

Planning Group  
Town Hall and Civic Offices  
Westoe Road  
South Shields  
Tyne and Wear  
NE33 2RL

01 July 2022

Our Ref: 20/5739

Dear Sir/Madam

#### 48 King Street, South Shields, NE33 1HZ

On behalf of Merkur Slots (UK) Ltd (previously known Cashino Gaming Ltd), please find enclosed an application pursuant to Section 73 of the Town & Country Planning Act 1990 (As Amended) to remove Condition 3 (opening hours) attached to Decision Notice ST/1045/20/FUL dated 24.02.2021 for the Change of use of the ground and first floor at 48 King Street from retail (Use Class E / A1) to an Adult Gaming Centre (Sui Generis).

Section 73 allows a planning application to be made for the carrying out of development without compliance with one or more conditions attached to a previous planning permission, where there is a relevant condition that can be varied/removed.

#### Application Site & Surroundings

The application site comprises the ground floor and first floor of a two-storey building those fronts onto King Street in the heart South Shields Town Centre. The unit is adjoined by H. Samuel (E/A1) and Santander (E/A2). More generally, King Street hosts a variety of independent and national chain shops, as well as supporting uses, such as financial and professional services, restaurants and cafés, as well as hot food takeaways, testament to its Town Centre and Primary Shopping Area Location. There are also several vacancies in the vicinity.

The particular AGC has been operating since 18.10.2021

#### Proposal & Background

Condition No.3 of planning permission ST/1045/20/FUL states as follows:

- *The premises shall only be open to the public between the hours of 08:00 and 00:00 (midnight) Monday - Sunday. It shall not be open to the public at any other time outside these hours.*

The reason for the imposition of the condition was as follows:

**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**  
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Charlotte Hunter | Grace Mollart | Charlotte Ryan-Elliott | Jamie Pert

- *In order to support the prevention of crime and disorder in the local area (including anti-social and other behaviour adversely affecting the local environment during the night) and to ensure that the potential risk of crime and disorder, and the fear of crime, do not undermine the quality of life within and vitality of South Shields town centre in accordance with the Local Development Framework Core Strategy Policy SC2, Policies SS1, SS7 and SS8 of the South Shields Town Centre & Waterfront Action Plan and the National Planning Policy Framework.*

Merkur Slots typically operate 24 hours and where they do not open 24-hours they usually operate into the early hours. A 12pm closing time is a very early closing time for a leisure use that relies on evening/night-time trade. Due to there being robust evidence justifying 24-hour opening in this location, they wish to remove condition 3, allowing 24-hour operation daily.

The amendment sought will enable one of Merkur Slot's key customer base to benefit from the offer and service provided by the adult gaming centre. The evening/late-night customer base is predominately shift workers looking to relax after evening shifts.

### Justification

A noise consultant (Archo Consulting Ltd), has been commissioned in order to support our justification for removal of condition 3 (opening hours), based on the premise that no detriment would be presented upon the surrounding amenity following a successful application. The technical note provided by Archo Consulting Ltd forms part of our submission package (**Appendix 1**).

The report includes robust assessments to demonstrate that extending opening to 24-hours will not result in any harmful impact on the surrounding amenity. The assessments carried out are as follows:

- An assessment of the internal noise levels at the application site (so rather than relying on internal noise levels from other sites, the actual noise levels within the AGC at 48 King Street have been assessed), confirming that the sound insulation measures have been fully implemented, the internal noise levels are low and that there is no noise break out from the unit.
- An assessment of the external background/baseline noise levels outside 48 King Street over the period of the proposed extension to opening hours (24-hours) which demonstrates that no sound was audible outside of the premises to the front and rear during peak operation.
- An assessment of customer behaviour/comings and goings at both 48 King Street, and 3 operational 24-hour Merkur Slots sites during the early hours, which confirm customers are quiet and arrive and visit on their own/in couples rather than large groups, and do not behave in an antisocial way.
- An assessment of potential noise impacts from patrons smoking outside has been undertaken. The study concluded that predicted worst-case noise levels are below the external 60 dBA threshold during the night-time stipulated in WHO and referenced within BS8233:2014.

All these additional assessments and empirical data together with the fact that, at time of writing, there have been no complaints regarding noise, nor has the business caused any reported issues within the local area since opening in October 2021 (8 months). This demonstrates that the removal of opening hours restrictions is entirely acceptable in noise terms.

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

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In order to justify the proposed removal of Condition 3 further and demonstrate compliance with relevant policy, it is important to fully explain and understand how a Merkur Slots, adult gaming centre operates. Merkur Slots typically operate 24-hours a day, 7 days a week. Whilst longer hours of operation are sought, it is important to consider that Merkur noise levels are generally very low and impacts on disturbance to surrounding residences are effectively mitigated and minimal. For example, as set out in the supporting company 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 night-time hours and the use is appropriate to the Town Centre context.

Despite common misconceptions, the brochure (**Appendix 2**) also clearly demonstrates how Merkur AGCs are smart well-run establishments, that do not give rise to problems, as follows:

- Complementary refreshments, teas and coffees are provided.
- AGCs are where people go to spend their spare change, have a game of bingo and enjoy their favourite pastime (these machines have been around for many years).
- Customers visit on their own or in couples – large groups are rare.
- The customer base during the late evening and into the early hours is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts.
- The machines generate low levels of noise, only background music is played (similar to shops) and there are no tannoy systems; and
- Cashino have never had a licence revoked or reviewed and incidents are extremely rare.

It has therefore been demonstrated condition 3 in its current form no longer meets the necessary condition tests in that it is no longer necessary, and it would be unreasonable to insist the condition remains unchanged.

### Covert Observation at 48 King Street, South Shields, NE33 1HZ

Leveche Associates Limited (former police officers that assist Merkur Slots Ltd with the licensing and planning process) have been commissioned to conduct independent observations on the application site and the surrounding area.

Observations conducted by Leveche Associates Limited on Merkur Slots 48 King Street, South Shields, NE33 1HZ and the surrounding area between 19:50 hours on Wednesday 25<sup>th</sup> May 2022 and 06:00 hours on Thursday 26<sup>th</sup> May 2022, between 20:00 hours on Thursday 26<sup>th</sup> May 2022 and 06:00 hours on Friday 27<sup>th</sup> May 2022, between 22:50 hours on Friday 27<sup>th</sup> May 2022 and 05:00hrs Saturday 28<sup>th</sup> May 2022 and again between 13:00 hours and 14:10 hours on Saturday 28<sup>th</sup> May 2022. Four covert visits were made to the premises which showed them to be well run and operating correctly with no issues (**Appendix 3**). For instance, key findings from the observations include:

- *“At the time of my visits to these locations, I saw no evidence of crime and disorder, anti-social behaviour, excessive noise, street drinking, drug dealing, begging or group of youths hanging around”.*
- *“Merkur Slots UK and their premises operate in support of the principles of Secured by Design, the company recommended by the Chief Officers of UK Police Forces for Crime Prevention standards”.*

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From the observations it is clear that the premises operating 24-hours a day will not increase anti-social behaviour, noise or any other crime and disorder that would have a negative impact on nearby residents, the environment, local infrastructure or wider local community.

With the above context, proposals for 24-hour operation clearly comply with the Local Development Framework Core Strategy Policy SC2, Policies SS1, SS7 and SS8 of the South Shields Town Centre & Waterfront Action Plan and the National Planning Policy Framework.

## Conclusion

The contents of the company brochure and Noise Assessment demonstrates that Merkur adult gaming centres are well-run premises, that do not attract and/or generate noise impacts and disturbance that would in-turn affect the character of an area or indeed result in nuisance, noise and safety concerns. The technical evidence to support the later night opening is based on the site assessments of patron behaviour in three different locations in the UK during night-time hours and robustly confirms that the removal of Condition 3 is appropriate and justified at 48 King Street, and in line with local policy.

In summary, we request that the removal of restrictions on opening hours, as set out above, is granted. This is due to considerate operation of the premises by our client and the sustainable location of the application site, justified in the non-existence of noise, disturbance or associated complaint received since opening in October 2021.

In addition to this covering letter, please find enclosed the following documents as part of our submission package for the application:

- Completed Application Forms
- Site Layout Plan at scale 1:500
- Decision Notice for application reference:
- Appendix 1 - Noise Impact Assessment, prepared by Archo Consulting
- Appendix 2 – Company Planning Brochure
- Appendix 3 – Full Observation Report, prepared by Leveche Associates Limited

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

Yours sincerely,

*Planning Potential*

Planning Potential

Harrogate

Enc.

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