

Planning Application for Change of Use From Retail Shop (A1) to Adult Gaming Centre (SG)

58 Station Road, Hayes, Middlesex, UB3
4DF



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1. Introduction

- 1.1. This planning statement has been prepared in support of a planning application for the change of use of the ground floor unit at 58 Station Road, Hayes from a retail shop (A1) use to an Adult Gaming Centre (Sui Generis) use to allow Cashino Gaming Ltd (trading as 'Merkur Slots') to occupy the unit.
- 1.2. Merkur Slots is one of several brands owned by Praesepe Holdings Ltd and currently trade 162 adult gaming centres (AGCs) in the UK under the Merkur Cashino brand along with several other brands of bingo halls and amusement centres. Praesepe in itself is part of the international Gauselmann Group operating worldwide and employing thousands of staff. Further information is provided in the submitted brochure.
- 1.3. The proposals seek to bring this long-standing vacant unit back into active use.
- 1.4. This statement provides a site description and a brief overview of the planning history; and assesses the proposals against the relevant planning policy and other material considerations.
- 1.5. The statement concludes that the proposals are entirely acceptable and permission should be granted accordingly.

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2. The Site and Surroundings

Application Site

- 2.1. The application site is located on the western side of Station Road in Hayes Town Centre, north of the Grand Union Canal and Hayes and Harlington Train Station.
- 2.2. The site comprises the ground floor commercial unit of a 3-storey terraced building within a retail parade. The terrace has a red brick appearance with glazed, modern shopfronts at ground floor level. The first and second floors of the property are in residential use, and are not part of this application.
- 2.3. The unit has been vacant for at least 5 years. It was previously occupied by an electrical retailer called Horizon Electronics.
- 2.4. The site is located within Hayes Town Centre's Secondary Shopping Area
- 2.5. The site is not listed, nor is it located in a conservation area. The Grade II listed Church of St Anselm, built in 1929 is located close to the site to the north.

The unit has been vacant for at least 5 years. It was previously occupied by an electrical retailer called Horizon Electronics.

Photograph of the application site



Source: Planning Potential Research

Site Surroundings

- 2.6. The immediate surrounding area consists of predominantly retail and restaurant uses, with residential above. The site is flanked by a hair and beauty salon to the north and an Indian restaurant to the south. Retail units are located to the east on the opposite side of Station Road. Access to the rear of the property is gained through a passageway located to the side of the Indian restaurant at 60 Station Road.
- 2.7. High rise residential development is located further south on the opposite side of the Grand Union Canal.

Site Accessibility

- 2.8. The site is in a highly sustainable location being located within Hayes Town Centre and within 200 metres of Hayes and Harlington Train Station. Trains operate for both stopping and fast services on the GWR Main Line between Paddington and Reading.
- 2.9. There are several bus stops located under a 10 minute walking distance from the site, providing access to destinations such as Hounslow, Uxbridge, Feltham, Brentford and Heathrow Airport.
- 2.10. As such the site has a PTAL score of 5 (very good).
- 2.11. As with all the other commercial units on Station Road, there are no off-street parking spaces located within the curtilage of the site, nor are there any on street parking spaces available on the highway in front of the property. However, the cul-de-sac located at the end of Station Road to the north of the site comprises a number of pay and display parking spaces with a 2-hour maximum stay.

As such the site has a PTAL score of 5 (very good).

3. Planning History

3.1. The relevant planning history relating to the use of the site is as follows:

- 25713/APP/2013/2242 – Notification of flexible use (A1 to A2 estate agent) for a temporary period of 2 years - Approved 12.08.2013.
- 25713/APP/2014/1046 – Change of use from retail (Use Class A1) (Shops) to financial and professional services (Use Class A2) - Approved 01.06.2014.

3.2. This permission was never implemented, and therefore the site remains in A1 (retail) use. The last retail operator was an electrical retailer called Horizon Electronics.

4. Planning Policy

- 4.1. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, (when taken as a whole) unless material considerations indicate otherwise. The National Planning Policy Framework (2019) is a material consideration in planning decisions.

Development Plan

- 4.2. The Development Plan comprises:

- The London Plan (2016)
- The Local Plan:
 - Hillingdon Local Plan: Part 1 – Strategic Policies (Adopted November 2012); and
 - Hillingdon Local Plan: Part 2 – Development Management Policies with Modifications March 2019.

The London Plan (2016)

- 4.3. Policy 2.15 (Town Centres) states that planning decisions should enhance the vitality and viability of town centres, support and enhance the competitiveness and diversity of town centres in terms of retail, leisure, employment and other customer services. Decisions should also promote the safety and security of neighbourhoods.
- 4.4. Policy 4.7 (Retail and Town Centre Development) outlines that developments should be related to the size, role and function of a town centre. Development which relates to retail, commercial, culture and leisure should be focused on sites within the town centre.

Hillingdon Local Plan: Part 1 – Strategic Policies (2012)

- 4.5. Policy BE1 (Built Environment) requires development to improve areas of poorer environmental quality, including within Hayes. Improvements should also be made to the public realm, ensuring both public and private spaces are safe, attractive and respects the character of the local area.
- 4.6. Through Policy CI2 (Leisure and Recreation), the Council seeks good quality, well maintained leisure and recreation facilities to meet the needs of the local community.

Hillingdon Local Plan: Part 2 – Development Management Policies (2020)

Policy DMTC 1 (Town Centre Developments) states that the Council will support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre.

- 4.7. Paragraph 3.8 outlines the Council's different approach to its town centre's Primary Areas and Secondary Areas. For Secondary Areas it states:

“Secondary Areas, peripheral to the primary areas in which shopping and service uses are more mixed, should still retain a high proportion of Class A1 shops. In these areas, at least 50% of the frontage should be in Use Class A1 and concentrations of service uses avoided. Where non-retail uses are permitted, the retention of an appropriately designed shopfront can help mitigate the visual effect of a break in the shopping frontage”.

4.8. Policy DMTC 2 (Primary and Secondary Shopping Areas) states that in Secondary Shopping Areas the Council will support the ground floor use of premises for retail; financial and professional activities; restaurants, cafes, pubs and bars; launderettes and other coin operated dry cleaners; community service offices, including doctor's surgeries provided that:

- i) A minimum of 50% of the frontage is retained in retail use; and
- ii) The uses specified in policy DMTC4 are limited to a maximum of 15% of the frontage

4.9. Policy DMTC 4 states that proposals for restaurants and hot food takeaways, drinking establishments, betting shops, night clubs, casinos, amusement centres, minicab offices will only be supported provided that they:

- i) would not result in adverse cumulative impacts and unacceptable concentration of a use in one area;
- ii) would not cause unacceptable disturbance and loss of amenity to nearby properties by reason of noise, odour, emissions, safety, 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.

4.10. Para 3.8 states that where non-retail uses are permitted, the retention of an appropriately designed shopfront should be maintained to mitigate the visual effect of a break in the shopping frontage.

National Planning Policy Framework (2019)

4.11. At the heart of the National Planning Policy Framework, there is a presumption in favour of sustainable development which both plan making and decision taking have a key role to play.

4.12. Paragraph 80 of the NPPF states that planning decisions should support economic development and productivity, taking into account both local business needs and wider opportunities for development.

4.13. Paragraph 85 of the NPPF outlines that a planning decisions should take a positive approach to the growth, management and adaptation of town centres. It goes on to state that town centres should be allowed to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, as well as maintaining and enhancing existing markets.

4.14. Further, paragraph 86 states that main town centre uses should be located in town centres.

- 4.15. Paragraph 91 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction and active frontages.
- 4.16. The NPPF stresses the need for the creation of high quality places; a key aspect of sustainable development. Paragraph 125 states that plans should appropriately set out a clear design vision and expectations, to well inform applicants.
- 4.17. Additionally, paragraph 127 states that decisions should ensure that developments add to the overall quality of the area, are sympathetic to the local character and history and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development. Development should also create safe places which are inclusive and accessible as well as not undermining the quality of life or community cohesion and resilience.

5. Planning Justification

- 5.1. Cashino Gaming Ltd would like to invest in this longstanding vacant unit and seek planning permission for the change of use of the unit from retail shop (A1) use to an Adult Gaming Centre (SG) use. The unit will operate as 'Merkur Slots'.
- 5.2. No external works are proposed as part of this application.

Principle of the Proposed Change of Use

- 5.3. Policies DMTC 1 and 2 allow for a far greater mix of uses in Secondary Shopping Areas (SSA) than in Primary Shopping Areas (PSA). Town centre uses are considered acceptable in the SSAs provided that a minimum of 50% of the measured frontage is retained in A1 retail use, and provided a specific use does not amount to more than 15% of the measured frontage.
- 5.4. The planning policy team at the Council confirmed that the entire SSA would need to be assessed. A survey of the SSA was undertaken on the 14 January 2020 and the results of the survey are set out below:

Frontage Sum (m)	A1 Frontage (m)	% of whole frontage
669	370	55%

- 5.5. The results clearly show that the proportion of A1 units within the PSA is currently well above 50% at 55%. This figure would reduce to 53% as a result of the proposed change of use. The proposals therefore clearly comply with this part of the policy.
- 5.6. The SSA does not currently contain any Adult Gaming Centres (AGCs) or amusement centres. The proposed change of use would therefore mean that AGCs would only make up 0.7% of the SSA. As such, there is no conflict with this part of the policy.
- 5.7. Policy DMTC 4 states that proposals for certain uses, including amusement centres, must not have a harmful impact on an area or the amenity of neighbouring occupiers either individually or cumulatively.
- 5.8. As mentioned above, the PSA does not contain any ADCs or amusement centres therefore it is quite clear that proposals will not result in adverse cumulative impacts and unacceptable concentration of a use in one area.

The results clearly show that the proportion of A1 units within the PSA is currently well above 50% at 55%. This figure would reduce to 53% as a result of the proposed change of use. The proposals therefore clearly comply with this part of the policy.

As mentioned above, the PSA does not contain any ADCs or amusement centres therefore it is quite clear that proposals will not result in adverse cumulative impacts and unacceptable concentration of a use in one area.

5.9. In terms of character and function, it is considered that the proposals can only be seen to enhance the character and function of this part of the town centre. The unit has sat vacant for at least 5 years and as therefore not made any contribution to the function of the town centre. In fact, it has clearly harmed the character and function of the town centre and of course its vitality and viability. Cashino Gaming will invest significantly in this vacant unit. The unit will be open during typical shopping hours and will generate high levels of footfall and linked trips within the centre. The unit will have an active shopfront and whilst no external alterations proposed as part of this application, the shopfront will be redecorated and attractive new signage installed. This will ensure that there will be no visual break in the shopping frontage in accordance with policy. The new use will clearly complement the surrounding shops and other commercial premises in this part of the Secondary Shopping Area. As mentioned above, there are currently no ADCs located in the district centre and therefore the proposed ADC will add to the diversity of the centre's offer. It will also create 6 new jobs. Further information on the benefits an AGC can bring to a town centre is contained in the submitted brochure.

5.10. It is therefore clear that the proposals fully comply with adopted policy and the NPPF.

Amenity

5.11. Cashino Gaming Ltd are seeking 24-hour opening for their Merkur Slots unit, which is typical for AGCs. It is important to note that AGCs are quiet uses and are very different from the family amusement arcades that contain noisy games and machines. It is also important to note that the number of customers reduces significantly during night-time hours. Praesepe Holdings Ltd is a responsible operator and 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. It is also important to note that the application site is located on a busy thoroughfare leading from Hayes train station to the heart of Hayes Town Centre.

5.12. Further information on the nature of the proposed use and noise matters is contained in the submitted brochure. The report includes quotes from noise surveys and appeal decisions, demonstrating that the proposed use will respect residential and local amenity.

5.13. There are a number of uses in the centre which currently open for 24-hours. These include the 'Station Cars 24/7 Minicabs' at 107 Station Road and Hayes Food Centre at 64-74 Coldharbour Lane, both of which have residential above.

5.14. In view of the above, it is considered that the principle of 24-hour opening for the proposed use is acceptable and would not lead to any undue noise and disturbance to residents.

5.15. The proposals therefore comply with Policy DMC4 in this regard which seeks to ensure that evening entertainment uses do not result in disturbance to residents and are responsibly operated.

Highway Safety

Cashino Gaming will invest significantly in this vacant unit. The unit will be open during typical shopping hours and will generate high levels of footfall and linked trips within the centre. The unit will have an active shopfront and whilst no external alterations proposed as part of this application, the shopfront will be redecorated and attractive new signage installed.

It will also create 6 new jobs.

It is also important to note that the number of customers reduces significantly during night-time hours.

- 5.16. As noted above, the site is located in a highly sustainable location and has a PTAL rating of 5 (very good). It is therefore located within a demonstrably sustainable location that is well served by public transport links. Given that the proposed use is not materially different to the existing use, there will be no harmful impact on the highway network. The proposals therefore comply with the Council's policies in this regard.

6. Conclusion

- 6.1. The proposals for the change of use of the application site from a retail shop (A1) use to an Adult Gaming Centre (SG) use will bring a long-standing vacant unit back into active use for the benefit of the Secondary Shopping Area and the wider town centre.
- 6.2. The proposals will provide an attractive active shopfront, generate high level of footfall and the propensity for linked trips, help to diversity the centre's offer and create 6 new jobs.
- 6.3. It has been demonstrated that the principle of an ADC in this location is entirely acceptable and accords with adopted policy and the NPPF.
- 6.4. It has also been demonstrated that 24-hour opening will not lead to any undue noise and disturbance to residential amenity.
- 6.5. It is therefore respectfully requested that planning permission is granted.