in this instance the NPPF, by current Development Plan Policy and by other material considerations.

### London Borough of Enfield Local Plan: Development Management Document

- 2.30 The London Borough of Enfield adopted the Development Management Document (DMD) in November 2014. The DMD contains the following policies relevant to this assessment.

#### **DMD 40: Ground Floor Frontages**

*Development involving the creation of new, or alterations to existing ground floor frontages outside of designated industrial areas will only be permitted if all of the following criteria are met:*

- a. *The frontage maintains visual interest within the street;*
- b. *The frontages respect the rhythm, style and proportions of the building/group of buildings of which they form a part, avoiding damage to existing pilasters, capitals and other significant features, and where possible reinstating lost features important to the character of the street or building;*
- c. *No more than 10% of the glazed area is obscured at any time, and a window display is included and maintained at all times to the reasonable satisfaction of the Council. Window displays should be lit at night using dedicated energy efficient fittings;*
- d. *Any security shutters proposed are internally mounted, located behind the fascia and visually permeable; and*
- e. *The street number is displayed within the frontage.*

#### **DMD 41: Advertisements**

1. *Advertisements must be of an appropriate size and type in relation to the premises and to the street scene.*
2. *Fascia boards must be of a height and depth consistent with the traditional proportions of the building.*

3. *Proposals for internally illuminated signs, box fascias or projecting box signs are unlikely to be acceptable in conservation areas and will normally be refused elsewhere unless the proposal is slim; recessed into the fascia area; contained between flanking pilasters; or where the proposed advertisement type is a feature of the building upon which it is proposed. Internal illumination of the entire sign will rarely be acceptable. Externally illuminated fascias and bracketed sign boards may offer an acceptable alternative.*

4. *Within the Area of Special Advert Control and within conservation areas, the size, siting and illumination of new advertisements must protect the special characteristics and overall visual amenity of the relevant designation. Adverts should not become visually dominant, nor result in unnecessary advertisement clutter and must be directly related to activities of the site on which they are displayed.*

### **DMD 44: Conserving and Enhancing Heritage Assets**

1. *Applications for development which fail to conserve and enhance the special interest, significance or setting of a heritage asset will be refused.*

2. *The design, materials and detailing of development affecting heritage assets or their setting should conserve the asset in a manner appropriate to its significance.*

3. *All applications affecting heritage assets or their setting should include a Heritage Statement. The applicant will also be required to record and disseminate detailed information about the asset gained from desk-based and on-site investigations. Information should be provided to the Local Planning Authority, Historic Environment Record and English Heritage. In some circumstances, a Written Scheme of Investigation will be required*

## **London Borough of Enfield: Core Strategy 2010**

2.31 The London Borough of Enfield Adopted its Core Strategy in November 2010. The Core Strategy contains the following policy relevant to this assessment.

### **CORE POLICY 31: Built and Landscape Heritage**

*The Council will implement national and regional policies and work with partners (including land owners, agencies, public organisations and the community) to pro-actively preserve and enhance all of the Borough's heritage assets. Actions will include:*

- *Reviewing heritage designations and their boundaries where appropriate, and continuing to maintain non-statutory, local lists and designations based on formally adopted criteria;*
- *Ensuring that built development and interventions in the public realm that impact on heritage assets have regard to their special character and are based on an understanding of their context. Proposals within or affecting the setting of heritage assets will be required to include a thorough site analysis and character appraisal which explicitly demonstrates how the proposal will respect and enhance the asset;*
- *Identifying opportunities for the repair and restoration of heritage assets and working with owners of heritage assets on English Heritage's Heritage at Risk Register to find viable solutions to secure the asset's long-term future. Where necessary, the Council will make full use of its legislative powers to ensure their preservation;*
- *Ensuring developments in areas of archaeological importance take into account the potential for new finds by requiring consultation with English Heritage and on-site investigations, including the appropriate recording and dissemination of archaeological evidence;*
- *Supporting appropriate initiatives which increase access to historic assets, provide learning opportunities and maximise their potential as heritage attractions, particularly at Forty Hall and the Area of Special Character in the north west of the Borough; and*

## BUILT HERITAGE STATEMENT

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- *Finding new ways to record and recognise Enfield's intangible heritage resources and, where possible, open up wider public access to them.*

## 3 HISTORIC BUILT ENVIRONMENT APPRAISAL

### Introduction

- 3.1 This Section (3) provides an overview of the historical development of the Site and vicinity, and identifies the relevant designated and non-designated built heritage assets. Subsequently, an assessment of the significance of any relevant built heritage assets, including the Site, is given, including an assessment of the contribution of setting to that significance.
- 3.2 An assessment of the potential impacts of the proposed development on the significance of relevant built heritage assets is given in Section 4.

### Historic Development

#### Historic Map Regression Exercise

- 3.3 The Site forms part of an earlier 20<sup>th</sup> Century parade of shops, designed by architect Arthur Sykes, and thought to be constructed between 1909 and 1913. This section utilises the available ordnance survey mapping and aerial photography to understand the historical development of the Site and its surrounds.
- 3.4 The 1896 Ordnance Survey (OS) Map (Fig.3) illustrates the Site location and vicinity in the last decade of the 19<sup>th</sup> Century. At this time the area had yet to be subsumed by the growth of Greater London, though Green Lanes is shown have been an existing throughfare, generally flanked by agricultural land. A large residence with surrounding grounds lies a short distance northeast of the Site.
- 3.5 Construction of the Sykes Buildings parade, originally known as 'The Market', fronting the west side of Green Lanes is thought to have taken place in phases between 1909 and 1913. The OS Map of 1914 (Fig.4) however indicates that construction of the parade had not yet finished at this time, and the Site is shown to be a vacant plot. To the west of the Site, Devonshire Road has been laid out and developed with terraced housing.
- 3.6 The OS Map of 1936 (Fig.5) is the first to show the built development of the Site, with two equally sized plots of terraced buildings occupying that space, forming part of the longer Sykes Buildings parade. The character of the vicinity is now entirely urban. Some distance to the south of the Site, a bank building is shown, also by architect Arthur Sykes.
- 3.7 The aerial photograph of 1945 (Fig.6) shows the laying out of Devonshire Mews to the north and west of the Site. No change is discernible within the Site itself.
- 3.8 The OS Map of 1956-57 (Fig.9) shows the southern building of the Site as having been extended to the rear by this time, and as operating as a bank.
- 3.9 The OS Map of 1897 (Fig.10) shows the amalgamation of the building occupying the northern part of the Site with the adjoining building north of it, forming a single continuous frontage encompassing nos.363-365. This would indicate that the northern part of the Site remained in separate use to no.359 into the later 20<sup>th</sup> Century. This map also indicates planform alterations to both buildings within the Site.
- 3.10 The aerial photograph of 2006 (Fig.12) shows the extent of alteration to the rear of the Site plot, and to the roofs of the original street-fronting buildings within it, with dormers now inserted to the rear.
- 3.11 The aerial photographs of 2013 (Fig.13) and 2022 (Fig.14) do not show any further notable change. The extent of ad-hoc extension and change to the rear of the Sykes Buildings parade is evident on the available aerial photography, reflecting the predominantly retail business uses of the ground floor of these buildings, and the intensification of residential use on upper floors. Green Lanes is a



busy, major local thoroughfare subject to at times heavy traffic, and defined by diverse modern retail shops.

### Site Assessment and Identification of Built Heritage Assets

#### Site Significance and Contribution of Setting to Significance

- 3.12 The Site comprises a small part of a locally listed parade of early 20<sup>th</sup> Century commercial/residential buildings (Plate 1). The inclusion of the Site as part of the locally listed nos.315-397 Green Lanes 'Sykes Buildings' (local list ref.114), imparts a formal recognition to its architectural and historic interest. The Sykes Buildings date to the first two decades of the 20<sup>th</sup> Century and so were among the first phases of major built development locally, when the area became part of Greater London. The Site, based on the available historical mapping (Figs.4 & 5) appears to form part of a later, possibly the last phase, of the construction of this parade. The parade buildings have a strong sense of architectural uniformity at first floor, second floor and roof level to their street frontage. These parts of the parade express a 'New Elizabethan' architectural style, influenced by the Arts and Crafts Movement and have been praised in Pevsner's *Buildings of England* architectural guide. However, the ground floor street frontage of the parade has undergone very extensive change since construction. The retail uses of the parade have resulted in a diverse array of generally poor quality modern shopfronts being inserted, together with the amalgamation of some plots, and other change. The extent of change to the ground floor of the parade's street frontage, and the resulting diversity of fenestration arrangement, lighting, colour, material and style, contrasts negatively with its early 20<sup>th</sup> Century, uniform and architecturally meritorious first floor, second floor and roof level street frontage.
- 3.13 It is considered that, while certainly of a limited architectural and historic interest in a local context for their age and stylistic/material quality and uniformity, the intrinsic significance of the locally listed Sykes Buildings is vested almost wholly in the upper storeys of the parade, and the positive contribution of these parts of the buildings to the streetscene. The modern shopfronts of the parade make no contribution to the significance of this non-designated heritage asset.
- 3.14 Though not within a conservation area, the parade does form part of a cluster of earlier 20<sup>th</sup> Century development, including the Grade II listed National Westminster Bank (NHLE ref.1358720, Plate 2) which lies immediately opposite the southern end of the Sykes Buildings parade, on the east side of Green Lanes, at its junction with Lodge Drive. Further to the south-southwest of the parade, is the locally listed nos.305-311 Green Lanes (Former Evans and Davies building), a locally listed road sign fingerpost positioned at the junction of Green Lanes with Aldermans Hill, and the locally listed HSBC Bank at no.1 Aldermans Hill. To the north of the Sykes Buildings parade is the locally listed Fox Public House (no.413 Green Lanes). The position of all these heritage assets is given on Figure 2. The broadly contemporaneous date and relative close proximity of these designated and non-designated built heritage assets within the setting of the parade imparts a group value that enhances their respective significance. The Grade II National Westminster Bank and the locally listed parade buildings were designed by the same architect, Arthur Sykes and so have an additional, direct relationship that contributes to their significance.
- 3.15 The Site is typical of the locally listed parade within which it is situated, in that it has a poor quality modern commercial frontage (formerly a Lloyds Bank), with separate inserted access to residential units above, and yet its first floor, second floor and roof level remain uniform with the wider parade. As with the wider parade, the limited significance of the Site individually as part of a non-designated heritage asset and its positive contribution to the streetscene is derived wholly from the upper part of the building which retains its original character, and is readily legible as a coherent part of a wider early 20<sup>th</sup> Century phased development by the same architect. The Site individually does not form any notable part of the way in which any built heritage asset located in proximity to the Sykes Buildings parade are understood or appreciated, though can be seen at a distance in longer views north and south on Green Lanes (Plate 2).



Plate 1: View to Site from east side of Green Lanes.



Plate 2: View north to Site (indicated) past Grade II National Westminster Bank.



**Plate 3: View south past Site building on west side of Greens Lanes, looking toward Grade II National Westminster Bank (indicated).**



**Plate 4: Interior view of Site shopfront.**



**Plate 5: Interior view of Site front access.**



**Plate 6: General Interior view of Site.**



**Plate 7: Close view of Site shopfront exterior.**

### Identification of Built Heritage Assets

- 3.16 A plot of designated and non-designated built heritage assets within an 250m radius of the Site is given as Figure 2. This radius is proportionate to the scale of the proposed development and Site context to identify potentially relevant built heritage assets. Not all heritage assets shown on Figure 2 have the potential to be affected by the proposed development.
- 3.17 Built heritage assets that are not considered to have the potential to be affected by the proposed development are not carried forward for detailed assessment. Specifically, the proposed development is not considered to affect the significance of an asset where the proposals have been assessed as not changing the way in which that asset is presently experienced or understood.
- 3.18 Only the Site building, and by extension, the locally listed Sykes Buildings parade it forms a part of, are identified as having the potential to be affected by the proposed development. The proposed development comprises the alteration of the Site building's shopfront and the change of use of its retail ground floor. No change is proposed elsewhere across the Site building. The proposed development therefore represents the replacement of the Site building's modern shopfront and the change of its character of operation.
- 3.19 The proposed development will not alter any element of the architectural or historic interest of any other designated or non-designated built heritage assets shown on Figure 2. The proposed development will also not remove or reduce or otherwise change any existing opportunity to appreciate or understand the significance of any other built heritage asset shown on Figure 2.
- 3.20 In refusing application ref.24/01776/FUL, the London Borough of Enfield does not identify harm or potential harm to the significance of any designated or non-designated built heritage asset, other than the locally listed Sykes Building parade (nos.315-397 Green Lanes).
- 3.21 Only the locally listed nos.315-397 Green Lanes are therefore carried forward for assessment of potential impacts.

## 4 PROPOSALS AND ASSESSMENT OF IMPACT

### Proposals

- 4.1 The Site is proposed for the change of use of the ground floor from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront.
- 4.2 The interior of the Site’s ground floor has been subject to comprehensive conversion in the 20<sup>th</sup> Century to high street retail bank use, and subsequent stripping out following the building being vacated by Lloyds Bank (Plates 4, 5, 6). The Site forms part of a locally listed, non-designated heritage asset, the significance of which has been assessed as being vested in its outward appearance to Green Lanes. Plates 8 and 9 give the existing and proposed streetfront elevation of the Site.



**Plate 8: Existing Site Street Front Elevation.**



*aluminium smart wall with box framing, and additional LED lights. No signage has been proposed. The proportion of the existing elevation configuration will remain unchanged.*

And

*The primary issue with the proposal concerns the obscuring of the existing window. According to the 'Shopfronts and Associated Advertisement – Supplementary Planning Guidance,' shop front proposals should be maintained unobscured (8.1), and shop window advertisements are restricted to no more than 10% of the window area (section 13.5). However, based on the information provided, the proposals allow for 50% coverage on the southern (left) window, and the smaller panels flanking the doorway appears to be completely covered by the proposed smart walls. These proposals do not adhere to the design guidance and therefore will not receive support.*

And

*It should be stressed that although the existing elevation has been modernised and lost historic interest, the application could have been an opportunity to improve the existing ad-hoc appearance of the application site and enhance this heritage asset.*

- 4.6 In considering the potential impacts of the proposed development, several points can be raised. Firstly, in considering where the significance of the Site building, and the locally listed parade it forms a part of lies, the Officer's Report states that the parade is a "*is a harmonious piece of a style now unusual in our town centres.*" This view corresponds to the assessment of significance given in Section 3 of this Built Heritage Statement. The Site's significance and the significance of the locally listed parade lies with the strongly uniform, high architectural quality of its first floor, second floor and roof level, and the positive contribution of these elements to the streetscene. There is no sense of harmoniousness or architectural quality in the modern shop frontages that now dominate the vast majority of the parade's ground floor level. The sole exception to this being the earlier surviving shopfront at no.397, at the extreme northern end of the parade and some distance from the Site, which is not relevant to this assessment. The modern shopfront of the Site's ground floor cannot be described as contributing to the significance of the Site or the wider parade.
- 4.7 Reason for refusal no.4, issued in respect of ref.24/01776/FUL, specifies the proposed development will fail to preserve the special interest of the relevant non-designated built heritage asset. It is unclear however how this impact can be said to occur. The proposals are highly limited in terms of physical change, as set out above. This is recognised in the Officer's Report, to the extent that the "*primary issue*" with the proposals concerns the obscuring of the existing window. The structural proportions and general materiality of the ground floor shopfront will be maintained. It is therefore considered that in terms of physical/visual change the proposals will not notably alter the relationship of the modern shopfront to the earlier 20<sup>th</sup> Century frontage above it, nor alter the relationship of that earlier fabric to the adjoining parts of the parade, or the streetscene. While the proposed development cannot be said to specifically better reveal or enhance the architectural or historic interest of the locally listed parade, or the appreciation thereof, it is not considered to cause any harm to that limited significance through physical or visual change.
- 4.8 It is considered that the proposed alterations to the shopfront of the Site could be improved to accord with the London Borough of Enfield's *Shopfronts and Associated Advertisement – Supplementary Planning Guidance*. This would address the "*primary concern*" in respect of the proposed development in respect of physical/visual changes to the Site. Such limited design alterations could be achieved through the attaching of a suitable condition in the event of the Appeal being allowed.
- 4.9 The proposed 24hr adult gaming use of the Site represents a change to the character of activity within it. In the context of the intensely diverse, strongly modern retail character of Green Lanes, a busy thoroughfare subject to heavy foot and vehicle traffic, this change in activity is not considered to have the potential to alter the way in which the Site, or wider parade contribute to the streetscene, or is appreciated as a non-designated heritage asset.

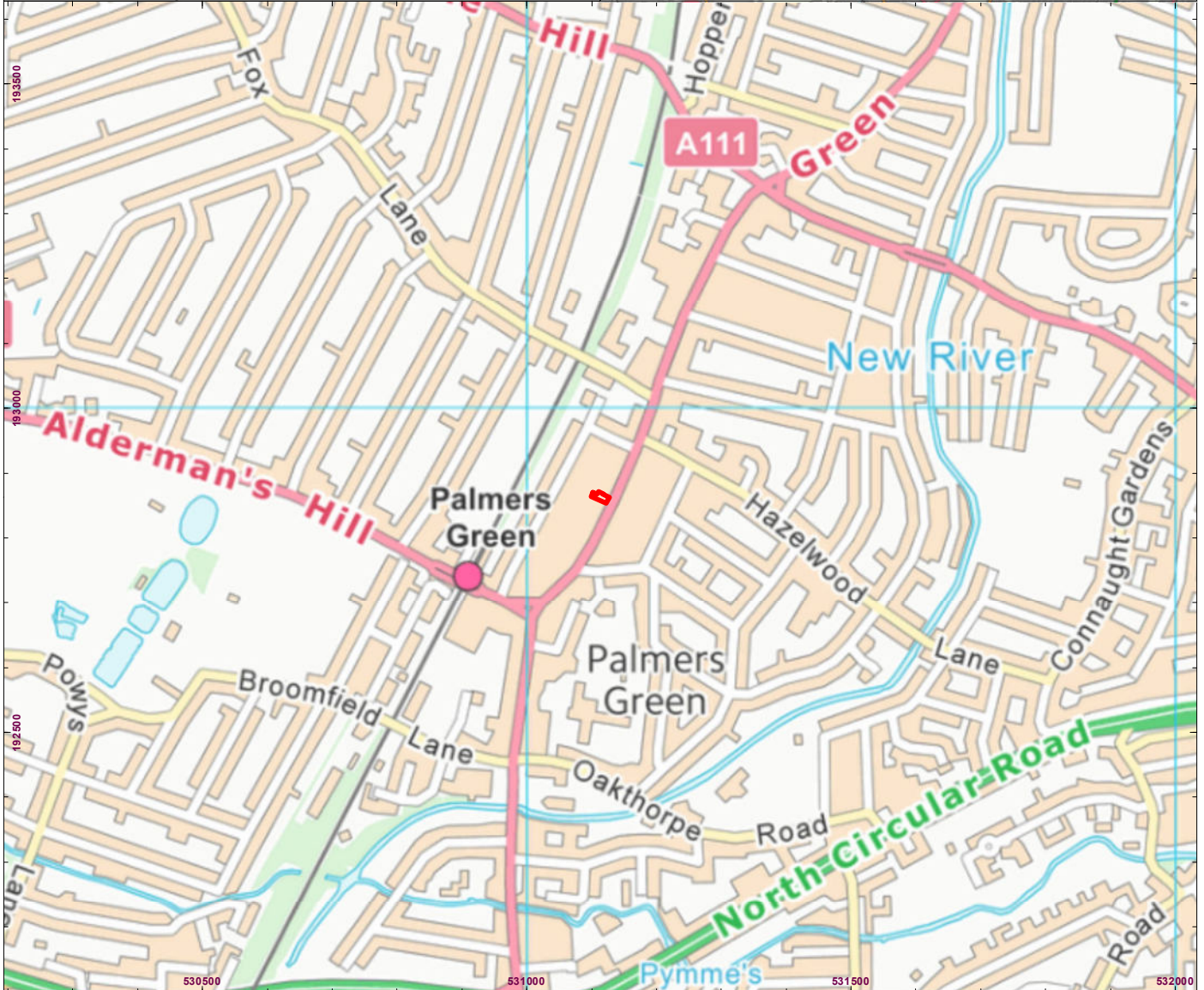


## 5 CONCLUSION

- 5.1 This Built Heritage Statement has been prepared by RPS Consulting Services Ltd, on behalf of East Kent Leasing Limited to assess the potential built heritage impacts arising from the proposed change of use of the ground floor of Nos.369 - 371 Green Lanes, London Borough of Enfield, N13 4JH from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront. An application for planning permission was submitted to the London Borough of Enfield ref.24/01776/FUL and subsequently refused, with one reason (reason 04) relating to Built Heritage matters, which identified an impact only to the locally listed parade that the Site forms a small part of.
- 5.2 No Built Heritage assessment was submitted alongside application ref.24/01776/FUL. This Built Heritage Statement addresses that omission in respect of paragraph 200 of the NPPF and accompanies an Appeal of the decision issued by the London Borough of Enfield in respect of application ref.24/01776/FUL.
- 5.3 The Site building forms part of the locally listed parade nos.315-397 Green Lanes. This non-designated heritage asset derives its limited, local significance from the quality and uniformity of its earlier 20<sup>th</sup> Century street frontage, which is concentrated to the first floor, second floor and roof level of the parade. The commercial-retail ground floor of the parade is defined by diverse, poor quality modern shopfronts.
- 5.4 The proposed changes to the Site building's exterior, are minor and do not represent a form of change that would diminish the intrinsic architectural or historic interest of the Site or locally listed parade it forms a part of. Nor would the proposals diminish or remove any ability to appreciate that significance. The proposals have no potential to alter the significance, or the appreciation of the significance of any other designated or non-designated built heritage asset.
- 5.5 It is considered that the proposed alterations to the shopfront of the Site could be improved to accord with the London Borough of Enfield's Shopfronts and Associated Advertisement – Supplementary Planning Guidance. This would address the “*primary concern*” in respect of built heritage matters set out in the Officer's Report for application ref. 24/01776/FUL. Such limited design alterations could be achieved through the attaching of a suitable condition in the event of the Appeal being allowed.
- 5.6 This Built Heritage Statement is sufficient in respect of paragraph 200 of the NPPF to inform a decision on the suitability of the proposals in respect of built heritage matters.
- 5.7 Based on the available information the proposed development is not considered to have any adverse effect on the significance of any designated or non-designated built heritage asset.



**FIGURES**



 Site Boundary

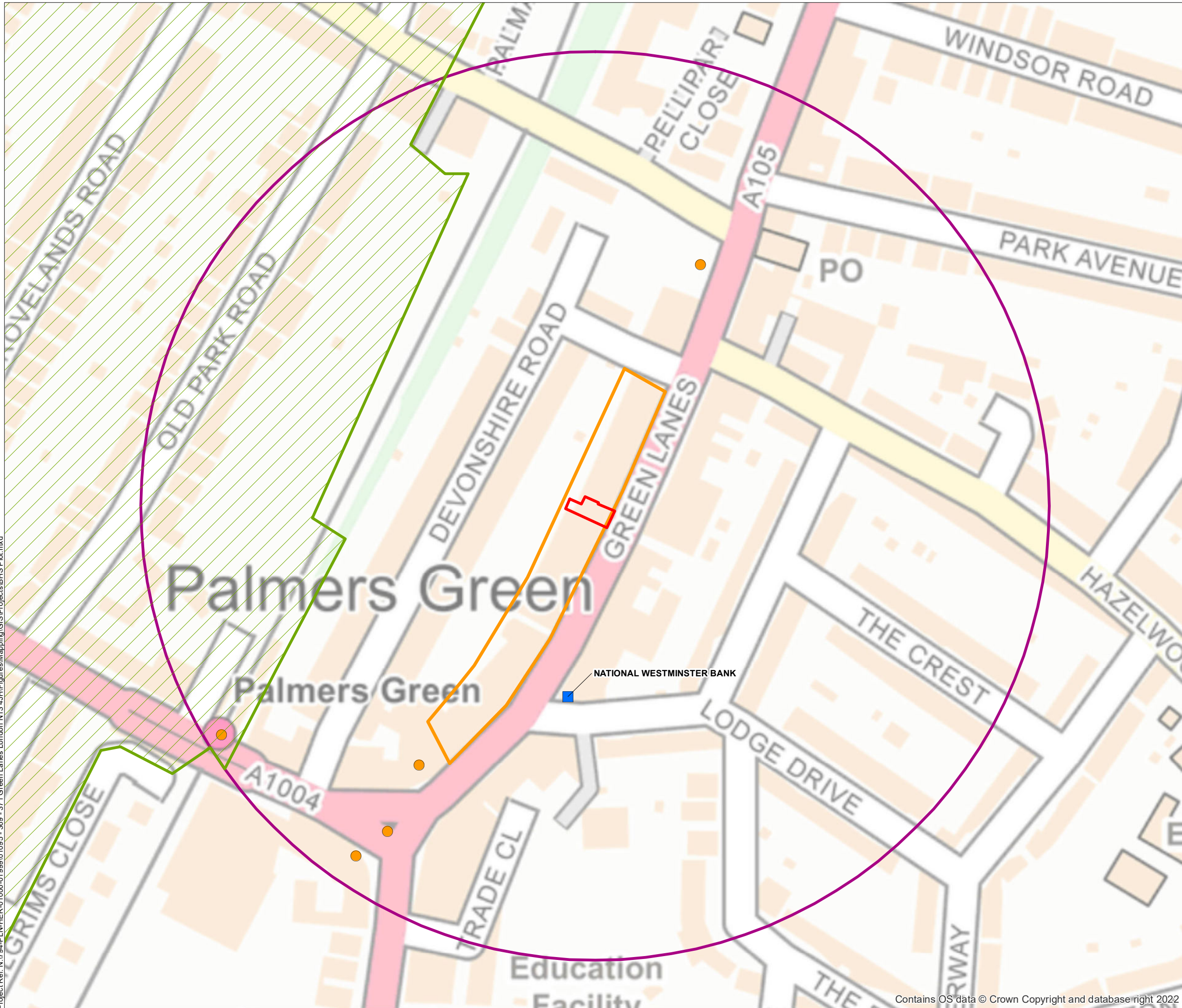


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Figure 1  
Site Location

Project Ref: N:\794-PL\N-HER-01000-01-999\01095 - 369 - 371 Green Lanes London M13 4JH\Figures\Mapping\GIS\Projects\BHS Plot.mxd



- Legend**
- Site Boundary
  - 250m Search Radius
- Designated Heritage Assets:
- Listed Buildings (Grade II)
- Conservation Area**
- The Lakes Estate
- Non-designated Heritage Assets:
- Locally Listed Building Points
  - Locally Listed Building Polygons

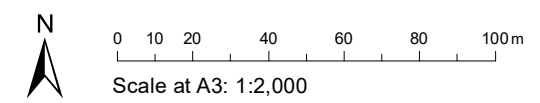
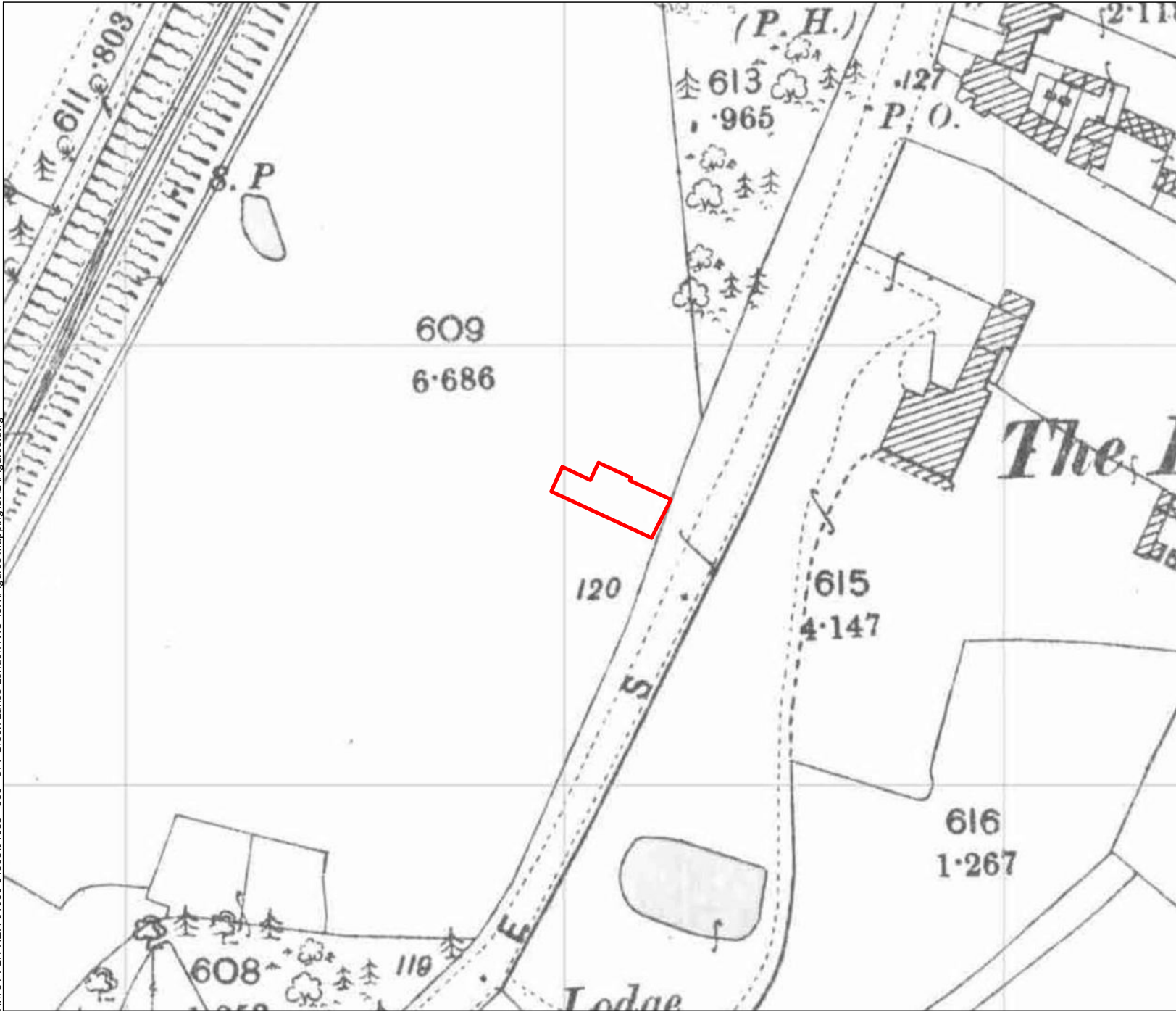


Figure 2  
Built Heritage Assets Plot

Contains OS data © Crown Copyright and database right 2022

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 Site Boundary

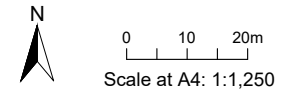
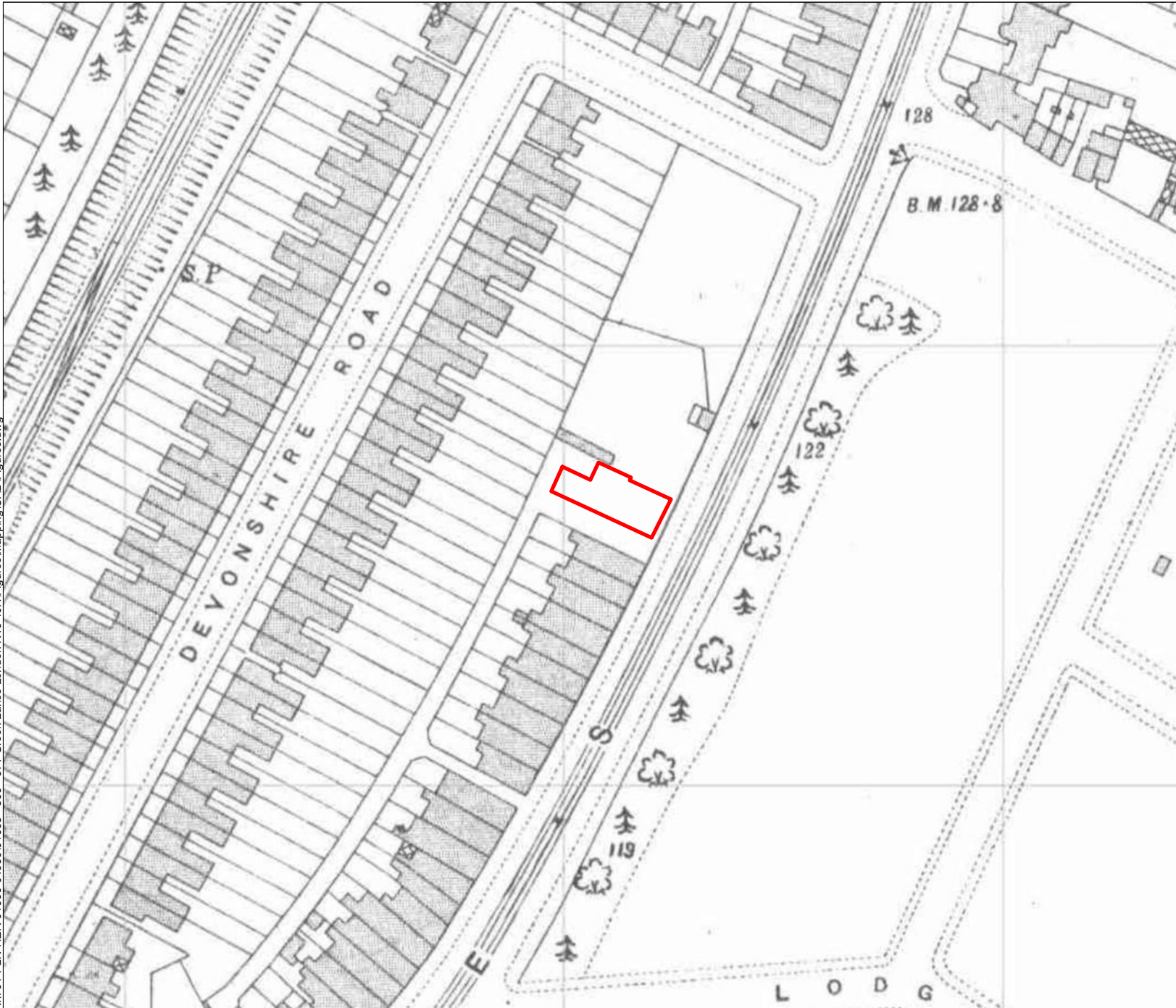


Figure 3

1896 Ordnance Survey

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 Site Boundary



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Figure 4

1914 Ordnance Survey



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 Site Boundary

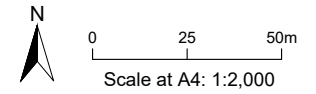


Figure 6  
1945 Aerial Photograph (Google Earth Image)



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 Site Boundary



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Figure 7  
1956-1957 Ordnance Survey

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Site Boundary

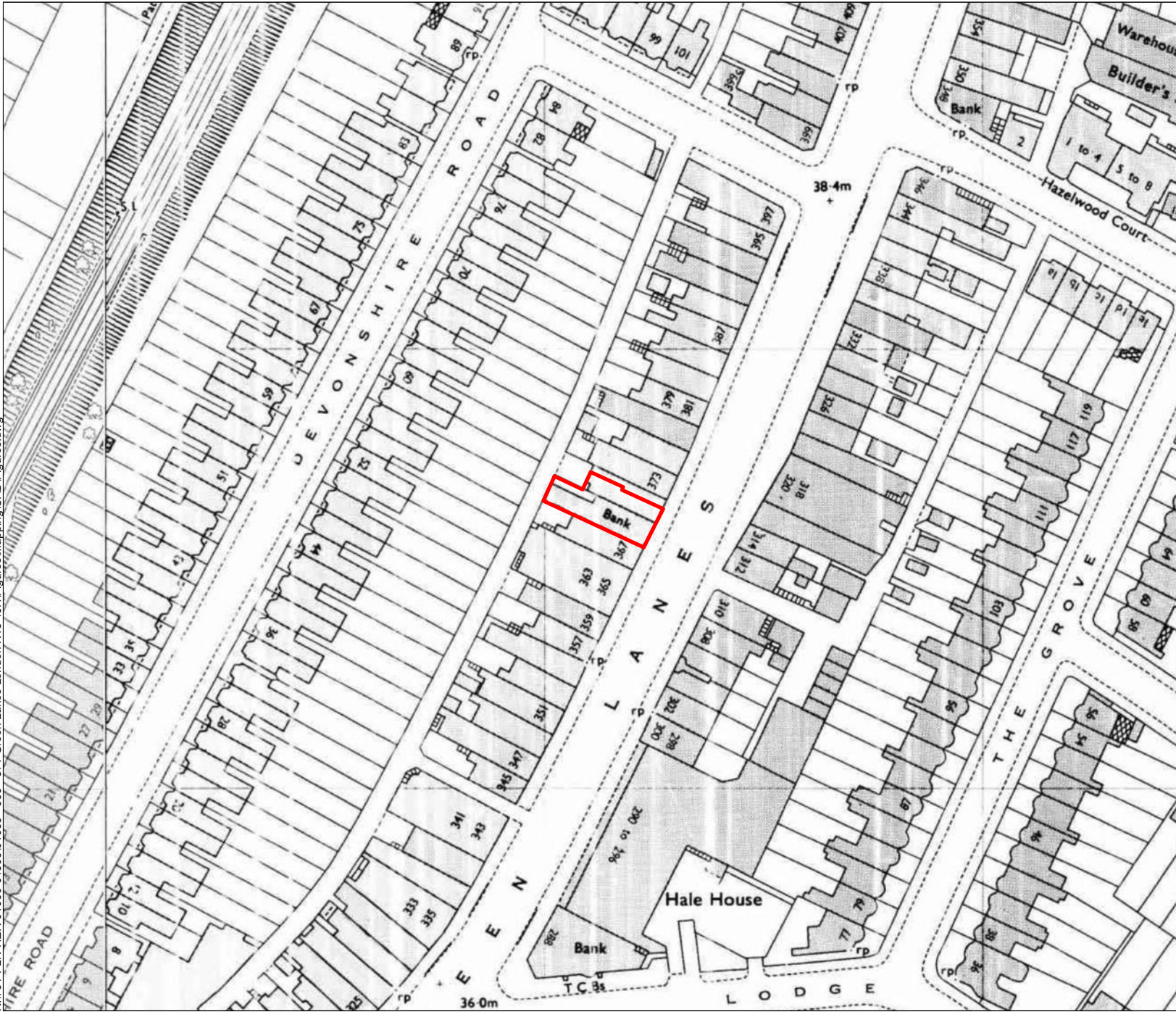


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Figure 8  
1957-1958 Ordnance Survey

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Site Boundary

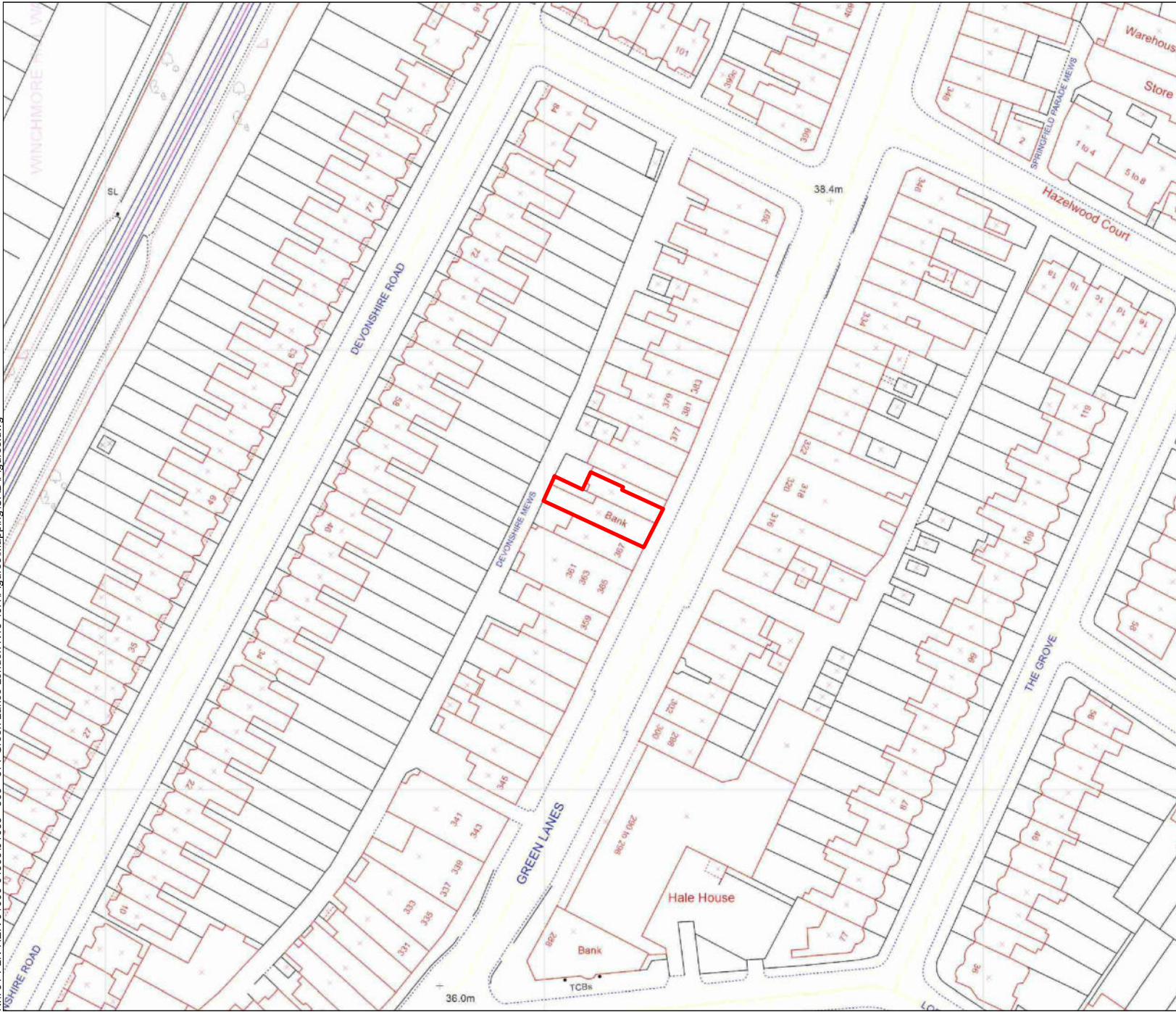


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Figure 10  
1987-1991 Ordnance Survey

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Site Boundary



0 10 20m  
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Figure 11  
2003 Ordnance Survey

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 Site Boundary

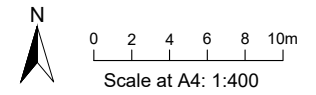


Figure 12

2006 Aerial Photograph (Google Earth Image)

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 Site Boundary

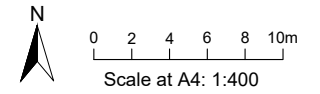


Figure 13

2013 Aerial Photograph (Google Earth Image)

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 Site Boundary

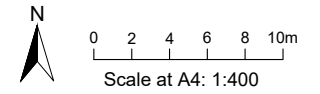


Figure 14

2022 Aerial Photograph (Google Earth Image)





**APPENDICES**

## Appendix A References

Ordnance Survey

London Borough of Enfield Local List - [https://www.enfield.gov.uk/\\_data/assets/pdf\\_file/0013/4405/enfield-local-heritage-list-may-18-planning.pdf](https://www.enfield.gov.uk/_data/assets/pdf_file/0013/4405/enfield-local-heritage-list-may-18-planning.pdf)



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## Appendix 14

**TRANSPORT NOTE PREPARED BY RAPPOR**

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## TECHNICAL NOTE

**Project Name:** 369-371 Green Lanes, London  
**Client:** East Kent Leasing Limited  
**Job No:** 240926  
**TN Status / No:** Final Issue 03  
**Date:** November 2024  
**Prepared By:** Chris Elliott  
**Checked By:** Jon Ashcroft  
**Approved By:** Chris Elliott  
**Subject:** Appeal Statement

### 1. Introduction

---

- 1.1 This Appeal Statement has been prepared on behalf of East Kent Leasing Limited in respect of highways and transport matters relating to the refusal by Enfield Council (EC) of a planning application at 369-371 Green Lanes, London N13 4JH. The planning application sought the following development “*Change of use of the ground floor from Financial Services (Class E(c)(i) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront* (LPA Ref: 24/01776/FUL).
- 1.2 Planning permission was refused on the basis of five reasons for refusal (RfR). The fifth RfR relates to highways and transport matters and states:
- 05. The proposal fails to provide adequate cycle and refuse storage provision and is therefore contrary to Policies T5, T7 of the London Plan (2021), CP24 and CP25 of the Core Strategy (2010), DMD45 DMD47 and DMD48 of the Development Management Document (2014) and the NPPF (2023).*
- 1.3 Whilst this RfR is based on cycle and refuse storage arrangements, it is noted that the pre-application advice received from the Council does not raise cycle parking as a reason why the Council would not support the proposal. It is also noted that the pre-application advice is dated 25 July 2024, whereas the planning application was received and validated by the Council on 31 May 2024. It is further noted that the Case Officer’s



Report on the planning application is dated 23 July 2024, some two days before the pre-application advice. The planning decision notice is dated 26 July 2024, one day after the pre-application advice.

- 1.4 On the basis that pre-application advice was not provided by the Council, and even when it was provided it was issued the day before the decision notice, the Applicant was not provided with any feedback from the Council that they may have concerns with the cycle and refuse storage arrangements proposed that may have allowed consideration of amendments to the site plan.
- 1.5 It is also noted that the Case Officer's Report states that internal consultation was carried out with traffic and transport officers and environmental health officers, both of whom are understood to have raised no objection to the proposed change of use.

### **Scope of Appeal Statement**

- 1.6 This Appeal Statement will address RfR 5 only. The remaining RfR are addressed in the Statement of Case prepared by the Appellant's planning agent, Quod.
- 1.7 This Appeal Statement considers the cycle parking provision at the site, in the context of forecast staff numbers and requirements for adequate access. Refuse storage provision is also considered including the type and quantum of waste generated and collection arrangements. This Appeal Statement will demonstrate that the proposed arrangements are suitable to serve the proposed change of use. In addition, potential minor amendments to the submitted site plan are presented that could be secured by planning condition should the Inspector consider this necessary to make the proposed change of use acceptable.
- 1.8 The remainder of this Technical Note is structured as follows:
  - Section Two- Cycle Parking;
  - Section Three- Refuse Storage and Collection Arrangements; and
  - Section Four- Conclusions.

## **2. Cycle Parking**

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### **Cycle Parking Requirements**

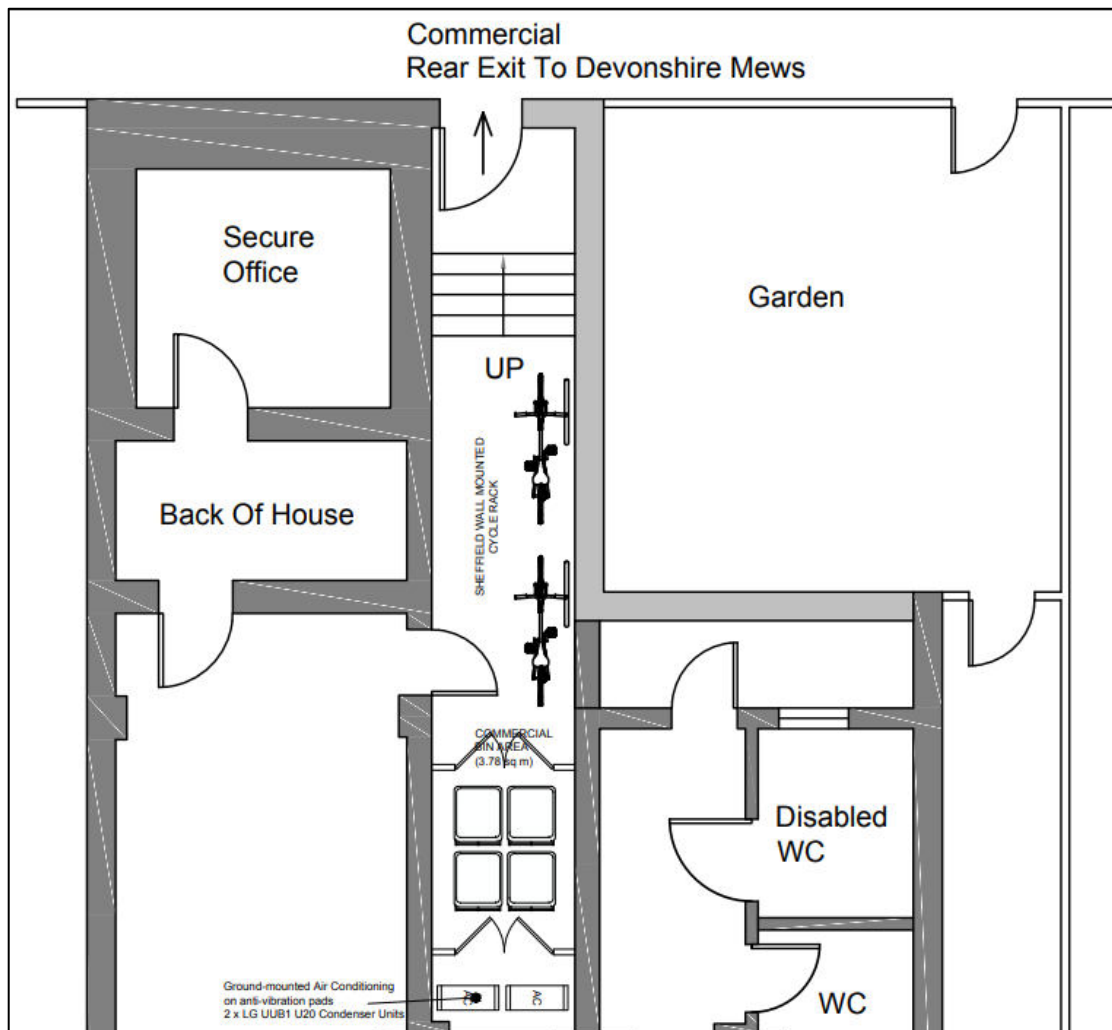
- 2.1 Cycle parking requirements for new developments are set out in the London Plan, and specifically Table 10.2, which forms part of Policy T5. There is no specific cycle parking standard for the proposed adult gaming centre use as it is a Sui Generis use. The London Plan suggests that for Sui Generis use, the most relevant specified standard should be used. For adult gaming use, this would be D2 leisure. This suggests that for long-stay (staff), one cycle parking space should be provided per eight FTE staff.



- 2.2 It is understood that there will be nine FTE staff employed at the site, and so there would be a requirement for two staff cycle parking spaces to meet London plan policy. Of these staff, it is understood that only 2-3 will be on-site at any one time.
- 2.3 Two long-stay cycle parking spaces for staff are provided as part of the change of use. This meets the requirements of Policy T5. These are considered in more detail below.
- 2.4 The London Plan standards also suggest that short-stay (customer / visitor) cycle parking should also be provided. For D2 use, this is specified as either 1 space per 100sqm (GEA) or 1 space per 30 seats. Based on a floor area of 166.45sqm, this would equate to a requirement for two short stay cycle parking spaces.
- 2.5 No short stay cycle parking is proposed as part of the change of use. It is not considered appropriate to provide short stay cycle parking on the footway to the front of the building since this would reduce the effective footway width for a short distance. Given the site is in a town centre location, there are sufficient existing cycle parking spaces within easy walking distance of the site such that additional, dedicated cycle parking spaces for customers / visitors are not considered to be necessary to ensure that customers are able to cycle to the site.
- 2.6 It is noted that the existing site, which was formerly occupied by a bank, has no cycle parking provision, and therefore the proposals, which are for the change of use of the existing building and so not new development, would represent an improvement over this existing situation by providing long stay cycle parking for staff.

### Cycle Parking Provision

- 2.7 The proposed site plan shows provision of two long-stay cycle parking spaces for staff. These are to be located at the rear of the building and would be accessible via the rear gated access the site from Devonshire Mews. The cycle parking would be wall-mounted at the rear of the site. An extract from the site plan showing the location of cycle parking is provided in **Figure 2.1** below for ease of reference.



**Figure 2.1: Cycle Parking Location**

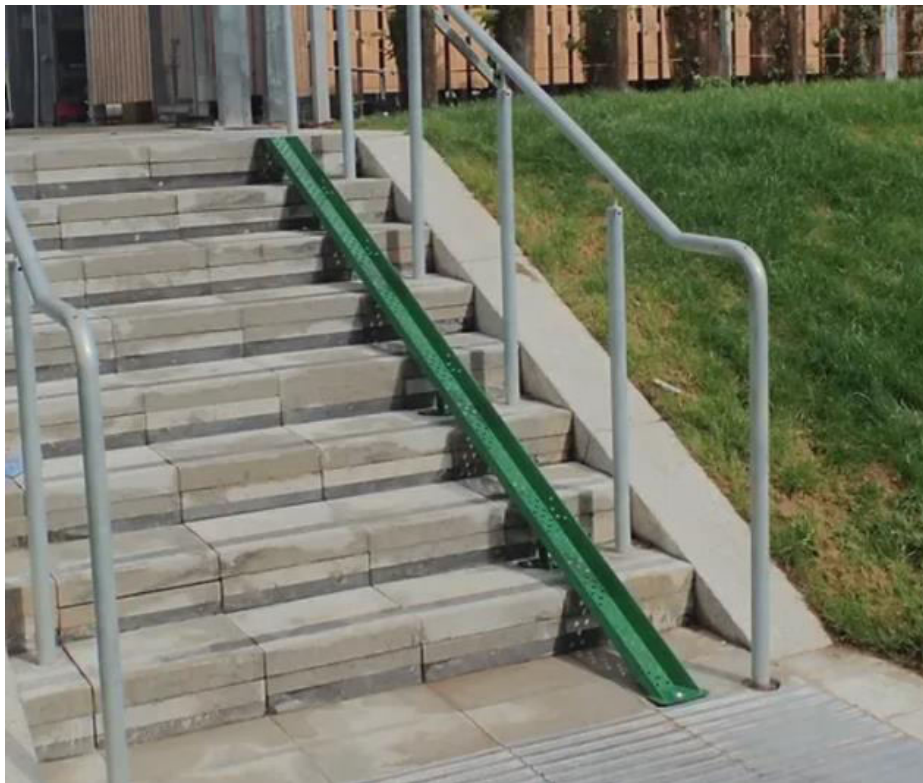
- 2.8 The Case Officer’s Report on the Application makes no reference to any requirement for short-stay cycle parking. Comment is made on the cycle parking provision at the rear of the site only.
- 2.9 As such, it is considered that given the town centre location, customers travelling to the site by bicycle will have access to adequate existing cycle parking such that this would not present a barrier to cycling as a mode of travel for customers or discourage any customers from travelling by bicycle.
- 2.10 With regard to the two long-stay cycle parking spaces provided for staff use, the Case Officer’s Report states the following:

*“The cycle parking and bin area is not aligned with the standards as they are proposed inside.*



*Regarding cycle parking, provision in the hall area will cause a risk in the emergency events. In addition to that there are stairs, and the entrance is under 1.2m which makes that cycle parking area inaccessible”.*

- 2.11 The cycle parking is not located inside the building. The location is securely located within the rear access gate to the rear of the building. Furthermore, there is no additional space to the rear of the property where cycle parking could be located.
- 2.12 Two cycle parking spaces are proposed. This meets the requirements of London Plan policy, and given there will only be 2-3 members of staff on site at any one time, will be sufficient to accommodate all forecast demand for cycle parking from staff. The site is in a town centre location that is highly accessible by a range of transport modes. As such, it is considered that staff will be able to travel to and from the site by sustainable modes, including cycling.
- 2.13 It is acknowledged that the cycle parking spaces are accessed via a small number of steps. This is not a significant number of steps that would prevent or discourage a member of staff from accessing the cycle parking. To improve cyclist access, a cycle wheel ramp could be installed. This would allow staff to manoeuvre bicycles up and down the stairs with the bike wheels travelling through a channel. This avoids the need for the bike to be carried or ‘bumped’ over the stairs. An example of a cycle ramp is shown in **Figure 2.2** below.



**Figure 2.2: Cycle Ramp Example (Cycle-Works Wheel Ramp)**



- 2.14 This cycle ramp would improve access to the cycle parking spaces and would not affect use of the stairs by pedestrians. Inclusion of a cycle ramp could be secured via planning condition.
- 2.15 It is further suggested that providing cycle parking in the location shown could cause a risk in an emergency. There would be sufficient width for a pedestrian to pass a parked bicycle in all circumstances, including in an emergency. It is also noted that in an emergency, this rear access route is not the only potential route available to staff and customers. The front entrance to the property via Green Lanes could also be used.
- 2.16 Ultimately the most appropriate route would be used depending on the circumstances of the emergency and whether any routes were blocked but it is considered likely that the front entrance would be the main emergency exit, albeit the rear route would still need to be available for use as an emergency exit at all times. This rear access route is of sufficient width that pedestrians are able to safely pass parked bicycles.

### **Potential Cycle Parking Amendments**

- 2.17 Notwithstanding the above, there is potential for minor amendments to the submitted site plan to be secured via planning condition should this be considered necessary to make the development acceptable.
- 2.18 As set out above, a cycle wheel ramp could be included to assist cycle movements up and down the stairs.
- 2.19 The rear access gate to the site from Devonshire Mews could be widened. This would provide additional width for a cyclist and bike to comfortably enter and exit the site.
- 2.20 Should further amendments be considered to be required to make the development acceptable, the Appellant has confirmed that the Back of House and Secure Office areas shown on the site plan could be provided as a combined cycle and bin store. This would require alternations to remove the wall between the secure office and back of house to create a single area. In addition, a new access door into this area from the rear of the site would need to be created.
- 2.21 This amendment would allow bicycles and bins to be stored away from the rear access route. It would still require staff with bicycles to travel up and down the stairs but the provision of a cycle wheel ramp, as set out above, would assist these movements.
- 2.22 Whilst this layout is not shown on the current proposed site plan, it is considered that provision of the revised arrangement could be secured via planning condition. Given only minor alternations would be required to provide this arrangement, this would represent only a minor amendment to the current proposal.



2.23 In summary, it can be concluded that both the current proposed cycle parking, or the amendments set out above, would ensure safe, convenient and accessible routes for pedestrians and cyclists. The provision of cycle parking would also represent an improvement over the existing site, which has no provision for cycle parking.

### **3. Refuse Storage and Collection Arrangements**

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#### **Refuse Storage Requirements**

- 3.1 The site plan indicates provision of four wheelie bins for refuse and recycling storage. A Waste Management Plan was submitted with the planning application. This confirms that the proposed change of use will not have a detrimental effect to the waste generation or disposal at the premises. The existing ground floor plan does not identify a specific waste storage area but given there is no further land within the Appeal site to the rear of the property, it is likely that waste was kept in the same location.
- 3.2 Waste provision arrangements must be considered in the context of the type and quantum of waste generated. The current lawful use as a bank would generate a low volume of waste and recycling, primarily paper and other waste generated by a typical office such as a small amount of food waste and packaging generated by staff.
- 3.3 The proposed use would generate a similar quantum of waste. Alongside basic waste generated by staff, which would be similar to the above, customers are provided with hot drinks which would also generate a small quantum of waste.
- 3.4 On the basis of the above, it is likely that the four wheelie bins shown will not all be required to accommodate the level of waste generated by the proposed use. Whilst the site plan shows sufficient space for the storage of four bins, the Applicant would only provide sufficient bins to accommodate the level of waste generated and so fewer bins may be provided, at least initially, with the level of waste generation and storage monitored on an ongoing basis. Space for the provision of four bins will be more than sufficient to accommodate all waste and recycling generated by the proposed use.

#### **Refuse Collection Arrangements**

- 3.5 A weekly general waste and mixed recycling collection is undertaken and it is understood that waste is collected from the site via sacks. As such, there is no requirement to move wheelie bins to and from the building on collection days.
- 3.6 Whilst it is acknowledged that these sacks will need to be carried up the small number of stairs at the rear of the property, given they will only contain basic waste that would not be heavy, and that there is no requirement to move full bins up these stairs, it is



considered that it would be straightforward for staff or refuse collectors to transport these sacks on collection days.

- 3.7 The Case Officer's Report states that the refuse storage area has a small entrance and stairs which they consider makes the location inaccessible. Drag distances are also queried as it is suggested that the location is not close to the highway.
- 3.8 The refuse storage area would be accessed via the rear access gate from Devonshire Mews. This is an existing access that also served the previous use of the site. Given the type and quantum of waste generated by the proposed use would be very similar to the previous use, there will be no change in the requirements for waste collection. The existing site plan does not indicate a specific waste storage location but given the site does not extend beyond the rear of the building, waste would likely have been stored in the same location as proposed.
- 3.9 The dedicated storage area proposed would allow waste to be stored away from areas accessible to customers and not within office of other areas where staff would be during operating hours. Given the type and quantum of waste, this location is considered appropriate.
- 3.10 As waste is collected via sacks, there will be no issues with staff or refuse collectors moving sacks from the storage area to Devonshire Mews on collection days. Both the access gate and route from the waste storage area to this gate are of sufficient width to accommodate a person carrying a waste sack and there would only be a requirement to move sacks up a small number of steps. Waste would only be of a basic nature and so would not be difficult to carry. The distance from the storage area to the rear of the property is not considered excessive so again, this should prevent no issues for those moving sacks on collection days.
- 3.11 Notwithstanding this, it has been set out above how amendments could be made to widen the rear entrance to the building from Devonshire Mews that would improve access for waste collections, and that these amendments could be secured via planning condition.
- 3.12 A widened rear access gate would provide additional space for movement of waste sacks on collection days.
- 3.13 In addition, a further amendment to create a bicycle and bin storage area at the rear of the site as detailed above, would also allow waste to be stored in a separate room within the building. Again, if this is considered necessary to make the development acceptable, the required alterations could be secured via planning condition.



## 4. Conclusions

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### Summary

4.1 This Appeal Statement has been prepared on behalf of East Kent Leasing Limited in respect of highways and transport matters relating to the refusal by Enfield Council (EC) of a planning application at 369-371 Green Lanes, London N13 4JH. The planning application sought the following development “*Change of use of the ground floor from Financial Services (Class E(c)(I) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront.*”

4.2 Planning permission was refused on the basis of five reasons for refusal (RfR). The fifth RfR relates to highways and transport matters and states:

*05. The proposal fails to provide adequate cycle and refuse storage provision and is therefore contrary to Policies T5, T7 of the London Plan (2021), CP 24 and CP25 of the Core Strategy (2010), DMD45 DMD47 and DMD48 of the Development Management Document (2014) and the NPPF (2023)*

4.3 This Appeal Statement has demonstrated the following:

- a) Two long stay cycle parking spaces are provided for staff at the rear of the site. This level of provision accords with the requirements of London Plan Policy T5. This represents an improvement over the existing use, which currently makes no provision for cycle parking.
- b) No short stay cycle parking is provided, but given the site is located in a town centre, there is sufficient existing cycle parking within close proximity to the site to ensure customers travelling by bicycle will be able to satisfactorily park.
- c) The proposed cycle parking at the rear of the site is considered sufficient to allow staff to adequately park bicycles. It is not possible to provide alternative cycle parking to the rear of the building and so this arrangement represents an improvement over the existing use by providing for secure cycle parking for staff.
- d) Staff parking bicycles would only have to navigate a small number of steps at the rear of the property. A cycle wheel ramp could be provided that would improve access to the cycle parking.
- e) There is adequate space for pedestrians to pass parked bicycles, including in an emergency. There is also the alternative emergency exit route via the front of the building.
- f) The proposed use would generate only a limited quantum of basic waste, and this would be similar to the previous use of the site. As such, the waste storage area provided will be more than sufficient to accommodate all refuse and recycling generated.
- g) It is understood that refuse is collected by sacks, so there will be no requirement to move bins to the rear of the building on collection days.



Given the type and quantum of waste generated it will not be onerous for staff or waste collectors to move sacks up the small number of stairs and through the rear entrance door. The distance from the storage area to Devonshire Mews is not considered to be excessive.

- h) If considered necessary to make the development acceptable, minor amendments to the site layout could be secured via condition to improve access to cycle parking and refuse storage. A cycle wheel ramp could be installed to assist in taking bikes up and down the stairs and the rear access gate from Devonshire Mews could be widened.
- i) Additionally, the areas currently identified as Secure Office and Back of House could be modified to create a single bicycle and bin storage room. This would require alternations to remove a wall and create a new doorway. Whilst this would still require use of the stairs (with cycle wheel ramp), it would allow bins and bikes to be stored in a dedicated area clear of the rear access route

## Conclusions

- 4.4 This Appeal Statement has demonstrated that safe and suitable cycle parking and refuse storage arrangements can be provided at the site that are suitable in the context of the proposed use. In addition, minor amendments to the submitted layout plans can be secured via planning condition that would provide an improved arrangement should these be considered to be necessary to make the development acceptable. On this basis it can be concluded that that Reason for Refusal 5 cannot be substantiated and the proposed development complies with Policies T5 and T7 of the London Plan (2021), Policies CP24 and CP25 of the Enfield Core Strategy (2010), Policies DMD45, DMD47 and DMD48 of the Development Management Document (2014) and the NPPF (2023).