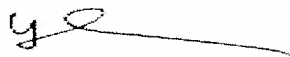




**Haringey** Council

Report for:	Cabinet 20 December 2011	Item number	
Title:	Town Centre and Shopping Frontage Vitality and Viability – progress report		
Report authorised by	Lyn Garner, Director Place and Sustainability 		
Lead Officer	Marc Dorfman Assistant Director, Planning Regeneration and Economy ext 5538		
Ward(s) affected: All	Report for Key/Non Key Decision: <b>Non key decision</b>		

## 1. Describe the issue under consideration

1.1 This report focuses on the development of new planning policies to respond to emerging issues which may have an impact on the sustainability of the borough's shopping parades. The Council is currently concerned about:

- i) **Betting Shops and Strong Town Centres**: The clustering and impact of Betting Shops on Haringey's town centres (Scrutiny Review 2011) and the continued vitality and vibrancy of Haringey Town Centres in general
- ii) **Hot Food Take Aways**: The impact of Take Away Food Outlets on the health and well being of local communities and young people in particular.

1.2 The report proposes a new planning policy on Take Away Food Outlets and their proximity to Schools, Youth Facilities and Parks and a new Town Centres Policy to promote a stronger variety and more sustainable mix of uses, underpinned by better evidence and community/business views.

## 2. Cabinet Member Introduction

2.1 Our town centres need to maintain a balance between local and national retailers. Variety and character will be the key to their

viability. We must also be appropriately concerned about our community's health and well being – particularly in the face of new information on obesity. This report seeks to begin to appropriately control Take Aways and the clustering of Betting Shops in town centres. In addition a new sustainable development policy is proposed to promote variety and balance based on evidence and local views and needs.

### **3. Recommendations**

- 3.1 Members to agree that the proposed policies in Appendix 1 are taken into account in planning decision-making process; and used for purposes of plan-making process, and included in the emerging Development Management policy document for consultation in 2012 with informal consultation starting in January 2012. The consultation will be in the form of information provided on the website, and e-mail and letters to planning consultation database.
- 3.2 Members to note the risks associated with use of informal policies to support planning decisions as set out in paragraph 7.1

### **4. Other options Considered**

- 4.1 There have been recent proposals from Haringey Council and others to change the Use Classes Order and make betting shops 'sui generis' at national level. "Sui generis" means "without a use class" so that planning permission will be required for any unit that wants to operate as a betting shop, irrespective of its current use. There is no progress yet on changing the national permitted development rights or use classes. Therefore we are refining our town centre policies to support and maintain sustainable development in town centres. The policy on takeaways is part of an integrated approach to Health and Well-Being and the similar policies have been seen to work in other boroughs.

### **5. Background Information**

- 5.1 There are six designated Town Centres in the borough and these are also recognised in the London Plan. These are Wood Green Metropolitan Town Centre, Bruce Grove/Tottenham High Road Town Centre, West Green Road/Seven Sisters Town Centre, Green Lanes Town Centre, Muswell Hill Town Centre and Crouch End Town Centre. In addition to the six town centres above, the borough has a further 38 Local Shopping Centres which provide for the day to day needs of people living and working in the borough.
- 5.2 As set out in the national planning framework, the majority of town centres come under 'A' use classes and include the following: A1

(shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways). Change of use from A1 to other uses is controlled through our planning policies. However changes from A2-A5 are nationally considered as permitted development (with the exception of a change from A5 to A4 which does require planning permission). Please see Appendix 2 for more information.

### **Betting Shops and Maintaining Strong, Vital and Balanced Haringey Town Centres**

- 5.3 Betting Shops are part of the A2 Use Class (see Appendix 2). This means that any use within this Class can change to a Betting Shop without planning permission. National Permitted Development Rights (Appendix 2) also allow uses in Classes A5/4/3 (food and drink uses) to change to A2 Classes without planning permission. This has allowed Betting Shops some freedom for setting up new premises without going through the planning system.
- 5.4 However Appendix 3 shows that since 2007 the number of Betting Shop has declined from 70 to 65. The 2011 Scrutiny Review confirmed that across London, Betting Shops have in fact halved since the 1980's, (down to some 7000), but that they are generally moving from local parades into main town centres and in some cases dominating key parades and therefore preventing a balanced range of uses at least in those parades. Appendix 3 illustrates this and also shows the "clusters" of Betting Shops in Bruce Grove, Wood Green and Green Lanes which councillors and the Scrutiny Review is particularly concerned about.
- 5.5 The proposed policies as set out in Appendix 1 are developed as a response to these particular concerns. A series of Town Centre/Parade Visions and Functions will be developed based on regular monitoring and surveys. This will give detail evidence base to plan-making process to support and prevent uses setting up in town centres that could impact on preferred mix and balance. The type of surveys and evidence base for town centres can be witnessed in the town centre health checks study currently being carried out for Tottenham High Road. This includes characteristics of town centres, footfall counts, monitoring of vacancies and uses, and also users' surveys. The study will be finalised in December 2011 and the Council will explore to put in place an "anti clustering policy for Betting Shops". This policy could be proposed to Cabinet in spring 2012. Following the Tottenham surveys, and subject to resources, further work in other key town centres could follow.
- 5.6 This greater level of detail that town centre surveys can provide will be required to support discussions on taking away national Permitted

Development Rights and Use Class freedoms in order to be able to prove the harm that clusters or new betting shops would do to the “vision, function and mix and balance of uses” need in a particular town centre/parade. This evidence is needed for the campaign for changes to National Legislation, (e.g. to make Betting Shops into a use class of their own, therefore always requiring planning permission) or to put in place local permitted development controls such as an Article 4 Direction, (which must be consulted on and must consider the risk of compensation claims against the Council for loss of National Rights).

- 5.7 The policies set out in Appendix 1 will be open to formal public and stakeholder consultation as part of the Development Management (DM) policy document in autumn 2012 with informal consultation starting in January 2012. The DM document when adopted will form part of the Council’s Local Development Framework (LDF). As is the case with other planning policy documents, DM document will be subject to sustainability appraisal, equality impact assessment and eventually an Examination in Public by a planning inspector.

## **6. Financial Implications**

- 6.1 Development of new planning policies may incur a cost beyond the existing budget provision within the Place and Sustainability budget, where the planning budget is solely comprised of staffing costs. It may be that any work specifically relating to Tottenham can be funded from external grant from either CLG or GLA. However, funding will need to be identified if further work is required for other Town Centres.

## **7. Legal Implications**

- 7.1 The weight of informal /interim policies will not be as great as that of a formally adopted policy that has been through the various statutory stages of consultation and has been the subject of an Examination in Public (EiP). Once the policies have been through further public consultation and an EiP, they will carry greater weight and will be considered as material consideration in the determination of all planning applications along with national and regional policy and guidance. They will also form part of the statutory folder of documents that provide the spatial planning strategy for the borough – the Local Development Framework (LDF).
- 7.2 The use of Article 4 Directions to withdraw permitted development (PD) rights to prevent betting shops from being allowed to occupy A2-A5 uses without planning permission would require the Council to find that there are exceptional circumstances that could be evidenced as justifying the withdrawal of rights contrary to the will of Parliament. In

addition the Council would have to be aware of the possible compensation that would be payable to someone who was prevented from exercising PD rights through the refusal of planning permission or the imposition of conditions.

## **8. Equalities and Community Cohesion Comments**

- 8.1 Proposed policies aim to support town centre variety and balance, and response to local needs including concerns around betting shops and hot food takeaways. In doing so, they aim to provide services for range of community needs.

## **9. Head of Procurement Comments**

- 9.1 Not applicable

## **10. Policy Implications**

- 10.1 The DM policies will supplement spatial policies already contained in the Council's Core Strategy, with particular reference to the following policy - SP10 Town Centres. The Core Strategy provides a spatial interpretation to other council strategies and priorities.

### **Other Town Centre Policies in the emerging Development Management Policy Document**

- 10.2 The proposed policies in this report will supplement other town centre policies which are currently included in the emerging DM policy document. Some of these are adaptations of existing policies that are provided in our Unitary Development Plan and which have served us well in ensuring strong retail centres that support the communities that they serve. Other policies are a response to the consultation that we have already carried out on local and town centre provision. Below is an outline of the working drafts of the other complementary policies that are emerging. These policies together with the ones in Appendix 1 will form the backbone of DM Document's Town centre policies.

- i) Policy DMPX- Development Within and Outside of Town and Local Shopping Centres
- ii) b) Policy DMPX Protection of Retail Use in Designated Shopping Areas
- iii) Policy DMPX –Restaurants and Cafes, Drinking Establishments and Hot Food Takeaways.

- 10.3 The draft planning policies will support the Council's current for **regeneration of Tottenham High Road** and other town centres and are complementary to town centre regeneration work across the borough.

10.4 A strong town centres approach is also in line with the Council's commitment to reduce carbon emissions by 40% by 2020 as provision of a wider range of services aims to reduce the need to travel to other centres and out of town establishments.

## **11. Use of Appendices**

**Appendix 1 – New Proposed Policies**

**Appendix 2 – Uses outlined in the Use Classes Order 2010 (as amended) and permitted changes of use between classes.**

**Appendix 3- Betting shops distribution in the borough (updated since the Overview and Scrutiny Report in October 2010)**

## **12. Local Government (Access to Information) Act 1985**

## Appendix 1 DRAFT new policies

*Proposed DMP XX The provision of a balance of uses in town centres and local parades to support sustainable communities*

### Supporting the Development of Sustainable Communities in Town Centres and Parades

*DMP XX.1 In carrying out its plan making and development management functions, the Council will have regard to the ability of existing and proposed shops and facilities in town centres and local parades to:*

- A) Provide mixed and vibrant places (town centre/parade)*
- B) Provide a range and balance of shops, goods and services to suit the hierarchy of the place/location, its planning and community vision within the Borough and the identified needs of the local population*
- C) Prevent an unacceptable proliferation and clustering of any particular uses/services that would threaten significantly A) and B). (C) is proposed, notwithstanding the opportunity and need for the creation and development of “destination shopping and services” that are sometimes needed to support the vitality and vibrancy of town centres and parades for the delivery of B).*

*DMPXX.2 The Council will support the development of Sustainable Communities in Town Centres and Parades (“places”) and the delivery of A)-C) above through*

- place monitoring and surveys and user surveys;*
- the development and promotion of place visions related to acknowledged and designed place functions and retail hierarchies and strategies to support the delivery of these visions*
- the development of both “promoting and protective” land use policies – locally and at the London and National levels*
- development management including the assessment of planning applications, planning enforcement and where necessary and essential the imposition of article 4 directions*
- use and monitoring of the complementary policies which relate to for retail and services in Town centres in the Development Management DPD.*

***Justification** - The Council is committed to providing communities which are economically and socially safe, vibrant, and thriving, whilst finding a balance with the surrounding environment. In accordance with PPS4, the Council wish to offer a wide range of services to communities and remedy any deficiencies in provision in areas with poor access to facilities, as well as allowing genuine*

choice to meet the needs of the entire community, particularly socially excluded groups. Where one or two uses have been allowed to dominate all or part of a parade, this has resulted in local residents having to seek those goods not offered locally from other shopping parades. This has the potential to impact on the viability as well as the vitality of the existing parade, to the overall detriment of its users. In considering the range of goods and services on offer in any parade and an assessment of how well it meets the needs of the community which it serves, regard will be had to the most up-to-date studies and resident surveys available for the local area”.

#### ***Proposed DMP XXX Hot food takeaways***

***In considering any application for a change of use to a hot food takeaway, regard will be had to:***

- ***The number of existing hot food takeaways already existing in the defined frontage,***
- ***Their proximity to one another,***
- ***The potential benefits of an additional takeaway to the wider community and***
- ***Any other amenity or traffic issue in the area.***

***The Council will refuse planning permission for the change of use where the proposal would result in an over concentration of such uses, or an unacceptable reduction in other uses within a parade, resulting in either:***

- ***A detrimental impact on the vitality and viability of a town centre, and/or***
- ***The inability of the frontage to meet the requirements of the neighbourhood which it serves through the provision of a balanced and diverse range of goods and services.***

***Where the proposal is outside of a designated town centre or local shopping frontage, hot food takeaways will be resisted where the proposal:***

- ***Falls within 400m<sup>1</sup> of the boundary of a school or other youth facility***
- ***Falls within 400m of a park boundary.***

***Justification*** - Hot food takeaways represent a popular service for our local communities and an important complementary use in both town and local centres, including their contribution to the night time economy. They can also offer important economic development and employment opportunities.

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<sup>1</sup> 400m has been deemed as an equivalent to a ten minute walk, taking into account physical barriers encountered while walking in built-up areas.



*Nevertheless, it is recognised that hot food takeaways have the potential to have detrimental impacts on residential amenity and the environmental quality of town and local centres. There is also a growing recognition that takeaways are beginning to dominate the local retail food offer in the borough. This displaces other shops and food options, limiting the choice and access to healthy, fresh food which in turn impacts on the health of local residents. There is particular concern at the impact that the proliferation of hot food takeaways can have on children, young people and the vulnerable. The proximity of hot food takeaways to local schools can result in the development of a culture where such takeaways provide an accepted source of regular sustenance to the exclusion of other sources that might seek to provide a more balanced, varied and healthy diet, particularly to those members of the community who are less able to seek out other options, for example school children who have a set lunch break and budget with which to find a quick lunch.*

*Increasing number and concentration of such uses can lead to a number of problems for local communities, including noise, disturbance, anti-social behaviour, a reduction in the breadth and depth of local goods and services offered to a local community, and potential impact on the health of a community when sectors of the community may come to rely on such outlets as a regular source of food.*

*Where A5 uses cluster or concentrate within either a frontage or a parade, problems of noise, disturbance and litter can be exacerbated. Diversity of footfall can decrease as a result of a reduction in the range of goods and services on offer, and this reduced footfall can, over time, lead to a further reduction in services offered as individual units struggle to maintain their economic viability.*

*In considering any changes of use to A5, the Council will also have regard to the provisions of policy DMPXX*

*The Government's "Healthy Weight, Healthy Lives: Two Years On" document published in March 2010 highlights the government's continuing commitment to promoting healthier communities, in part through the promotion of healthier lifestyles. Their proposals include taking forward work to looking at developing a set of voluntary principles to underpin all forms of marketing and promotion of food and drink to children. Internationally, the World Health Organisation European Network has developed a Code of Practice around the marketing of food and drink to children and the UK has been closely involved in this work. Locally, an Ipsos MORI report for Haringey found that local factors, including the availability of fast food outlets in an area, are strongly linked to obesity.*

*In addition to this policy, the Council will seek to develop a Supplementary Planning Document aimed specifically at the over concentration and clustering of hot food takeaways. The SPD will also address any possible impact of the proximity of hot food takeaways to schools and other youth facilities.*

**Appendix 2 – Use Classes Order and permitted development between classes (Use Classes Order 2010 (including amendments)).**

<b>Class</b>	<b>Permitted change to...</b>
<b>A1 (retail)</b>	
<b>A2 (professional and financial services – including BETTING SHOPS) when premises have a display window at ground level</b>	<b>A1 (shop)</b>
<b>A3 (restaurants and cafes)</b>	<b>A1 or A2</b>
<b>A4 (drinking establishments)</b>	<b>A1 or A2 or A3</b>
<b>A5 (hot food takeaways)</b>	<b>A1 or A2 or A3</b>
<b>B1 (business) (permission limited to change of use relating to not more than 235 square metres of floor space)</b>	<b>B8 (storage and distribution)</b>
<b>B2 (general industrial)</b>	<b>B1 (business)</b>
<b>B2 (general industrial) (permission limited to change of use relating to not more than 235 square metres of floor space)</b>	<b>B8 (storage and distribution)</b>
<b>B8 (storage and distribution) (permission limited to change of use relating to not more than 235 square metres of floor space)</b>	<b>B1 (business)</b>
<b>C4 (houses in multiple occupation)</b>	<b>C3 (dwelling houses)</b>
<b>Casinos, Adult Gaming Centres (sui generis) In a class of its own – so must always seek planning permission</b>	<b>D2 (assembly and leisure)</b>

## Appendix 3 – BETTING SHOPS AND AGZ LOCATIONS

This Appendix provides maps for betting shops in a selected sample district and local town centres in Haringey across the borough. The maps also update the information on betting shops since the Overview and Scrutiny Report in October 2010. Maps provide borough wide information as well as for some individual town centres including Tottenham High Road and Green Lanes. The number of betting shops have slightly decreased since 2007 from 70 to 65 across the borough.

Maps show Betting shops and Adult Gambling Centres since 2007 and indicates

- Betting shops which are unchanged since 2007
- New Betting Shops applications between 2008-2010 O&S report
- New Betting shops applications since O&S report in 2010
- betting shops that surrendered their licences before and after O&S review in 2010

