

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 January 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	32 Gerrard Street, London, W1D 6JA		
Proposal	Use of basement and ground floors as Adult Gaming Centre (Sui Generis).		
Agent	Woods Whur 2014 Ltd		
On behalf of	Silvertime Amusements Ltd		
Registered Number	21/04145/FULL	Date amended/ completed	22 June 2021
Date Application Received	22 June 2021		
Historic Building Grade	Unlisted		
Conservation Area	Chinatown		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is an unlisted building located in the China Town Conservation Area, the Central Activities Area (CAZ) and the West End Retail and Leisure Special Area (WERLSPA). The property comprises part basement, ground and four upper floors. The floorspace to which this application relates is currently vacant.

The area which this application relates was last permitted to be used as a public house operating between the hours of 1100 and 0100 the following mornings with a maximum of 370 customers allowed in the premises at any one time. Notwithstanding the planning history, the premises was last in use as a betting shop. Business records, google street view and the gambling commissions list of premises licences from November 2010 indicate that the betting shop was in situ for in excess of 10 years and therefore, given no enforcement action was taken, it would now be considered lawful through being immune from enforcement action. The remainder of the building is in office use.

Whilst the general area is predominantly commercial in character, council tax records indicate that there are some residential properties in the vicinity of the site, the nearest of which are located within the third floor level within both 31 and 36 Gerrard Street adjoining the application site.

Planning permission is now sought to allow the use of part basement and part ground floor as Adult Gaming Centre (AGC) totalling 265 sqm. In terms of its operation, the applicant has set out the following:

- No alcohol will be served on the premises and refreshments will be limited to prepacked sandwiches, teas and coffees.
- There will at all times be two members of staff on the shop floor speaking to and managing customers.
- After 22:00, there will be a Security Industry Authority (SIA) registered door security person standing outside the front door of the premises, monitoring customers coming in and as they exit from the premises along Gerrard Street and ensuring that customers leave quietly
- In addition to the SIA registered door person, the 'Maglock' on the front door of the premises will be operational after 22:00 which will afford the additional control in allowing access and egress to the premises through requiring the door person to allow access to the premises.
- There will be CCTV positioned on the outside of the premises to manage the immediate area.
- No more than 20 people will be allowed in the premises after midnight.

Given that the proposals relate to a new AGC within the WERLSPA and the CAZ, the proposals are considered within the context of policies 14 and 16 of Westminster's City Plan.

Policy 14 (A) requires development 'in existing town centres and high street to enhance and diversify their offer as places to shop, work and spend leisure time' whilst (B) requires ground floor uses to serve visiting members of the public. Part (C) 2 states that 'The WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy'.

Policy 16 (A) requires that 'Proposals for... entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre'.

Given both the existing and proposed use are both gambling uses serving visiting members of the public, it is not considered the principle of the proposed use would be materially harmful. It is noted that there are currently no similar amusement/ gaming centre uses within the vicinity and as such the proposal would not result in a concentration of such a use.

No alcohol would be served on the premises. The operator will abide by a 'think 25' policy to ensure that nobody under the age of 18 would be allowed within the premises. Given that historically a public house operated in this location with a maximum capacity of 370 people and was not subject to complaints, it is considered that the proposed use which is intended to have an average of between 30-40 customers reducing to no more than 20 customers after midnight would not be harm the amenity of neighbouring occupants.

Whilst the application initially proposed the premises was to operate 24 hours daily. Officers have tried to negotiate a closing time of 00:30 for the proposed use as supported by Cllr Mitchell, however the applicant considers that that these hours are unreasonable and the subsequently agreed to reduce the proposed opening hours to between 08:00 and 03:00 daily. In support of their case, the applicant has referenced a number of bars, clubs and casinos in the West End which operate to the proposed terminal hour or beyond. None of these premises are comparable in terms of the character of the area. Furthermore, these types of venues are heavily managed with sound controls and

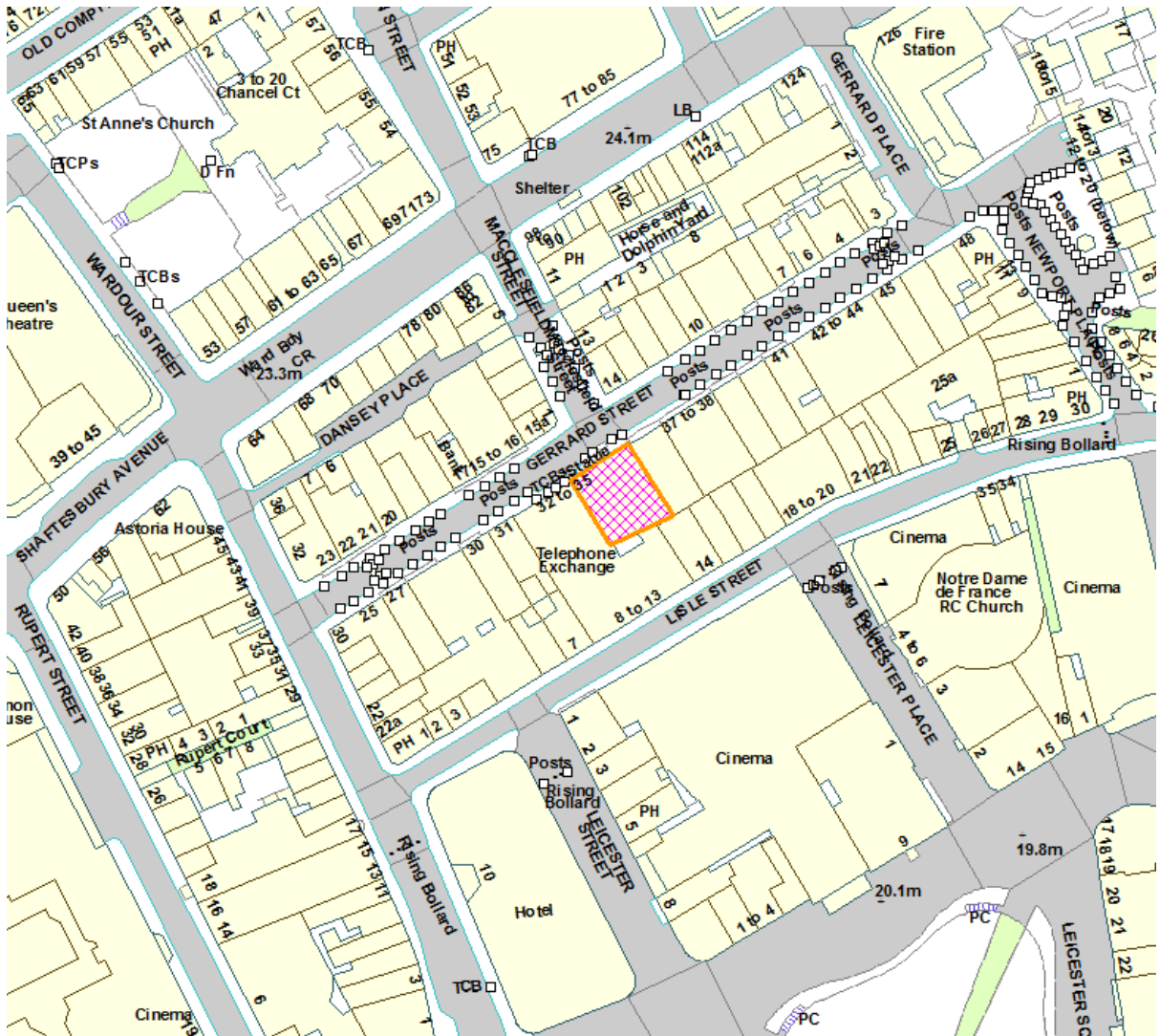
management to limit anti-social behaviour and associated nuisance. All of the other entertainment premises in the immediate vicinity close by 00:30 Monday to Saturday and by 00:00 on Sunday at the latest with the exception of 15-16 Gerrard Street (entertainment/function/karaoke bar) and 13 Gerard Street (restaurant and cocktail bar) which are both allowed to operate until 03:00. The late hours of operation in these cases were only considered acceptable as the premises was historically used as entertainment venues with no hours or capacity controls and therefore noting the previous lawful position it would have been unreasonable for the council to impose a condition reducing the permitted hours of use.

To further support the application, the applicant carried out a number of surveys to gauge the footfall outside the application site from 23:30 to 03:30, although these surveys were carried out in two situations where, it is acknowledged that there was extremely cold weather and the second during a period where the impacts of the increased prevalence of Covid 19 within London in the lead up to Christmas, both of which had an apparent impact on the number of people on the streets. This survey data is shown below in 30 minute intervals:

	Sunday 28 Nov 2021	Monday 29 Nov 2021	Saturday 4 Dec 2021	Saturday 12 Dec 2021	Thursday 16 Dec 2021	Friday 17 Dec 2021
23:30	21	38	169	218	45	84
00:00	12	17	129	334	15	41
00:30	7	14	144	112	19	35
01:00	6	17	147	56	26	41
01:30	5	16	60	48	15	49
02:00	3	6	34	29	11	51
02:30	4	5	36	41	8	39
03:00	2	3	20	26	4	15

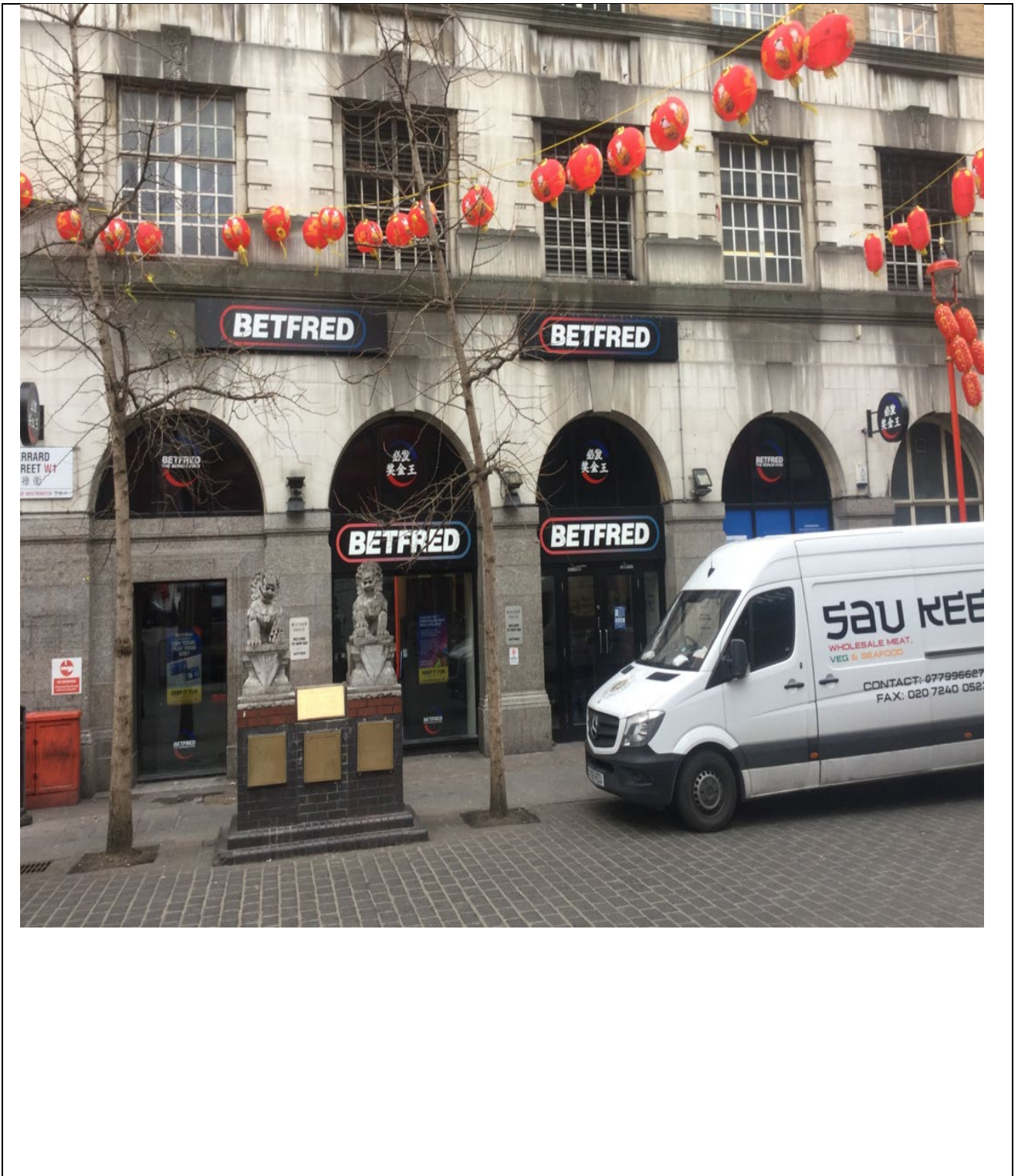
Whilst it is evident that there is a considerable reduction in the footfall later at night, given the proposed capacity of 20 customers after 00:00 it is not considered that the proposal would result in demonstrable harm. With the relevant safeguarding conditions, including ensuring no music is played within the premises which is audible beyond the boundary of the site and operational management measures detailed above, it is considered that the proposal would not have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality and is therefore the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

CLLR MITCHELL

Objects to the proposed hours of use (08:00 and 03:00 daily) for the following reasons:
because:

1. there are residential properties adjoining, and in close proximity to, the application site which means residents could be disturbed by Adult Gaming Centre patrons arriving and leaving the premises;
2. most other commercial premises in the immediate area close in the late evening which means that the area is quiet, and an Adult Gaming Centre would change the character of the area.

SOHO SOCIETY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection.

WASTE PROJECT OFFICER

Further detail of waste storage required

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. RELEVANT HISTORY

On 19 January 1999 Permission was refused for the use of part basement and part ground floor as a public house. Partial infilling of internal lightwell, on grounds of adverse impact on residential amenity and detriment to the Chinese character and function of Gerrard Street.

On 02 August 1999 permission granted on appeal for development refused 19.1.99, subject to conditions including no hot food takeaways, details of plant to be submitted, noise insulation to be installed. The hours of opening permitted by the Inspector were 11.00 to 23.30, excluding Sundays and Bank Holidays and 12.00 to 23.00 on Sundays and Bank Holidays.

On 12 September 2002 permission was granted to vary condition 8 of the previous consent for the use of part basement and part ground floor as a public house to extend permitted opening hours until 01.00 daily on a temporary basis

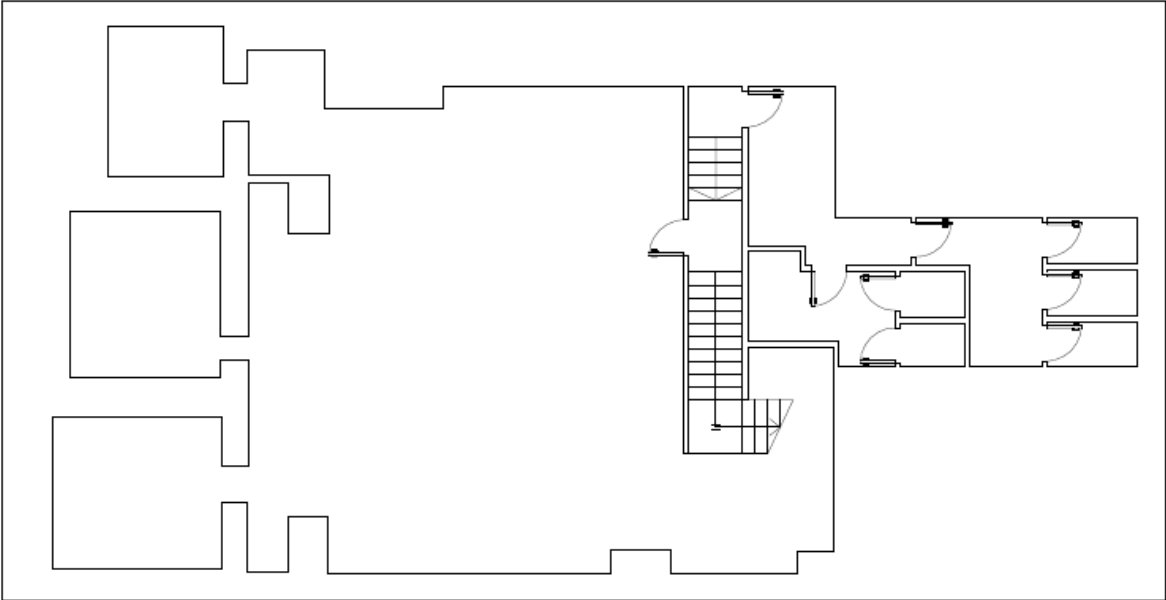
On 20 November 2003 permission was refused to vary condition 9 of permission dated 12.09.2002 (RN 02/01556) for the use of part basement and part ground floor as a public house; namely to extend permitted opening hours until 01.00 daily on a permanent basis. This was subsequently allowed on appeal on 09 November 2004.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

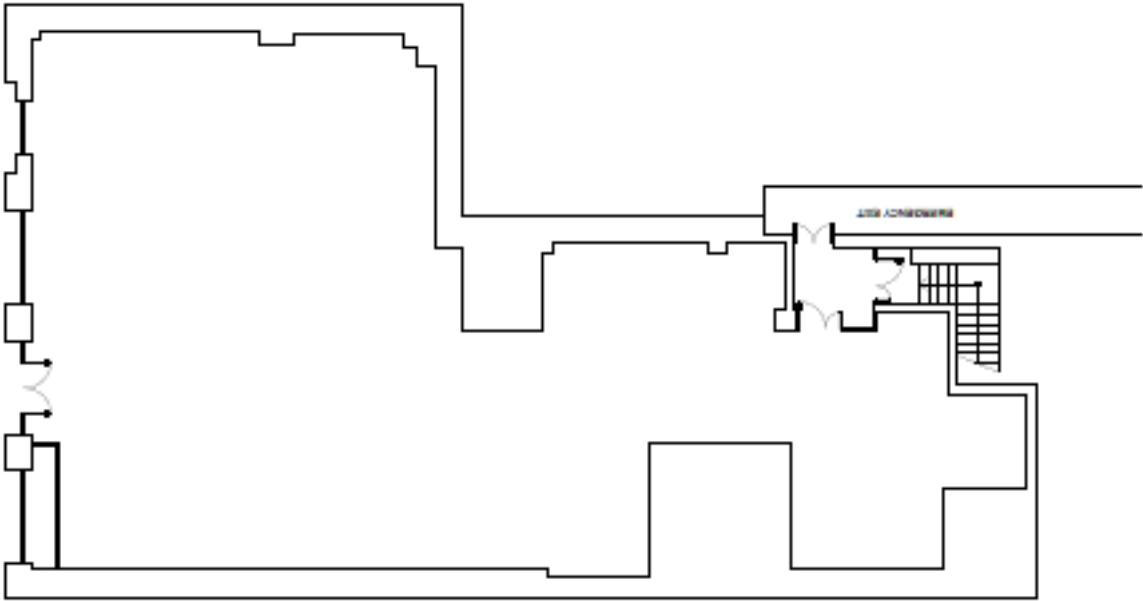
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLIGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK

7. KEY DRAWINGS

Basement floorplan



Ground floorplan



DRAFT DECISION LETTER

Address: 32 Gerrard Street, London, W1D 6JA,

Proposal: Use of basement and ground floors as Adult Gaming Centre (Sui Generis).

Plan Nos: 001, 002.

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Customers shall not be permitted within the adult gaming centre premises before 0800 or after 0300 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 3 You must carry out safety, security and operation measures as listed below at all times that the adult gaming centre is in use:

1. There must be a minimum of two members of staff on the shop floor of these premises.

2. Between 2200 and 0300 there must be a SIA registered door security person standing outside the front door of the premises, monitoring customers coming in and out of the premises, and monitoring customers as they exit from the premises along Gerrard Street and ensure that customers leave quietly.

3. There must be a Maglock on the front door of the premises and this must be operational between 2200 and 0300.

4. There must be CCTV positioned on the outside of the premises.

5. Between midnight and 0300, no more than 20 customers shall be allowed in the premises.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out

Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 4 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must provide the approved waste and recycling storage prior to commencement of the use hereby approved and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the adult gaming centre. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 5 No music is permitted to be played within the premises which is audible beyond the boundary of the site.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.