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Planning and Building Control
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June 2025

Our Ref: 8076

Dear Sir/Madam

Part ground floor 62 Station Road, Hayes, UB3 4DF

The planning application seeks full planning permission for the subdivision of ground floor 62 Station Road, Hayes, UB3 4DF and to change part of the unit from Class E (former bank) to an Adult Gaming Centre (Sui Generis) (SG) use to allow Merkur Slots (UK) Ltd to occupy part of the unit. The application is also applying for advertisement consent for new signage at the Merkur Slots (UK) Ltd unit and alterations to the shopfront to facilitate the subdivision.

Application Site & Surroundings

The application site comprises the ground floor of 62 Station Road which is vacant. The floor above is currently vacant Class E space and will remain vacant, though it is still accessible from the site. The site is located in the Secondary Shopping Area of Hayes Town which is home to a variety uses including retail, services, food and beverage outlets, leisure uses and offices.

The front of the site is accessible by pedestrians and cyclists, complete with wide footpaths and cycle lanes. In terms of public transport services, regular bus services are available from Station Road (the nearest being 157 ft from the site) and Hayes and Harlington Train Station only being 0.1 miles away from the application from the site providing services into London along the Elizabeth Line.

The site does not fall within a conservation area, nor is the site locally/nationally listed.

Proposals

The proposals concern 62 Station Road, Hayes seeking the subdivision of the ground floor to change the use of part of the unit from a vacant bank unit (Class E) to an ACG (Sui Generis). Alterations to the shopfront to accommodate that subdivision and proposals for advertisement signage are also sought.

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Access will remain from the front of the unit (Station Road) for both subdivided units, with a new one created to serve the remaining Class E space (sub-divided unit).

Planning Policy Context

It should be noted that the new E class came into effect on 1st September 2020. This has created a flexible system for town centre uses that can better reflect the diversity of uses on high streets and give businesses greater scope to adapt and diversify to meet changing demands. In light of these significant changes, town centre policies that predate the E use class are now out of date and cannot be afforded the same weight when assessing town centre proposals. Notwithstanding the Council's adopted local plan policies are addressed below.

The development plan for Hillingdon Council comprises Part One: Strategic Policies (adopted November 2012) and Part Two: Development Management Policies and Site Allocations and Designations (adopted January 2020).

The key policies relevant to the application proposals are Policy DMTC 2 'Primary and Secondary Shopping Areas', DMCT4 'Amenity and Town Centre Uses' and DMHB 13A 'Advertisement and Shop Signage' of the Development Management Plan and Policy SD6 and Policy HC6 of the London Plan (2021).

Firstly, there is nothing in adopted local policy that prevents an AGC from operating at this location and the principle of an AGC has already accepted/established along Station Road. Policy DMTC4 of the Local Plan and SD6 of the London Plan collectively highlight the town centre is the principal location for leisure uses.

As mentioned, the site falls within the Secondary Shopping Area in Hayes Town Centres. Planning policy DMTC 2 seeks to restrict the change of use, unless the proposed use would adhere to certain criteria. The wording of Policy DMTC 2's criteria is shown below:

B) 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;

Whilst Policy DMTC 2 seeks to protect A1 uses, the policy is dated and does not take into consideration the new E-Class. Without the need for planning permission a series of uses (a gym, bank, restaurant) could occupy the unit. As a result, limited weight can be attached to these policies.

Notwithstanding, each criterion has been assessed in turn.

Criteria i

Research confirms that in July 2024, more than 50% of the frontage is in Class E use. Subject to there being no drastic changes in composition a dominance of Class E operators will remain. This is further enhanced by the subdivision of the unit retaining one of the subdivided units as Class E use. Therefore, there would be no net loss of Class E, nor will there be a significant break in the shopping frontage, meaning the proposed change of use in this instance will have a neutral impact on the retail composition of the frontage

Criteria ii

As mentioned, criteria ii is dated and was adopted prior to the latest use class order (Class E). Policy DMTC4 seeks to restrict the restaurants and hot food takeaways, drinking establishments, betting shops, night clubs, casinos, amusement centres, minicab offices and other similar uses to 15% in secondary shopping areas.

The secondary shopping area associated with the application site has been reviewed and the existing composition is as follows:

- Barclays - bank (62 station road) (vacant) – Class E
- KFC – restaurant (60 Station Road) - Class E
- Alladins – restaurant (58 Station Road) (vacant) – Class E
- Harry's Hairdressers – retail (56 Station Road) – Class E
- Ace-Line Communications Centre – retail (63 Station Road) – Class E
- The Prity Hayes – retail (65 Station Road) – Class E
- Café Vaknat – café (69 Station Road (vacant) – Class E
- Namaste Gurkha – restaurant (71 Station Road) – Class E
- Butchers & Grocery – retail (73 Station Road) – Class E
- Savemore Superstore – retail (75 Station Road) – Class E
- The Old Crown – pub (83 Station Road – Sui Generis.

When considering the above, it is clear that existing surrounding context of Station Road consists of multiple restaurants, a pub and food stores. If assessed against this policy, there are currently 3 restaurants and 1 pub within the secondary shopping area, meaning when assessing against criteria 36.6% of operational uses the secondary shopping area those listed within DMTC 4, meaning the threshold is already in breach prior to our proposal.

Given, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 have introduced a more flexible range of commercial, business and service uses suitable for a town centre location, limited weight can be given to the Council's target. This is the approach taken by the Inspector when allowing planning app ref: APP/R5510/W/24/3340769. Even after the partial change of use proposed, the change of use in this instance would result in 73% of uses in the secondary shopping being in class E use and see no loss in retail operators. Therefore, the change of use is acceptable in terms of its effect on the vitality and viability of the shopping area.

The proposed development at 62 Station Road, if permitted, would only be the third AGC in the town centre and is over 20 units away from the nearest existing adult gaming centre, separated physically and visually by several Class E uses. As displayed in appeal ref. APP/R5510/W/24/3340769, a previously proposed amusement centre at 14-16 Station Road was noted in paragraph 16 as being the second amusement centre in the town centre, and although the two centres were near each other they were visually and physically separated by several Class E units.

Given the above, there being several vacancies nearby and the long-term inertia of the site, the change of use is compliant with both local and national policy.

Active Frontage

When walking along Station Road there is an eclectic mix of frontages and window displays within the Secondary Shopping area, each with widely differing external expressions. The proposed Merkur Slots will sit comfortably within this context, achieving an active frontage along Station Road.

Policy SD6 of the London Plan (2021) recognises the importance of active frontages in promoting safety and security to enhance the town centre and support the vitality and viability of town centres.

As a result, Merkur Slots are proposing to move away from their typical approach to window displays (which includes vinyl to the glazing comprising colourful signage and imagery and tv screens with promotional material and daily news/weather). As can be seen via the submitted proposed windows manifestations plan, the proposed display would incorporate the following:

- No vinyl
- 2No. TV Screens
- Posterboards (Set-back 1m from the glazing)

A similar approach has been adopted elsewhere, and an example can be seen at Figure 1.1 which shows an existing venue in Plymouth which was allowed at appeal.

Figure 1.1 – Existing Merkur Slots Venue at 116 New George Street, Plymouth



Whilst there was 25% vinyl coverage, the Planning Inspector in this case commented as follows:

'The proposal would provide a suitable active frontage that would be beneficial to the character and appearance of the area. It would rectify and repair the harmful effect the empty premises have on the townscape in this location'. (Plymouth).

Based on the above, and whilst this element does not require planning permission, evidence confirms that the proposed window display for Merker Slots represents a betterment of the previous situation. The television screens (which provide promotional information as well as daily news and weather), together with the setback display providing partial views into the unit, increases the vibrancy and animation to the street and ensure accordance with Policy SD6.

Night-time economy

Policy HC6 of the London Plan (2021) supports London's night-time economy and the promotion of a 24-hour city. AGCs are recognised town centre uses within the National Planning Policy Framework (NPPF) and are recognised town centre uses that complement retail and service uses and help to contribute to a centre's evening and night-time economy. Merkur Slots will continue to contribute towards the vitality and viability of the town centre as a whole.

The proposed ACG will provide new full-time jobs and enhance the shop frontage, meaning the proposed use would make a significant contribution to the vitality and viability. Furthermore, Station Road is the most direct route from other parts of the town centre to Hayes and Harlington station and the bus stop located close to the application site includes night services. This demonstrates that the proposed AGC in this location will make a significant contribution to the vitality and viability of this part of Hayes Town Centre demonstrating accordance with local and national policy.

AGCs are considered a leisure use and is akin to retail and complements existing uses within town centres and high street locations. To evidence this, Merkur Slots Ltd (UK) commissioned ESA Retail, an independent survey company, to carry out footfall, pedestrian flow and linked trip surveys at three of their trading AGCs across England. The results can be seen via the submitted ESA Retail report, which clearly demonstrates that Merkur AGCs are entirely appropriate and complementary uses within primary retail areas/frontages, which often have higher footfalls than some traditional retail units. Merkur Slots AGCs attract people into centres, generate good levels of footfall, maintain high levels of pedestrian flow and generate linked trips. As a result, the proposed change of use would have a positive impact on the vitality and viability in this part of the town centre.

The proposal would bring a unit back into use that has been vacant for a long time. This is supported by Policy DMTC 1 of the Local Plan Part 2, which seeks to ensure proposed development enhances the town centre's offer and is compatible with the nature, scale, and function of the town centre.

Amenity

AGCs typically operate 24-hours. The surrounding area is mix of uses, including variety of other commercial and leisure uses within the Town Centre. As mentioned, 24-hour opening is long established within this part of Hayes Town Centre and is in a sustainable location, with Station Road being the most direct route from other parts of the centre to Hayes and Harlington Station (0.1 miles from the site). The bus stop located 171 ft from the site which also provides nighttime services and Station Road is fit with cycle provision and infrastructure.

DMTC 4 Criteria II considers the impact of amenity from establishments such as amusement centres. It is important to consider that Merkur Slots noise levels are generally very low and impacts on disturbance to surrounding uses are effectively mitigated and minimal. For example, as set out in the submitted brochure, only background music is played within venues (similar to shops) and there are no tannoy systems. Further, the late-night customer base is predominately late shift workers looking to relax and larger groups are very rare due to the offer within the AGCs. As such, the nature of the use proposed would not result in adverse noise in either the day or night-time hours and the use is appropriate to the busy high street context and complies with local plan policy.

Notwithstanding, a worst-case noise assessment has been prepared concluding that there will be no harmful noise impacts from 24-hour operation on the residential premises situated on the upper floors of a commercial unit 6m away from the site, meaning operation opening 24hrs (daily) would be acceptable. Provided the rectification works to the property outlined in Appendix C of the assessment are implemented ensuring the limit of NR20 will be achieved, the site would be suitable for operation 24hrs (daily). These rectification works include:

- Acoustic perimeter seals are installed around the frame of the door and at the bottom to prevent unnecessary sound transmission to the outside. It is recommended that the door also incorporate an automatic closer system and sealing any holes in the separating floor with sealant or mortar to prevent flanking paths.

The recommendations will be implemented to ensure noise disturbance is prevented, meaning the limit of NR20 will be achieved and the site would be suitable for 24-hour operation, ensuring compliance with national policy.

As part of the noise assessment, case studies of 10 operational 24-hour Merkur slots venues have been included, which assesses the comings and goings of patrons and patrons smoking outside. The case studies demonstrate that Merkur Slots patrons are quiet when outside the premises.

The submitted Merkur Slots brochure also demonstrates the following:

- The machines offer low stakes of between 10p and £2
- Merkur's AGCs offer Bingo
- Popular with both males and females
- A 'Think 25' entrance policy is operated at venues (nobody under 18 years old will be allowed entry)
- Complementary refreshments, teas and coffees are provided
- Customers visit on their own or in couples – large groups are rare
- Unlike betting shops, no live sports events are shown
- The customer base after midnight is predominantly the local shift workers who like to relax after their busy shifts (hence requirement for flexible hours)
- Our teams remain with customers on the venue floor rather than behind the counter.
- The machines generate low levels of noise, only background music is played (similar to shops) and there are no tannoy systems
- Merkur Slots have never had an operational licence revoked or even reviewed.

Given the nature of the proposal and the commercial context of the site, 24-hour opening is considered acceptable in this location.

To provide further reassurance, Appendix E of the submitted noise report details an operational management plan. Key measures include:

- The main entrance doors will not be fixed or propped open at any time whilst the premises is trading and there are customers in the venue.
- Customers wishing to smoke will be asked to do so as quickly as possible and in a responsible and quiet manner.
- Individuals who are deemed to be under the influence of excessive alcohol shall not be allowed to enter the premises.
- A notice will be placed that is visible from the exterior of the premises stating that drinking of alcohol directly outside the premises is forbidden and that those who do so will be banned from the premises.

- Customers will be reminded to respect neighbours when they leave.
- Staff, on request, will provide relevant information to customers who require a taxi or directions to the nearest station or bus stop.

The applicant is happy for the OMP to be conditioned as part of any forthcoming decision. Based on the above, proposals are in full accordance with local and national planning policy.

External alterations to the shopfront

In addition to the proposed sub-division and change of use, external alterations and new advertisements are proposed for No. 62 Station Road. The proposals for the shopfront are minor and comprise the following:

- Existing concrete background to be prepared and decorated in a suitable black paint finish for concrete.
- Existing brown glazed vitreous wall tiles to be retained and cleaned down.
- 1no new entrance door to accommodate remaining class E space.
- Remove redundant shopfront entrance lobby doors and form new deeper recessed entrance lobby, door frame, fixed side panel and return with fanlight and entrance door as shown. All to be aluminium and powder colour coated black to match RAL 9005. This will serve the proposed AGC.
- Existing aluminium framed shopfront to be rubbed down, overhauled and prepared ready for a sprayed finish. Frames to be sprayed to match Charcoal / Black. (RAL 9005).
- New separating wall to be installed between the two units as part of the subdivision.

Having regard to the character of the existing frontage and other units within the town centre, the proposed shopfront alterations are of an appropriate design and materials.

Advertisements

An application has also been submitted for new advertisement associated with the proposed AGC at part ground floor 62 Station Road. The proposed signage incorporates an 8925mm long sign, 825mm high, MEKUR SLOTS illuminated letters and logo above the window at the front of the building. 1no. internally illuminated projecting sign is also proposed and can be seen within the submitted proposed advertisement plan.

The proposed advertisement signs have been meticulously prepared to ensure they comply with local policy and the existing/approved schemes along station road. Policy DMHB 13A defines the criteria for shop signage and advertisements, ensuring the quality of the public realm is retained. criteria B of the policy states that shop signage is limited to the strip above the shop and one projecting sign. Proposals therefore accord with local policy and propose advertisements that are of a similar design to those already presented along Station Road. For instance, other operators along Station Road. These include:

- 25222/ADV/2024/23 – 105 Station Road - Secondary Shopping Area approved 2 internally illuminated fascia signs and 1 internally illuminated projecting sign.
- 28554/ADV/2024/47 – 14-16 Station Road - Primary Shopping Area approved 1 internally illuminated fascia sign and 1 projecting sign and window graphics.
- 76261/ADV/2024/20 – 29 Station Road - Primary Shopping Area approved 1 internally illuminated fascia sign and 1 internally illuminated projecting sign.

- 65794/ADV/2022/62 – 42A Station Road - Primary Shopping Area approved 1internally illuminated fascia sign and 1 internally illuminated projecting sign.

Based on the above, proposed advertisements in this instance will complement the visual character of the surrounding character. The illuminated signage will not be flashing or intermittent therefore, will not detract from the appearance of the ground floor frontage. The signage amongst other shopfronts along Station Road are similar to the proposed signage, including internally illuminated fascia and projecting signs, therefore it will not look out of place or impact the visual amenity of the surrounding context.

Given the site does not fall within a conservation area and the scale of the proposed signage is in proportion to the scale and size of the building and similar to previously approved schemes along station road, proposals will not detract from the appearance of the street scene. As a result, proposals accord with local policy.

Conclusion

The principle of the proposed change of use is entirely acceptable and the proposals will protect and enhance the vitality and viability of this part of the town centre. The proposal involves the bringing back of a vacant unit into beneficial/commercial use, which will trigger several economic benefits and an established operator to contribute to the vitality and viability to the town centre. The proposals will also have no net loss of Class E units through the subdivision of the existing one unit.

The proposals therefore comply with local and national policy; it is therefore respectfully requested that the application is approved without delay in accordance with para 11 of the NPPF.

Application Package

- Site Location Plan
- Block Plan
- Existing & Proposed Ground Floor Plans
- Proposed Windows Manifestation Plan (for information purposes).
- Noise Report
- Company Planning Brochure
- Marketing Evidence
- ESA Retail – pedestrian flow, footfall and linked trip data.

Yours sincerely,

Planning Potential

Harrogate

Enc.