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13 December, 2023

Bassetlaw District Council
Planning
Queen's Buildings,
Potter Street,
Worksop,
Notts,
S80 2AH

Dear Sir/Madam,

Proposed variation of Condition 4 of planning permission 23/00062/COU to allow 24-hour use at 29 Bridge Place, Worksop, S80 1JJ

Planning Statement

We act as planning consultants to Luxury Leisure. Planning Permission 23/00062 for adult gaming centre (AGC) use was granted on 22 March 2023. Condition 4 of the planning permission restricted the hours of use as follows –

The operating hours of the development hereby approved shall be restricted to 08:00 to 00:00.

Reason: To operate in keeping with the other town centres within the immediate vicinity; to preserve the character of this area of the town centre.

24-hour use of the premises was restricted on the grounds that this would not be in keeping with other town centre uses. However, this is not the case as the nearby Merkur AGC is also open 24hours. Furthermore, just because other premises do not open 24 hours is not a valid planning reason to restrict the applicant's operational hours. We note that there is no restriction on the hours of operation of Class E uses and such use were it their business model would not require planning permission from the local authority.

Luxury Leisure (part of the Novomatic Group), is a market leading provider of gaming and entertainment venues with over 250 high street and seaside gaming venues in the UK. The

Group employs over 2000 staff in the UK and accounts for 22.5% of the UK adult gaming centre market such that it is a highly experienced responsible operator in this market.

The subject property is a modern ground floor commercial property with aluminium framed shopfront located in the defined primary shopping area of Northfield District Centre. The subject property is not statutorily or locally listed nor is it located in a defined conservation area. There is no residential accommodation in the immediate vicinity of the application site.

The NPPF advises local authorities to grant planning permission where proposals accord with a development or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date unless *there is a clear reason for refusing the development which is referenced in the NPPF or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole*. There are no specific policies in the NPPF which prohibit the proposed use. Indeed, the general direction of the NPPF is to support diversity and a range of uses. In relation to ensuring the vitality of town centres, competitive town centres that provide customer choice and a diverse retail offer are preferred.

The subject property contributes little to the vitality and viability of the shopping centre having lain vacant and been marketed for retail use since December 2021. The predominant retail shopping function of the centre will remain unaffected. There will be no harm to retail vitality, viability or diversity. AGC's are established *bona fide* town centre uses which add to the diversity and choice of uses in town centre locations and which have no harmful impact on retailing activity. Class E uses will continue to predominate in the primary shopping frontages as a whole in the town centre. The reuse of the property together with investment in the property and the creation of 12 jobs at a time when town centres are in decline ought to be supported.

Internally, there will be no noisy amusement arcade equipment which attracts under 18's and has an impact on amenity. Unlike an 'arcade' which is noisy to attract passing custom of all ages, there is a statutory obligation to exclude under 18's from AGC's. Such AGC establishments are commonly found at the heart of hundreds of shopping centres throughout the UK and are not uncommon even in previously defined primary shopping frontages. Indeed, many shopping centres have more than one AGC in the town centre. There is no evidence that AGC uses have harmed any interest of acknowledged importance. Such uses rely on pedestrian flows and trade successfully in busy town centres and contribute as a complementary use to the overall attraction of town centres to the shopping public. As an acceptable town centre use, AGC's are found in busy locations where there is *even* residential use above or in adjoining properties. The proposed use itself is not an inherently noisy activity nor in relation to the comings and goings of customers. There are no adverse impacts and

there is no evidence of any anti-social behaviour being exacerbated by such uses. There is no audible trading noise break-out through the premises shopfront even excluding the masking effects of levels of existing ambient noise in the area. It is therefore inconceivable that Admiral trading noise will result in any noise impact on residential amenity in the area as a whole.

We should also add that the proposed use is strictly governed and regulated under the council's licensing regime where Bassetlaw Council separately as Licensing Authority is legally obliged to take into consideration issues of the prevention of crime and disorder, public safety, the prevention of public nuisance which includes amenity concerns such as noise, threats to community safety, litter, odour, smoke, and light; and the protection of children from harm. Hours of use also fall under the licensing regime which permits AGC use 24 hours a day.

In support of the application, we enclose a noise impact assessment which confirms that trading noise break-out will be very low and substantially below the measured night-time background noise levels. On this basis, there will be no significant noise impact associated with 24-hour trading and no sound insulation enhancements are warranted.

Furthermore, we also enclose the company's security and social responsibility policy from the group Head of Risk and Compliance. It identifies the measures put in place to ensure security and social responsibility at all stores. This includes the following –

- 5 Regional Security Managers
- 4 Auditors
- Comprehensive local risk assessments by venue prior to licensing grant
- a National Compliance Manger and a Head of Risk and Compliance
- Operation of a Think 25 Policy
- Independent secret shopper Test purchasing undertaken by Serve Legal – a well-known and respected national company who work across all licencing sectors). 94% compliance rate.
- Active membership of two multi-operator self-exclusion schemes being Smart
- Exclusion and the BACTA
- A full in–depth Gambling Commission Corporate Assessment in 2019/2020 was undertaken and no shortfalls were identified.
- First UK operator to achieve the global G4 accreditation for social responsibility.
- HD quality CCTV in all stores with a minimum of 28 days' footage retained.

The level of regulation and self-imposed security and social responsibility measures implemented at each site are evidence of a highly professional national multiple quality

leisure use that is a feature of the UK High Street and a recognised brand name. This is contrast to the approach of arbitrarily restricting the hours of use without evidence of any harm.

For all of the above reasons we commend this application for your approval.

Should you require any additional information, please contact these offices in the first instance.

Yours sincerely,

HARIS KASUJI BA MA MRTPI