

Planning Department
Basingstoke and Deane Borough Council
Civic Offices
London Road
Basingstoke
Hampshire
RG21 4AH

10 June 2022

Our Ref: 22/6545

Dear Sir/Madam,

Section 73 Application to Remove Condition 3 of Planning Permission ref: 20/02148/FUL at Merkur Slots UK Ltd, 11 Wote Street, Basingstoke, RG21 7NE

On behalf of Merkur Slots UK Ltd (Previously known as Cashino Gaming Ltd), please find enclosed a Section 73 application to remove Condition 3 (opening hours) attached to Decision Notice 20/02148/FUL (dated 15th October 2020) for change of use from Sui Generis (Betting Shop) to Sui Generis (Adult Gaming Centre), to allow the Adult Gaming Centre to operate with unrestricted opening hours (24 hours). The Decision Notice is included for your reference.

Application Site and Surroundings

The application site occupies the ground floor corner unit of a three-storey building located on the eastern side of Wote Street at its junction with Feathers Lane, within Basingstoke Town Centre.

The application site is located in a highly sustainable town centre location, which is well served by buses and within an easy walk of Basingstoke Train Station. The site is located within the pedestrianised part of the Secondary Shopping Frontage and as such, would be expected within such frontages. The immediate surrounding area contains a mix of uses including retail, financial and professional services, restaurants, and pubs.

The application site is neither Listed nor locally Listed, but is located within the Basingstoke Town Conservation Area. It is also located within close proximity to a number of Listed Buildings, including the Haymarket Theatre opposite.

Proposal and Background

In October 2020, planning permission (ref. 20/02148/FUL) for a change of use from Sui Generis (Betting Shop) to Sui Generis (Adult Gaming Centre) was granted. Condition 3 of this planning permission controls the opening hours.

Condition 3 reads as follows:

“The premises hereby permitted shall not open before 08:00 hours or remain open after 00:00hours (midnight).”

Managing Director
Helen Cuthbert

Directors
Stuart Slatter | Claire Temple | Alastair Close
Dan Templeton | Elliot Jones | Katie Turvey

Consultant
Lorna Byrne

Associate Directors
Heather Vickers | Alan Williams | Sally Arnold | Paul Galgey
Phil Marsden | Sam Deegan

Associates
Rob Scadding | Penny Moss | Niall Hanrahan | Charlotte Perry
Charlotte Hunter | Grace Mollart | Charlotte Ryan-Elliott | Jamie Pert

The reason for the implementation of this condition was as follows:

"In the interests of residential amenity and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029."

Justification

Merkur Slots UK Ltd typically operate with 24 hour opening times, and whilst the Council's EHO did not raise any concerns regarding 24-hour opening within the application for the change of use (ref. 20/02148/FUL), the Planning Officer stated within the Officers Report that the premises contains residential development above, and wanted to remain consistent with the hours of opening of another similar use within the town centre. Therefore, the Planning Officer considered it reasonable to restrict the opening hours in line with the hours of opening of another similar use within the town centre.

The amendment sought will enable one of Merkur Slots' key customer base to benefit from the offer and service provided by the Adult Gaming Centre. The evening/late night customer base is predominantly the local entertainment workforce and shift workers looking to relax after evening shifts.

A detailed Noise Report has now been prepared by Archo Consulting that demonstrates that having unrestricted opening hours (24 hours) will not cause any adverse noise impacts to the nearby residents, having regard to existing internal and external noise levels at the application site, and how three stores with 24-hour opening hours operate. The noise report includes an assessment of customer comings and goings and general behaviour after midnight, demonstrating 24-hour opening would be acceptable at the application site in noise terms. This is an extremely robust assessment and considers a worst-case scenario.

The three operational 24-hour sites that were evaluated and used within the noise assessment are as follows:

- 302-304 Hessle Road, Hull
- 48-50 Camberwell Church Street, Camberwell, London
- 45 West Street, Boston

It is also important to note that since the Adult Gaming Centre opened, and as of the time of writing, there have been no complaints regarding noise, nor has the business caused any reported issues within the local area.

Similarly, the number of customers reduces significantly during night-time hours. There will be a member of staff on site at all times to ensure customers respect the amenities of residents. A benefit of 24-hour opening is that it provides natural surveillance through the night.

Furthermore, we also wish to clarify the following:

- Adult Gaming Centres do not have (and have never had) the Fixed Odds Betting Terminals that betting shops had.
- The machines offer low stakes of between 10p and £2 – the average stake from customers is 30-40p.
- A large number of Merkur Slots' Adult Gaming Centres contain bingo machines and tablets.
- 48% of customers are females.
- A 'Think 25' entrance policy is operated at venues (nobody under 18 years old will be allowed entry).

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www.planningpotential.co.uk

info@planningpotential.co.uk

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- Complementary refreshments, teas and coffees are provided.
- Alcohol is not permitted in Merkur Slots premises.
- Customers visit on their own or in couples – large groups are rare.
- The customer base after midnight is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts (hence requirement for unrestricted hours).
- The machines generate a low level of noise, only background music is played (similar to shops) and there are no tannoy systems.
- Merkur Slots have never had a licence revoked or reviewed and incidents are extremely rare.

Conclusion

In summary, taking into account the site-specific considerations and experience from existing operational 24-hour sites, the submitted Noise Assessment, it has been demonstrated that the hours imposed by Condition 3 are not necessary and that the proposed removal of the condition to allow the Adult Gaming Centre to operate under unrestricted opening hours is entirely acceptable.

Application Package

In addition to this cover letter, the following documents are submitted in support of the application. The application fee has been paid via credit card at the time of submission:

- Completed Application Form and Certificate.
- Decision Notice to be varied (20/02148/FUL).
- Noise Assessment (prepared by Archo Consulting).
- Planning Application Fee.

We trust that the information submitted is sufficient for the determination of the application and we look forward to receiving confirmation that the application has been validated in due course. Should you have any queries, please do not hesitate to contact me.

Yours faithfully,



Jack McLean

Planning Potential

Bristol

Enc.

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