



JMS PLANNING & DEVELOPMENT

VARIATION OF CONDITION 3
(HOURS OF OPERATION)

RELATING TO
APPLICATION HGY/2020/2996

17 HIGH ROAD
WOOD GREEN
LONDON
N22 6BH



Client: Chongie Entertainment Ltd
Project: 17 High Road, Wood Green, London, N22 6BH
Date: July 2023

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SECTION 1: INTRODUCTION

- 1.1. This Planning Statement has been prepared on behalf of Chongie Entertainment Limited (*“the applicant”*) and is submitted in support of an application for the variation of Condition 3 (hours of operation) of planning permission HGY/2020/2996 dated 22nd January 2021 for *“Change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis)”* at 17 High Road, Wood Green, N22 6BH (*“the Application Site”*). Condition 3 of the decision notice states:

“The use hereby permitted shall not be operated before 08:00 hours or after 23:00 hours Monday to Sunday and Bank Holidays.”

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Policy DMI of The Development Management DPD 2017.”

- 1.2. This application seeks to amend Condition 3 to vary the operating hours of the Application Site to 08:00 hours to 02:00 Monday to Sunday and Bank Holidays.
- 1.3. The submission of this application follows a refusal by the London Borough of Haringey (*“the Council”*) by decision dated 22 March 2022 of a previous application referenced HGY/2022/0520 which sought a variation of Condition 3 to allow continuous 24 hour trading.
- 1.4. This previous application (LPA Ref: HGY/2022/0520) was refused for one reason only, namely:

“The proposed extension of opening hours would be unacceptable by reason of increased noise disturbance to local residents and would likely add pressure for extended hours from other premises in the area, which would have a detrimental impact on the character and function of the area. As such the proposal is contrary to Policy SD7 of the London Plan 2021, Policy SPIO of Haringey’s Local Plan 2017 and Policy DMI of the Haringey Development Management DPD 2017.”

- 1.5. This reason for refusal related only to the issue of noise disturbance and the potential increased likelihood of applications for extended hours for other premises in the area.
- 1.6. This refusal was duly appealed (PINS Ref: APP/Y5420/W/22/3304481) and subsequently dismissed by decision letter dated 10 March 2023.



- 1.7. Within the decision letter the Inspector determined that the proposal would not have an adverse effect on the character and function of the area but dismissed the Appeal due to concerns on the impact of the application proposal on the living conditions of neighbouring occupiers with regards to noise. The Council's concerns regarding an increased likelihood of similar applications was not upheld.
- 1.8. The Applicant has fully reviewed the previous appeal decision and is now submitting a different application under Section 73, this time to vary Condition 3 (rather than remove it) to extend the opening hours until 2.00am which is in keeping with the many other late night uses currently present within Wood Green (these uses are discussed in more detail later within this Statement). This revised application is submitted with a comprehensive set of revised supporting documents and new expert planning, survey and noise evidence which have been prepared against the backdrop of the recent Inspector's decision. The applicant is content that the concerns highlighted by the Inspector are fully addressed within this submission.
- 1.9. A copy of the relevant decision notice for application HGY/2022/0520 is attached at **Appendix 1**. A copy of the relevant Officer's Report in respect to this refusal of planning permission is attached at **Appendix 2**. A copy of the relevant Appeal decision is attached as **Appendix 3**.
- 1.10. This application seeks to widen the opening hours of the existing Little Vegas unit to 2.00am in order to meet the needs of those residents who are shift workers etc and others who do not work a '9-5' existence and to increase the vitality and viability of the Wood Green Metropolitan Centre outside of normal trading hours which is in accordance with Development Plan Policy SP10 (Town Centres). Within the Wood Green Metropolitan Centre there are four other AGCs, all of which our new survey evidence demonstrates are open on a 24-hour basis.
- 1.11. Accordingly, this Statement sets out the applicant's case to address the sole reason for refusal. In addition, this application is accompanied by a Witness Statement and Observation Log prepared by Mr Darrell Butterworth (Licensing and Security Compliance Manager) and a Noise Impact Assessment, which has been prepared by ES Acoustics. Collectively these documents and associated appendices, together with this Planning Statement and appendices form the applicant's submission to address the reason for refusal.



SECTION 2: THE APPEAL SITE AND SURROUNDINGS

- 2.1 The application Site is located on the western side of Green Lane (A1205) some 50m north of Turnpike Lane Underground Station (Piccadilly line) and comprises a ground floor unit in use as an Adult Gaming Centre with the fascia “*Little Vegas*”. The unit is situated within a long parade of shops and commercial outlets designated as a Primary Shopping Frontage and is located within the defined Wood Green Metropolitan Centre.
- 2.2 The Appeal Site has a Public Transport Accessibility Level (PTAL) of 6b (Best) and is therefore located in a highly accessible location.
- 2.3 As a result of the site’s location within Wood Green Metropolitan Centre the application site benefits from having good accessibility outside normal trading hours. Attached at **Appendix 4** is a local current bus map showing the presence of night bus availability in proximity to the site. Wood Green Underground Station (Piccadilly Line) is also served by the Night Tube network, meaning 24 hour service is provided on Friday and Saturday nights.
- 2.4 As a Metropolitan Centre, Wood Green is the highest order level of centre contained within the London Plan and is the largest shopping centre within the London Borough of Haringey. The application site has previously been used as a William Hill betting shop (sui generis). Since opening as an AGC, the unit has operated within the hours of 8.00am-11.00pm.
- 2.5 Within the Inspector’s Appeal decision (attached at **Appendix 3**) the Inspector made no comment that Wood Green Metropolitan Centre was an inappropriate location for an AGC.
- 2.6 Within the Wood Green Metropolitan Centre there are four other AGC operations, namely;
- Admiral, 117 High Road, Wood Green, London, N22 6BB;
 - Game Nation, 49 High Road, Wood Green, London, N22 6BH;
 - Admiral, 9 High Road, Wood Green, London, N22 6BH;
 - Merkur Slots, 91 High Road, Wood Green, London, N22 6BB.
- 2.7 All of the other AGCs above present within Wood Green are open on a 24-hour basis. All of these AGC’s also have residential units present above them. Photographs of these other AGCs within Wood Green are attached at **Appendix 5** together with a relevant location plan.
- 2.8 The application site is not located within a Conservation Area. Neither is the application site a Listed or Locally Listed Building.



- 2.9 It should be noted that the residential flat immediately above the AGC at the application site is occupied by staff for Little Vegas. The flat is retained on this basis by the applicant.



SECTION 3: APPLICATION SITE PLANNING HISTORY

3.1 The application site's relevant planning history is set out below.

Reference	Description	Decision	Dated
HGY/2022/0520	Variation of condition 3 (hours of operation) of planning permission HGY/2020/2996 (Change of use from betting shop to adult gaming centre), to extend the hours of operation	Refused	22 March 2022 Appeal (PINS Ref: 3304481) dismissed 10 March 2023
HGY/2021/3006	Details of Secured By Design measures and window display as required by conditions 5 and 6 of planning permission ref. HGY/2020/2996 for Change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis).	Approved	30 November 2021
HGY/2021/2663	Internally illuminated fascia sign	Approved	6 October 2021
HGY/2021/2062	Details of Secured by Design measures and window display pursuant to conditions 5 and 6 of planning permission ref: HGY/2020/2996 for Change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis)	Refused	17 August 2021
HGY/2020/2996	Change of use from betting shop (sui generis) to adult gaming centre (sui generis)	Granted	22 January 2021
HGY/1991/0377	Installation of new shop front (applicant William Hill)	Approved	17 June 1991

Reference	Description	Decision	Dated
HGY/1991/0348	Installation of a new internally illuminated fascia sign and projecting box sign	Approved	17 May 1991 (temporary permission expired 30 April 1996)
OLD/1988/1151	Use of part of ground floor as a betting office	Refused	9 December 1988 - Appeal allowed 2 August 1989 (details not available online)
OLD/1988/0642	Installation of a small reception only satellite dish aerial	Approved	21 April 1988

- 3.2 The key application in the planning history is LPA Ref: HGY/2022/0520 relating to the variation of Condition 3 to allow 24-hour trading of the AGC at the application site and the subsequent Appeal dismissal (PINS Ref: APP/Y5420/W/22/330448) dated 10 March 2023.
- 3.3 The previous application to facilitate the removal of Condition 3 was submitted on 25 January 2022 and was referenced HGY/2022/0520 by the Council. During consultation on the application, comments were received from the Council's Public Health and Licensing Teams. The Council's Public Health Team provided limited comments in respect to noise but provided more expansive comments related to licensing matters. However, it has been noted such matters fall out with the scope of planning applications. No comments from the Council's Environmental Health Officer were received.
- 3.4 The submitted application was supported by a Noise Impact Assessment (NIA) completed by KP Acoustics (KPA) . The submitted KPA NIA was based on internal noise surveys undertaken within two Little Vegas AGCs; one being the application site; to establish accurate operational noise levels. The submitted NIA also set out the results of a sound insulation test of the floor separating the AGC and the residential receiver above to verify the sound insulation performance of the separating floor and included calculations to demonstrate the expected noise levels within the receiver property with comparison to relevant British Standards and good practice guidance.
- 3.5 Notwithstanding the empirical acoustic and operational justification submitted, the application was refused by decision notice dated 22 March 2022 albeit that the decision letter made clear the concern was not noise from within the AGC given KPA's NIA. The decision notice records that the application was refused for one reason only, namely:

“The proposed extension of opening hours would be unacceptable by reason of increased noise disturbance to local residents and would likely add pressure for extended hours from other premises in the area, which would have a detrimental impact on the character and function of the area. As such the proposal is contrary to Policy SD7 of the London Plan 2021, Policy SP10 of Haringey’s Local Plan 2017 and Policy DM1 of the Haringey Development Management DPD 2017.”

- 3.6 However the subsequent appeal (PINS Ref: APP/Y5420/W/22/3304481) was dismissed because the Inspector concluded:

“I have found that the proposal would not have an adverse effect on the character and function of the area. However, this and the other matters detailed above would not outweigh the harm I have identified with regards to the living conditions of neighbouring occupiers with regards to noise.”

The Inspector’s Appeal Decision Letter

- 3.7 The Applicant has reviewed the relevant Appeal decision and the Inspector’s conclusions at length and has amended the scheme to fully address the Inspector’s concerns as well as submitting additional further information.
- 3.8 In the Appeal decision the Inspector comes to a number of conclusions. Namely that *“The proposal would result in an increase of comings and goings to the Appeal premises into the evening and early morning. This could [our emphasis] result in disturbance to neighbouring occupiers from customers talking outside the Appeal premises and also noise from customer vehicles including opening and shutting of doors and vehicle engines. Customer movements during hours where noise levels are usually low would be prominent and much more noticeable which would result in occupiers of surrounding properties being unduly disturbed (paragraph 5).*
- 3.9 The Inspector also states *“Sound power levels for human speech have been provided as well as results from a survey undertaken providing data on representative background noise levels and average ambient noise levels for daytime and night-time. Whilst this data infers that two persons speaking would not be above the night-time background or average ambient noise levels, this data does not include noise levels of multiple people talking outside of the premises nor does it include other associated noises such as customer vehicles. There is insufficient evidence to confirm that customers would not arrive or leave the premises in groups of more than two people.”*

- 3.10 The Inspector therefore makes it clear that it is not noise from the premises travelling upwards through the building into the flat above which is of concern but rather the potential for noise arising from customers leaving the premises. The Inspector has taken a precautionary approach in this regard in response to “*insufficient evidence*” to the contrary.
- 3.11 The Inspector does acknowledge (paragraph 7) that residents living within the commercial area may not expect a level of noise and activity in the evening to be similar to that of a residential area, but that residents nevertheless should not expect to have their living conditions unduly compromised. The Inspector acknowledges at paragraph 8 that the premises are different to a bar, public house or club and that there would be signage requesting customers to be respectful when leaving the premises and that staff will be trained to ensure customers are quiet when leaving the premises and not to congregate, including the use of an Operational Management Plan and Operations Manual as well as compliance with the Responsible Gaming Code.
- 3.12 At paragraph 10 the Inspection acknowledges the lack of issue with noise disturbance on the flat above.
- 3.13 In respect to the issue of the character and function of the local area, this is considered at paragraphs 13 and 14. The Inspector concludes (paragraph 13) that the opening of the premises for 24-hours would “*not directly adversely affect the character of the area in terms of its primary use at ground floor level of being commercial shopping function*”. In conclusion, the Inspector confirms that he did not find the proposal would have an adverse effect on the character and function of the area but has identified harm with regards to the conditions of neighbouring occupiers in respect to noise.



SECTION 4: VARIATION OF CONDITION PROPOSAL

- 4.1 This application seeks the variation of Condition 3 attached to planning permission LPA Ref: HGY/2020/2996 for the change of use from betting shop (sui generis) to adult gaming centre (sui generis) granted 22 January 2021 at 17 High Road, Wood Green to amend the conditioned opening hours from 08:00 hours to 23:00 Monday to Sunday and Bank Holidays to 08:00 hours to 02:00 hours Monday to Sunday and Bank Holidays. The principle of an AGC use at the application site is already established.
- 4.2 Condition 3, attached to planning permission HGY/2020/2296 states:
- “The use hereby permitted shall not be operated before 08:00 hours or after 23:00 hours Monday to Sunday and Bank Holidays.”*
- Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Policy DMI of The Development Management DPD 2017.”*
- 4.3 The decision notice confirms that Condition 3 was attached to planning permission HG/2020/2296 for the sole reason of protecting the amenity of “adjacent” [our emphasis] residential properties.
- 4.4 This concern for protecting the amenity of adjacent residential properties has been reiterated both through the refusal of application HGY/2022/0520 for the removal of Condition 3 and the subsequent dismissal of appeal PINS ref: 3304481.
- 4.5 As stated, the AGC at the application site currently closes at 11.00pm in accordance with the approved hours. Users of the centre have expressed an interest in continuing to use the centre beyond the current closing time. Many of Little Vegas’ patrons are shift workers, ending nightshifts in the early hours of the morning, and therefore seeking the opportunity to relax after work when the AGC is currently closed.
- 4.6 Data provided by the Office for National Statistics (ONS) allows for the exploration of employees in specific areas and by specific industry groupings. The most recent results (2022) (figs: 14 & 19) indicate that 45% of those employed in Haringey, are employed in night-time industries. In comparison, the average percentage of employees working in night-time industries is 27% - both across London and the entire nation (see <https://www.ons.gov.uk/businessindustryandtrade/business/activitysizeandlocation/articles/thenighttimeeconomyuk/2022#the-number-of-employees-in-night-time-industries-in-your-area>)

SECTION 5: PLANNING POLICY CONTEXT

- 5.1 The previous decision notice confirms that the Council considered the application proposal contrary to the following Development Plan policies:
- Policy SD7 (Town Centres: Development Principles and Development Plan Documents) of the London Plan 2021;
 - Policy SP10 of Haringey's Local Plan 2017;
 - Policy DMI of the Haringey Development Management DPD 2017.

Other Material Considerations

National Planning Policy Framework (July 2021)

- 5.2 The National Planning Policy Framework (July 2021) (The Framework) forms a material consideration to the Local Development Framework. It sets out the Government's planning policies and how these policies should be applied with those relevant covered under the following Sections:
- Section 2 – Achieving Sustainable Development;
 - Section 7 – Ensuring the Vitality of Town Centres;
 - Section 8 – Promoting Healthy and Safe Communities.

National Planning Policy Guidance

- 5.3 Paragraph 001 of PPG Town Centres and Retail (July 2019 Update) acknowledges that LPAs need to consider structural changes in the economy, in particular changes in shopping and leisure patterns and format. It goes on to state that a wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential, employment, office, commercial, leisure/entertainment [our emphasis], healthcare and educational development.
- 5.4 Paragraph 85 of the NPPF goes on to list criteria that planning policies should follow to achieve the above. Sub paragraph (a) seeks policies to define town centres and promote their long-term vitality and viability, highlighting their need to diversify in response to “*rapid changes in the retail and leisure industries*”. Whilst it is appreciated that the local planning policy is not in question, it must be noted that national policy recognises the trajectory of the retail environment and the need for centres to adjust accordingly.

5.5 Meanwhile, Paragraph 003 of PPG Noise (July 2019 Update) indicates that plan-making and decision making need to take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.



SECTION 6: PLANNING ASSESSMENT

- 6.1 The applicant's case in support of this application to vary Condition 3 to allow a 2.00am close time is set out both within this Statement and also within the accompanying documents from ES Acoustics and Mr Darrell Butterworth.
- 6.2 Accordingly, reference is made below not only to the NIA prepared by ES Acoustics but also to the Witness Statement and Observation Log prepared by Mr Butterworth. Mr Butterworth is a highly experienced Licensing and Security Compliance Manager. In May 2023 Mr Butterworth was requested by Chongie Entertainment Ltd to undertake an extensive period of observation in relation to the use of and the impact of machine type gaming venues – a total of 36 hours over 6 nights at 12 venues in three separate locations. The observations took place on weekday and weekend trading periods at each of the three locations (Wood Green, Crawley, Croydon) between 2200 hours and 0400 hours.
- 6.3 A record was kept of noise observations, general footfall, customer numbers, method of arrival, method of departure, numbers smoking outside, and other venues open in the area. Each venue differed in respect to residential, mixed use, vehicle access and location. Mr Butterworth's observations were fully impartial and have not been amended for the purposes of this application. These observations are attached at **Appendix 6**.

Response of Appeal Decision dated 10 March 2023

- 6.4 A response to each of the Inspector's concerns presented within the appeal decision dated 10th March 2023 is set out below.
- 6.5 At paragraph 5, the Inspector notes that the proposal would result in an increase of comings and goings to the appeal premises into the evening and early morning and that this could result in disturbance to neighbouring occupiers from customers talking whilst outside the appeal premises and also noise from customer vehicles including opening and shutting of doors and vehicle engines.
- 6.6 Although the previously submitted Noise Impact Assessment did include sound power levels for human speech, the Inspector had concerns that although this data infers that two persons speaking would not be above the night-time background or average ambient noise levels, the data did not include noise levels of multiple people talking outside of the premises nor did it include other associated noises such as customer vehicles. Therefore it was suggested that there was insufficient evidence to confirm that customers would not arrive or leave the premises in groups of more than two people.

- 6.7 The revised Noise Impact Assessment prepared by ES Acoustics indicates that any customer's speech which could occur outside would be sufficiently below the average ambient noise level such that speech would be non-intrusive to the first-floor residential receptor. To clarify, the worst-case scenario as observed by Mr Butterworth's observation of Wood Green, included 5 no. customers stood as a group outside of the AGC smoking. The NIA highlights that the existing level of internal noise at the above residential receptor when the window is open is 49 dB(A). In comparison, the predicted internal level inside the receptor room due to the scenario of 5 customers smoking outside is 37 dB(A).
- 6.8 As demonstrated by the calculations above, any customers speech which could occur outside would be sufficiently below the average ambient noise level such that speech would be non-intrusive to the first-floor residential receptor. Furthermore, as noted by the observations by Mr Butterworth, customers smoking outside typically only remain in a group smoking for around 1 minute and are rarely conversing (as they typically would not know one another). It is noted that the potential for speech occurring outside of the building is already present with respect to pedestrians passing by the site.
- 6.9 With regards to customers arriving and/or leaving the site, it takes circa 12 seconds to reach a position 20 metres from the establishment, and therefore the duration of potential impact is very low. Furthermore, Mr Butterworth's observations found that on only two occasions across the six night investigation did a group of over two people enter/exit the premises. It was also determined that as one group only stayed inside for six minutes, it was likely that they had entered out of curiosity rather than being regular customers. On all other occasions, customers arrived and left the venues alone or occasionally in pairs.
- 6.10 With regards to the Inspector's concerns over associated noises such as customer vehicles, Mr Butterworth's observations (discounting areas where parking is impossible or restricted) found that only five customers travelled to the premises by car. The remaining 121 customers attended the immediate vicinity on foot. It is therefore concluded that most customers to AGCs are local and therefore visit the premises on foot, or visit via public transport and then walk. It is also considered that local residents are more at risk of being disturbed by vehicles parking outside to visit nearby cash machines and take aways than those visiting the AGC.
- 6.11 At paragraph 9, the Inspector noted that although it was claimed that there are other evening uses within Wood Green including 24 hour uses and other Adult Gaming Centres (AGCs) as well as reference to other AGCs that the appellant operates, insufficient evidence was provided on these other uses and establishments and therefore they were not considered to be directly comparable to the appeal scheme particularly with regards to proximity to residential uses, operating hours and noise levels.

- 6.12 Subsequently, JMS Planning has conducted a further review of late night uses within Wood Green Metropolitan Centre, prompted by Mr Butterworth's observation confirming a series of premises opening late into the night. Premises within the centre identified by Mr Butterworth as operating at either 1.00am or 4.00am were identified, and their advertised hours (as displayed on shopfronts and Google) were compared to their permitted hours according to relevant planning permissions.
- 6.13 The table presented below illustrates that while there are a limited number of premises along Wood Green High Road with authorised late-night opening hours, there are more than a dozen businesses that remain open until at least 4.00am, with several advertising and likely operating 24-hours. As is the nature of Wood Green Centre, where most premises feature residential dwellings on the upper floors, it is considered those premises presented in the table below are considered directly comparable to the application site. It is therefore reasonable to conclude that the proposed variation of Condition 3 at application HGY/2020/2996 to allow trading until 2.00am at the application site would not have a significant impact on residential amenity compared to the existing late-night function of the centre where over a dozen premises are open well into the night.

Table 1. Schedule of late night uses based on observations of Mr Butterworth, supplemented by JMS Planning

Unit (Use Class)	Address	Open at 1.00am	Open at 4.00am	Advertised Hours (shopfront)	Advertised Hours (Google)	Permitted Hours (Based on planning controls – Source: LPA website)
Admiral (Sui Generis)	117 High Road	Yes	Yes	24/7	24 hr	Fri/Sat Midnight Others 10.00pm (HGY/2009/17 64)
Admiral (Sui Generis)	9 High Road	Yes	Yes	n/a	24 hr	10.00pm (APP/Y5420/ W/15/3137423)
Pitta Corner (Class E)	43 High Road	Yes	No	Fri / Sat 24 hour Others 11.00pm	Fri / Sat 24 hour Others 11pm	10.00 pm (HGY/2016/29 58)

Unit (Use Class)	Address	Open at 1.00am	Open at 4.00am	Advertised Hours (shopfront)	Advertised Hours (Google)	Permitted Hours (Based on planning controls – Source: LPA website)
Real Donner (Sui Generis)	9A Westbury Ave	Yes	No	n/a	1.30am Fri, Sat, 12.30 others	n/a
All Day Express off licence (Class E)	23 Westbury Ave	Yes	Yes	24 hr	24 hr	n/a
Game Nation (Sui Generis)	49 High Road	Yes	Yes	24/7	24 hr	10.00pm (APP/Y5420/ W/15/3137423)
Merkur (Sui Generis)	91 High Road	Yes	Yes	n/a	24 hr	Mon – Sat Midnight Sun / BH 8.00pm (HGY/2007/2 055)
Chick Filler (Sui Generis)	152 High Road	Yes	Yes	n/a	4am everyday	n/a
Pepe's Piri Piri (Sui Generis)	18 The Broadway	Yes	No	n/a	3.00am Fri, Sat, 2.00am others	2.00am (No mention of hours in decision notice, but granted via licensing sub- committee report included on app HGY/2015/024 6)
WG Express (Class E)	736 Lordship Lane	Yes	Yes	24/7	n/a	n/a
Top Cars Car express (Sui Generis)	734C Lordship Lane	Yes	Yes	24/7	24 hr	n/a

Unit (Use Class)	Address	Open at 1.00am	Open at 4.00am	Advertised Hours (shopfront)	Advertised Hours (Google)	Permitted Hours (Based on planning controls – Source: LPA website)
Dixy Chicken (Sui Generis)	194 High Road	Yes	No	n/a	4.00am Fri, Sat, 3.00am Sun, 2.00am others	Appears to be full PP for 5.00am, HGY/1990/087 0, 30/10/1990 (no documents online)
Doner Daddy (Sui Generis)	205 High Road	Yes	No	n/a	5.00am Fri, Sat, 2.00am others	n/a
McDonalds (Class E)	97-101 High Road	Yes	Yes	Thur – Sat 2.00am Others 11.00pm	2.00am Thur, Fri, Sat, 11.00pm others	No hours condition on application HGY/1571/97- 99/10
Gym Group (Class E)	98-100 High Rd	Yes	Yes	24/7	24 hr	No DN online, HGY/1996/1324
Gym Group (not identified in observation log) (Class E)	725 - 731 Lordship Lane	Yes	Yes	24/7	24 hr	No hours condition on application HGY/2011/1642
Taco Bell (not identified in observation log) (Class E)	1 Gladstone Ave	Yes	No	3.00am	3.00am	10.00pm (HGY/2013/23 38)

- 6.14 A plan illustrating the location of the above units in respect to the centre is attached at **Appendix 7**.
- 6.15 As discussed already, the Inspector concluded that previous proposal for 24 hour opening hours would not have an adverse effect on the character and function of the area. Therefore matters regarding impact on the character and function of the area are not considered relevant nor an issue given this revised application is for 2.00am closing hours.



- 6.16 In addition, Little Vegas has prepared an Operations Manual which it utilises at all of its sites which includes setting out how the Company seeks to minimise anti-social and erratic patron behaviour. A copy of this Operations Manual is attached at **Appendix 8**. Whilst, for brevity, it is not proposed to set out the Operational Management Plan at length at this juncture, the approach by the Company as set out within its Operations Manual which details all of the measures taken to minimise potential for disturbance to residents who are neighbours to the Company's properties. This Operations Manual reflects the Company's very serious approach to protecting the amenity of residents in the vicinity of its outlets.
- 6.17 In addition to its Operations Manual, Chongie strictly adheres to a Responsible Gaming Code, which ensures that it can operate responsibly within any of the communities it operates in. This has been submitted as part of the previous planning application. This Code includes:
1. Recognising that prevention is the best form of player protection;
 2. Protecting children and minors;
 3. Encouraging responsible communication;
 4. Reinforcing the need for player responsibility;
 5. Employing professional staff;
 6. Keeping players informed;
 7. Guaranteeing fair gaming; and
 8. Working with experienced partners.
- 6.18 A copy of the Chongie Responsible Gambling Code is attached at **Appendix 9**.
- 6.19 The Chongie Entertainment Limited Responsible Gaming Policy (September 2020) confirms that the Company recognises the importance of social, responsible gambling and regularly reviews its policies and procedures and their effectiveness to those that partake in gambling activities. The Company is required to meet responsibilities and guidance outlined by the Gambling Act 2005 and the Social Responsibility Code provisions of the Gambling Commissions license conditions and code of practice (LCCP). The Company is legally obligated to follow the requirements specified in the Gambling Act 2005 and the LCCP as issued by the Gambling Commission. Compliance with these would be a condition of any AGC operating license.
- 6.20 The Company operates self-exclusion and takes reasonable steps to ensure that any customers on the self-exclusion register are prevented from using their existing account or opening a new account. The company operates a 'time out' facility for those who want to take a short break and within the unit. Posters and leaflets will be clearly displayed of key organisations which can help anybody with gambling problems.



- 6.21 Chongie implements an age verification policy to prevent children and young people from entering the premises and operates a Challenge 21/Challenge 25 (as appropriate) on its sites.

The Nature of the AGC Operation

- 6.22 In respect to the issue of general noise and disturbance, attached at **Appendix 10**, is a Witness Statement prepared by Mr Butterworth who is a retired, former, senior police officer with extensive experience in the gambling and licensing trade. Mr Butterworth has unrivalled experience in this regard and is familiar with both betting shop operations and AGC operations, and in particular, the differences between the two.
- 6.23 Full details of Mr Butterworth's experience is set out within the accompanying Witness Statement. The Statement confirms that in Mr Butterworth's extensive experience AGCs create significantly less disturbance than betting shops and that Mr Butterworth has not known any AGC to create adverse noise and disturbance. Given Mr Butterworth's extensive survey material, his Witness Statement should be given significant weight. This further provides further evidence over and above that previously presented about the behaviour of patrons to late night AGC in Town centres. This objective surveillance material further evidences that the proposed extension of hours for the Little Vegas operation, in a Town Centre already populated by open late night premises of various kinds, with no history of noise nuisance or disturbance to first floor town centre residents, further justifies the proposed use of the site as an AGC for extended hours is unlikely to create any undue noise effects.
- 6.24 Notably, there are a number of Little Vegas units which are open and trading at the moment on a 24-hour basis. Currently, the following Little Vegas units operate on a 24-hour basis:
- Reading;
 - Peterborough;
 - Aldershot;
 - Croydon;
 - Luton; and
 - Crawley.
- 6.25 In all cases, to date, there have been no significant incidences of anti-social behaviour, police attendance or otherwise. There is no evidence in respect to the operation of the Company's sites to date, that the Company's 24-hour use gives rise to anti-social behaviour or problems to local neighbours.

- 6.26 At paragraph 6.3 of the Officer's Report to the refused application (attached at **Appendix 2**), the Officer confirms that the original reason for Condition 3 stated that "*the condition restricting hours to 23:00 was considered necessary to make the development acceptable in planning terms. This was with regard to the established opening hours in the area, including premises of similar use*" [our emphasis]. As has been stated earlier in this Statement all of the AGCs in the immediate vicinity operate on a 24-hour basis (irrespective of any formal planning permission).

Living in Town Centres

- 6.27 It has been confirmed by empirical evidence that the proposed extended hours will not expose neighbouring residents to harmful levels of noise. Notwithstanding, it is consistently recognised that those living in town centres should expect a level of activity audible and visible from their homes. In many cases it is this very fact which attracts residents to such central locations (with reference to the second part of the reason for refusal).
- 6.28 There are already other 24-hour uses in the town centre, including other AGCs on High Road. Without any evidence or justification from the EHO, it cannot be concluded that those living in Wood Green Town Centre will be harmed by the proposal.

Development Plan Policy Assessment

- 6.29 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the statutory development plan unless other material considerations indicate otherwise.
- 6.30 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004 the statutory development plan comprises The London Plan (2021) and the Haringey Local Plan comprising the Strategic Policies 2013 (With Alterations 2017) and Development Management Development Plan Document (DPD) (2017).
- 6.31 In respect to planning policy it is considered that a significant number of policies of the development plan support this proposal.
- 6.32 On the adopted Development Plan Proposals Map, the Appeal Site is located within the Wood Green Major Metropolitan Centre, within the Primary Shopping Area and forms part of a Primary Shopping Frontage and is located within a designated Growth Area.

- 6.33 Policy SPI (Managing Growth) of the Haringey Local Plan comprising the Strategic Policies 2013 (with alterations 2017), confirms that the Council will focus Haringey's growth in the most suitable locations and manage it to make sure that the Council delivers the opportunities and benefits and achieve strong, healthy and sustainable communities for the whole of the Borough. The policy confirms that the Council will promote development in, inter alia, Wood Green and that the Council will expect development in the Growth Areas (which includes Wood Green) to, inter alia, maximise site opportunities, provide necessary infrastructure and be in accordance with the Council's planning policies and objectives.
- 6.34 Policy SP10 (Town Centres) confirms that the Council will promote and encourage development of retail, office, community, leisure, entertainment facilities, recreation uses, arts and cultural activities within its town centres according to the Borough's town centre hierarchy. The policy confirms that Wood Green Metropolitan Town Centre will be the principal focus of growth accommodating an extensive range of the types of development set out above which should help to shape Wood Green into a thriving and vibrant centre for North London. The policy confirms that development proposals which foster a diverse evening and night-time economy in Wood Green will be supported provided that measures are in place to address issues such as community safety, policing, litter and the potential impact of noise and disturbance to local people.
- 6.35 The supporting text in respect of the town centre hierarchy confirms that Wood Green is the pre-eminent centre in the Borough, being the only Metropolitan Town Centre designated in the Borough.
- 6.36 Supporting paragraphs at 5.3.23-5.3.30 consider Wood Green Metropolitan Town Centre. It is noted the centre consists of approximately 365 units (excluding non-retail Class A uses) comprising some 86,864 sqm of floorspace. Paragraph 5.3.29 confirms that food, drink and entertainment uses add to the diversity and vibrancy of Haringey's town centres and bring activity to them outside normal shop hours and that Wood Green, as the largest town centre in the Borough, has a thriving night-time economy.
- 6.37 Policy DM23 (Environmental Protection) of the Development Management Development Plan Document (DPD) (2017) confirms that proposals for potential noise development must suitably demonstrate that measures will be implemented to mitigate its impact, a Noise Impact Assessment will be required if the proposed development is an activity with the potential to generate noise.

- 6.38 Although not part of the adopted development plan, the Wood Green Area Action Plan (AAP) has been the subject of a Regulation 18 public consultation which ran from 1 February to 16 March 2018. This is the third time the Council has consulted with the community on this planning document. No further updates to this document have been the subject of consultation. As such, the document remains at a relatively early stage.
- 6.39 Draft Policy WG10 (Improving the Evening Economy) confirms that development which creates managed leisure and other uses which increase activity and safety in Wood Green town centre during the evening hours will be supported. It is also confirmed that proposals for evening economy uses must demonstrate that any adverse impacts on neighbouring uses, including residential use (within and around the AAP area) will be appropriately managed by submitting a management strategy with their proposal. The Applicant has prepared such a Management Plan which is attached to this Statement.
- 6.40 In summary, Wood Green is the only Metropolitan Centre within the Borough and it is where new entertainment uses are directed. Policies of the Development Plan, namely Policy SD7 and Policy SP10 direct such commercial development to locations within Wood Green Metropolitan Centre. On this basis the application site is an appropriate location for an AGC operating until 2.00am. In summary, it is considered that a significant number of policies in the Development Plan support the proposal as set out above, including Policy SP1 (Managing Growth) and Local Plan Policy SP10 (Town Centres). Only Policy DM23 (Environmental Protection) is the relevant policy on which a refusal based on amenity grounds should be based. However, as set out previously within this statement and within the accompanying Noise Impact Assessment prepared by ES Acoustics, there is no residential amenity basis for an objection to this application.

Other Matters which Weigh in Favour of a Grant of Planning Permission

- 6.41 The night-time use would be low key with few customers and will offer a facility for night workers and shift workers, generating employment and natural surveillance. The commercial nature of Wood Green Metropolitan Centre makes it an acceptable location for a business operating with a 2.00am close time. Taking the above into account, the proposal is not considered to have any detrimental impact upon the amenities of neighbouring occupiers with regard to noise or nuisance. Furthermore, any issues could be offset by the generation of night-time employment and natural surveillance which will assist in managing external issues such as crime.

6.42 Within the Wood Green Metropolitan Centre there are four other AGC operations, namely;

- Admiral, 117 High Road, Wood Green, London, N22 6BB;
- Game Nation, 49 High Road, Wood Green, London, N22 6BH;
- Admiral, 9 High Road, Wood Green, London, N22 6BH;
- Merkur Slots, 91 High Road, Wood Green, London, N22 6BB.

6.43 As such, it remains the case that this application is intended to allow the applicant to operate with late night closing hours. It is a characteristic of the AGCs within the centre that they operate on a 24-hour basis. In this respect, this application simply seeks to reflect this long established principle, in fact the other AGCs in the area operate later than proposed through this application. Notably, the Officer's Report of the previous application does not make reference to any issues associated with the late night opening of any of the other AGC operations. All of the other AGCs operating on a 24 hour basis have residential uses above as can be seen at **Appendix 5**.

6.44 In addition, there will be some job creation occurring on the site resulting in an additional one to two employees as a result of the extended hours. Whilst this is only a relatively limited amount, this is still an economic benefit of the scheme.



SECTION 7: SUMMARY

- 7.1 This planning application is prepared on behalf of Chongie Entertainment Ltd seeking the variation of Condition 3 (hours of operation) of planning permission HGY/2020/2996 (change of use from betting shop to adult gaming centre) to extend the hours of operation until 2.00am at 17 High Road, Wood Green, N22 6BH.
- 7.2 Wood Green is a Metropolitan Centre and is the most appropriate location for an AGC within LB Haringey and is an appropriate location for a late-night use. London is a 24-hour world city with residents and workers, which operate on different shift patterns. It is part of the adopted Development Plan that London caters for all its residents and citizens, not simply those who work a daytime existence.
- 7.3 This proposal has been reshaped - and indeed new supporting evidence has been prepared - based on the comments and conclusions provided by the Inspector in the dismissal of the recent Appeal (PINS Ref: APP/Y5420/W/22/3304481) for extended opening hours on the application site to allow 24 hour trading.
- 7.4 Comprehensive evidence has been provided by ES Acoustics that the application proposal will not have any adverse effect on residential amenity.
- 7.5 Predicted levels of direct noise transfer via the party floor separating the ground floor AGC from the first-floor residential dwelling would be expected to be well within the set criteria, ensuring the amenity of the occupants of the first-floor flat would not be compromised due to direct noise transfer. Furthermore, Predicted levels of noise breakout to the external environment via the front façade of the AGC, up to first-floor level, and in through an open residential window would also be expected to be well within the set criteria. Noise associated with customers outside the AGC would be sufficiently below the average ambient noise level such that speech would be non-intrusive to the first-floor residential receptor.
- 7.6 Additional evidence is provided from a highly experienced licensing professional as to the acceptable nature of AGCs in respect to the issues of noise and disturbance. Darrell Butterworth's extensive observations indicate that the majority of patrons enter/leave AGCs on foot and usually alone, and that customers rarely congregate outside. On only one occasion did Mr Butterworth observe five customers outside a venue, and in this instance it was for less than two minutes. On most occasions it is lone individuals and occasionally pairs of customers who remain outside for short periods of time.



- 7.7 It is considered that this statement, along with the accompanying Noise Impact Assessment prepared by ES Acoustics, in addition to Mr Butterworth's Witness Statement and Observation Log provides comprehensive justification that in the planning balance this proposal should be allowed. There were minimal objections to the previous application (only two, one of which is from a competitor organisation), with no objections received from the Council's Environmental Health team. On this basis, it is respectfully requested that this application be approved.