

Planning, Regeneration & Economy
Haringey Council
Level 6
River Park House
Wood Green
N22 8HQ

Our ref AW/AU/CIT006-6-3/5977

Your ref

05 July 2023

Dear Sir

City Gaming Limited “GAME NATION” 448 - 454 High Road, Tottenham, N17 9JN

We are instructed by City Gaming Limited who operate an Adult Gaming Centre at 448-454 High Road, Tottenham, N17 9JN as “GAME NATION”.

We have submitted 2 applications for planning consent:

- (a) An application for advertisement consent
- (b) An application for approval of variation to the restricted hours condition.

For the avoidance of doubt, the application for variation of condition relating to operating hours concerns only the operational hours of the Adult Gaming Centre, which premises comprise the larger part of the ground floor premises of 448-454 High Road and are described as “Nos 450 – 454 High Road” in Condition 3) i.) of the appeal decision of 22/03/21 APP/Y5420/W/20/3260036”

In support of both applications we have submitted and would be grateful if you would consider the following supporting documents:

- (a) A summary of the background to these applications
- (b) A summary of the applications themselves
- (c) A Zip file of documents which includes all documents referred to either in the background summary or application summary.

1. Introduction

1.1. This planning application is submitted on behalf of City Gaming Limited by Andrew Woods of Woods Whur Solicitors, St James House, 28 Park Place, Leeds, LS1 2SP in respect of premises 448-454 High Road, Tottenham, London, N17 9JN.

1.2. City Gaming Limited operate the premises at 448-454 High Road, Tottenham, London, N17 9JN as an Adult Gaming Centre (sui generis) trading as GameNation. Approval for use as an Adult Gaming

Centre was given by the planning inspectorate following an appeal - decision of 22 March 2021, appeal reference APP/Y5420/W/20/3260036. (**Doc B1**).

- 1.3. The appeal decision which allowed change of use of the ground floor to part Adult Gaming Centre (sui generis) and part coffee and cake shop (A1/A3) included a condition at paragraph 20 that the hours of use would be restricted to those in the Adult Gaming Centre premises licence in place at the time of the appeal.
- 1.4. The Adult Gaming Centre premises licence issued by Haringey Council and operating at the date of this appeal decision 22 March 2021 restricted the opening hours of the premises to 0900 to 0000 on Monday - Saturday and 0900 to 2300 on Sundays.
- 1.5. Also relevant to this application is a planning inspectorate appeal decision of 20 December 2021, appeal reference APP/Y5420/Z/21/3282114 which refused an appeal made by City Gaming Limited relating to an application for consent for advertisements consisting of internally illuminated lettering, 1 number internally illuminated projecting sign, applied vinyl lettering and 3 number digital screens.
- 1.6. It should also be noted that on 17 March 2022, a pre-application advice request was submitted to Haringey Council PRE1002843 (**Doc B5**) which lead to a meeting with Emily Whittredge on Monday 9 May 2022 and subsequent email correspondence of 11 May 2022(**Doc B6**) to Haringey Council and 30 August 2022 (**Doc B7**) to Haringey Council.
- 1.7. An application has previously been made to vary condition 1 on the Adult Gaming Centre premises licence which restricted the opening hours of the premises to be limited to 0900 - 0000 on Monday to Saturday and 0900 - 2300 on Sundays and the application was refused by Haringey Licensing Sub-Committee. An appeal was submitted to the Magistrates Court and a consent order was agreed between City Gaming Limited and Haringey Council so as to amend Condition 1 of premises licence (LN/000023786) so that the opening hours would be limited as follows: Thursdays, Fridays and Saturdays from 0900 to 0600 the following day and Sundays, Mondays, Tuesdays and Wednesdays from 0900 to 0200 the following day. (**Doc A18**).
- 1.8. This planning application seeks approval to use the premises in accordance with the hours agreed by Haringey Council in the consent order (**Doc A18**) and for approval of advertisements as set out in the attached plans (**Doc A3 and A4**).
- 1.9. The hours sought reflect the hours in the consent order and are as follows:

- Thursdays, Fridays and Saturdays from 0900 to 0600 the following day.
- Sundays, Mondays, Tuesdays and Wednesdays from 0900 to 0200 the following day.

1.10. The advertisement application takes into account the pre-application advice and meeting with Emily Whittredge and seeks approval for the following:

- External illuminated projecting sign formed aluminium with applied vinyl LED trough light
- Pin mounted individual letters solid face and return halo lit white to rear
- Non-illuminated ruby strip
- Full details of these proposals are set out in the plans (**Doc A3 and A4**).

1.11. This application takes into account fully the comments made by the planning inspector in both the appeal decision allowing change of use (**Doc B1**) and the appeal decision refusing advertisements (**Doc B2**) and also the pre-application advice (**Doc B5**).

1.12. Evidence is submitted on behalf of the applicant relating to both applications which are dealt with separately in this application bundle and the evidence includes the following:

- Hepworth Acoustics noise impact assessment report relating to the proposed extended trading hours June 2023 (**Doc A6**).
- Report of Mark Halton, Licensing Consultant relating to the proposed application to vary the planning hours on the licensing objectives including crime and disorder and protection of the vulnerable (**Doc A5**).
- Headcounts at City Gaming Limited, 108 Kilburn High Road (**Doc A12-A14**).
- Headcounts at 448-454 High Road, N17 9JN (**Doc A7-A11**)
- Photographs of the site (**Doc A16**)
- Notices within the Adult Gaming Centre (**Doc A17**).

1.13. It is also noted that 2 recent applications for advertisement of consent have been approved. An application for 456-460 High Road, Tottenham (**A19**) and 468 High Road, Tottenham (**A20**). In both cases the approved signs were larger than the signs applied for in this application. The approved application at 456 - 460 High Road, Tottenham was capped at 300CD/M2 and the application at 468 High Road, Tottenham was approved at 500CD/M2.

2. The Application for advertisement consent

2.1. This application seeks approval for the following advertisements;

- (a) External illuminated projecting sign formed aluminium with applied vinyl LED trough light
 - Formed aluminium face panels finished RAL5003/applied white and ruby vinyl (to match RAL3027)
 - Aluminium shroud finished ruby RAL3027
 - LED trough lights (4000k) finished RAL3003
 - Max 250 candelas per square metre (CD/M2)
- (b) Pin mounted individual letters solid face and return halo lit white to rear
 - Individual built up rimless 1.5mm stainless steel letters powder coated white or ruby RAL3027/2mm painted stainless steel faces
 - 10mm clear acrylic backs to allow for halo illumination
 - Stand-off fixings
 - LED illumination - max 250 candelas per square metre (CD/M2)
- (c) Non-illuminated ruby strip
 - Individual built up rimless 1.5mm stainless steel band powder coated ruby RAL3027
 - 5mm ruby faces
 - Stand-off fixings same distance as lettering above
- (d) Full details of these proposals are set out in the plans (**Doc A3 and A4**).

2.2. The main issue in the planning inspectorate refusal decision of 20 December 2021 related to the effect of the advertisements in the application considered by the Planning Inspectorate on the amenity of the area and whether the advertisements preserve or enhance the character or appearance of the Bruce Grove Conservation Area.

2.3. The difference between this application and the application considered by Haringey Council and the Planning Inspectorate is significant and the proposed advertisements are in common with other advertisements in the area, and as a result there is no harm and character to the appearance of the conservation area. It is suggested that the materials, colours and design for this signage compliment the historic character of the building and area.

2.4. The proposed advertisements are more modest in appearance and illumination than the advertisements initially considered by Haringey Council and relate more appropriately to the area.

2.5. The projecting sign box construction will be NOT be internally illuminated but will just be trough lit, the pre-mounted individual letters “GAME NATION” will only be halo lit at the rear and the ruby strip will also not be internally lit. This is a significant change to the initial proposals and it is submitted that these proposals are in line with the Bruce Grove Conservation Area appraisal and management plan.

2.6. Please note that the changes proposed to previous applications are as follows:

- The main signage will be replaced with back halo lit so as to comply with heritage guidelines and the bus stop replaced with a trough lit flat sign. The pink strip will stay but will be switched off.
- The slots club and lounge white vinyl over the door is not offensive and is similar to the Admiral shop virtually opposite at 475 High Road, Tottenham (**A16**).
- The frosting on the opening doors is again typical and not offensive at all.

2.7. A comparison has been undertaken of 2 recent advertisement approvals which is set out below and shows that the advertisements proposed in this application would be less in terms of scale and impact on the area. See comparison table.

Comparison site 456-460 High Road (Superdrug) HGY/2022/0506 Decision 31/03/2022	Comparison site 468 High Road (BHF) HGY/2022/2383 Decision 12/10/2022	Proposal site 450-454 High Road (Game Nation)	Comparison notes
Fascia sign 1000x13796x100 (HxWxD) Letters max height 900mm Aluminium and acrylic. White text on black background Internal static illumination. Max 300cd/m2	Fascia sign 500x4600x100mm Alloy with red enamelled panels white letters Letters/symbols max height 480mm Internally illuminated. Max 500cd/m2.	Fascia sign 385x4430x80mm comprising separate halo illuminated letters fixed to tiles. Stainless steel powder-coated white/ruby faces and returns Letters max height 385mm Halo back-lit LED illumination Max 250 cd/m2	The proposal fascia sign is significantly narrower and shorter in height than either of the two comparison sites. Signage at 456-460 is more than twice the size of the proposal and also appears larger relative to its overall frontage The separate letters at 450-454 allow the tiling to be seen across the frontage, enhancing the interest of the new approved frontage The proposal is halo/back-lit whereas both comparison sites have standard internal illumination The proposed illumination levels are less than that permitted at either of the two comparison sites
Projecting sign 900x950x100 Letters/symbols max height 450mm Max projection 1050mm Aluminium and acrylic White text on black background NOT illuminated	Projecting sign 900x720x100mm Letters/symbols max height 880mm Max projection 800mm. Alloy red enamelled with white letters/symbols Internally illuminated. Max 500cd/m2.	Projecting sign 600x600x50mm Fixing 100x400x50mm with trough light fitting 600x312mm (WxD) Letters/symbols max height 400mm Max projection 700mm Powder coated blue aluminium with applied white and ruby vinyl External trough light 4000k max 250cd/m2	Projecting sign is much smaller than either of the other two. Area 0.36m2 compared to 0.85m2 and 0.65m2 Proposal letters/symbols are smaller Proposal projects from frontage less than either of the two comparison sites Proposal has external trough-lit illumination, and a much lower cd/m2 than the approved internal lighting 500cd/m2 at 468 High Road.

-	-	'Ribbon' 75x12026x80mm Stainless steel with ruby acrylic face. NOT illuminated	No equivalent on the other shopfronts. Not illuminated.
Bruce Grove Conservation Area	Bruce Grove Conservation Area	Bruce Grove Conservation Area Locally Listed Building*	All are in the Conservation Area. *Note: 448-454 is a locally listed building. However, the relevant premises for the purposes of this application are at the ground floor only, which frontage was substantially altered and/or destroyed and effectively lost many years ago. The proposal does not involve any changes to the preserved upper storey frontage.

Dimensions set out in the Comparison Sites are drawn from the applications for those approved proposals.

2.8. Whilst the application premises are locally listed any features of significant architectural or heritage importance were lost when the premises were operating as an HSBC bank. The current shopfront is in itself a significant improvement not just in how it looks but also in terms of visibility into the application site. There is significantly more glazing than previously and no issues were raised during the pre-application meeting or further to e mails of 11 May 2022 or 30 August 2022.

3a. The Application to Change the Restricted Hours

3.1 The application to seek approval of new operating hours follows the agreement between Haringey Council and City Gaming Limited in an appeal against the decision of the Haringey Licensing Sub-Committee to refuse an application for extended hours. The agreement between City Gaming Limited and Haringey Council was for the premises to operate between the hours of 0900 to 0600 the following day Thursdays, Fridays and Saturdays and 0900 to 0200 the following day Sundays, Mondays, Tuesdays and Wednesdays.

3.2 This application acknowledges and deals with the comment of the planning inspector in the appeal decision allowing change of use of the premises to sui generis Adult Gaming Centre (**Doc B1**) and in particular Paragraph 20 in which the planning inspector concludes that it is in the interest of the living conditions of the occupiers of nearby residential properties to impose a condition restricting the hours of use.

3.3 In support of the application for extended operating hours, a noise impact assessment report was undertaken by Hepworth's (**Doc A6**) which concluded amongst other things the following in Section 5 Page 11:

- Based on the reference noise levels and the level of noise breakout, the noise intrusion to the adjacent residences during the proposed extended operation hours is predicted to be well within our recommended internal residential noise limits so no specific sound insulation enhancements are required.
- The night time impact of the condensers serve in the climate control system for the gaming centre has been determined and found to be low.
- Comments on the likely noise impact of customers arriving and leaving the premises have also been provided. From the analysis in the report we conclude that the noise impact of the extended trading hours of the premises will be adequately controlled with no loss of amenity to the adjacent residences.

- 3.4 A report was also commissioned on the potential impact of extended hours on crime or disorder, and protection of children or other vulnerable persons from being harmed or exploited by Gambling.
- 3.5. This report was undertaken by Mark Halton who is a very experienced consultant having previously worked for Westminster Police, Westminster Borough as a Licensing Co-Coordinator, Camden Borough Police Response Team and as the Police Licensing Advisor to the Home Office.
- 3.6. Visits were carried out to the site by Mark Halton on Friday 12 May and Saturday 13 May and his observations are set out in his report.
- 3.7. It is noted in his report at Paragraph 26 that an Adult Gaming Centre opposite these premises trading as Admiral is open 24 hours a day, 7 days a week. There is no suggestion as far as we are aware that Admiral opening 24/7 has caused any disturbance to neighbours or residents or had any impact on the local neighbourhood. The fact that an Adult Gaming Centre virtually opposite these premises can trade 24 hours a day 7 days a week without causing any disturbance is clear evidence that these premises could trade to the applied for hours without causing any disturbance or impact on the local amenity.
- 3.8. Conditions were being fully complied with within the premises at 448-454 High Road, London, N17 9JN and a summary of his visits are set out on Page 12 of his report.
- 3.9. The conclusion in the report is that the hours applied for would not attract children or youths and that there is evidence in the way the applicant runs its venues to show how they not only comply with the licensing objectives, but install strong operating and due diligence procedures in the venues.
- 3.10. The report is submitted as an expert report complying with the necessary expert requirements.

3b. General

- 3.11. There is reference in the Planning Inspectorate appeal decision approving change of use to an Adult Gaming Centre (**B1**) as to the benefit of an Adult Gaming Centre creating footfall; *“however the AGC would create some footfall which would be likely to have more frequent comings and goings than other class E uses. Some of these other Class E uses may also not seek to create an active window frontage. The internal screening shown in the drawings would allow limited inter-visibility into and out of the premises.”* (**Paragraph 10 Doc B1.**)

- 3.12. The Planning Inspector also refers to this in Paragraph 9 *“An active frontage is derived from both the appearance and comings and goings ... The appeal site currently has solid tiling across a significant proportion of the frontage. I am mindful that other permitted Class E uses such as office or light industrial use, health and medical services, and nurseries may not create an active frontage and may have limited footfall”*.
- 3.13. The Planning Inspector clearly acknowledges that an active frontage is derived from both the appearance and comings and goings (Paragraph 9) and that *“the internal screening shown in the drawings to the Planning Inspector would allow limited inter-visibility into and out of the premises”*. As the premises have now been trading for some time the evidence of the active frontage being created by comings and goings is clear and referred to in this section. The drawings submitted with the application also clearly show the inter-visibility into and out of the premises. The current use of the premises provides an active frontage in accordance with paragraphs 9 and 10 of the Planning Inspectorate’s report.
- 3.14. An analysis has also been undertaken of headcounts at the Adult Gaming Centre 448-454 High Road, Tottenham and headcounts have also been taken at premises operated by the applicant 24/7 at 108 Kilburn High Road, London, NW6 4HY. These headcounts are included within this application **(Doc A7 and A14)**.
- 3.15. The headcounts at 448-454 Tottenham Road show significant activity in and out of the shop during the day. Headcounts on Thursday 18 May 1300-1400 show static headcounts of 7 people for the first 30 minutes and 5 for the second 30minutes, so an average of 6 people in the venue at any 1 time, but the movements in and out were 26. On Sunday 21 May 1600 - 1700 static headcounts of 9 and 12 with an average of 10.5, yet movements in and out of 39 people. Overall it appears that movements in and out are 4-5x the static headcount.
- 3.16. The position at Kilburn is similar with in and out movements 4-5x higher at day time, although the position changes at night. The headcount at Kilburn shows that opening 24/7 caters for a wider demographic including people who work shifts.
- 3.17. In terms of operating beyond midnight the headcounts at Kilburn show the following:
- Week commencing 15 May 2023 highest individual headcount 7, but average headcount would be 2 or 3.
 - Week commencing 1 May 2023 highest headcount 6, but average headcount would be 2.
 - Week commencing 8 May 2023 highest headcount 6, but average headcount of 2 people.

3.18. The headcounts submitted are clear evidence of an active frontage being derived from comings and goings. No issues were raised on the active frontage point during the pre-application process and emails of the 11 May 2022 and 30 August 2022.

We trust the above information is helpful and would be more than happy to discuss any specific aspects of this application with you. We look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink that reads "Woods Whur". The script is cursive and somewhat informal.

Andrew Woods

Woods Whur