

Camden Council
Planning - Development Control,
Camden Council,
Camden Town Hall,
London,
WC1H 8ND

Our ref AW/JI/CIT006-7-5/5981

Your ref

20 November 2023

Dear Sirs

RE: Adult Gaming Centre at ground floor 1 and 1A Euston Road NW1 2SA and basement area

Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for the Removal of Planning Condition 2 of Planning Permission PS9704859

Summary of this application

This application is submitted by Woods Whur 2014 Limited on the instruction of the applicant Family Leisure Euston Limited of 4 Cavendish Square, London, W1G 0PG in respect of premises trading as Reel Time at 1 and 1A Euston Road NW1 2SA and the basement area shown in the attached plans.

This letter and the enclosed documents are submitted in support of the present application to remove the requirement to comply with Condition 2 of planning permission PS9704859, which condition limits the operating hours, and thereby also to override the limited hours set out in the Certificate of Lawfulness granted on 31 August 2023 (2023/2628/P).

The proposal will allow 24 hour trading, 7 days a week, in alignment with a premises licence issued under section 164 of the Gambling 2005.

The premises already has the benefit of lawful trading between the hours of 8am to 2am and without causing any adverse impact in the local area.

A number of documents are attached in support of this application, including a Noise Impact Assessment. Relevant documents are referred to below and a list is included at the end of this letter.

The Noise Impact Assessment concludes that *“the noise impact of the extended trading hours of the premises will be adequately controlled, with no loss of amenity to the occupants of adjacent noise-sensitive premises.”*

This application and supporting documents show that the removal of Condition 2 to allow 24 hour trading would have no more than negligible adverse impact while it would support the continuing success of the amusement arcade at these premises, thereby ensuring continuing investment and employment.

The proposal is therefor in accordance with relevant local planning policy.

The Applicant

The management team of the applicant Family Leisure Euston Limited is a responsible and experienced licensed operator of successful amusement arcades/AGCs including venues at many comparable locations throughout the Boroughs of Greater London and wider region. A list of premises operated by the applicant's management team and its associated group companies (including City Gaming Limited, Family Leisure Holdings Limited and others) is attached and shows that the majority of these premises are operating with 24 hours opening. For example Game Nation, 108-110 Camden High Street, London, NW1 0LU is operated 24/7 hours by this same management team.

For the avoidance of doubt, the applicant is operating the amusement arcade at 1 and 1A Euston Road (including the basement area) in compliance with all licensing and planning conditions.

The background and purpose to this application

The purpose of this application is to allow 24 hour trading, 7 days a week, in alignment with the hours permitted by the premises licence issued by London Borough of Camden ("Camden Council") under section 164 of the Gambling 2005 (a copy is attached). This will allow customers to enjoy the use of the amusement centre without restriction on the hours during which they may do so, as is typical for town centre AGCs. Among others, regular customers of AGCs often include shift workers who may wish to enjoy the facilities during night-time/early-morning hours.

Further, the proposed 24/7 operating hours will ensure that the AGC remains a sustainable and successful business for many years, thereby enabling continuing, stable and long-term investment in the premises, the business and its employees. The applicant intends to employ an additional 2 persons full time and 2 persons part time if this application is approved.

The premises operates as an amusement arcade and has done so continuously since at least 1979. There has been no enforcement action at any time by Camden Council in relation to the operation of the amusement arcade that the applicant is aware of with the exception of a single complaint in April 2023 that alleged unauthorised operating hours. That allegation has since been resolved by way of the Council granting a Certificate of Lawfulness (see below).

The premises has the benefit of a licence to operate as an amusement arcade/Adult Gaming Centre issued under section 164 of the Gambling 2005 (a copy is attached), which allows unrestricted operating hours with the exception that the premises should not open on Christmas Day.

The Certificate of Lawfulness and relevant planning history

The relevant planning history is set out in the table below. The planning record shows that the permitted use as an amusement arcade began in 1979, if not earlier, and that that permission was originally temporary and required applications for renewal approximately every three years. Those renewal applications continued successfully and in 2000, following a further application (PS9905295), the permitted use was made permanent.

A previous decision of 28 May 1998 (PS9704859) imposed two conditions of which only Condition 2 continues to apply. It is that condition that the present application seeks to remove. Condition 2 states:

"2. The use hereby approved shall only operate between the hours of 8am and 12pm (midnight)"

The premises currently operates with opening hours until 2am and has done so continuously since at least 2005.

On 18 April 2023 a senior planning officer of Camden Council informed the applicant that the Council had received a “*complaint alleging unauthorised hours of operation*”. Until that date, the applicant had understood that the premises had permission to trade until 2am.

On 23 June 2023 Family Leisure Holdings Limited (an associated company and the corporate owner of the present applicant) applied for a Certificate of Lawfulness (Existing) in respect of the operating hours (application 2023/2628/P).

On 31 August 2023, a Certificate of Lawful (Existing) Use was granted confirming that the operating hours of 0800am to 0200am 7 days a week are lawful. In making that decision, officers of Camden Council found that the applicant had provided compelling and uncontested evidence that the premises had been operating those hours continuously for more than 10 years without interruption or concealment, and without being subject to enforcement action, and continued to do so. In fact, the evidence showed that the premises had operated those hours continuously and without issues since at least 2005.

The Certificate of Lawfulness certifies that the use of the premises as an adult gaming centre with operating hours between 8am and 2am 7 days a week is lawful. Relevant documents from that application are attached and referred to below, including a copy of the decision and the officer’s report.

Application Number	Site Address	Development Description	Status	Date Registered	Decision
2023/2628/P	1-1A Euston Road and basement NW1 2SA	Certificate of Lawfulness (Existing) for Use of the existing adult gaming centre with operating hours between 8:00am - 02:00am. 7 days a week	FINAL DECISION	23/06/2023	Granted Certificate of Lawful Use
PS9905295	1 & 1A Euston Road, NW1	Removal of additional condition no. 1 of planning permission granted 28th May 1998 with the effect that the continued use of the site as an amusement arcade is granted permanently.	FINAL DECISION	18/02/2000	Condition varied
PS9704859	1 & 1A Euston Road, NW1	Continued use of the ground and basement floors as an amusement arcade for a further limited period, as shown on one unnumbered drawing.	FINAL DECISION	28/05/1998	Grant Full Planning Permission (conds)
9301348	1 & 1a Euston Road NW1	Continuation of use of ground and basement floors as an amusement arcade for a further limited period as shown on 1 unnumbered site plan.	FINAL DECISION	01/09/1994	Grant Full or Outline Perm. with Condit.
8900314	1 and 1A Euston Road NW1	Continued use of ground floor as an amusement arcade for further limited period as shown on one un-numbered drawing.	FINAL DECISION	27/09/1989	Grant Full or Outline Perm. with Condit.
600398	1/1A Euston Road NW1	Continued use of the ground floor as an amusement arcade as shown on your two unnumbered drawings.	FINAL DECISION	30/04/1986	Grant Full or Outline Perm. with Condit.
35349	1/1a Euston Road, NW1.	Continued use, for a further limited period, of the Ground Floor of 1/1a	FINAL DECISION	01/02/1983	Limited

		Euston Road as an amusement arcade.			
31894	1/1A Euston Road, NW1	Change of use of the ground floor of 1A Euston Road from retail to form an extension to the amusement arcade at 1 Euston Road, and alterations to the frontage.	FINAL DECISION	14/04/1981	Limited
28371	1 Euston Road NW1	The continued use of the ground floor as an amusement arcade.	FINAL DECISION	14/11/1979	Limited

Location

The site and premises comprises the ground floor at 1 and 1A Euston Road, including a basement area that extends partly under 3 Euston Road. The site location is described variously in documents including historical planning permissions, the lease, various assessments and planning decisions as 1 Euston Road, as 1 and 1A Euston Road, and as 1-3 Euston Road. For the avoidance of doubt, the attached site location plan and floor/layout plan shows the entire ground floor area of the proposal site outlined in red, while the larger basement area comprises the areas outlined in red, green and blue.

The premises is situated near the corner of the junction of Euston Road (A501) with Birkenhead Street, which is directly opposite Kings Cross rail station and nearby St Pancras International, and is immediately adjoining a major junction of the A501 (Pentonville Road/Euston Road) and A5203 (York Way/Grays Inn Road) - (see attached location plan). The latter is a very busy junction of two major roads beside one of London's primary transport hubs and sees heavy traffic from commercial and private motor vehicles, buses, etc. and a high volume of pedestrians using the crossings. Ground floor frontages along this part of the A501 and A5203 are in typical town centre use, with numerous cafes, restaurants, retail, betting shops, etc, but the dominant use is the Kings Cross and St Pancras International railway stations.

Visually the area is dominated by the architecture and operations of Kings Cross-St Pancras railway stations, but it is also dense with the high volume of traffic/pedestrians and related street furniture - lamp-posts, signage, bus stops, barriers, bicycle parking, etc. It appears that the traffic lights and pedestrian crossings continue to operate regularly throughout the night, both at the junction of the A501/A5203 and at the busy junction and pedestrian crossing between Kings Cross and St Pancras.

Kings Cross-St Pancras underground station is a major hub for travel across London day and night, providing access to services on 4 of the 5 lines that provide 24 hour 'Night Tube' services across London. St Pancras International is open 24 hours. Kings Cross railway station is among London's busiest stations and also operates services at night. As a major 24-hour travel hub for travel within London and being a departure and arrivals terminus for services across the UK and internationally, there are associated motor traffic and pedestrian movements in the area of Kings Cross and St Pancras stations throughout the night. Further, the junction of the A501 and A5203 is a major point of convergence for road traffic.

Directly across the main junction from the proposal site is a MacDonalld's restaurant that advertises 24 hours opening.

Immediately behind and to the East of the site are a number of residential/hotel buildings, including on intersecting streets where traffic and pedestrian movements are greatly reduced.

Photographs showing the premises and the area of the junction are attached, these were taken around mid-day on Wednesday 21 June 2023.

Planning Policy

This application has been prepared in consideration of relevant planning policies set out in the National Planning Policy Framework, London Plan 2021 and locally the local development plan that comprises Camden Local Plan 2017, and supplementary planning guidance documents including Amenity (2021), Town Centres (2021) and Planning for Health and Wellbeing.

The site is on a designated Central London Primary Frontage in Kings Cross/St Pancras and is in one of Camden's three main town centre/retail areas. These areas are normally the most suitable locations for main town centre uses, including not only retail, but also bars, restaurants and other leisure/entertainment venues.

While the present use is permitted and is not in question, it should be noted that amusement arcades AGCs are an established town centre use in accordance with the London Plan 2021 and National Planning Policy Framework 2023 and that the premises has been operating as an amusement arcade/AGC for more than 40 years.

London Plan 2021 policy HC6 'Supporting the night-time economy' encourages boroughs to promote night-time economy in appropriate locations such as town centres, including diversifying the range of night-time activities, extending opening hours of existing facilities, and through an integrated approach that includes planning and licensing. Further, this should be aligned with the significance of the area for London's night-time economy and Central Activities Zone. The premises is located within a night-time economy area of category NT2, that is an area of regional or sub-regional significance: "*Regional and sub-regional areas attract visitors from across and beyond London, and often have one or more larger venues and a mature night-time economy. These are generally in London's larger town centres.*" (paras 7.6.3-7.6.4, London Plan 2021).

The planning decision of 28 May 1998 (PS9704859) gives the following reason for requiring Condition 2 and limiting operating hours to between 8am and midnight:

"To safeguard the amenities of the adjoining premises and the area generally."

Bearing in mind that the premises already has the benefit of lawful use during the hours of 8am to 2am, potential impact of the proposal can only concern the hours of 2am to 8am.

In light of the above, the following policies appear to be key considerations for this proposal:

Policy D14 of the London Plan 2021, which states, among others, that the development should avoid "significant adverse noise impacts on health and quality of life".

Policy A1 of the Camden Local Plan 2017 'Managing the impact of development' provides that the borough will seek "*to ensure that the amenity of communities, occupiers and neighbours is protected,*" with relevant factors including "*j. noise and vibration levels*".

Policy A4 'Noise and Vibration' requires that the development have regard to Camden's Noise and Vibration Thresholds and provides that permission will not be granted where it is "*likely to generate unacceptable noise and vibration impacts*".

Policy TC4 Town Centre uses seeks to ensure that development of such uses "*does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours*". The commentary to this policy at paras 9.44-9.45 notes that the Council will consider the impact of uses including amusement arcades on local amenity and with regard to factors such as noise and fear of crime - particularly where there are concentrations of such uses.

With regard to TC4, it must be emphasised that the premises has continued to operate safely and responsibly with opening hours until 2am since 2005 and that the applicant is not aware of any complaints alleging that the premises has ever had any adverse impact on the amenity of nearby premises (residential or commercial) with respect to crime and disorder. The applicant is a responsible and experienced licensed operator of amusement arcades and Adult Gaming Centres, and the premises is licensed by Camden Council under the Gambling Act 2005. The Act places strictly enforced obligations on all operators to meet the Gambling Commission's primary objectives concerning social responsibility and fairness, and this is further enhanced through the powers of local licensing authorities in relation to specific premises.

Further, with regard to the character, function, vitality and viability of the centre, the present application can have no adverse impact. The existing amusement arcade/AGC use and late-night operating hours that are already integral to the character, function, vitality and viability of the centre.

Noise Impact Assessment

We note generally that there is no evidence of the existing operations until 2am being a cause of unacceptable noise and that there is no reason to expect that would change.

Having regard to the policies set out above and to the specific criteria set out in Camden's supplementary guidance documents, the attached Noise Impact Assessment considers the potential for adverse impact from noise of the proposed extension of hours, including noise breakout from the gaming area, noise from air-conditioning/extraction plant, and noise from customers arriving or departing the premises at night.

The Noise Impact Assessment concludes:

"...the noise impact of the extended trading hours of the premises will be adequately controlled, with no loss of amenity to the occupants of adjacent noise-sensitive premises."

The NIA is clear that noise from the gaming area and from condensers/plant will not exceed the lowest levels of night-time background sound outside the nearest noise sensitive premises, with the primary source being road traffic.

Conclusion

This application and supporting documents show that the proposed extension of operating hours will have no adverse impact.

Further, the purpose of this application is to allow 24 hour trading, 7 days a week, in alignment with the hours permitted by the premises licence issued by London Borough of Camden ("Camden Council") under section 164 of the Gambling 2005 (a copy is attached). This will allow customers to enjoy the use of the amusement centre without restriction on the hours during which they may do so, as is typical for town centre AGCs.

Further, the proposed 24/7 operating hours will ensure that the AGC remains a sustainable and successful business for many years, thereby enabling continuing, stable and long-term investment in the premises, the business and its employees. The applicant intends to employ an additional 2 persons full time and 2 persons part time if this application is approved.

We conclude that the proposal to remove Condition 2 of permission PS9704859 and to commence trading 24/7 at the premises is acceptable both in terms of practice and policy..

Documents submitted in this application

1. Documents (selected) from the successful application for a Certificate of Lawfulness
 - a. Layout Plan and Location Plan
 - b. Planning Consent 28 May 1998
 - c. Planning Consent 18 February 2000
 - d. Premises Licence
 - e. Statutory Declaration of Sonia Muhoi

2. Other Documents in this application
 - f. Certificate of Lawfulness granted 31 August 2023
 - g. Officers report
 - h. City Gaming Venue List
 - i. Noise Impact Assessment P23-343-R01v2
 - j. Photographs of the premises and nearby

Please do not hesitate to contact me if you wish to discuss any specific aspects of this application or if you require any further information or documents to assist in making your decision.

Yours sincerely

Woods Whur

Andrew Woods
Woods Whur