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Application Number:	23/00769/COU
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Application Type:	Planning FULL Minor
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Proposal Description:	Change of use from Retail (Class E) to Adult Gaming & Amusement Arcade (Sui Generis)
At:	37 Cleveland Street, Doncaster, DN1 3DS

For:	Mr Charles Hayes - Jackpot Amusements
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Third Party Reps:	None.	Parish:	N/A
		Ward:	Town

Author of Report:	Susie Boyce
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SUMMARY

This application seeks full planning permission for the change of use of an existing retail unit (Class E) to an Adult Gaming and Amusement Arcade (Sui Generis) at 37 Cleveland Street, Doncaster. No external works are proposed.

The proposed gaming and amusement arcade will replace the applicant's two other premises in the immediate vicinity, the recently closed arcade at 46 Duke Street (Jackpot Amusements) and existing Hayes Amusements Arcade at 14 Pell's Close.

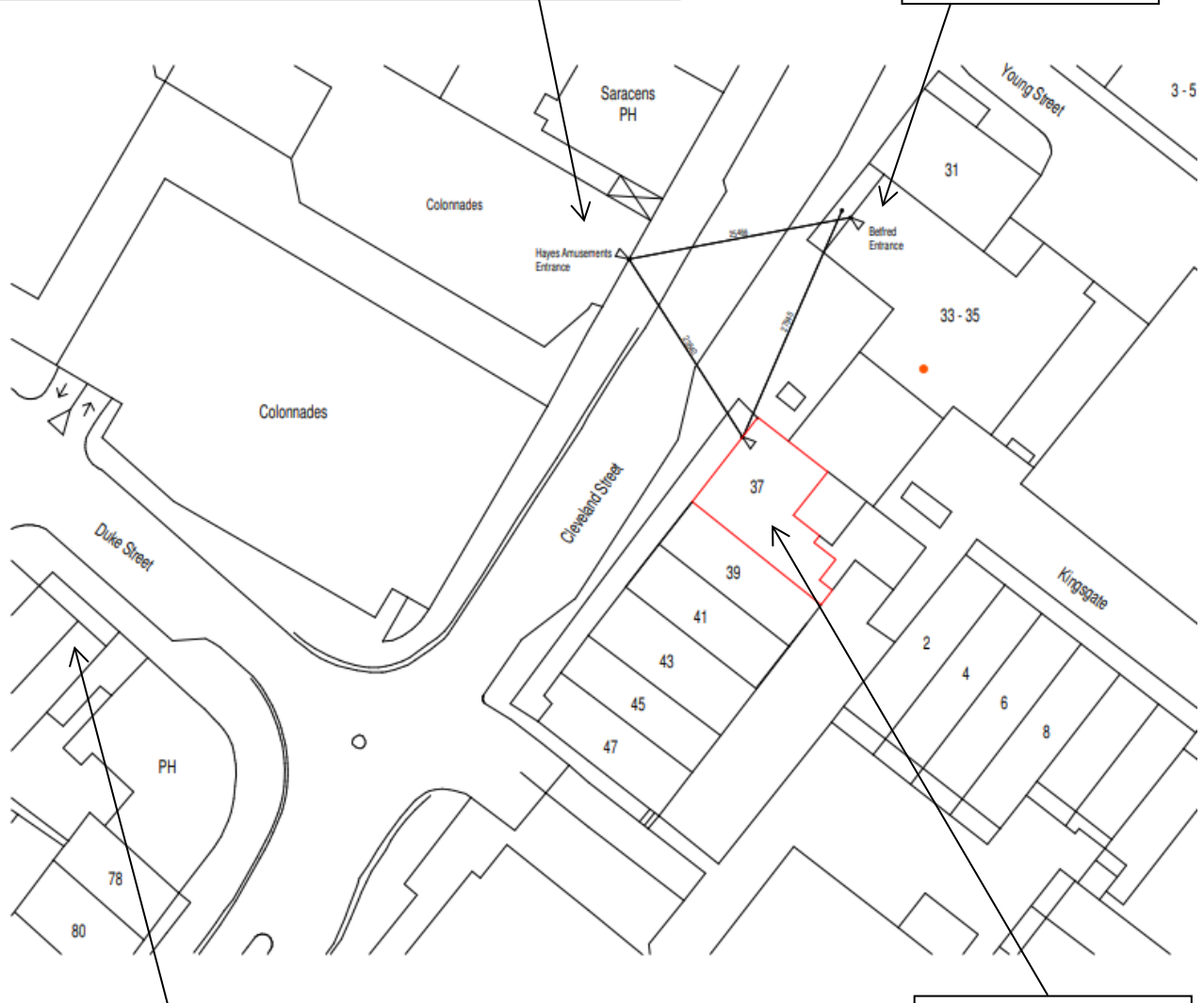
The proposal is presented to Planning Committee for determination because it represents a departure from the development plan. This is a finely balanced consideration which must weigh competing concerns relating to the continuation of an existing business in Doncaster City Centre and the return to use of a long-term vacant unit, with questions over Public Health arising from proliferation of such uses, and the impact of the application proposal on strategic City Centre regeneration aims, particularly for the Waterdale precinct.

Overall, it is considered that there are sufficient material considerations in favour of the proposal that outweigh the conflict with Local Plan policies 23 and 50 to justify a departure from the development plan in this instance.

RECOMMENDATION: GRANT subject to signing of a legal agreement

14 Pell's Close (Colonnades): Hayes Amusements

Existing Betfred



46 Duke Street (former Jackpot Amusements, now closed)

Application Site

1.0 Reason for Report

- 1.1 The application is being presented to Members as the proposal represents a departure from the development plan.

2.0 Proposal

- 2.1 Full planning permission is sought for the change of use of an existing retail unit (Class E) to an Adult Gaming and Amusement Arcade (Sui Generis) at 37 Cleveland Street.
- 2.2 No external alterations are proposed. The existing internal layout comprising a large open floor area, office, storeroom, WC & connecting corridors is to be retained with a new change kiosk created. Opening hours will be Monday to Saturday 09:00-22:00, Sunday 10:00-21:00. Bin storage and collection arrangements will remain the same as existing, i.e. at the Waterdale complex's shared area to the rear.
- 2.3 The proposed arcade at Cleveland Street will replace the applicant's two other premises, the recently closed arcade at 46 Duke Street (Jackpot Amusements) and existing Hayes Amusements Arcade at 14 Pell's Close. The applicant has stated his intent for the gaming license at his recently closed Duke Street premises to be transferred to the new 37 Cleveland Street premises, and to only open the new premises at No. 37 following closure of Hayes Amusements when its license expires next March (2024).

3.0 Site Description

- 3.1 The application site is located within Doncaster City Centre. It comprises a vacant retail unit (formerly a vape shop) with a gross internal floor space of 146 sqm. The corner unit is part of the Waterdale shopping precinct, with frontages at both Cleveland Street and Waterdale Kingsgate. Its main customer entrance is taken from Cleveland Street; a secondary (fire escape) exit is to the rear, where servicing including bin storage is also located.
- 3.2 Immediately adjoining neighbouring units include Carters' Bar (no.39) and Foy's Solicitors (above). Opposite across Waterdale Kingsgate is Betfred (Adult Gaming, no. 31-33) whilst opposite across Cleveland Street is Hayes Amusements (14 Pell's Close) and Home Bargains at the Colonnades shopping centre.

- 3.3 The site is within Flood Zone 1 thus at low risk of flooding from main rivers.

4.0 Relevant Planning History

- 4.1 The Planning History for the site is as follows:

Reference	Description	Decision/Date
04/7058/P	Change of use of former hair salon to public reception/foyer for solicitors' office above.	Granted 06.12.2004
04/0468/P	Change of use from ground floor retail/shop to cybercafe and first and second floor for associated uses.	Granted 25.03.2004

03/7114/P	Erection of first floor office accommodation (35.0m x 14.0m overall) above existing service area.	Granted 09.02.2004
91/3283/P	Change of use of retail outlet to amusement centre.	Refused 27.01.1992

5.0 Site Allocation

5.1 The site is located within Doncaster Town (City) Centre and the 'Waterdale Precinct: Key Doncaster Town Centre and Main Urban Area Mixed Use Sites' area on the adopted Local Plan Policies Map (2021).

National Planning Policy Framework (NPPF 2021)

5.2 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:

5.3 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated by paragraph 47.

5.4 Paragraphs 7-11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development. There are three overarching objectives in achieving sustainable development: social, economic and environmental.

5.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.6 Paragraphs 55 and 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

5.7 Paragraph 86 requires planning policies and decisions to support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaptation.

5.8 Paragraphs 92(c) and 93(b) encourage planning policies and decisions to enable and support healthy lifestyles, especially where this would address local health and well-being needs.

5.9 Paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process

should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 5.10 Paragraph 130 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.

Development Plan

- 5.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).

Doncaster Local Plan

- 5.12 DLP Policy 1 sets out the Settlement Hierarchy for the Borough. Doncaster Main Urban Area will be the main focus for development in the Borough, including housing, retail, leisure, cultural, office and other employment development. As a 'Sub-Regional Centre', Doncaster City Centre will continue to provide the main focus for most new retail, offices, leisure, cultural and tourist facilities with the defined 'District' and 'Local Centres' serving more day-to-day needs.
- 5.13 Policy 22 supports 'main town centre uses' in Doncaster City Centre that are in line with Policy 23. Part 3 of Policy 23 relates to betting shops and amusement arcades, and states that proposals to change the use to an amusement arcade or betting shop will only be supported where it can be demonstrated that:

"A) the property is vacant and/or has been marketed unsuccessfully for at least one year and the rent value has been set at a realistic rate;

B) the new use would generate footfall within the shopping frontage; and

C) there is no clustering or cumulative impact resulting from an over concentration of such uses in an area. Clustering will occur where more than 10% of units, in a parade of Main Town Centre Uses, will be used (in any combination) for betting shops, amusement arcades, pay day loan units and/or pawnbrokers."

- 5.14 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.
- 5.15 Policy 42 relates to urban design and states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, and relevant spatial requirement and design standards.
- 5.16 Policy 46 requires all non-residential and commercial developments to be designed to be high quality, attractive and make a positive contribution to the area in which

they are located. They should meet functional requirements and locate servicing and storage areas unobtrusively. Retail and commercial proposals will be supported where they respect, and where appropriate enhance, the character and setting of existing street frontages including in terms of active frontages.

5.17 Policy 50 sets out the Council's commitment to improving and promoting strong, vibrant and healthy communities. Developments should be designed to encourage and support healthy lifestyles. Proposals for development or change of use will be assessed against a Health Impact Assessment Screening Tool.

5.18 Policy 67 seeks to support new development in Doncaster city centre where it helps improve the centre as a thriving and accessible shopping, commercial and leisure destination of regional importance. Part A supports proposals which revitalise the Waterdale shopping centre as a predominately retail-led, mixed-use development complementary to the existing provision in the city centre, acting as a strong axis between the Civic and Cultural Quarter and primary shopping frontages.

Other material planning considerations

5.19 Doncaster Council's previous suite of adopted SPDs have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan.

5.20 The Transitional Developer Guidance (TDG) (Updated August 2023) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. This guidance is attached limited weight.

5.21 The Gambling Needs Assessment for Doncaster was completed in January 2022 and is used to inform Public Health consultation responses.

6.0 Representations

6.1 The application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- i. Any neighbour sharing a boundary with the site has received written notification.
- ii. Advertised on the Council website

6.2 No representations have been received from members of the public.

7.0 Relevant Consultations

External Consultees: None.

Internal CDC Consultees:

7.1 **Local Plans (Town Centre & Retail) 13/06/2023** – Objects.

There are quite a few similar uses (betting shops, amusement arcades, pay day loan units and pawnbrokers) within this area, and two particularly within close proximity to the proposed unit. There is a BetFred on the opposite corner, and a Hayes Amusement Arcade on the entrance to Colonnades (directly opposite).

There's also Ladbroke's round the corner on Printing Office Street and an amusement arcade currently at the top on Duke Street, plus various others within the town centre all within walking distance to the site. The premises do not lose their use class from a planning point of view and could be taken on by other owners to then apply for their own licences. Planning considerations are not reasons to object to the licences and there is no control to stop the other units from closing and this being a 'replacement'.

- 7.2 Policy 23, Part 3 C) requires that there is no clustering or cumulative impact resulting from an over concentration of such uses in an area. Clustering will occur where more than 10% of units, in a parade of Main Town Centre Uses, will be used (in any combination) for betting shops, amusement arcades, pay day loan units and/or pawnbrokers. As stated above, this parade itself has 5 units, the building itself has 7 units at ground floor and offices above at first floor; there is a connection at first floor, with pedestrian access (Waterdale Kingsgate) at ground floor leading through to Waterdale and the Civic Quarter; the row has a mix of main town centre uses including a bar, hot food takeaway and BetFred. The shopping arcade opposite "Colonnades" has an amusement arcade on the entrance, directly opposite the proposed unit.
- 7.3 However, if you were minded to approve this new proposed use, given other planning considerations then I would encourage a condition to be imposed to seek the details of an active shop frontage given the prominent position before the use is commenced.
- 7.4 **Updated comments received 20/06/2023** - objection partially lifted:
It does somewhat change the position if the Duke Street and Pell's Close premises do close for business, as there will then only be 1 [by the same operator] in the locality. However, the use would still remain on the building, thereby another occupier *could* apply for a licence to operate. However, it is agreed it makes business sense for Mr Hayes to close both and move to these larger premises, possibly more dominant too and one we could encourage for a better shop frontage.
- 7.5 It still doesn't negate the issue of Betfred next door – albeit separated by the walkway (Kingsgate/Waterdale). Although the Pell's Close arcade as existing is just as close.
- 7.6 **Public Health 08/06/2023** – objects.
Gambling harms don't just affect the person gambling, they affect families, friends and communities. Gambling can lead to debt, unemployment, mental illness, relationship and family problems, homelessness and crime. This list is not exhaustive, problem gambling can ruin lives with some individuals feeling the only way out is to end their lives.
- 7.7 Evidence in the Gambling Needs Assessment for Doncaster has made it clear that our local services are supporting people with problem gambling. In Doncaster there are 58 registered betting premises (as of January 2022). This includes betting shops, bingo halls, tracks and adult gaming centres, including those that are vacant and not currently in use. There are already 2 establishments on Cleveland Street, BetFred to the right and an amusement arcade opposite. Considering the evidence in the Needs Assessment and the harms associated with gambling, plus the existing gambling/gaming establishments in very close proximity, the Director of Public Health objects to the application.

7.8 **Environmental Health 24/05/2023** – no objection.

The area is predominantly commercial, particularly licenses premises. The adjoining uses are not noise sensitive. It is understood that the gaming centre located opposite the proposed site will be transferred to the new site. There are no noise complaints regarding noise recorded for the original premises. There have been a number of similar arcade applications in the City Centre recently, and acoustic assessments of their impact on nearby residential units were undertaken for 24-hour opening, which indicate that this type of activity is unlikely to lead to adverse impact due to associated noise.

7.9 **Waste & Recycling 07/06/2023** - no objection.

This type of business is anticipated to produce very little waste, mainly consumer related packaging etc. If storage space for bins is limited, we also provide commercial waste collections via sacks where necessary.

7.10 **Area Manager** – no comments received at the time of writing.

8.0 **Assessment**

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that:

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

8.2 The NPPF (2021) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

8.3 The main issues for consideration under this application are as follows:

- The Principle of the Development, including:
 - Proliferation of use type
 - Public Health
 - City Centre Regeneration
- Noise Impacts
- Waste and Recycling
- Overall Planning Balance

The Principle of the Development

8.4 Doncaster Local Plan ('DLP') Policy 1 sets out the Settlement Hierarchy for the Borough. Doncaster Main Urban Area will be the main focus for development in the Borough, including housing, retail, leisure, cultural, office and other employment development. As a 'Sub-Regional Centre', Doncaster City Centre will continue to provide the main focus for most new retail, offices, leisure, cultural and tourist facilities with the defined 'District' and 'Local Centres' serving more day-to-day needs.

- 8.5 Policy 22 supports town centre uses in Doncaster City Centre that are in line with Policy 23. Part 3 of Policy 23 relates to betting shops and amusement arcades, and states that proposals to change the use to an amusement arcade or betting shop will only be supported where it can be demonstrated that:

“A) the property is vacant and/or has been marketed unsuccessfully for at least one year and the rent value has been set at a realistic rate;

B) the new use would generate footfall within the shopping frontage; and

C) there is no clustering or cumulative impact resulting from an over concentration of such uses in an area. Clustering will occur where more than 10% of units, in a parade of Main Town Centre Uses, will be used (in any combination) for betting shops, amusement arcades, pay day loan units and/or pawnbrokers.”

- 8.6 The property has been vacant for at least 1 year and therefore Policy 23 Part 3 (a) is satisfied. The new use would generate footfall within the shopping frontage, thereby satisfying criteria (b).
- 8.7 That leaves criteria (c). The purpose of Policy 23 part 3 (c) is set out in supporting text paragraph 8.23, which clearly states that the overconcentration of such uses is not seen as a positive element of a vibrant and diverse retail centre or wider neighbourhood. A clustering of these units within parades (rows or frontages) can negatively affect the vitality and viability of a town or local centre. Outlets of this nature tend to cluster in areas of deprivation where the population is largely made up of people most at risk of utilising such services.
- 8.8 There are currently three units within the immediate vicinity of the same use as those considered by part 3 of Policy 23: Betfred (33-35 Cleveland Street), Hayes Family Amusement Arcade (14 Pell’s Close), and Ladbrokes (37 Printing Office Street). This is in addition to many others elsewhere in the City Centre.
- 8.9 The relevant parade of shops for the assessment of clustering in Part 3(c) could be considered either as a parade of 5 units (37 to 47 Cleveland Street) or 7 (if including those across Waterdale Kingsgate which form part of the same building, albeit only connected at the first floor with the walkway underneath, i.e. 31 to 47 Cleveland Street). Either way, the introduction of a new amusement arcade/adult gaming centre at the application site would take the percentage of similar uses above the 10% limit set out in Part 3(c), at 20% (1 of 5) or 29% (2 of 7) respectively. By this objective measure therefore, the application proposal would lead to the clustering of such uses in this location within Doncaster City Centre, in breach of Local Plan Policy 23.
- 8.10 Proliferation within the parade of units this side of Cleveland Street notwithstanding, other aspects of the site’s surrounding context, as well as the applicant’s intentions surrounding his existing premises Hayes Amusements at 14 Pell’s Close, are also relevant.
- 8.11 The applicant has set out his intention to transfer the license of his recently closed Duke Street premises (Jackpot Amusements) to this new premises, and to close the 14 Pell’s Close premises (Hayes Amusements) once its current license expires (22nd March 2024). The applicant has stated he does not intend to open the new premises at 37 Cleveland Street until early Spring 2024, i.e. after the Pell’s Close premises closes. While this would go some way to reducing the impact of such

uses on the immediate area, there remains concern in regards to the vacated premises. These would retain their lawful planning use, i.e. as betting shops or amusement arcades (Sui Generis), and planning permission would be required to change them to an alternative use. Even where such permission was granted, the existing planning use would remain until that new planning consent was implemented.

- 8.12 Ordinarily, there would be no mechanism for the local planning authority to require any such change of use planning application to be submitted, or to prevent a new operator simply continuing the existing lawful planning use of the site and opening a new betting shop, amusement arcade, pawnbroker's or pay day loan shop. However, in this instance, 14 Pell's Close is owned by City of Doncaster Council, and it would be within the Council's gift to refuse to let the unit to any such operators in the future. The applicant has indicated they are willing to enter into a legal agreement to commit to closing the 14 Pell's Close unit before opening the new 37 Cleveland Street premises, and to apply for a change of use to an alternative use (i.e. none of the uses specified in Policy 23 part 3(c)) at the premises.
- 8.13 The lawful planning use of the 46 Duke Street premises would remain as an amusements arcade/betting shop, however. The applicant has given up their lease at the premises and so no longer has any interest in the premises; there is therefore no planning mechanism to ensure that an alternative similar operator does not open a new business in the future.
- 8.14 As such, whilst this does not address the conflict with Policy 23 part 3(c) in terms of the 10% threshold breach in the parade of shops, provided the above steps can be implemented to ensure the amusement arcade use is discontinued at 14 Pell's Close, then the proposal would simply involve the relocation of an existing amusement arcade across the street into new premises. It would not lead to any material increase in the number of such uses in the immediate vicinity; indeed (in the event that 46 Duke Street re-opens in an alternative use), it would result in a net reduction of 1 such use in the area, given the 46 Duke Street and 14 Pell's Close premises are both to close. This is considered to weigh slightly in favour of the application.

City Centre Regeneration Aims

- 8.15 Local Plan Policy 67 seeks to support new development in Doncaster city centre where it helps improve the centre as a thriving and accessible shopping, commercial and leisure destination of regional importance. Part A supports proposals which revitalise the Waterdale shopping centre as a predominately retail-led, mixed-use development complementary to the existing provision in the city centre, acting as a strong axis between the Civic and Cultural Quarter and primary shopping frontages.
- 8.16 The application proposal would bring a long-term vacant unit in a prominent position within the Waterdale precinct back to active use, although this would in turn result in a newly vacant unit immediately opposite at 14 Pell's Close. Notwithstanding that such premises are obliged to screen their interiors from the public realm, the applicant has indicated his willingness to accept a planning condition requiring the approval of an appropriate active shop frontage. Indicative proposals (see Appendices 4 & 5) have indicated the use of obscured glazing, and such a design would, if approved, be a material improvement over the existing

frontage at Haye's Amusement, which is in need of modernisation, and which currently does not contribute to the visual appearance of its vicinity. This also weighs moderately in favour of the application.

- 8.17 It is questionable whether the introduction of an additional amusement arcade use within Waterdale, which already has a Betfred, would align with the aim of making the shopping centre retail-led, mixed use development. By contrast, not only would the proposed 37 Cleveland Street premises be sited at a prominent position within the shopping precinct but, together with Betfred, would mean that a key gateway into the precinct would be flanked by two such uses. When taken together, this would seem to run counter to the local authority's aims of securing the precinct's regeneration through retail-led development. This weighs materially against the application.

Public Health

- 8.18 Policy 50 sets out the Council's commitment to improving and promoting strong, vibrant and healthy communities. Developments should be designed to encourage and support healthy lifestyles. The Council's Public Health Officer has objected to the proposal on public health grounds, citing evidence demonstrating links between harmful gambling and health inequalities, as well as a clear association between gambling at all levels of harm and increased alcohol consumption. The Health Needs Assessment has also made it clear that many of the borough's local services are supporting people with problem gambling.
- 8.19 The Public Health team also point to concerns over the proliferation of such uses in very close proximity. Notwithstanding that, as identified in previous paragraphs, the proposal would result in a net loss of one such premises within the immediate vicinity, the proposed use is nevertheless for a premises that would actively contribute towards poor public health in the Borough. This is contrary to the aims of the Local Plan Strategic Policy 50 which seeks to improve and promote strong, vibrant and healthy communities in line with NPPF paragraphs 8, 92(c) and 93(b). This weighs moderately against the application.

Design, Layout and Impact on Neighbouring Uses

- 8.20 Local Plan Policies 41, 42 and 46 provide the basis for considering all non-residential and commercial developments, including extensions and alterations to existing properties, and that they must be designed to be high quality, attractive, and make a positive contribution to the area.
- 8.21 At present the application proposal does not involve any external alterations to the unit, however the applicant has indicated they would be willing to accept a condition on any favourable decision notice securing an active frontage.
- 8.22 The applicant states that one of their reasons for relocating out of 14 Pell's Close is so that their existing patrons, many of whom are elderly or have mobility issues and struggle with the stairs to toilet facilities at Hayes Amusements, are better able to use their premises. As a ground floor unit only, with toilets at the same level, 37 Cleveland Street is a preferable location in this respect.
- 8.23 There are adequate waste storage and collection facilities to the rear of the premises and no objections have been received from the Council's Waste & Recycling or Environmental Health Officers in this regard.

- 8.24 Although there are residential premises close by, no noise complaints have been received in regards to the other nearby amusement arcade/adult gaming premises and there are no objections to the proposals in this respect.
- 8.25 The proposals are acceptable in terms of their design, layout and impact on neighbouring uses in terms of noise and waste arrangements, and comply with policies 41, 42 and 46 in this respect.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 This is a finely balanced consideration which must weigh competing concerns relating to the continuation of an existing business in Doncaster City Centre and the return to use of a long-term vacant unit, with legitimate questions over Public Health arising from proliferation of such uses, and the impact of the application proposal on strategic City Centre regeneration aims, particularly for the Waterdale precinct.
- 9.2 However, on balance, and only because, in this instance, the cessation of the use of the unit at 14 Pell's Close as a betting shop/amusement arcade can be ensured due to it being within the Council's ownership, as well as the use of a legal agreement to ensure that the Pell's Close premises will not be re-opened by the same or another operator for the same use, the application proposals can be supported. Notwithstanding that the proposal fails to comply with Local Plan Policy 23 part 3(c) as it exceeds the 10% threshold of such uses within the immediate parade on this side of Cleveland Street, the proposed development would (if the closed 46 Duke Street premises does not re-open in the same use) result in the overall reduction of the number of betting shops/amusement arcades in the immediate vicinity from 4 to 3; and, subject to a suitable active frontage secured by condition, it would bring about a material improvement in the visual appearance of Cleveland Street/Waterdale Kingsgate through the return to use of a long-term vacant unit with associated shopfront improvements. These are material benefits which weigh in favour of the application, which is, otherwise, essentially the relocation of an existing business to a larger premises on the opposite side of the street.
- 9.3 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. Nevertheless, in light of the departure from the development plan as identified above, the decision is presented to Members of the Planning Committee.

10.0 RECOMMENDATION

- 10.1 That the application be APPROVED, subject to the applicant entering into a legal agreement (S106 Agreement) in which they covenant that the 37 Cleveland Street premises will not open until the permanent closure of Haye's Amusement Arcade at 14 Pell's Close, together with the following conditions:**

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

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

- Location Plan, drawing no. 23.003.1
- Site Plan, drawing no. 23.003.2 Revision A, as received 20/06/2023
- Proposed Plans, drawing no. 23.003.3
- Planning Statement

REASON

To ensure that the development is carried out in accordance with the application as approved.

3. The development hereby permitted shall not be begun until details of an active shop frontage have been submitted to and approved by the local planning authority.

REASON:

To ensure an active shop frontage and contribute towards City Centre regeneration aims, in accordance with Local Plan policies 41, 42, 46 and 67

Informatives

1. *Waste:*

Businesses have a duty to manage commercial or industrial waste in accordance with s.34 Environmental Protection Act 1990. They must prevent the escape of that waste from their control; and on the transfer of that waste, they must secure that the transfer is to an authorised person (or for authorised transport) purposes.

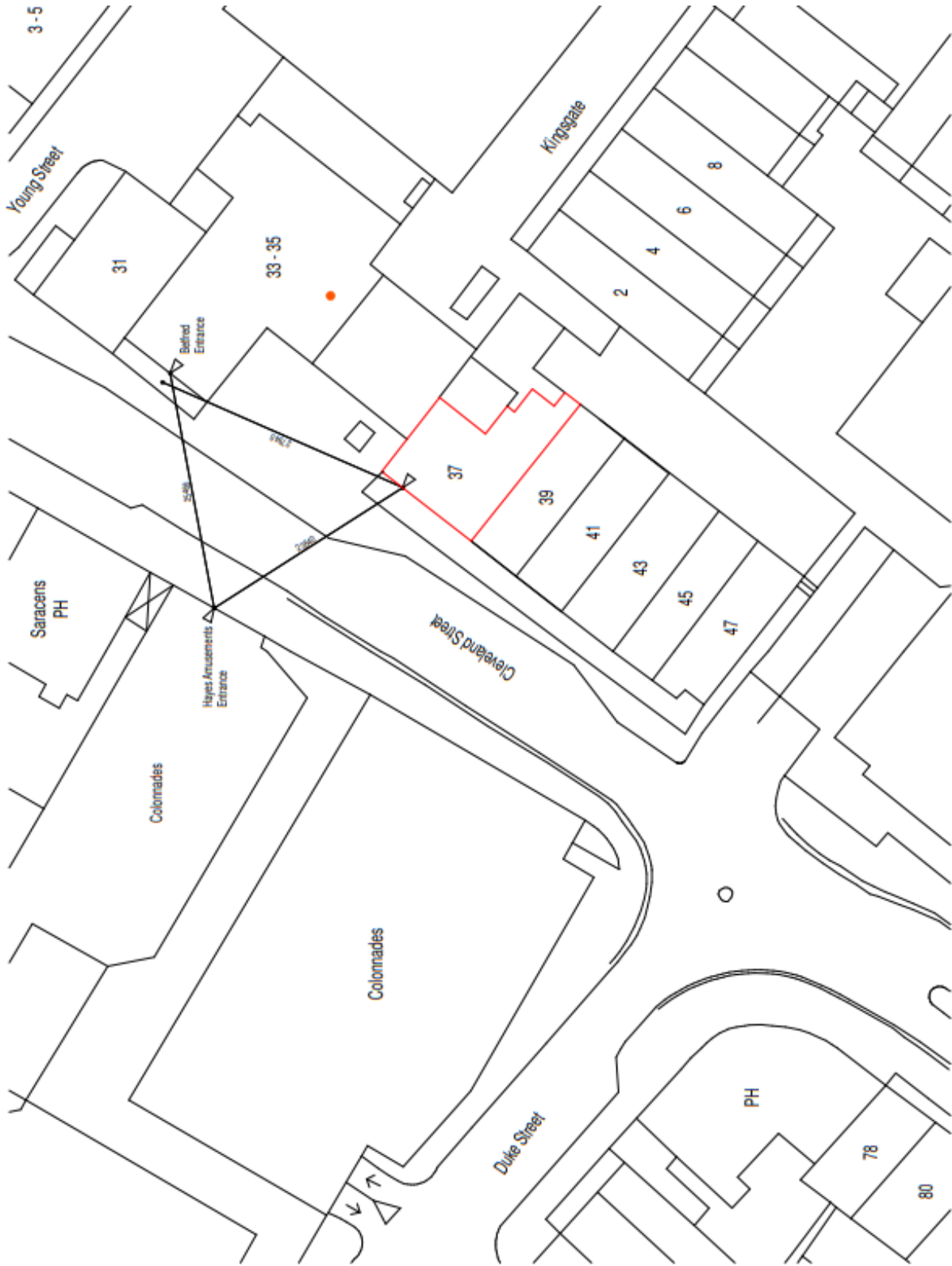
Additionally, a written description of the waste transferred must be exchanged between the parties (waste transfer notes) with copies kept on file for 2 years for inspection purposes. See

<https://www.gov.uk/dispose-business-commercial-waste/waste-transfer-notes>

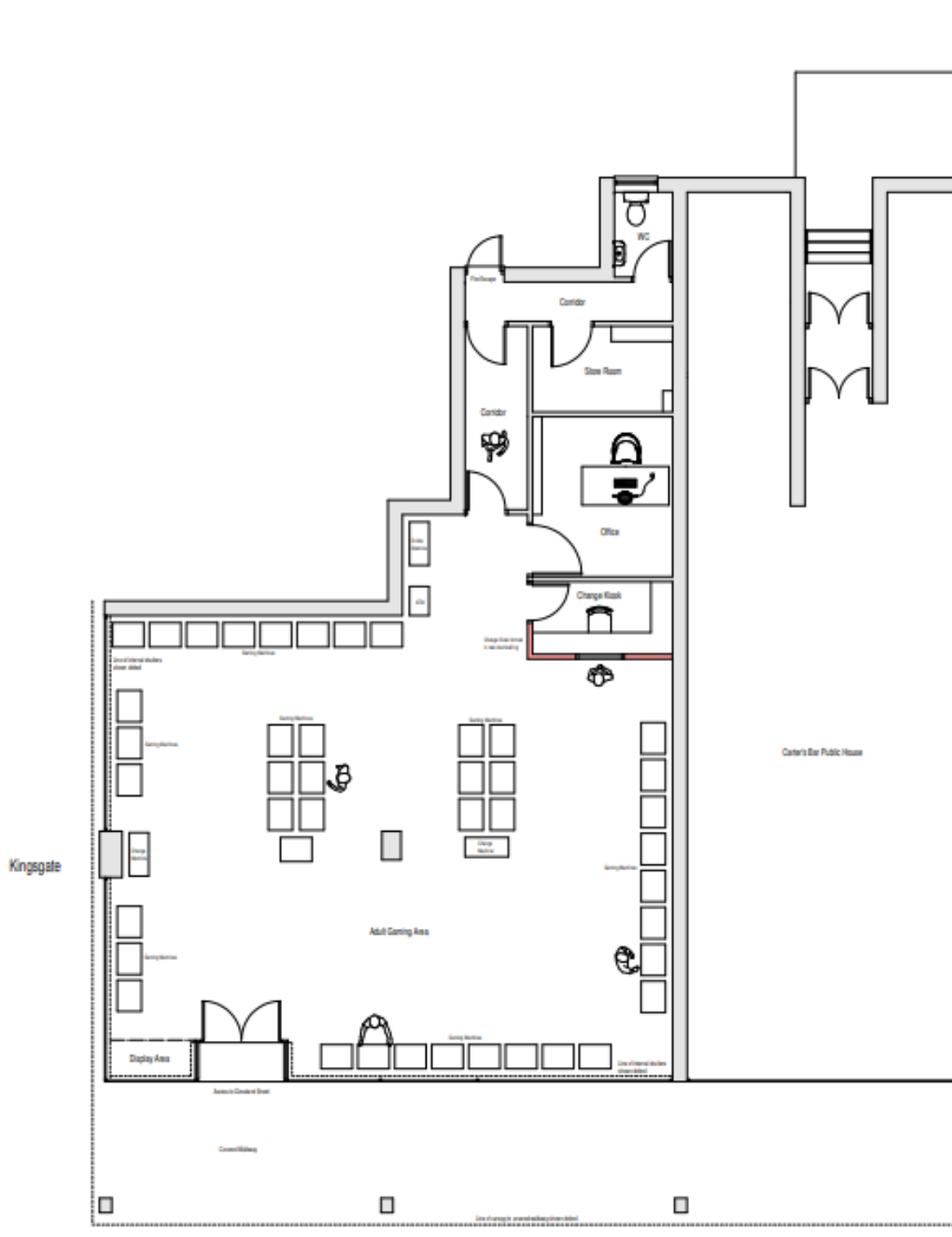
Commercial Waste must not be placed in domestic bins.

Business owners are advised to put in place Commercial Waste collection contracts (with the Council or a suitably licenced Commercial Waste collection contractor) to manage their waste in accordance with the law. Information about the Council's Commercial Waste services can be found on our website www.doncaster.gov.uk/commercial

Appendix 1 - Site Plan



Appendix 2 – Proposed floor layout



Proposed Ground Floor Plan - No.37 Cleveland Street - Total Floor Area 146m²

Cleveland Street

Appendix 3 – Site Photos



Figure 3.1: Application site (Cleveland Street Frontage)



Figure 3.2: Application site (Kingsgate Frontage)



Figure 3.3: Hayes Amusements, 14 Pell's Close (opposite the application site)

Appendix 4 – Illustrative Shop Frontage Visuals



Appendix 5 – Examples provided by the developer of nearby frosted glazing design to shop front which may inform a future frontage design:

