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## Ref 2021/1700 – Planning Application

Applicant: Merkur Slots UK Ltd

Proposal: Change of use of part of vacant retail unit (Class E use) to Adult Gaming Centre (Sui Generis Use) and associated external alterations to the shopfront.

Address: 15-19 Peel Street, Barnsley, S70 2RA

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### Planning History

There have been a range of planning applications for advertisements and shopfront alterations relating to the former use of the premises as an Argos

### Site Description

The application relates to the vacant Argos store. The shop sits on one of the main shopping streets in the town centre with a range of retail and other town centre uses on both sides of the street.

Site location plan showing the extent of the Argos unit that the application relates to (Proposed AGC Area referring to the Proposed Adult Gaming Centre). The building is said to have an internal floorspace of 574 sq m of which 151.5 sq m will be used as an Adult Gaming Centre.



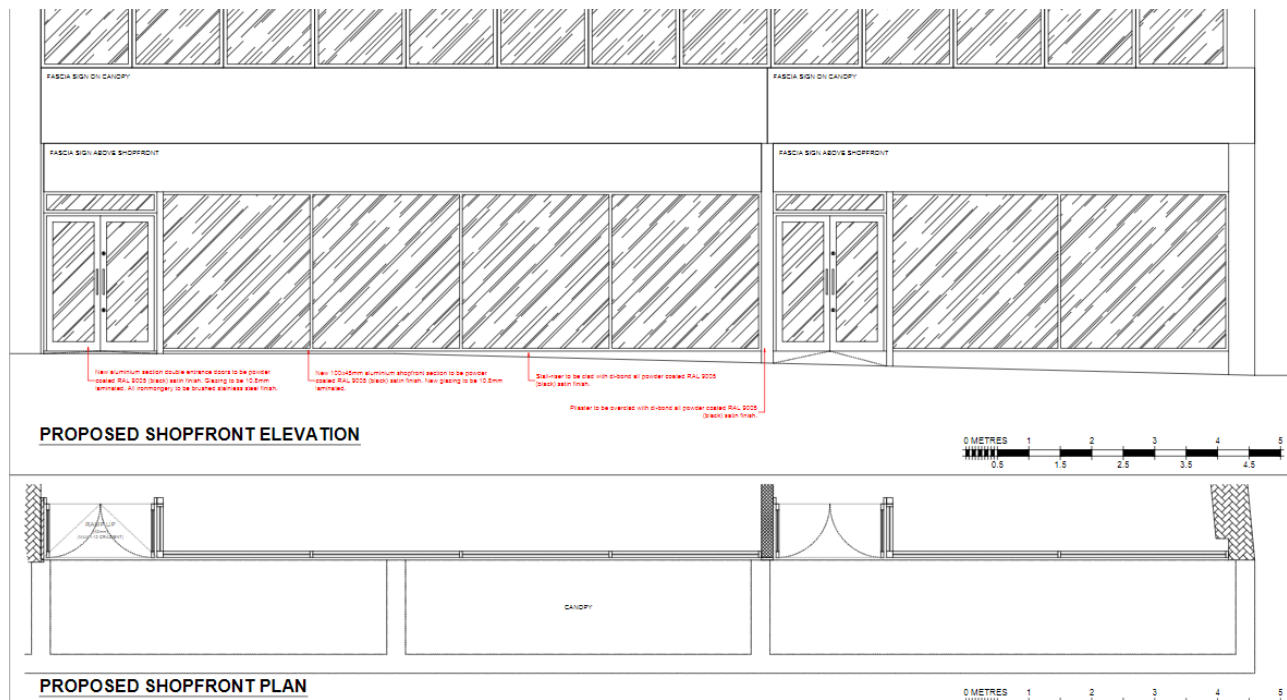
Google streetview showing the store and immediately to the east of the Argos a footpath, Dog Lane, which provides pedestrian access to Peel Parade.



## Proposed Development

The applicant seeks permission to change the use of part of the former Argos store to an Adult Gaming Centre, and to make alterations to the shopfront to secure separate doors to the two units to be created. Both units will be provided with a ramped access to a recessed door. Door and window frames and stall riser will have a black satin finish.

### Proposed shopfront showing new doors



The proposed Adult Gaming Centre is shown to provide an accessible toilet. The subdivision of the unit retains access to the first floor from either the remaining retail unit or from Peel Place.

The application clarifies that the unit will be used as a slot machine and bingo Gaming Centre and advises that the machines offer low stakes, from 10p to £2 and generate low levels of noise, with additional background noise (low level music) similar to other high street shops. It is suggested that an Adult Gaming Centre will secure between £100,000 and £250,000 investment; increased footfall; linked trips, local jobs and natural surveillance including late into the evenings.

The application is supported by a noise assessment which indicates that there is scope for sound insulation performance to be improved to prevent noise impacts to adjacent noise sensitive receptors, including the other part of the subdivided unit and the upper floor which is currently vacant but may have potential for residential use in the future. It is also concluded that, on the basis of the operation of other gaming centres, it is unlikely that noise impacts will occur due to patrons leaving and entering the site.

The applicant also notes:

- The unit has been vacant for approx. 24 months, active marketing has failed to attract interest for another Class E or A1-A5 use.
- Subdivision of this large retail unit will result in the remaining floorspace retaining its lawful A1/E use class.
- The primary shopping frontage will remain predominantly in retail (Class A1) use; and the proposal will diversify and improve provision in the centre and there is therefore no conflict with Policy TC2
- The proposal will result in the employment of 7 people (or full time equivalent)
- The Centre is proposed to be open 24/7.

## **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The new Local Plan was adopted at the full Council meeting held on the 3rd January 2019.

## **Local Plan**

The new Local Plan was adopted at the full Council meeting held on 3<sup>rd</sup> January 2019.

The application site is in the Westgate/Churchfields area of the Town Centre, and also within the primary shopping area and on a primary shopping frontage as designated in the Local Plan. The following policies are relevant:

**Policy GD1 General Development** – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

**Policy D1 High Quality Design and Place Making** – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

**Policy TC1 Town Centres** – indicates that new retail and town centre development will be directed to centres in order to maintain and enhance their vitality and viability and that a sequential approach will be used to assess proposals for new retail and town centre development outside the designated centres.

**Policy TC2 Primary and Secondary Shopping Frontages** – proposals for retail (A1-A5) uses will be allowed on primary and secondary shopping frontages in Barnsley Town Centre and the District Centres provided that within each primary shopping frontage ground floor uses remain predominantly retail (Class A1) in nature. Provided that criteria is met, other uses may be acceptable especially where they diversify and improve provision provided that vitality and viability of the primary shopping area wouldn't be negatively affected.

**Policy BTC1 - The daytime and evening economies** – we will work with developers and operators to diversify the daytime and evening economies (particularly early evening) with preference given to uses which meet a range of criteria. Planning permission will be given to a range of leisure uses provided they meet a range of criteria.

**Policy BTC2 – late night uses** – late night uses will only be encouraged in a closed list of locations in the town centre and will be supported where they meet a range of criteria.

**Policy BTC18 Westgate/Churchfields** – we will give priority to office development. We will also allow residential, shops, leisure and entertainment uses. Specific areas of the district will be developed for the specific uses (none relate to the area of the application site)

**Policy T4 New development and Transport Safety** – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

## **Supplementary Planning Documents**

Parking SPD – Gives guidance on parking standards but indicates that they do not apply in Barnsley Town Centre, where the availability of public parking will be taken into account.

## **NPPF**

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

## **Consultations**

**Pollution Control** – The development has the potential to have an adverse impact on health and the quality of life of those living and/or working in the locality, therefore approval with conditions is recommended to secure the improvements listed in the Noise Assessment before the use of the development commences.

**Public Rights of Way** – There is a public footpath running to the east of the site. This appears to be largely unaffected by the proposals, but safe public access must continue to be available throughout any works and there should be no encroachment onto or disturbance of the public footpath at any time. If this is not possible then a temporary closure will be required, at cost, to be submitted at least 4 weeks before the start of the proposed works. Recommend a note advising this.

**South Yorkshire Police** – Highly recommend that the development is designed and built to Secured by Design Standards. The submissions shows that the developer has considered various good facets of good design. It is recommended that PAS Anti-Ram Barriers are fitted external to the recessed doors.

**Ward Councillors** – No response.

## **Representations**

The application was advertised by way of a site notice (12 January to 2 February) and consultation letters (6 January to 27 January) which were sent to units/properties adjacent and near to the proposal site. No comments have been received.

## **Assessment**

### Principle

The application site is in a town centre location where national and local policy indicates that main town centre uses will be directed in order to maintain the vitality and viability of centres. The proposed Adult Gaming Centre use is a main town centre use. However, the proposal is situated in a part of the town centre where policy TC2 indicates that retail (class A1) uses must predominate; uses other than A1-A5 will only be acceptable if they diversify and improve provision; and it can be demonstrated that the vitality and viability of the area will not be negatively affected.

The applicant has demonstrated that the proposal will not result in less than 50% retail (Class A1) use on the primary shopping frontage; this will be only the second adult gaming centre in Barnsley Town Centre, so can be said to be diversifying provision and does not result in an excess of adult gaming centres; and as a main town centre use that attracts footfall in its own right, it will not negatively affect the vitality and viability of the area.

In addition, the proposal is in a part of town where Local Plan policy BTC2 encourages late night uses.

The shopfront of the Adult Gaming Centre will have boards set back 1 metre from the shop windows and covered in vinyl – this will have the effect of reducing the scope for an active frontage and reflects the licensing requirement that there is no public visibility of the gaming centre and its machines. As part of the operator's normal shop fitting, it is proposed to add two television screens behind the shopfront windows which will provide some animation and a degree of 'active frontage' and has to be balanced against the currently blank frontage and lack of vitality afforded by a shop unit that has been vacant for two years. It is concluded that the shopfront proposal is acceptable and a condition is imposed requiring this to be implemented and retained.

Accordingly, it is concluded that the proposed use is in conformity with policy and is acceptable in this town centre location.

### Residential Amenity

The proposal is in an active part of the town centre with limited residential use in the vicinity (there is a flat over one of the pubs on the opposite side of the road). It is concluded that the proposed 24 hour a day gaming centre is unlikely to adversely affect the amenity of those living and working in the area. The condition recommended by Pollution Control to require the proposed measures to reduce the transmission of noise to be undertaken before the use commences is included on the decision notice.

### Design

The design of the proposed shopfront alterations is considered to be acceptable.

### Highway Safety

The proposal is in a town centre location where the availability of public parking means that parking standards set out in the Parking SPD are not applied. The note recommended by Public Rights of Way is included on the decision notice to ensure that there is no encroachment or disturbance of the use of the adjacent footpath.

### Secured by Design

The application includes shopfront alterations that have been recognised by the Police as including elements of good design. The recommendation that anti-ram barriers are fitted at the doors is included as a note on the decision notice.

### Conclusion

The proposed use is considered to be acceptable in this town centre location as it would offer a diversified leisure provision to visiting members of the public in a highly sustainable and accessible location and will contribute towards the vitality and viability of the centre. The recommendation of approval includes a condition to secure control over the future uses of the unit in the interests of the future vitality and viability of the town centre.

### **Recommendation**

**Grant** subject to conditions