

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 07 February 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Century House, 100 - 102 Oxford Street, London, W1D 1LL</b>		
<b>Proposal</b>	Use of ground floor as an Adult Gaming Centre (Sui Generis) with external alterations to shopfront including the relocation of access.		
<b>Agent</b>	Lichfield		
<b>On behalf of</b>	Luxury Leisure		
<b>Registered Number</b>	22/04944/FULL	<b>Date amended/ completed</b>	29 July 2022
<b>Application Received</b>	21 July 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	East Marylebone		
<b>Neighbourhood Plan</b>	Fitzrovia West Neighbourhood Plan		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY & KEY CONSIDERATIONS

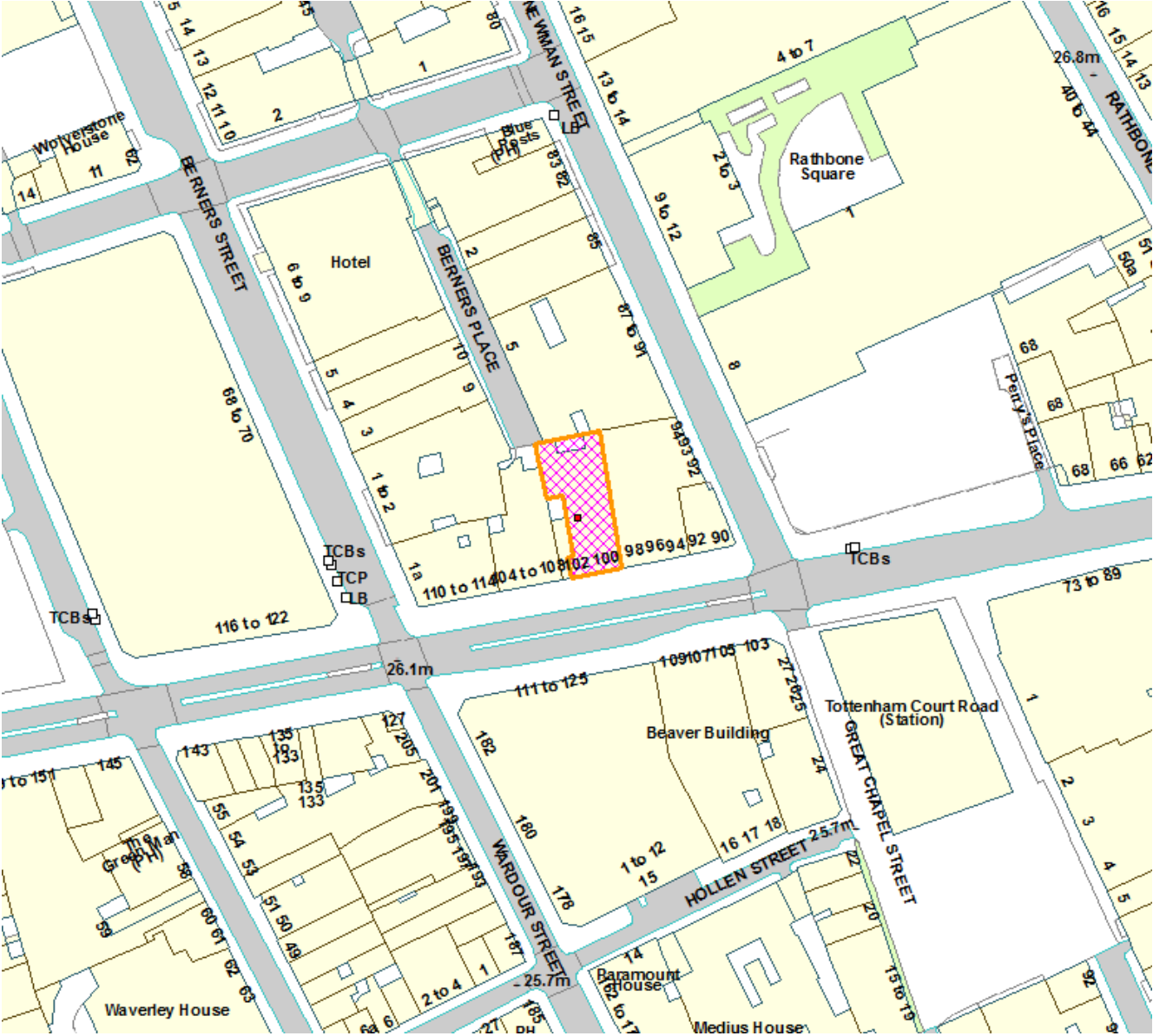
The application relates to the ground floor of 100-102 Oxford Street which is a vacant unit last in use as retail accommodation. Permission is sought for the use of the ground floor unit as Adult Gaming Centre (AGC). Alterations are proposed to the existing shopfront including changing to location of the entrance door.

The key considerations in this case are:

- The impact on the character and function of the area,
- The impact on residential amenity,
- The acceptability of the proposed alterations to the shopfront on appearance of the building and character and appearance of the East Marylebone Conservation Area.

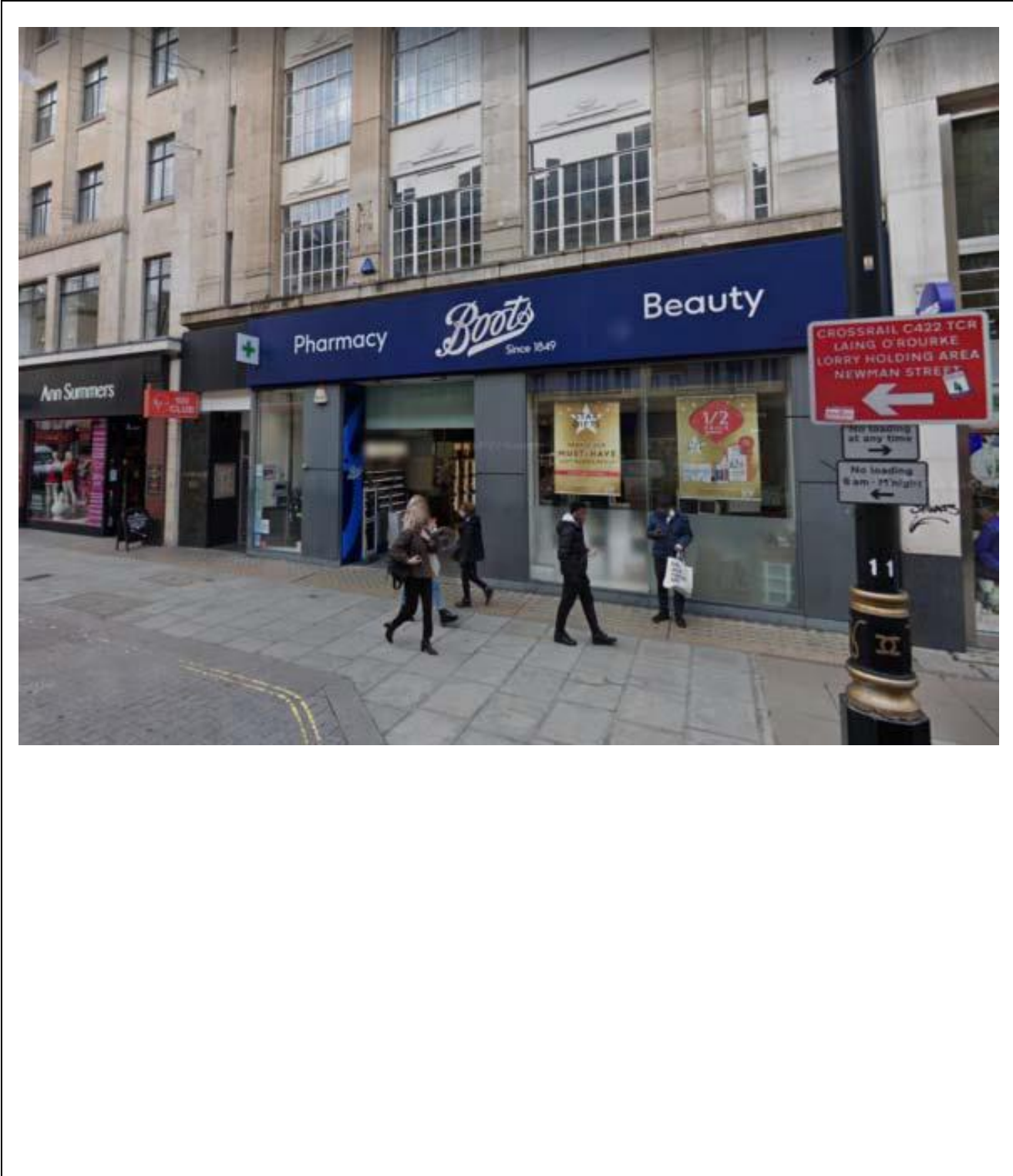
For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use, design and amenity terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

**3. LOCATION PLAN**



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### CLLR TOALE

Objects on the following grounds:

- The proposal is not supported in the Westminster City Plan nor the Fitzrovia West Neighbourhood Plan where retail is the priority use in the West End International Shopping Centre.
- The proposed use would have a detrimental impact on Oxford Street as a globally recognised shopping street and leisure district.
- There is no identified need for the proposed use.
- Westminster's Gambling Local Area Profile identifies this area of the West End ward as a particularly vulnerable area for all types of gambling, including 'away from home' gambling. Adult Gaming Centres due to the very nature of play being solitary with immediate pay-outs can cause excessive play. There is a heightened risk that young people will be attracted to this premise.
- There is a strong link between crime and gambling establishments. The West End already has one of the highest crime rates in Westminster. The proposal is also for a 24 hour establishment, in an area where there are few others.
- Job creation benefits are minimal

#### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any responses to be reported verbally.

#### FITZROVIA WEST NEIGHBOURHOOD FORUM

Objects on the following grounds:

- The proposal is not supported in the Westminster City Plan nor the Fitzrovia West Neighbourhood Plan where retail is the priority use in the West End International Shopping Centre.
- The proposed use would have a detrimental impact on Oxford Street as a globally recognised shopping street and leisure district.
- There is no identified need for the proposed use.
- Westminster's Gambling Local Area Profile identifies this area of the West End ward as a particularly vulnerable area for all types of gambling, including 'away from home' gambling. Adult Gaming Centres due to the very nature of play being solitary with immediate pay-outs can cause excessive play. There is a heightened risk that young people will be attracted to this premise.

- There is a strong link between crime and gambling establishments. The West End already has one of the highest crime rates in Westminster. The proposal is also for a 24 hour establishment, in an area where there are few others.

- Job creation benefits are minimal

#### DESIGNING OUT CRIME:

- Questions the proposed 24hr use as this would likely exacerbate problems of anti-social behaviour within the area.
- Raises concern that the premises could be used by homeless, drug dealers and drunk people from surrounding premises.
- Potential issue with laundering money or utilising stolen credit or debit cards with contactless capabilities.
- Notes that there is a considerable level of reports of anti-social behaviour and incidents of crime within the area and that staff may be challenged in dealing with increases in anti-social behaviour associated with an AGC use.
- Considers that if permission were to be granted it should be ensured staff have full clear control of the main entrance of who enters the premises whilst applicant should ensure provision of CCTV, door control, adequate lighting, phone signal, secures doors and glazing.

#### HIGHWAYS PLANNING MANAGER:

No objection.

#### WASTE PROJECT OFFICER

Further details required.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No Consulted: 128

No. Replies: 4 Objections on the following grounds:

- The proposal is not supported in the Westminster City Plan nor the Fitzrovia West Neighbourhood Plan where retail is the priority use in the West End International Shopping Centre.
- The proposed use would have a detrimental impact on Oxford Street as a globally recognised shopping street and leisure district.
- There is no identified need for the proposed use.
- Westminster's Gambling Local Area Profile identifies this area of the West End ward as a particularly vulnerable area for all types of gambling, including 'away from home' gambling. Adult Gaming Centres due to the very nature of play being solitary with

immediate pay-outs can cause excessive play. There is a heightened risk that young people will be attracted to this premise.

- There is a strong link between crime and gambling establishments. The West End already has one of the highest crime rates in Westminster. The proposal is also for a 24 hour establishment, in an area where there are few others.
- Job creation benefits are minimal or non-existent when compared to a retail unit which last occupied the premises.

#### SITE NOTICE

Yes.

### 5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application. However, the Early Community Engagement guidance only expects such engagement to take place where proposals of this nature may have a significant impact on residential amenity or other noise sensitive receptors.

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### 6.2 Neighbourhood Planning

The site is within an area covered by the Fitzrovia Neighbourhood Plan. The plan includes policies on a range of matters including promotion of regeneration, provision of housing, entertainment uses, community facilities, provision of small business units, provision of active frontages, open spaces, environmental performance, and servicing.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on

8 October 2021. It therefore forms part of the development plan for Westminster for development within the Fitzrovia West neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The application site is an unlisted building located in the East Marylebone Conservation Area (to which it makes a positive contribution), the Central Activities Area (CAZ), the West End International Centre and the West End Retail and Leisure Special Area (WERLSPA).

The property comprises basement, ground and five upper floors. The basement is occupied by the 100 club, the ground floor of the property is currently vacant but was last in retail use, and the upper floors are also in commercial 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 on the upper floors of 105 Oxford Street located approximately 33m away on the opposite side of Oxford Street.

### **7.2 Recent Relevant History**

None directly relevant

## **8. THE PROPOSAL**

Planning permission is now sought to allow the use of the ground floor as Adult Gaming Centre (AGC) totalling 305 sqm GIA. The proposed operation is as follows:

- No alcohol will be served on the premises and refreshments will be limited to light snacks
- There will be three members of staff on the shop floor speaking to and managing customers.
- There will be a Security Industry Authority (SIA) registered door security person monitoring customers coming in and as they exit from the premises and ensuring that

customers leave quietly at all times.

- In addition to the SIA registered door person, the Maglock on the front door of the premises will be operational between 22.00 and 07.00 which will afford the additional control for access/ egress purposes.
- There will be CCTV positioned on the outside of the premises to manage the immediate area as well as further coverage internally within the premises.
- It is intended that the premise will accommodate approximately 200 machines with varying jackpots up to £500 with a maximum stake of £2.
- It is intended that the premises will operate 24/7 with no capacity restrictions.

Alterations are also proposed to the existing shopfront including alterations to the access arrangement.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

Given that the proposals relate to a new AGC within the West End International Centre, the WERLSPA and the CAZ, the proposals are considered within the context of Paragraph 8, 47, 86 and 130 of the NPPF, London Plan Policies E9 and SD6, policies 2, 14 and 16 of Westminster's City Plan and PR3 of the Fitzrovia West Neighbourhood Plan. Local authorities must also have regard to Section 17 of the Crime and Disorder Act when exercising its functions.

Paragraph 8 of the NPPF requires that the planning decision to support strong, vibrant and healthy communities, by ..... fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Paragraph 47 of the NPPF requires that that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to - grow and diversify in a way that can respond to rapid changes in the retail and leisure industries.

Paragraph 130 requires that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy E9 of the London Plan seeks to support a successful and diverse retail sector and is also cross-referenced within the Plan to the objectives of policy SD6 which relates to town centres and highstreets. Policy SD6 promotes a diverse range of uses to support the vitality and viability of town centres. Of particular relevance for the currently



proposed AGC use is paragraph 6.9.5 of policy E9 which states 'Policy SD6 Town centres and high streets promotes a diverse range of uses to support the vitality and viability of town centres. Over-concentrations of some uses however, such as betting shops, pawnbrokers, pay-day loan stores, amusement centres and hot food takeaways, can give rise to particular concerns regarding the impact on mental and physical health and wellbeing, amenity, vitality, viability and diversity. The proliferation and concentration of these uses should be carefully managed.'

Policy 2 requires that developments within the West End Retail and Leisure Special Policy Area (WERLSPA) to deliver a number of priorities including, significant jobs growth through a range commercial-led development including retail, leisure, offices and hotel use; an improved retail and leisure experience that responds to innovation and change in the sector, including the transformation of the Oxford Street District and diverse evening and night-time economy and enhanced cultural offer.

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'.

PR3 (1) states that 'the provision of new tourism and entertainment uses.....will be supported so long as there is no loss of residential floorspace or adverse effects on local amenity. They should be located in the West End Retail and Leisure Special Policy Area (WERLSPA) (that is the northern Oxford Street frontage ...)'.

Section 17 of the Crime and Disorder Act 1998 requires the Council when it exercises its functions to have regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Objections have been received by a number of residents, Cllr Toale and the Fitzrovia West Neighbourhood Forum on the grounds:

- The proposal is not supported in the Westminster City Plan nor the Fitzrovia West Neighbourhood Plan where retail is the priority use in the West End International Shopping Centre.
- The proposed use would have a detrimental impact on Oxford Street as a globally recognised shopping street and leisure district.
- There is no identified need for the proposed use.
- Westminster's Gambling Local Area Profile identifies this area of the West End ward as a particularly vulnerable area for all types of gambling, including 'away

from home' gambling. Adult Gaming Centres due to the very nature of play being solitary with immediate pay-outs can cause excessive play. There is a heightened risk that young people will be attracted to this premise.

- There is a strong link between crime and gambling establishments. The West End already has one of the highest crime rates in Westminster. The proposal is also for a 24 hour establishment, in an area where there are few others.
- Job creation benefits are minimal or non-existent when compared to a retail unit which last occupied the premises.

The Metropolitan Police (Designing Out Crime Officer) has objected to the nature of the proposed use which they consider the impacts are exacerbated by the proposed 24hr nature. Particularly that the presence of an AGC on Oxford Street would offer the opportunity to launder drug money as the games machines have over a 90% win rate. Also, any theft/robbery of bank cards or credit cards, the gaming centre would allow those cards to be used contactless up to the value of £100 and with a 90% win rate on some machine, it offers a greater opportunity to exploit victims. They also consider the 24hr nature of the use has this has potential to exacerbate antisocial behaviour and they also raise concern that premises like AGC's can often be used by homeless people entering the premises and using the machines whilst they can attract drunk people from surrounding premises. They also note that the area has a notable number of reports of antisocial behaviour incidents reported to the police, reflected in crime statistics. Cumulatively, given this situation this can pose challenges to staff in dealing with challenging customer behaviour that may arise.

There is no policy requirement to identify a need for the proposed use. Given the proposed use would serve visiting members of the public and is a complementary use which would support the function of the West End International Centre as a focal point for large format retailing, and there is no policy which specifically protects retail accommodation in this area from changing to a leisure use serving visiting members of the public, it is not considered the principle of the proposed use would be materially harmful. Moreover, it is not considered that AGCs detract from the character, function or vitality and viability of the West End Retail and Leisure Special Policy Area. Indeed, the re-occupation of a vacant unit, the provision of six additional jobs, addition to nighttime economy and the likelihood that visits to amusement centres can be part of their customer trips into the centre would increase the vitality, viability and would add to the variety of uses in town centres. Although the wording differs, this view is shared by the planning Inspectorate in a number of appeal decisions (10-12 Chapel Street, Luton: APP/B0230/W/20/3256275, 292 - 294 Holderness Road, Hull: APP/V2004/W/19/3233244, 251-253 Neasden Lane, London APP/T5150/W/21/3272089).

The nearest betting shop is located on Tottenham Court Road approximately 650m away. Whilst it is noted that there are AGCs in the south of Soho, Leicester Square and in Covent Garden. 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' licensing policy to ensure that nobody under the age of 18 would be allowed within the

premises. Therefore, it is not considered that the proposal poses a risk to young people.

The site is located within a vulnerable area as identified within the research document Local Area Profile for Gambling Risk in Westminster (January 2022) which is relevant in the determining licences applications for new gambling premises and varying existing premises under the Gambling Act 2005. With regards to moral concerns in relation to gambling and the potential for gambling addiction and associated social deprivation, whilst these concerns may be legitimate, ultimately it is for government to consider appropriate policy responses to such social issues. Planning decisions have to be determined in accordance with the development plan. There are no such policies which restrict uses which involve gambling, therefore it is not considered reasonable to refuse permission on this basis. The government seeks to regulate such activities by other statutory means predominantly via the licencing regime.

There are concerns that the proposal would attract rough sleepers and begging in an area with an existing problem and there is no evidence that the presence of an AGC would exacerbate these issues. Risks to vulnerable persons would be more directly relevant to the appropriate licensing and regulatory functions.

Concerns were raised regarding the perceived risk of crime associated with the proposed AGC and the potential for money laundering when considering the crime figures in the area, whilst the high level of antisocial behaviour incidents in the area, there is no evidence of any link between AGCs and crime nor is it considered that there is a greater risk from the proposed use, given the proposed presence of CCTV, than any other type of leisure premises. Should any evidence of money laundering becoming apparent, the Gambling Commission have the authority to revoke licenses.

With reference to opening hours, it is important to consider the context of the site. The 100 club is located in the basement of the site. The licence for this premises allows the premises to be open from 09:00 to 03:30 Monday to Saturday and from 12:00 to 00:30 on Sundays. 207 Wardour Street is located in proximity of the site which is currently occupied by Simmons Cocktail Bar and is licenced to operate between 10:00 and 06:00 Monday to Saturday and 10:00 to 00:30 on Sundays. The permissible activities within both of these premises include the performance of dance, playing of live and recorded music and the sale of refreshment and alcohol. The application site is also in close proximity to the new Tottenham Court Road Station entrance which provide access to the Elizabeth, Central and Northern Line services between 05:53 to 00:31 Monday to Thursday and from 05:31 Friday until 23.43 on Sunday. A bus stop is located on the opposite side of Oxford Street which provides access to a number of bus routes including four operating at night time.

A servicing bay is located directly outside the application premises which allows servicing to take place 24/7. Whilst this section of section of Oxford Street is notably quieter at night time and in the early hours of the morning when compared to daytime activities, due to the commercial nature of the area and ancillary night time activity such as servicing and street cleaning, together with the access to strategic transportation nodes background noise levels remain relatively high. As such it is considered that background noise levels due to the activity associated with the proposed use would not have a detrimental impact on the living conditions of residents or the local environmental quality, subject to the imposition of relevant safeguarding conditions. These conditions

include ensuring no music is played within the premises which is audible beyond the boundary of the site and the management measures as set out in the proposal are implemented.

Designing Out Crime advise that should permission be granted the premises should include CCTV, a door locking mechanism and method of controlling access, internal and external lighting and internal office. A condition is recommended requiring the development to achieve a Secured by Design accreditation prior to occupation.

Having regard to the above, it is considered that the objections cannot be supported and permission could not reasonably be refused for the reasons set out in the objections.

## **9.2 Environment & Sustainability**

Given that only minor works are proposed the opportunity for environmental improvements are limited. The proposal does include an entrance lobby which will reduce heat loss/gain. This accords with the aspirations of the City Council, as set out in Policies 36 and 38 of the City Plan.

## **9.3 Biodiversity & Greening**

Given the nature of the application, there is no opportunity to include biodiversity features or greening.

## **9.4 Townscape, Design & Heritage Impact**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 72 of the LBCA Act requires that "*In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as

relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### **Assessment**

In design and heritage asset terms the proposed alterations to the shopfront are neutral, being neither better nor worse than the existing arrangement and therefore are considered to comply with Plan policies 38, 39, and 40 and with the Fitzrovia West Neighbourhood Plan. Advertisement consent has been granted for the new signage.

### **Design Conclusion**

It is not considered that the proposals would cause substantial harm, nor even less than substantial harm, to the heritage asset and therefore, a recommendation to grant conditional permission would be compliant with the relevant policies of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed works are considered to preserve the character or appearance of the East Marylebone Conservation Area, and the setting of neighbouring listed buildings, and are therefore considered to be acceptable in design terms

## **9.5 Residential Amenity**

The local environmental impacts are detailed within both Section 9.1 of this report.

## **9.6 Transportation, Accessibility & Servicing**

The site is centrally located and well served by public transport including principal bus routes and benefits from the highest public transport accessibility (PTAL) rating (6b).

### **Car Parking**

No car parking is proposed, Policy 27 supports residential development without car parking provision.

### **Cycle Parking**

No secure long term cycle parking spaces are indicated in drawings, the London Plan states 1 place per 8 staff members. This application should have a minimum of 1 secure cycle parking space within the confines of the development. This has been secured by condition.

## **9.7 Economy including Employment & Skills**

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by bringing a vacant unit back into use and by creating 6 new jobs

## 9.8 Other Considerations

None.

## 9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## 9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

No pre-commencement conditions are recommended.

## 10. Conclusion

Subject to appropriate conditions the proposal accords with development plan policies, specifically Paragraph 8, 47, 86 and 130 of the NPPF, London Plan Policies E9, SD6 and T5, Policies 2, 14, 16, 27, 33, 38, 39 and 40 of Westminster's City Plan and PR3 of the Fitzrovia West Neighbourhood Plan.

In terms of heritage impact, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application is therefore recommended for conditional approval.

(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: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK



**DRAFT DECISION LETTER**

**Address:** Century House, 100 - 102 Oxford Street, London, W1D 1LL

**Proposal:** Use of ground floor as an Adult Gaming Centre (Sui Generis) with external alterations to shopfront including the relocation of access and associated works.

**Plan Nos:** 3473(C)01, 3473(C)01 A

**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 You must apply to us for approval of details of secure cycle storage for the Adult Gaming Centre use. You must then provide the cycle storage in line with the approved details prior to occupation for Adult Gaming Centre purposes and make it available at all times to everyone using the premises. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide parking spaces for people using the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22AC)

- 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 three members of staff on the shop floor of these premises.
  2. 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 and ensure that customers leave quietly at all times.
  3. There must be a Maglock on the front door of the premises and this must be operational between 22.00 and 07.00.
  4. There must be CCTV positioned on the outside of 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) and PR3 of the Fitzrovia West Neighbourhood Plan (October 2021).

- 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 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) and PR3 of the Fitzrovia West Neighbourhood Plan (October 2021).

- 6 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of

the City Plan 2019 - 2040 (April 2021). (R11AD)

- 8 You must apply to us for approval of detailed drawings of the secure by design measures for the development in accordance with Secured by Design (SBD) Commercial 2015 version 2 guide, including, lighting, front and rear doors, glazing, CCTV, internal offices and measures to ensure adequate means of external communication. You must then carry out the work according to the approved details prior to occupation for Adult Gaming Centre purposes and they must be retained for the lifetime of the development.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the East Marylebone Conservation Area as set out in Policies 38 and 39 of the City Plan 2019-2040 (April 2021). (R16BD)

- 9 The window to the shopfront must not be obscured and the area immediately behind the shopfront window must remain clear at all times.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

**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.