

# Planning Committee Report [24/0820/FUL]

## 1.0 Application information

Number:	<a href="#">24/0820/FUL</a>
Applicant Name:	Merkur Slots Ltd (UK)
Proposal:	Change of use from vacant restaurant and takeaway (Sui Generis Use Class) to 24/7 Adult Gaming Centre (Sui Generis Use Class).
Site Address:	47-48 Sidwell Street Exeter EX4 6NS
Registration Date:	18 July 2024
Link to Documentation:	<a href="https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=24/0820/FUL">https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=24/0820/FUL</a>
Case Officer:	Robert Russell
Ward Members:	Cllrs K Mitchell, M Mitchell and Palmer (Duryard and St. James Ward)

REASON APPLICATION IS GOING TO COMMITTEE: Members requested that the item be placed on the Committee Agenda at a meeting of the Delegation Briefing on 03 September 2024.

## 1.0 Introduction/Procedural Matters

### Appeal Against Non-Determination:

The applicant has lodged an appeal (05 December 2024) with the Planning Inspectorate on the grounds of non-determination of this application within the statutory time frame. As a result, the Local Planning Authority (LPA) no longer retains jurisdiction to determine the application. The appeal will now be decided by the Planning Inspectorate.

However, the Planning Committee is asked to consider what decision it would have made if it were still within its remit to determine the application. This resolution will inform the LPA's position in the appeal process. The Committee's views will be reflected in the council's formal submissions to the Inspectorate, which will include the following:

- A statement outlining the council's position (either supporting or opposing the proposal).
- The reasons for refusal or conditions of approval the council considers appropriate.

This procedural step is necessary to ensure that the council's views are adequately represented in the appeal process.

## **2.0 Summary of recommendation**

GRANT subject to conditions

## **3.0 Reason for the recommendation**

The proposal for the change of use of 47- 48 Sidwell Street to an Adult Gaming Centre (AGC) has been carefully assessed against national and local planning policies, public representations, and site-specific considerations.

The reuse of this vacant unit represents an opportunity to enhance the vitality and viability of Exeter's city centre, particularly within the secondary shopping frontage of Sidwell Street. The introduction of a new leisure use aligns with the strategic objectives of supporting economic growth, reducing vacancy rates, and contributing to the nighttime economy. The creation of 12 full-time jobs further demonstrates the proposal's potential to deliver significant economic benefits.

Concerns raised through public consultation regarding noise, antisocial behaviour, and public safety have been given due consideration. Mitigation measures, including restricted operating hours, noise insulation improvements, and operational safeguards such as CCTV and enhanced shopfront design, address these concerns comprehensively. These measures will ensure that potential adverse impacts on nearby residents and the surrounding community are minimised.

The proposal also presents an opportunity to enhance the visual amenity of Sidwell Street by replacing an inactive shopfront with a vibrant and engaging frontage. This change will contribute positively to the character of the area, improving its appeal to both pedestrians and visitors.

In reaching this recommendation, the Local Planning Authority has balanced the proposal's benefits against its potential impacts. The imposition of planning conditions ensures that the development will integrate harmoniously into its urban context, safeguarding the amenity of nearby residents while delivering wider public benefits.

The recommendation to approve the proposal, subject to conditions, reflects the view that the development accords with the overarching principles of sustainable development as set out in the National Planning Policy Framework and the Local

Plan. The proposed use is a sustainable and appropriate addition to the city centre, contributing positively to Exeter's economic, social, and environmental objectives.

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	<p>The proposal would re-use brownfield land and bring a vacant commercial unit back into active use within the main retail centre of the city.</p> <p>The proposed AGC would increase footfall and aid vitality in the secondary shopping frontage and the secondary shopping area. It would expand the entertainment offer, strengthen the nighttime economy, and compliment the mix of land uses in the locality.</p> <p>The principle of the proposed use is considered acceptable in this location.</p>
Impact on living and working conditions	<p>There is some potential for noise and disturbance to be caused to nearby residents by a 24/7 operation. A condition is therefore added to restrict opening hours from 09:00 – 02:00.</p> <p>The impact on neighbouring amenity would be sufficiently mitigated by reduced hours and other conditions concerning noise and plant details.</p>
Visual amenity	<p>The minor scale of the proposed use is proportionate and compatible in this location. The proposed AGC would remove an inactive frontage from the street scene and enhance the character and appearance of the area.</p>
Economic benefits	<p>The proposed use would provide 12 full-time employees and other economic gains through conversion</p>

Issue	Conclusion
	work and increased footfall.
Impacts on crime and anti-social behaviour	The development is in an area known for crime and anti-social behaviour. To limit any potential to increased impacts, a condition is proposed to reduce the hours of use (as above), and to ensure an active shopfront.

## 5.0 Description of site

47-48 Sidwell Street is a ground floor commercial premises situated in the city centre. The unit forms part of a three-storey red brick building block of post-war origin and plain design. This is positioned on the northern side of Sidwell Street east of the intersection with York Road/ Summerland Street. The site is found near to the middle of the block and adjoins active commercial units on both sides.

Nos. 47 and 48 Sidwell Street were amalgamated in 2015 to produce a larger commercial premises. The unit is currently vacant and has been since June 2023. Its previous use was a pizza restaurant and takeaway (Sui Generis Use Class). The existing shopfront is inactive but retains black metallic framing and entrance door, a stallriser and fascia board for advertisement. It was previously replaced circa 8 years ago to accommodate the previous occupier.

The combined premises covers a floor space area of 125.7 sqm. It has two external elevations and entrance points. These provide public access through the principal elevation in Sidwell Street and servicing via the rear in Acland Road, respectively.

The site is found in a mixed-use and heavily urbanised part of the city centre with limited green space. The surrounding area is formed of predominantly commercial and residential properties. The building above the shop contains maisonettes on the upper floor levels. The site is in an area of archaeological importance, but it is not in a conservation area, within the setting of any listed buildings or close to other identified heritage assets.

## 6.0 Description of development

*Change of use from vacant restaurant and takeaway (Sui Generis Use Class) to 24/7 Adult Gaming Centre (Sui Generis Use Class).*

Adult gaming centres (AGCs), often called arcades, are amusement/ leisure facilities offering gambling services such as bingo and slot-gaming. This application seeks full

planning consent to operate such a facility on a 24/7, 365 days a year basis. The submission states that no alcohol would be served at the premises and that no access would be granted to people who appear intoxicated. There is no tannoy proposed but low-level background music. By law strictly only adults, and no children would be allowed to enter the premises.

A separate licence is required alongside planning permission.

## 7.0 Supporting information provided by applicant

- Site location and site plans
- Existing ground floor - *Drawing No 894-EX-001 Rev 01*
- Proposed ground floor – *Drawing No 894-PL-101 Rev 01*
- Noise Assessment Report – *Ref PR2001\_189\_FINAL*
- CIL Form 1
- Planning Statement
- Proposed Display Manifestation – *Drawing No 894-PL108 Rev 01*
- Footfall, Pedestrian Flow and Linked Trip Surveys – SUMMARY REPORT
- Written rebuttal/ response to objections
- Company Brochure

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
16/1052/ADV	Installation of new fascia and hanging signs	PER	05.09.2016
16/0733/ADV	Installation of new signs	PER	29.06.2016
11/0902/FUL	Change of use from retail to cafe and takeaway	PER	16.08.2011
05/0378/ADV	Internally illuminated fascia sign	PER	09.05.2005
05/0364/FUL	Installation of replacement shopfront	PER	03.05.2005
00/0364/FUL	Change of use on ground floor from shop (Class A1) and tea parlour/coffee shop	PER	19.04.2000

	(Class A3) to tea parlour/coffee shop (Class A3)		
98/0964/FUL	Partial change of use on ground floor from shop (Class A1) to coffee shop (Class A3)	PER	23.11.1998
97/0472/FUL	Change of use of first and second floor maisonette (Class C3) to use as extension to adjoining snooker club (Class D2) and external alterations including blocking up windows	REF	26.08.1997
86/1203/FUL	Change of use from shop to amusement and leisure centre	REF	16.02.1987

## 9.0 List of constraints

- Area of Archaeological Importance
- Smoke Control Area
- Article 4 (HMO) Area
- Air Quality Management Area (AQMA) (less than 5m from designation)
- Residential uses above, opposite and elsewhere nearby. Community centre (St Sidwell's Centre) and school (St. Sidwell's Church of England Primary School) are located a minimum of 80 metres and 95 metres respectively, measured directly from the rear boundary of the application site.

## 10.0 Consultations

All consultee responses can be viewed in full on the Council's website.

- **Devon and Cornwall Police Designing Out Crime Officer (19 September 2024):**  
No objection in principle to the proposed use. Concerns raised around the 24-hour nature of the facility in a relatively high crime area. Condition recommended to restrict opening hours from 09:00 – 02:00 to mitigate the impact.

- **Exeter City Council Environmental Health Officer (13 November 2024):**  
No objection. Three conditions recommended regarding plant details, noise insulation upgrades, and construction hours to minimise noise impact.
- **Delegation Briefing (03 September 2024):**  
The development proposal was discussed with Members to consider public representations, key planning issues, material considerations, and assessment. Members did not accept the Officer's recommendation for approval with conditions and requested that the item be placed on the agenda for Planning Committee.

## 11.0 Representations

Thirteen comments have been submitted on this scheme, all objecting to the proposal.

The objections relate to:

- Unsuitable/inappropriate land use.
- Associated increase in crime and antisocial behaviour.
- Impact on gambling addiction and associated harms (not a material planning consideration).
- Noise and disturbance.
- Public safety and security.
- Lack of retail frontage and adverse impact on visual amenity and the character and appearance of the area.

## 12.0 Relevant policies

### National Planning Policy Framework (NPPF) (December 2024)

1. **Paragraph 8 - Achieving Sustainable Development**  
Sets out the three overarching objectives of sustainable development: economic, social, and environmental. These objectives are to be pursued in mutually supportive ways to achieve net gains across all areas.
2. **Paragraph 11 - Presumption in Favour of Sustainable Development**  
Establishes a presumption in favour of sustainable development, requiring that proposals aligning with an up-to-date development plan should be approved without delay unless material considerations indicate otherwise.
3. **Paragraph 86 - Ensuring the Vitality of Town Centres**  
Emphasises the importance of maintaining and enhancing the vitality and viability of town centres by promoting a mix of uses, increasing footfall, and ensuring adaptability to meet future demands.
4. **Paragraph 92(b) - Healthy, Inclusive, and Safe Places**  
Planning policies and decisions should promote safe and accessible environments, ensuring that crime and the fear of crime do not undermine the quality of life or community cohesion.

5. **Paragraph 94 - Promoting Safe and Inclusive Communities**  
Stresses the importance of ensuring accessibility for all users, including those with disabilities, and promoting inclusive communities.
6. **Paragraph 110 - Sustainable Transport**  
Requires planning decisions to ensure developments provide safe and suitable access for all users and promote sustainable modes of transport.
7. **Paragraph 136 - Achieving Well-Designed Places**  
Encourages developments to be visually attractive, function well, and contribute positively to the overall quality of the area.
8. **Paragraph 185 - Planning Policies and Decisions Should Ensure New Development is Appropriate for its Location**  
Advises that developments must mitigate and minimise noise and other potential impacts, ensuring compatibility with surrounding uses.

## **Development Plan**

1. **Exeter Local Plan First Review (31 March 2005):**
  - **AP1:** Design and Location of Development.
  - **AP2:** Sequential Approach to ensure developments are located in the most sustainable locations.
  - **S1:** Retail Proposal/Sequential Approach for prioritising town centre locations.
  - **S3:** Shopping Frontages policy promoting active and engaging retail frontages.
  - **S6:** Amusement Arcades policy guiding the location of such uses to secondary shopping areas and mitigating potential impacts.
  - **T1, T2, T3:** Policies supporting sustainable transport and accessibility.
  - **T9:** Access to Building by People with Disabilities.
  - **C5:** Archaeology considerations for developments in areas of historical significance.
  - **EN5:** Noise mitigation requirements to protect residential amenity.
  - **DG1:** Objectives of Urban Design to ensure high-quality design that respects local character.
  - **DG3:** Commercial Development standards to maintain visual and functional quality.
  - **DG7:** Crime Prevention and Safety in design and layout.
2. **Exeter Core Strategy (February 2012):**
  - **CP1:** Spatial Approach promoting sustainable urban development.
  - **CP8:** Retail Development directing retail and leisure uses to city-centre locations.
  - **CP17:** Design and Local Distinctiveness ensuring developments contribute positively to Exeter's urban fabric.
3. **Exeter St. James Neighbourhood Plan (March 2013):**



- **D1:** Good Quality Design promoting high standards of design for new developments.
- **D2:** Retail and Commercial Frontages supporting active and engaging retail areas.
- **E1:** Employment and Enterprise encouraging developments that support economic activity.
- **SD4:** Adapting to Climate Change to ensure resilience in new developments.

### **Emerging Exeter Plan (Regulation 19 Draft)**

The following policies from the Regulation 19 version of the emerging Exeter Plan are relevant:

- **S1: Spatial Strategy:** Prioritises brownfield development and supports vibrant city-centre uses.
- **RFC1: The Future of Our Centres:** Encourages developments that enhance the vitality and diversity of town centres.
- **D1: Design Principles:** Promotes high-quality design that enhances public spaces and local character.
- **D2: Designing-Out Crime:** Requires developments to incorporate measures that deter crime and antisocial behaviour.
- **HW1: Health and Wellbeing:** Ensures developments contribute positively to health and wellbeing.
- **STC1: Sustainable Movement:** Encourages sustainable modes of transport and active travel.

## **13.0 Human Rights**

The application has been assessed with full consideration of the Human Rights Act 1998, which incorporates the European Convention on Human Rights into UK law.

The following Articles are of particular relevance:

1. **Article 6 – Right to a Fair Trial**  
The planning process provides opportunities for all interested parties to submit representations, participate in consultations, and engage in the decision-making process. This ensures that the right to a fair trial is upheld throughout.
2. **Article 8 – Right to Respect for Private and Family Life and Home**  
This right encompasses the protection of residential amenity, including issues such as noise and disturbance. While it is acknowledged that the proposed use may result in some impact on nearby residential properties, these have been mitigated through conditions, such as restricted operating hours and noise insulation. Any potential interference with this right is considered proportionate, justified in the public interest, and necessary to support the economic well-being of the area.

### **3. Article 1 of Protocol 1 – Protection of Property**

This Article protects the peaceful enjoyment of possessions, including private property. The planning process may impose limitations on land use; however, such restrictions are applied lawfully and in the public interest, as permitted under the statutory planning framework.

It is acknowledged that residents living above and near the site may experience some degree of change to their environment. Potential disturbances from noise and activity have been addressed through recommended planning conditions, such as operating hour restrictions (09:00 to 02:00), enhanced noise insulation, and operational management measures. These mitigations ensure that the development is balanced with the rights of residents.

At the same time, the activation of a currently vacant site provides wider public benefits, including economic growth, job creation, and increased vitality of the area. These benefits serve the public interest and contribute to the broader objectives of sustainable urban development.

In balancing individual rights against the wider public interest, the proposed development is deemed proportionate. The conditions imposed sufficiently address potential adverse impacts while ensuring that the site can contribute positively to the economic and social well-being of the city.

The Local Planning Authority has fully considered the Human Rights Act 1998 in assessing this proposal. The recommendation to approve, subject to conditions, ensures that the proposal respects individual rights while serving the public interest and meeting the strategic objectives for the city.

## **14.0 Public Sector Equalities Duty**

The Public Sector Equalities Duty, as set out in Section 149 of the Equality Act 2010, requires public authorities to have due regard to the need to:

1. Eliminate discrimination, harassment, victimisation, and any other conduct prohibited by the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and
3. Foster good relations between persons who share a relevant protected characteristic and those who do not.

In assessing this application, careful consideration has been given to the potential impacts of the proposed development on individuals and groups with protected characteristics, including age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Specific considerations include:

- **Accessibility:** The proposed development is located in a highly accessible city-centre location, served by public transport and pedestrian routes. It provides opportunities for all individuals, including those with mobility impairments, to access the facility. The existing shopfront has level access, meeting the requirements for inclusive design.
- **Safety and Inclusion:** Conditions have been recommended to mitigate potential noise and disturbance and to prevent antisocial behaviour, creating a safer and more welcoming environment for all, including vulnerable individuals.
- **Employment Opportunities:** The proposed use is expected to create 12 full-time jobs. Recruitment practices are subject to equality legislation, offering opportunities for a diverse range of individuals, including those with protected characteristics.
- **Advancing Equality:** By revitalising a vacant site, the development contributes to a vibrant city centre, fostering community engagement and enhancing public spaces, which can promote social integration and inclusivity.

The Council has had full regard to the Public Sector Equalities Duty in assessing this application. The proposed development and recommended conditions are considered to appropriately balance the need for economic growth and city-centre vitality with the duty to promote equality, eliminate discrimination, and foster positive community relations.

## 15.0 Financial Issues

Under Section 155 of the Housing and Planning Act 2016, local planning authorities are required to assess and include the financial benefits of a development proposal in decision-making reports. This includes identifying any local financial considerations arising from the development and their potential materiality to the planning decision.

### Financial Considerations for This Proposal

#### 1. Material Considerations:

- **Economic Contribution:** The proposed development is expected to create 12 full-time jobs. This represents a direct economic benefit to the local economy, contributing to employment levels and workforce engagement within Exeter.
- **Increased Footfall:** By occupying a currently vacant site, the development is anticipated to increase footfall in the secondary shopping frontage of Sidwell Street, supporting the vitality of nearby businesses and the broader city-centre economy.

#### 2. Non-Material Considerations:

- **Business Rates:** The reactivation of the site will generate additional business rates for the Council, contributing to local revenue streams.

However, this is not a material planning consideration and cannot influence the determination of the application.

- **Community Infrastructure Levy (CIL):** The proposed development is located within the city centre and falls under a use class not liable for CIL contributions under the adopted charging schedule.

The financial implications of this development have been considered in line with statutory requirements. While non-material benefits, such as business rates, enhance local revenue, the creation of jobs and economic activity are material benefits that align with the Council's strategic objectives for economic growth and the revitalisation of the city centre. These factors, alongside the broader planning considerations, support the officer's recommendation for approval, subject to conditions.

## 16.0 Planning Assessment

### Principle of Development

The application site, located at 47-48 Sidwell Street, is situated within the secondary shopping area of Exeter's city centre. The proposed change of use from a vacant restaurant and takeaway to an AGC represents the reuse of brownfield land in a highly accessible urban location. The principle of development is considered against the National Planning Policy Framework (NPPF), local policies, and site-specific circumstances.

#### 1. Policy Context

- **National Planning Policy Framework (NPPF):** Paragraph 86 of the NPPF encourages local planning authorities to support the vitality of town centres by promoting a diverse range of uses that meet the needs of the community and attract footfall. The proposal aligns with this guidance by bringing a vacant unit back into active use and contributing to the city's nighttime economy.
- **Exeter Local Plan and Core Strategy:** Policy CP8 prioritises retail and leisure developments in the city centre, recognising the importance of these uses in maintaining a vibrant and economically viable urban core. Policy S6 permits amusement arcades (including AGCs) in secondary shopping areas while seeking to mitigate potential impacts on residential and community uses.

#### 2. Site Characteristics and Suitability

- The site is located in a mixed-use area characterised by commercial and residential uses. Existing nearby facilities, such as restaurants, takeaways, and other leisure uses, operate late into the evening or on a 24-hour basis, contributing to an active nighttime economy.

- The proposed use as an AGC is consistent with the existing character of the area and would complement its diverse mix of uses. The addition of a leisure use in this location would help attract footfall, reduce vacancy rates, and enhance the overall vitality of the secondary shopping frontage.

### **3. Policy S6 Compliance**

- Policy S6 permits amusement arcades and similar uses in secondary shopping areas but sets criteria to ensure compatibility with surrounding uses. It restricts such developments close to housing, schools, churches, hospitals, or hotels where noise or disturbance may be problematic.
- While there are residential properties above and near the site, these impacts can be mitigated through conditions, including restricted operating hours and noise insulation measures. Furthermore, the separation distance from nearby schools and churches ensures compliance with the policy's locational criteria.

### **4. Sustainability and Accessibility**

- The site benefits from excellent accessibility by public transport, walking, and cycling. Its proximity to Exeter Bus Station and Exeter Central railway station reduces the need for car travel, aligning with policies promoting sustainable transport (e.g., Policy CP1 and the NPPF's sustainability objectives).
- The reuse of an existing vacant unit on brownfield land supports sustainable development principles by reducing pressure for out-of-centre or greenfield development.

The proposed change of use aligns with the policy framework outlined in the NPPF and the local development plan. It represents a sustainable and appropriate use of a vacant unit in a strategic location within the city centre. By enhancing the area's economic vitality, supporting the nighttime economy, and contributing to urban regeneration, the principle of development is considered acceptable, subject to compliance with recommended conditions.

### **Impact on Living and Working Conditions**

The proposed development involves the change of use of a ground-floor unit in a mixed-use area, with residential properties located directly above and nearby. This section considers the potential impacts of noise, disturbance, and general activity on the living and working conditions of local residents and businesses.

## **1. Noise and Disturbance**

The nature of the proposed use as an AGC could generate noise and disturbance, particularly due to its late-night operation. Key considerations include:

- **Proximity to Residential Properties:**

Residential maisonettes are situated directly above the unit and in adjacent buildings along Sidwell Street, as well as terraced housing to the rear on Acland Road. The potential for noise impacts on these properties has been assessed.

- **Baseline Noise Levels:**

The area experiences significant levels of late-night activity due to existing uses, including restaurants, takeaways, and delivery services, some of which operate on a 24-hour basis. Observations during site visits confirm that the area is already characterised by elevated background noise, especially during peak evening hours.

- **Mitigation Measures:**

To minimise adverse impacts, the following measures are recommended:

- Restricting the hours of operation to 09:00–02:00.
- Implementing noise insulation measures, including upgraded ceiling insulation and enhanced exterior doors, as outlined in the Noise Assessment Report.
- Conditioning the submission and approval of details for any plant or machinery to ensure noise emissions remain within acceptable limits.

## **2. Antisocial Behaviour and Community Safety**

Concerns have been raised regarding the potential for the proposed use to exacerbate antisocial behaviour (ASB), particularly given the high levels of footfall and late-night activity in the area. The following points address this:

- **Consultation Responses:**

Devon and Cornwall Police have not objected to the principle of the development but have expressed concerns about the potential for 24-hour operation to contribute to crime and disorder. Restricting operating hours to 02:00 is intended to mitigate this risk.

- **Operational Management:**

The applicant's operational strategy includes measures to prevent access to intoxicated individuals and maintain a safe and secure environment. The proposed conditions, such as CCTV installation and improved shopfront lighting, will further enhance safety and discourage loitering.

## **3. Impact on Working Conditions**

The proposal is unlikely to adversely affect the working conditions of nearby commercial premises. Instead, it may provide economic benefits by increasing footfall and attracting complementary business activity to the secondary shopping area.

With the recommended mitigation measures and conditions, the potential impacts of the proposed use on living and working conditions are considered to be proportionate and manageable. The reuse of a currently vacant unit, coupled with careful operational controls, will ensure that the development contributes positively to the area's vitality while minimising disturbance to residents and businesses.

## **Fear of Crime and Antisocial Behaviour**

The potential for the proposed development to contribute to crime and antisocial behaviour (ASB) has been carefully considered, particularly given its location in a busy city-centre area with a known history of such issues. This section evaluates the potential impacts and outlines measures to mitigate these concerns.

### **1. Policy Context**

- **National Planning Policy Framework (NPPF):**  
Paragraph 92(b) of the NPPF advises that planning decisions should aim to achieve healthy, inclusive, and safe places by reducing the potential for crime and fear of crime through good design and appropriate measures.
- **Exeter Local Plan Policy DG7:**  
Requires developments to create safe environments, with consideration for natural surveillance, lighting, and defensible space to discourage crime and antisocial behaviour.

### **2. Site-Specific Concerns**

- **Local Crime Context:**  
The site is situated in an area identified as experiencing higher levels of crime and ASB, primarily associated with the late-night economy. Activities such as loitering, littering, and public disturbances are prevalent in parts of Sidwell Street.
- **Nature of the Use:**  
As an AGC, the proposed use could attract patrons during late-night hours, raising concerns about potential congregation and disorder outside the premises.

### **3. Mitigation Measures**

The proposal incorporates several measures to address potential issues related to crime and ASB:

- **Restricted Hours of Operation:**  
The proposed AGC will operate between 09:00 and 02:00, avoiding the quieter early morning hours when crime and ASB are more likely to occur. This condition aligns with recommendations from Devon and Cornwall Police.
- **Enhanced Natural Surveillance:**  
The reuse of a vacant unit will activate a previously inactive frontage,

increasing natural surveillance over the public realm. Improved shopfront design, including lighting and clear glazing, will further enhance visibility and deter potential offenders.

- **CCTV Installation:**

The applicant has committed to the installation of CCTV, covering both the interior and exterior of the premises. This will provide a deterrent to crime and support enforcement measures if incidents occur.

- **Operational Management Plan:**

The operator has outlined measures to prevent access by intoxicated individuals, ensure appropriate staffing levels, and manage security concerns effectively.

#### **4. Balancing Risks and Benefits**

While concerns regarding crime and ASB are acknowledged, the proposed measures are considered sufficient to mitigate these risks. Furthermore, the development has the potential to contribute positively by:

- Reducing the number of vacant premises in the area, which can otherwise attract vandalism and loitering.
- Increasing footfall and activity in a controlled manner, supporting a vibrant and safer environment.

The proposed development, with the recommended conditions and mitigation measures, is not expected to significantly exacerbate crime or antisocial behaviour in the area. Instead, it may contribute to an improved sense of safety and security through increased natural surveillance and the activation of a currently vacant site. The proposal aligns with local and national planning policies focused on creating safe and inclusive environments.

### **Visual Amenity**

The visual amenity of a development plays a key role in ensuring it contributes positively to the character and quality of the urban environment. This section assesses the potential impact of the proposed change of use on the visual appearance of Sidwell Street and its contribution to the streetscape.

#### **1. Existing Context**

The application site at 47-48 Sidwell Street is part of a post-war three-storey red brick block with a functional, utilitarian design typical of the era. The ground-floor unit, formerly a restaurant and takeaway, has been vacant since June 2023, and its inactive shopfront detracts from the vibrancy of the street scene.

- **Existing Frontage:**

The current shopfront is characterised by a black metallic frame and fascia, with minimal activity or visual interest. This inactive frontage



undermines the vitality of the area and contributes to a sense of neglect.

- **Streetscape Character:**

Sidwell Street features a mix of commercial uses with modern, predominantly glazed shopfronts. Active and visually engaging frontages are a key feature of the area, contributing to its vibrancy and pedestrian appeal.

## **2. Proposed Development**

The proposal includes the activation of the currently vacant unit through its conversion to an AGC. While no new shopfront design has been submitted as part of this application, the applicant has committed to enhancing the shopfront display through conditions. The following improvements are anticipated:

- **Enhanced Activity and Lighting:**

The reactivation of the premises with interior lighting and activity will eliminate the inactive frontage, creating a more engaging and welcoming environment for pedestrians.

- **Improved Design Standards:**

Conditions require the submission of a detailed shopfront design for approval by the Local Planning Authority. This will ensure the design integrates well with the existing streetscape and meets high standards of design quality.

## **3. Policy Context**

- **National Planning Policy Framework (NPPF):**

Paragraph 136 encourages developments to be visually attractive and contribute positively to their surroundings.

- **Exeter Local Plan Policy DG1:**

Seeks to achieve high-quality design that reinforces local distinctiveness and enhances the public realm.

- **Exeter St. James Neighbourhood Plan (Policies D1 and D2):**

Emphasises the importance of good-quality design and the retention of active retail and commercial frontages in maintaining the character of the area.

## **4. Anticipated Benefits**

- **Reactivation of a Vacant Unit:**

The proposal will transform an inactive and uninviting shopfront into a vibrant and visually engaging presence on Sidwell Street.

- **Strengthening of the Streetscape:**

By aligning with the prevailing design character of Sidwell Street, the development will contribute positively to the local sense of place and enhance the visual cohesion of the street.

- **Mitigating Visual Negativity:**  
The new shopfront display will avoid the negative impacts associated with blank or featureless façades, such as those seen at nearby premises, including adjoining units at Domino's and Morrisons Daily.

## **5. Conditions to Secure Improvements**

To ensure the proposed development contributes positively to visual amenity, the following conditions will be applied:

- Submission and approval of detailed shopfront design, including materials, glazing, and signage.
- Installation of adequate lighting and security features, such as CCTV, to enhance visual interest and safety.
- Ongoing maintenance of the shopfront to avoid deterioration over time.

The proposed development, subject to recommended conditions, is expected to significantly enhance the visual amenity of Sidwell Street. By replacing a vacant and inactive frontage with a vibrant, well-designed shopfront, the proposal aligns with local and national design policies, contributing positively to the quality and character of the area.

## **Economic Benefits**

The economic impact of the proposed development is a key consideration in the assessment of this application. The reuse of a vacant premises within a prominent city-centre location offers both direct and indirect benefits, contributing to the vitality and viability of Exeter's secondary shopping frontage.

### **1. Job Creation and Employment Opportunities**

The proposed AGC is expected to create 12 full-time jobs. These roles will provide employment opportunities for local residents, supporting the city's broader economic growth strategy. Employment benefits include:

- Direct positions within the AGC, such as managerial and operational roles.
- Indirect employment opportunities during the fit-out and refurbishment of the unit, contributing to the local construction and trade sectors.

### **2. Revitalisation of Vacant Premises**

The site has been vacant since June 2023. Prolonged vacancy can have negative effects on the local economy, including reduced footfall, loss of vibrancy, and potential deterioration of the unit. The reactivation of this site will:

- Improve the economic health of the immediate area by reducing vacancy rates.

- Encourage additional footfall, benefiting neighbouring businesses and reinforcing Sidwell Street's role as a secondary shopping area.

### **3. Contribution to the Nighttime Economy**

The AGC will complement existing late-night uses in the area, such as restaurants, takeaways, and convenience stores. The development will:

- Enhance the diversity of the nighttime economy, attracting a broader range of visitors to the area.
- Support extended trading hours for nearby businesses by maintaining activity during late evening periods.

### **4. Supporting the Local Supply Chain**

The refurbishment and ongoing operation of the AGC will contribute to the local supply chain through:

- Procurement of goods and services for the fit-out of the premises.
- Regular maintenance and operational needs, such as cleaning, security, and IT services.

### **5. Alignment with Policy Objectives**

- **National Planning Policy Framework (NPPF):**  
Paragraph 8 highlights the economic objective of sustainable development, which includes supporting growth and innovation by creating jobs and building a strong, competitive economy.
- **Exeter Core Strategy Policy CP8:**  
Encourages the reuse of vacant units within the city centre to maintain its economic vitality and enhance its role as a regional commercial hub.
- **Exeter Local Plan First Review Policies S1 and DG3:**  
Promote developments that support active frontages and generate economic activity in key shopping areas.

### **6. Wider Economic Benefits**

The reactivation of the unit will contribute to the city's broader economic strategy by:

- Strengthening the role of the secondary shopping frontage as an integral part of the city centre.
- Encouraging greater pedestrian movement and linked trips, where visitors to the AGC also patronise nearby shops and services.

### **7. Business Rates Contribution**

While not a material planning consideration, the reactivation of the unit will result in additional business rates contributions, supporting the Council's revenue base and enabling further investment in local services and infrastructure.

The proposed development delivers significant economic benefits that align with local and national policy objectives. By creating jobs, reducing vacancy, and supporting the nighttime economy, the proposal contributes positively to the economic health and vitality of Exeter city centre.

## Highways

The proposed development at 47-48 Sidwell Street has been assessed in terms of its accessibility, potential impacts on the highway network, and alignment with local and national transport policies. The site is located within Exeter's city centre, which benefits from excellent transport links and sustainable travel opportunities.

### 1. Accessibility

- **Proximity to Public Transport:**

The site is well-served by public transport, being a two-minute walk from Exeter Bus Station and a five-minute walk from Exeter Central railway station. These facilities provide convenient access for residents, workers, and visitors without the need for private vehicles.

- **Sustainable Travel Options:**

The location encourages active travel, such as walking and cycling, with Sidwell Street forming part of a key pedestrian route linking the city centre to the surrounding areas. Public cycle racks are available within a short distance on Sidwell Street, Bampfylde Street, and Belgrave Road, ensuring ample provision for cyclists.

- **Access for All:**

The existing shopfront provides level access to the unit, ensuring it is accessible to all users, including those with mobility impairments. This aligns with Policy T9 of the Exeter Local Plan, which promotes accessibility for people with disabilities.

### 2. Traffic and Parking

- **Traffic Generation:**

The proposed use as an AGC is not expected to generate significant traffic, as the majority of visitors are anticipated to arrive on foot, by bicycle, or via public transport. The central location reduces the reliance on car travel, in line with the Council's sustainability objectives.

- **Parking Provision:**

No on-site parking is proposed or required, given the site's location within the city centre. Public car parks, including the King William Street and Triangle car parks, are within close walking distance for those who may choose to drive.

### 3. Policy Context

- **National Planning Policy Framework (NPPF):**  
Paragraph 110 requires developments to provide safe and suitable access for all users. The proposed use achieves this through its city-centre location and strong public transport links.
- **Exeter Core Strategy Policy CP1:**  
Identifies the city centre as the most sustainable and accessible location for new commercial developments. The reuse of this site aligns with the overarching spatial strategy to minimise the need for car travel.
- **Exeter Local Plan First Review Policies T1, T2, and T3:**  
Promote sustainable travel, accessibility, and the prioritisation of walking, cycling, and public transport in new developments.

### 4. Safety Considerations

- **Pedestrian Safety:**  
The activation of the currently vacant unit will increase footfall, contributing to greater natural surveillance along Sidwell Street. This will enhance pedestrian safety and security during both daytime and evening hours.
- **Service Access:**  
The rear of the unit on Acland Road provides suitable access for servicing and deliveries, ensuring minimal disruption to pedestrians and traffic on Sidwell Street.

The proposed development is well-located to capitalise on existing transport infrastructure, reducing the need for private vehicle use and promoting sustainable travel. No significant adverse impacts on the highway network are anticipated, and the proposal aligns with local and national transport policies. The development is considered acceptable in terms of highways and accessibility.

### Other Considerations

In addition to the primary planning issues addressed in this report, several other considerations have been reviewed to ensure a comprehensive assessment of the proposal.

#### 1. Gambling Addiction and Associated Harms

Some public objections have raised concerns about the potential for the proposed use to exacerbate gambling addiction and associated social harms. While these are valid societal concerns, it is important to note that such matters are regulated under licensing legislation and are not material planning considerations. The planning system is unable to duplicate or enforce controls that are better addressed under separate regulatory frameworks, such as the Gambling Act 2005 and the associated responsibilities of the Gambling Commission.

## **2. Licensing Requirements**

The operation of an AGC requires a separate premises licence under the Gambling Act 2005. This licensing process includes measures to:

- Ensure that no persons under the age of 18 are allowed on the premises.
- Regulate the types of machines and gaming activities offered.
- Monitor compliance with industry standards for responsible gambling practices.

The licensing regime provides robust safeguards to address concerns about addiction, social harm, and public safety. These issues are distinct from planning considerations and do not preclude the grant of planning permission for the proposed use.

## **17.0 Conclusion**

The proposal for the change of use of 47-48 Sidwell Street to an Adult Gaming Centre (AGC) has been carefully assessed against national and local planning policies, public representations, and site-specific considerations.

The reuse of this vacant unit represents an opportunity to enhance the vitality and viability of Exeter's city centre, particularly within the secondary shopping frontage of Sidwell Street. The introduction of a new leisure use aligns with the strategic objectives of supporting economic growth, reducing vacancy rates, and contributing to the nighttime economy. The creation of 12 full-time jobs further demonstrates the proposal's potential to deliver significant economic benefits.

Concerns raised through public consultation regarding noise, antisocial behaviour, and public safety have been given due consideration. Mitigation measures, including restricted operating hours, noise insulation improvements, and operational safeguards such as CCTV and enhanced shopfront design, address these concerns comprehensively. These measures will ensure that potential adverse impacts on nearby residents and the surrounding community are minimised.

The proposal also presents an opportunity to enhance the visual amenity of Sidwell Street by replacing an inactive shopfront with a vibrant and engaging frontage. This change will contribute positively to the character of the area, improving its appeal to both pedestrians and visitors.

In reaching this recommendation, the Local Planning Authority has balanced the proposal's benefits against its potential impacts. The imposition of planning conditions ensures that the development will integrate harmoniously into its urban context, safeguarding the amenity of nearby residents while delivering wider public benefits.

The recommendation to approve the proposal, subject to conditions, reflects the view that the development accords with the overarching principles of sustainable development as set out in the National Planning Policy Framework and the Local Plan. The proposed use is a sustainable and appropriate addition to the city centre, contributing positively to Exeter's economic, social, and environmental objectives.

## 18.0 Recommendation

GRANT subject to the following conditions (and their reasons):

### Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the submitted details received by the Local Planning Authority on 24 September 2024 (*including Site Location and Site Plans and drawings number 894-PL-101 Rev 01*), as modified by the other conditions of this consent.

Reason: To ensure compliance with the approved details.

3. Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local plan Policy EN5.

4. Prior to the commencement of the use of the premises as 24/7 Adult Gaming Centre, the noise mitigation recommendations (Ceiling insulation and exterior door upgrades) and the Operational Management Plan of the submitted Noise Assessment (Report Reference: PR2001\_189\_FINAL) shall be implemented in full and maintained thereafter.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby in accordance with local plan Policy EN5.

5. No site machinery or plant shall be operated, no construction or demolition processes shall be carried out or related site deliveries except between the hours of 08:00 hrs - 18:00 hrs Monday to Friday, 08:00 hrs to 13:00 hrs Saturday. No such activity shall take place at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local plan Policy EN5.

6. The use hereby approved shall be carried out only between the hours of 09:00 and 02:00.

Reason: To reduce the potential for crime and ASB in accordance with Policy DG7, and so as not to detract from the amenities of nearby residential properties to satisfy Policy EN5.

7. Prior to occupation of the use hereby permitted, full details of the shopfront display including internal and external works, shall be submitted to and approved in writing by the Local Planning Authority. The shopfront display shall be constructed and maintained in accordance with the approved design.

Reason: In the interests of design and the character of the area, in accordance with Policy CP17 of the Core Strategy, Policies DG1 and DG3 of the Exeter Local Plan First Review and Policies D1 and D2 of the Exeter St. James Neighbourhood Plan.

## **Informatives**

1. As previously noted in section 1 of this report, the applicant has lodged an appeal with the Planning Inspectorate on the grounds of non-determination of this application within the statutory time frame. As a result, the Local Planning Authority (LPA) no longer retains jurisdiction to determine the application. The appeal will now be decided by the Planning Inspectorate.
2. No external signage details have been submitted with this application. Depending on the details including size and illumination, new signage may require a separate advertisement consent to be considered lawful.