



JMS PLANNING & DEVELOPMENT

PLANNING STATEMENT

IN SUPPORT OF THE
PARTIAL CHANGE OF USE FROM
USE CLASS E TO ADULT GAMING CENTRE
(SUI GENERIS) AND SHOPFRONT
ALTERATIONS

AT

14 - 16 STATION ROAD
HAYES
LONDON
UB3 4DY



Client: Chongie Entertainment Limited
Project: 14/16 Station Road, Hayes, London, UB3 4DY
Date: December 2023

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- Appendix 2 Appeal - JWT Leisure Vs Blackpool Borough Council (Ref: APP/J2373/W/18/3196247 – 18th May 2018)
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- Appendix 4 Little Vegas Factsheet
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SECTION 1: INTRODUCTION

- 1.1. This Statement is submitted to the London Borough of Hillingdon ('*the Council*') on behalf of Chongie Entertainment Ltd in respect of the partial change of use at 14-16 Station Road, Hayes, London, UB3 4DY ("*the site*") from Use Class E to an Adult Gaming Centre (*sui generis*), together with shopfront alterations. It is proposed to separate the existing unit into two individual units, thereby retaining the existing E Class on site and allowing access to the newly formed Adult Gaming Centre. All other matters, including those relating to advertisements, will be the subject of further applications.
- 1.2. The application site is currently vacant but was most recently occupied by Santander Bank. The lawful use at the application site is therefore Use Class E.
- 1.3. This Statement provides a site description, an overview of the planning history of the site and assesses the application proposals against relevant planning policy and other material considerations. This Statement concludes that the proposed application is entirely acceptable, and that planning permission should be granted accordingly.
- 1.4. Chongie Entertainment Limited is a new entrant in the adult gaming centre (AGC) UK market. The Company operates to the highest standards and is fully aware of its social responsibilities in respect to issues associated with gambling which it takes very seriously. The application seeks to maintain a beneficial use within a highly accessible unit for 24-hour trading, allowing activity within the Hayes District Centre outside of normal trading hours and will increase the vitality and viability of the centre along with the creation of up to eight new jobs.

SECTION 2: APPLICATION SITE AND SURROUNDINGS

- 2.1 The application site is located on the western side of Station Road some 400m north of Hayes & Harlington Station (Elizabeth Line, Great Western Rail). The site comprises a ground floor unit with residential flats above. The unit is within Hayes Town Centre, with retailers in the immediate vicinity including McDonalds (Sui Generis), Scope (Use Class E), Costa (Use Class E), and Superdrug (Use Class E).
- 2.2 The application site is located within the Primary Frontage of Hayes Town Centre and has a Public Transport Accessibility Level (PTAL) of 5. The site is, therefore, in a highly accessible location.
- 2.3 Hayes is designated as a District Town Centre within the London Plan and is designated NT3 Night-time economy classification i.e. more than local.
- 2.4 The site is located within Flood Zone 1.
- 2.5 The site is not located within a Conservation Area. Neither is the application site a Listed or Locally Listed Building.

SECTION 3: PLANNING HISTORY

- 3.1 A review of the planning history of the application site has been undertaken using the Council's online planning system. However, aside from various advertisement/shopfront applications, alongside a satellite dish and extension application dating back to 1996 and 1990 respectively, there is no relevant planning history on the site.
- 3.2 It is therefore assumed the operation of the unit as a Bank (former Use Class A2 / Use Class E) is a historic permission unavailable to view on the Council's online system.

SECTION 4: APPLICATION PROPOSAL

- 4.1 The application seeks the change of use of the ground floor 14-16 Station Road, Hayes, London, UB3 4DY from a Bank (Use Class E), into two separate units – an Adult Gaming Centre (AGC) (Sui Generis) and a retail unit (Use Class E) to an Adult Gaming Centre (AGC) (sui generis). The AGC unit will operate under the “*Little Vegas*” fascia.
- 4.2 The proposed AGC would extend to some 136 sq m at ground floor only, while the retail unit would be 30 sq m. A level access from Station Road is proposed with the majority of the floor area given over to customer space with a staff area and unisex accessible WC to the rear.
- 4.3 No net increase of the existing floorspace is proposed. Issues relating to shopfront alterations and advertisement consent are to be the subject of a separate application.
- 4.4 The proposed use will provide an active frontage, and consequently natural surveillance. The proposed AGC use will operate 24/7.

SECTION 5: PLANNING ASSESSMENT

5.1 This Section of the supporting Application Statement assesses the proposed development against the Statutory Development Plan and relevant material considerations in respect to the key planning issues associated with the development proposal.

5.2 In the first instance it should be noted that the government now favours a diversity of use in town centre locations with Class E permitted development rights allowing for use, or part use, for all or any of the following purposes:

- E(a) Display or retail sale of goods, other than hot food;
- E(b) Sale of food and drink for consumption (mostly) on the premises;
- E(c) Provision of:
 - E(c)(i) Financial services
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink);
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner);
- E(f) Creche, day nursery or day centre (not including a residential use);
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes.

5.3 The impact of this change in legislation brought about by the long-term decline in traditional high street retailing, which has been amplified by the Covid-19 pandemic, is that it essentially negates town centre development plan policy on change of use and primary and secondary shopping frontages, allowing all sorts of uses to be deemed acceptable in a town centre location without restriction. The government now actively promotes an approach of encouraging any use that increases footfall to a centre, so much so that even office uses are permitted development at ground floor retail sites and primary/secondary frontages have little concrete meaning in planning policy terms.

5.4 Similarly, residential uses are also permitted in town centre locations under permitted development rights. For example, the insertion of Class MA in Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021, gives no consideration to the impact on the preservation of traditional retail use and which requires

only three months of vacancy. The effect of the above and the direction of travel of national planning policy guidance now outweigh adopted development plan guidance on town centre use. Frontage thresholds – such as that sought through Policy DMTC 2 – regarding the protection of former A1 uses therefore have minimal relevance.

5.5 Notwithstanding, the Council's adopted local plan is addressed below.

Principle of the Proposed Change of Use

5.6 On the adopted Development Plan Proposals Map, the application site is located within Hayes Town Centre, forming part of the Primary Shopping Area. The application proposal seeks to revitalise a vacant unit within the Town Centre.

5.7 The introduction of the proposed AGC will result in a number of benefits including bringing high levels of footfall, linked trips and the creation of up to eight jobs. The new use will complement the surrounding shops and other commercial premises and will assist in diversifying the centre's offer, in accordance with adopted planning policy, which lends support to development which creates compatible uses including retail, workspace and leisure within Hillingdon's town centres.

5.8 The proposed central location of the application site accords with national planning guidance as set out at paragraph 86 of the NPPF. The adopted London Plan policy confirms that Hayes is designated as a District Town Centre.

5.9 London Plan Policy SD6 (Town Centres and High Streets) confirms that development proposals should promote and enhance the vitality and viability of the centre, accommodate economic growth through intensification and selective expansion in appropriate locations, support and enhance the competitiveness, quality and diversity of town centre retail, leisure, employment, arts and culture, other consumer services and public services, and be in scale with the centre and contribute to an enhanced environment.

5.10 At the local level, Policy DMTC1 (Town Centre Developments) confirms that the Council will support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre. An AGC has been confirmed through numerous appeal decisions, some of which will be discussed below, to be a recognised 'main town centre use'.

5.11 As such, the location of the application site within the Hayes District Town Centre is entirely appropriate and is precisely where such new uses, such as an AGC, should be located.

5.12 In terms of the key adopted Development Management policies, Policy DMTC 2 (Primary and Secondary Shopping Areas) states that the Council will support

the ground floor use of premises for retail, financial and professional activities and restaurants, cafes, pubs and bars provided that:

- (i) a minimum of 70% of the frontage is retained in Use Class A1;
- (ii) Use Class A5 hot food takeaways are limited to a maximum of 15% of the frontage;
- (iii) the proposed use will not result a separation of more than 12 metres between A1 retail uses; and
- (iv) the proposed use does not result in a concentration of non-retail uses which could be considered to cause harm to the vitality and viability of the town centre.

5.13 Although AGCs are not mentioned specifically in the Policy, it is not considered that an application for an AGC would conflict with any of the above criteria. This application also seeks to introduce an A1 (Use Class E) unit alongside the AGC, directly satisfying the requirements of the policy.

5.14 In order to assess the proposal against the requirements of the Local Plan, a survey was conducted of Hayes Town Centre Primary Shopping Area in December 2023. A total of 117 units were surveyed. The application is considered against each of the criteria of Policy DMTC 2 in turn below.

- i) a minimum of 70% of the frontage is retained in Use Class A1*

5.15 The survey revealed that 59% of units within Hayes Primary Shopping Area (PSA) comprised the formerly recognised A1 Use Class, as referenced in the current development plan policies. This indicates that Hayes Town Centre is currently underperforming in its target to maintain 70% A1 retail frontage along its Primary Retail Frontages. However, in line with the latest direction of travel of national planning guidance, the current make-up of the Town Centre is in fact 81.2% Use Class E. If the site were to be approved for the change of use to an adult gaming centre (Sui Generis) and retail unit (A1/Use Class E), it would result in Use Class E making up 80.5% of the PSA.

- ii) Use Class A5 hot food takeaways are limited to a maximum of 15% of the frontage;*

5.16 This criterion is not applicable to this application, which seeks to implement an AGC (Sui Generis) and Retail Unit (Use Class E).

- iii) the proposed use will not result a separation of more than 12 metres between A1 retail uses; and*

5.17 The unit's surrounding the application site are as follows:

- 20 Station Road - Hayes Trophy & Engraving Centre Locksmiths & Shoe Repair (Formerly Use Class A1, now Use Class E)

- 18 Station Road - Scope Charity Shop (Formerly Use Class A1, now Use Class E)
- 14 – 16 Station Road (application site) – vacant, last occupied by Santander Bank (formerly Use Class A2, now Use Class E)
- 12 Station Road - Phone Shop (formerly Use Class A1, now Use Class E)
- 10 Station Road - Pound Shop (formerly Use Class A1, now Use Class E) and Costa (formerly Use Class A3, now Use Class E)
- 6-8 Station Road - WHSmith (formerly Use Class A1, now Use Class E)

5.18 The surrounding uses, and indeed the fact the existing unit is not an A1 use, mean that the proposal would not result in a separation of more than 12 metres between A1 uses. Indeed, given the application seeks to install a new A1 retail unit, it will reduce the distance between A1 uses along Station Road.

iv) *the proposed use does not result in a concentration of non-retail uses which could be considered to cause harm to the vitality and viability of the town centre.*

5.19 There is no definition of 'concentration' in the Local Plan. However, when assessing the above criteria, it is also important to highlight Policy DMTC 4 (Amenity and Town Centre Uses), which specifically relates to proposals for amusement centre (otherwise known as Adult Gaming Centres). The Policy states that proposals for uses such as AGCs will only be supported where they:

- i) would not result in adverse cumulative impacts due to an unacceptable concentration of such uses in one area;
- ii) would not cause unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion; and
- iii) would not detrimentally affect the character or function of an area by virtue of the proposed use or visual impact.

5.20 Supporting text to Policy DMTC 4, at paragraph 3.20, notes that the Mayor of London's Town Centres SPG encourages boroughs to manage over concentrations of certain activities, such as betting shops, hot food takeaways and pay day loan outlets. The text goes on to state that the Council will apply the maximum threshold for these uses of 15% of primary and secondary frontages set out in criteria A ii) and B ii) of Policy DMTC 2: Primary and Secondary Shopping Areas.

5.21 The Local Plan recognises the difference between adult gaming centres (otherwise known as amusement centres) and betting shops, by listing them as separate uses within Policy DMTC 4 (Amenity and Town Centre Uses). Therefore, it would be logical to assume that the 15% threshold alluded to within the supporting text listed above – which specifically refers to betting shops, hot food takeaways, and pay day loan outlets - is not applicable to Adult Gaming Centres.

5.22 It is important to recognise that there are fundamental differences between AGC use and licensed betting offices ("LBOs") which mean it is inappropriate to conflate the two.

5.23 These differences can be summarised as follows:

- By law, AGCs are not permitted to offer category B2 gaming machines. The only types of unit that are permitted to offer these are casinos and licensed betting offices ("LBOs"). LBOs are limited to providing a maximum of four B2 machines, hence betting shop operators seeks to operate many units, often near one another, leading to clustering;
- Chongie AGCs offer the customer a much wider range of products ranging from as little as 10p in stake and a choice of 'softer game profiles'; and
- LBOs and AGCs are generally very different environments. LBOs generally adopt a less inviting and supportive space for customers who can place a bet or play machines. Their staff are generally located behind a screen or desk and have little interaction with customers. AGCs have historically played an important community role, focusing on customer service, with staff circulating the shop floor, and speaking to, helping and getting to know customers. Supervision and customer interaction are constant, and customers are generally known to staff.

5.24 Regardless, assuming the Council do attempt to classify AGCs within the same category, and enforce a 15 % limit on AGCs, hot food takeaways, betting shops, and pay day loan outlets, the figures are as follows within the Hayes Primary Shopping Area. Currently, the above uses comprise 17.1% of the PSA, with the proposed change of use resulting in this figure rising to 17.8%.

5.25 Considering that the proportion of the listed uses already surpasses the 15% threshold, it is apparent that achieving below 15% for these uses in the Primary Shopping Area is unrealistic for Hayes. The proposal anticipates a slight increase in these uses, alongside the introduction of a new Use Class A1 / E unit into a presently unoccupied space.

5.26 With regards the impact this proposal would have on the vitality and viability of the town centre, one of the key findings in a recent appeal decision (Appendix 1 – PINS Ref: APP/F4410/W/20/3250246) in Doncaster, dated 14 August 2020, is that the changes to the Use Classes Order allow a greater flexibility within town centres and the importance is, therefore, about supporting the vitality and viability of the town centre. In this respect, the principle of continuing the use of a frontage in order to maintain the vitality and viability of Hayes Town Centre is pre-eminent. The application achieves this and is, therefore, considered to accord with Policy DMTC 2 (with specific reference to part iv) and DMTC 4 in respect to Primary Shopping Frontages.

5.27 Furthermore, the unit is clearly appropriate and consistent with the size, role and function of Hayes which is a District Centre. In addition, the proposal will

sustain and enhance the vitality and viability of the town centre network by reinstating an active unit within the Centre, bringing additional footfall and linked trips.

5.28 The contribution the proposal will make to the viability and vitality of Hayes is perhaps most apparent through the recent appeal decision dated 18th May 2018 (Appendix 2 - PINS Ref: APP/J2373/W/18/3196247) which considered whether the proposed change of use from a retail use to an amusement centre (AGC) would have an impact on the vitality and viability of Blackpool Town Centre. Here, the Inspector concluded that the proposal would fall within the definition of a main town centre use as set out within Annex 2 of the NPPF and would contribute towards the vitality and viability of the centre.

5.29 AGCs are proven to bring good levels of footfall to centres and the benefits of "*linked trips*", where users of the centre also visit other shops and services as part of the same visit. The '*Little Vegas Factsheet*' at Appendix 4 sets out the results of a recent survey of linked trips and behaviours which has been undertaken with reference to two existing Little Vegas adult gaming centres. It shows that in both cases, the adult gaming centre is the first or second most popular unit in terms of footfall within that part of the centre. It shows that other "*town centre*" uses, whilst they may be shops or services in the former 'A' use classes, are not necessarily those which encourage greater customer activity. As such, an adult gaming centre should be seen as a positive addition to a town centre, capable of adding significantly to a centre's vitality and viability.

Residential Amenity

5.30 This proposal seeks to build upon the positive contribution it will make to the evening economy, while also improving residential amenity for surrounding residents.

5.31 The applicant is conscious of the issue of noise and always strives to be a good neighbour, being respectful of surrounding residents. The application site is located below residential flats. As such, the potential impacts from noise upon the amenity of these residents have been considered as part of the proposal.

5.32 All machines to be installed will be volume adjustable and can be set to levels so as to be inaudible outside the property. Furthermore, the management of the operation will follow procedures to ensure that patrons of the proposed venue behave in an orderly manner, including entering and leaving quietly.

5.33 The licensing regime runs alongside planning and will ensure further control of the premises through the requirement to hold a Gambling Premises Licence to operate at the proposed later hours. The Gambling Premises Licence is an ongoing regulatory tool. At any time, the licence can be made the subject of an application for review, as a result of which the conditions can be changed, or the licence revoked. It follows that licensing is a flexible and responsive

regulatory tool and any sustained or serious objection can be tackled by way of a review of the licence. At all times, and regardless of any controls of the LPA, the Licensing Authority therefore has many methods of recourse, if the operation of the application site failed to respect the amenities of the local area, including ultimately revoking the Licence.

- 5.34 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. In an appeal decision from January 2014 for a change of use to an adult gaming centre in Cricklewood (Appendix 3 - PINS Ref: APP/N5090/A/13/2201162) the Inspector, in allowing the appeal, acknowledged that "*residents living within a commercial area might reasonably expect to experience some noise and disturbance because of evening and night time activities*".
- 5.35 It is considered that the central and commercial nature of the site makes it an acceptable location for a 24-hour use. 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.
- 5.36 A Noise Impact Assessment (NIA) provided by ES Acoustics is submitted in support of the application. The NIA assessed the likelihood of adverse impacts of the proposed 24-hour Adult Gaming Centre (AGC) operation upon the closest noise sensitive receptor at first-floor level, directly above the proposed AGC.
- 5.37 The three key areas of noise assessment are:
 - Noise transfer through the floor separating the ground floor AGC from the first-floor residential use;
 - Noise breakout from the façade of the premises to the windows directly above;
 - Noise associated with customers outside
- 5.38 Noise measurements were undertaken within an operational AGC at Wood Green, London, over a three day period to establish worst-case operational noise levels that would be expected at the proposed site. The sound insulation performance of the party floor separating the AGC from the first-floor residential use has been established via on site airborne sound insulation tests.
- 5.39 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. Note that this is providing that party floor is upgraded between the units, as detailed within the NIA - the applicant has agreed to comply with this recommendation.

- 5.40 Predicted levels of noise breakout to the external environment via the front façade of the AGC, up to first floor level, and in through a partially open residential window 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 noise breakout.
- 5.41 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. Furthermore, as noted by the observations by Mr Butterworth (see Witness Statement attached at Appendix 5 of this Statement), customers smoking outside would 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. With regards to customers arriving and/or leaving the site, it takes 12 seconds (at an average walking pace) to reach a position 20 metres from the establishment, and therefore the duration of potential impact is objectively considered to be very low.
- 5.42 The impact of customer noise outside of the building would therefore be insignificant during the proposed extended operating hours.
- 5.43 Therefore, the accompanying report demonstrates that the proposal would be non-significant in terms of noise impact, and in all cases, result in No Observed Adverse Effect Level (NOAEL) at the closest receiver locations. Overall, it is considered that the proposal has an acceptable relationship with the neighbouring properties and within the site itself.

Principle of the Proposed AGC, Including Proximity to Existing Betting Offices

- 5.44 As shown already, the Applicant is aware of both Policy DMTC 2 and DMTC 4 within the adopted Plan, which indicates that within Primary Shopping Areas proposals for non-retail uses should not create an over-concentration of similar uses which detracts from the vitality and viability of the town centre.
- 5.45 In respect to the proliferation of AGC uses in the vicinity, Hayes by its nature, as one of the largest centres within the Borough, would be expected to have a number of AGC uses. However, at the time of this application there is currently only one other AGC within Hayes Town Centre, the Admiral Casino at 32-36 Station Rd. As such, there should be no concerns over the proliferation of AGCs within Hayes. In fact, the proposed use will see an opportunity to improve the diversity of uses on offer to Hayes' residents and visitors.
- 5.46 As explained above, in some instances, it is incorrectly assumed that AGCs are a similar use to Betting Offices. This means that the concentration of AGCs is often inaccurately skewed by tallying them in the same category as Betting Offices.

5.47 Policy DMTC 2 and DMTC 4, as set out above, indicates that non-retail proposals should not create an over concentration of similar uses which would result in adverse cumulative impacts function of the town centre. There are five Betting Offices within Hayes primary Shopping Area, located at Boleyn Court (Botwell Ln), 57 Station Road, 19b Station Road, and 2 Botwell Lane. However, as explained, there are fundamental differences between AGCs and Betting Offices and they therefore should not be counted as similar uses. As such Policy DMTC 2 and DMTC 4 does not restrict this application with regards to over-concentration.

5.48 It is also worth noting that the number of betting shops in the wider town centre has decreased since 2019 as Ladbrokes (74 Coldharbour Lane) and William Hill (35 Coldharbour Lane) have both closed. Since closing as betting shops, both units have been replaced with Class E uses, meaning the balance of non-retail and retail uses within Hayes has improved further.

Potential for Anti-Social Behaviour

5.49 In respect to the nature of the operation of AGCs in comparison to betting shops, attached at Appendix 5, is a Witness Statement prepared by Darrell John Butterworth a retired, former, senior police officer with extensive experience in the gambling and licensing trade. Darrell 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.

5.50 Full details of Mr Butterworth's experience is set out in the accompanying Witness Statement. The Statement concludes that 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 significant and leading experience in the licensing sector, his Witness Statement must be given significant weight. This further provides justification that the use of the site as an AGC for extended hours through the night is unlikely to create any undue effects and that the reason for refusal is without merit.

5.51 In December 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 in Hayes. The observations took place on a weekend trading period between 1500 hours and 0100 hours.

5.52 Similarly, in May 2023, Mr Butterworth conducted observations 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.

5.53 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. Mr Butterworth's observations were fully impartial and

have not been amended for the purposes of this application. These observations are attached at Appendix 5.

5.54 Having observed the current gambling premises in Hayes Town over a 20-hour period, Mr. Butterworth was able to determine that the current betting shops did not contribute to the levels of Crime and Disorder or public nuisance in the area. Importantly, having observed the Chongie Entertainment Ltd operation of Little Vegas style venues in other areas alongside greater numbers of betting shops and other Adult Gaming Centres, Mr. Butterworth noted that he would consider the operation of the Adult Gaming Centres to have a lower impact on the local environment than those created at the betting shops.

5.55 Mr. Butterworth's observation of Hayes suggested that at least 19 businesses were open at midnight on the Saturday night. This included the Admiral Casino (Adult Gaming Centre) which currently operates 24/7. Given the thriving nighttime economy of Hayes, as highlighted through Mr. Butterworth's observations, and in alignment with the general policy direction promoting the nighttime economy of London, particularly the designation of Hayes as NT3 (nighttime economy with more than local significance), it is deemed that this proposal for a 24-hour leisure use is entirely appropriate at this location. This is further reinforced when considered in the context of Hayes' accessibility of 24/7 public transport services.

5.56 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.

5.57 In all cases, to date, there have been no significant incidences of anti-social behaviour, police attendance or otherwise. There is no evidence, at 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.

5.58 Chongie strictly adheres to a Responsible Gaming Code, which ensures that it can operate responsibly within any of the communities it operates in. This is submitted as part of the submitted planning application. This code includes:

- (i) Recognising that prevention is the best form of player protection;
- (ii) Protecting children and minors;
- (iii) Encouraging responsible communication;
- (iv) Reinforcing the need for player responsibility;

- (v) Employing professional staff;
- (vi) Keeping players informed;
- (vii) Guaranteeing fair gaming; and
- (viii) Working with experienced partners.

5.59 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.

5.60 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.

5.61 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.

5.62 In addition, Chongie Entertainment Limited makes a contribution to problem gambling charities on an annual basis which supports research into the prevention treatment of problem gambling, for visitors to learn how to gamble safely and the identification and treatment of problem gamblers.

5.63 At an appeal in Islington (Appendix 3 - PINS Ref: APP/V5570/W/21/3278006), when assessing whether the proposed change of use from a vacant betting shop to an AGC was likely to have an impact on the character and function of the Caledonian Road Local Shopping Area, with particular regard to safety, security and anti-social behaviour and crime, the Inspector concluded:

"A number of concerns have been raised that the proposed use would increase anti-social behaviour, criminal behaviour, drug taking, drunkenness and encourage an increase in gambling. However, the proposed use would be subject to the separate licensing regime and a copy of a license granted under the Gambling Act 2005 has been provided. This demonstrates how the proposed use would be operated in a manner that would address concerns that have been raised in these respects."

Job Creation

5.64 An economic benefit of the application is to maintain the active use of the unit and the associated creation of new jobs. The application will give rise to eight new jobs, comprising two full time and six part time positions. These jobs would suit local people and the Company seeks to employ from the local area wherever possible. This is a further economic benefit of the proposed application.

Parking

5.65 In respect to parking and access issues, the application site is in a highly sustainable town centre location benefiting from direct access to a wide range of transport modes. It is within close proximity to Hayes & Harlington Station and has a bus stop close to the front of the unit. Consequently, the site benefits from a high Public Accessibility Transport Level ("PTAL") rating of 5.

5.66 AGC customers generally travel by public transport or by foot to its sites. Hence the location proposed is an ideal location for an AGC. Dedicated car parking is not provided at AGC units as they are predominantly located in High Street locations. Consequently, it is not anticipated that the development will give rise to the need to provide car parking.

Flooding Issues and Sustainable Drainage

5.67 The application site is located within Flood Zone 1, an area not at risk of flooding.

SECTION 6: SUMMARY

- 6.1 This Statement is submitted to the London Borough of Hillingdon on behalf of Chongie Entertainment Ltd in respect of the partial change of use at 14-16 Station Road, Hayes, London, UB3 4DY from Use Class E to an Adult Gaming Centre (*sui generis*), together with shopfront alterations. It is proposed to separate the existing unit into two individual units, thereby retaining the existing E Class on site and allowing access to the newly formed Adult Gaming Centre. All other matters, including those relating to advertisements, will be the subject of further applications.
- 6.2 The application site is currently vacant, and was last in use as a Bank (Use Class E) prior to Santander's withdrawal from the high street.
- 6.3 Chongie Entertainment Limited is a new entrant in the adult gaming centre (AGC) UK market. The Company operates to the highest standards and is fully aware of its social responsibilities in respect to issues associated with gambling which it takes very seriously. The application seeks to bring the vacant site back into active use, providing both a 24-hour trading AGC and separate retail unit, allowing activity within Hayes Town Centre outside of normal trading hours. The proposal will increase the vitality and viability of the centre along with the creation of 8 new jobs.
- 6.4 This Statement has referenced a number of appeal decisions which detail how relevant matters in respect to AGCs should be considered. The appeals confirm that AGCs are an appropriate town centre use which contributes to the vitality and viability of an existing centre. Recent appeal decisions have also highlighted the need for a common-sense approach to be taken to High Street policies relating to percentage splits between A1 uses and other uses in respect to the new Use Class Order changes, which were introduced on 1 September 2020.
- 6.5 Through the inclusion of relevant appeal decisions and a statement from an independent licensing consultant, it is considered this statement has successfully demonstrated that AGCs do not cause or result in the increase of crime or anti-social behaviour.
- 6.6 Hayes is a District Centre and is one of the most appropriate locations for an AGC within LB Hillingdon. The application will see the introduction of only the second AGC within Hayes Town Centre.
- 6.7 As such, the application proposal is considered to be of benefit to Hayes District Centre and the application site is entirely appropriate in respect to the proposed use and its location.