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Royal Borough of Greenwich  
Planning Department  
The Woolwich Centre  
35 Wellington Street  
London  
SE18 6HQ

February 2024

Our Ref: 24/7355

Dear Sir/Madam

### **111 High Street, Eltham, SE9 1TD**

This planning application seeks full planning permission for the change of use of 111 High Street from a vacant Class E unit to an Adult Gaming Centre (AGC) (Sui Generis) (SG) use to allow Merkur Slots Ltd (UK) to occupy the unit.

#### **Application Site and Surroundings**

The application site comprises 111 High Street situated in a sustainable location within Eltham Town Centre. The site is a former bank (Class E use), and the unit has sat vacant since September 2022. During this period of vacancy, the site had been actively marketed for retail use, but nothing materialised due to the unit not being suitable.

The site falls within the Primary Shopping Frontage, whereby the predominant use of the area is retail however there are a variety of other commercial/leisure uses within the centre.

The property does not fall within a conservation area, nor is the site statutorily or locally listed.

#### **Proposals**

The proposals concern the Ground and First Floor of 111 High Street, seeking the change of use from a vacant Class E unit to an AGC.

Access will remain the same as existing (the front entrance fronting High Street).

#### **Planning Policy Context**

##### *Principle of Development*

It should first be noted that the new E use class came into effect on 1<sup>st</sup> 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

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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 In light of these significant changes, town centre policies that predate the E use class are now out of date and cannot be afforded the same weight when assessing town centre proposals.

Whilst the proposed AGC is a sui generis use, which does not fall within Use Class E, the new Order is clearly material to this matter in respect of how it would affect the Council's policies' ability to retain retail uses as a variety of uses can now occupy retail units without the need for planning permission. Notwithstanding, the proposals have been assessed against the shopping/town centre policies of the development plan.

Currently, the development plan regarding Royal Borough of Greenwich Council's is the Core Strategy (adopted 30<sup>th</sup> July 2014). The key policy assessment with regards to this application are policies TC3; TC (a) and TC (b) of the core strategy. There is no policy restricting an AGC, nor does policy list an AGC as an unacceptable use within Eltham Town Centre. Policies all share the general consensus that new leisure and related town centre uses will be expected to locate within Eltham Town Centre.

The application site falls within Eltham Town Centre and is part of the Primary Shopping Frontage. Here, threshold policies only apply to the loss of A1 (retail). Policy TC (a) states that within the primary shopping frontage of Eltham Town Centre, the minimum percentage of A1 use is 70%. In this instance, the site is a former bank, meaning the change of use will have a neutral impact upon the retail provision in Eltham Town Centre.

Policy TC (b) states that the Council will accept a wide range of evening uses and proposals for non-retail uses:

1. Should directly serve visiting members of the public; generate and not impede pedestrian activity and keep the shopping frontage active;
2. Should include installation and retention of a display window of good design.
3. Must not result in the loss of an occupied A1 retail unit where reasonable alternative premises, for the non-retail use, are available elsewhere in the centre.
4. Will not be permitted if, as a result, either the use class category or the combined total of A3, A4 and A5 uses would occupy more than 25% of all designated frontage premises within that centre or individual block.
5. Should not increase the likelihood of anti-social behaviour or increase fear of crime.

With regards to criteria a and b, the application site will have a neutral impact on the retail composition of the primary frontage as the site is a former bank (former A2). Therefore, the change of use will have a neutral impact on the threshold criteria, meaning criteria 3 and 4 of policy TC (b) are satisfied. However, if the council consider the policy criteria to be relevant then the predominant retail character of the frontage won't be harmed, as the application site been vacant since September 2022 and it is adjoined by a retail use (TK Max).

Additionally, proposals are considered to make a positive contribution to overall diversity of the centre as it is a Sui Generis use that would bring a vacant and tired looking frontage into an active/trading frontage, in full accordance with criteria 2.

Based on the above, and the long-term inertia of the site (vacant since 2022), it is no longer suitable for the previous use as a bank (Class E operator). As per local policy leisure uses in the Town Centre are encouraged, so long as they are appropriate to the area. Given proposals enhance and improve the vitality and viability of the district centre, including proposals that increase the mix of uses, will be supported. Proposals will also be supported whereby significant footfall will be generated (including leisure uses).

The unit has been vacant since 2022 and the change of use would not compromise the vitality and viability of the town centre. The introduction of an AGC at this location will be in place of a vacant unit, subsequently contributing to maintaining and enhancing the diverse economic mix within the town centre; aligned with local policy, particularly Policy TC3.

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 result can be seen at Appendix 1 and clearly demonstrates that Merkur AGCs are entirely appropriate and complementary uses within primary retail areas, which often have higher footfalls than some traditional Primary Frontage retail units. The nature of high streets has changed. Merkur AGCs attract people into centres, generate good levels of footfall, maintain high levels of pedestrian flow and generate linked trips.

To provide context, data was collected for the two units located either side of the AGC, so five units were surveyed in total. The frontages surveyed comprise a variety of independent and national operators and were predominantly retail (former A1 units). At each location, the AGC was either the busiest or second busiest in terms of the total number of customer movements. At High Road, Wood Green, London, the AGC was adjoined by a Jewellers and a Clothes shop. Results concluded that Merkur recorded the most people entering and exiting the premises (103 people), whereas the Jewellers (66 people) and clothes shop (42 people) recorded less than the AGC combined. Therefore, it is clear that the introduction will not discourage pedestrian footfall towards retail uses in the vicinity and the introduction of an AGC would simply improve the vibrancy of the shopping centre. This is further evidence to demonstrate full accordance with criteria 1 of policy TC (b).

AGCs are recognised town centre uses within the National Planning Policy Framework (NPPF) and are common town centre uses that complement retail and service uses and help to contribute to a centres evening and night-time economy. The proposed AGC will bring a vacant unit which has not been contributing to the local economy back into use and return activity to the frontage which is a significant benefit to this part of town centre. The introduction of the proposed AGC use will also result in additional benefits, including the redecoration of the existing tired frontage, increased footfall, contributing to linked trips and the creation of 12 new full-time jobs. In this respect, the new use will clearly complement the vitality and vibrancy of the centre, serving the local community within this part of the town centre and will contribute towards the vitality and viability of the centre. As a result, the introduction of an AGC in this location will support daytime and evening economies, whilst not undermining the role of the shopping centre.

It should be noted that AGCs are classed as a main town centre use and there is no policy threshold restricting the loss of retail units, with AGCs consistently regarded as a leisure use by Inspectors. Overall, the principle of the proposed change of use is entirely acceptable and the proposal will protect and enhance the vitality and vibrancy of this part of Eltham. It could also trigger inward investment and increase the attractiveness of nearby vacant units to potential occupiers.

#### Amenity

AGCs typically operate 24-hours, and that is proposed for the AGC at the application site.

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 noise assessment has been prepared concluding that there will be no harmful noise impacts from 24-hour operation in full accordance with Para. 191 of the NPPF, provided the rectification works to the property outlined in the assessment are implemented. These rectification works are outlined in Appendix C of the submitted noise report. All

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 local policy E (a) 'Pollution' and national policy.

The submitted Merkur Slots brochure also demonstrates the following:

- AGCs 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's AGCs contain bingo machines and tablets
- 48% of customers are female
- 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
- 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 after midnight is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts (hence requirement for flexible hours)
- 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.

Given the nature of the proposal, the fact that the closest residential premises to the site described as a noise sensitive receptor (NSR1) is the residential unit located above the adjacent commercial premises approximately 6-metres away. 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 willing for the OMP to be conditioned as part of any forthcoming decision. Based on the above, proposals are in full accordance with Interim guidance and local policy, particularly Policy TC (b) states that development should not increase the likelihood of anti-social behaviour or increase fear of crime.

### Conclusion

The principle of the proposed change of use is entirely acceptable and will not impact the retail composition of the Primary Shopping Frontage. The proposals will protect and enhance the vitality and viability of this part of the Eltham Town Centre. The proposal involves the bringing back of a vacant unit into beneficial/commercial use, which will trigger a number of economic benefits, and will allow an established operator within this part of the district centre contribute to the centre.

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 Floor Plans
- Noise Report
- Company Planning Brochure
- ESA Retail – pedestrian flow, footfall and linked trip data.

Yours sincerely,

### Planning Potential

Harrogate

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