

Our ref: Q230058/eb
Your ref: PP-11883461
Email: [REDACTED]
Date: 09 March 2023



Barnsley Metropolitan Borough Council
Westgate Plaza
1 Westgate
Western Street
Barnsley

By Planning Portal (ref PP-12002614)

Dear Officers

Application for the Change of Use of Unit C, 44-55 Peel Street, Barnsley

On behalf of 'The Remet Property Company Ltd', enclosed is an application for full planning permission for the change of use of Unit C, 44-55 Peel Street, Barnsley ("the Site"). Consent is sought for flexible Class E use as follows:

"Change of use to a flexible Class E (commercial, business and service)"

The application has been submitted via the Planning Portal (PP-11883461) and is supported by the following information:

- This Cover Letter, setting out the relevant planning background, considerations and justifications.
- Application Form
- Site Location Plan & Block Plan (ref 4485-PL-001)
- Ground & Second Floor Plans (ref 4485-PL-002)
- First Floor Plan (ref 4485-PL-003)

The Site and Relevant Background

The Site is located within Barnsley Town Centre. It is currently vacant and was formerly in use as a snooker/pool bar (Sui Generis). It extends over three floors, with an entrance foyer at ground floor and stairs leading to the snooker/pool bar at first floor. Toilet facilities occupy the second floor.

The ground floor of the building is let to Dominos, British Heart Foundation and a European food market. Other nearby occupiers include Lidl, Quality Save, Costa Coffee, Iceland Foods and both a KFC and Taco Bell drive-thru.

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Planning permission was granted in April 2021 (ref 2021/0526) for the change of use of the Site from a private members pool club with bar to a sports bar.

Planning Policy

The Site is designated within Barnsley Town Centre. Policy TC1 of the Barnsley Local Plan (“BLP”) (adopted 2019) directs the majority of new retail and town centre development to the Town Centre and expects all retail and town centre developments to be appropriate to the scale, role, function and character of the centres in which they are proposed.

The Site is located along a Secondary Shopping Frontage. Policy TS2 of the BLP permits proposals for retail uses along Primary and Secondary Shopping Frontages in Barnsley Town Centre.

The Site is located within the Westgate/Churchfields District of the Town Centre. Policy BTC18 gives priority to office development but also permits residential, retail, leisure and entertainment uses.

Changes to the Use Class Order

Changes to the Use Class Order came into force on 1st September 2020¹. Of relevance to the enclosed Application, this included the following new use class:

- Class E: which amalgamated the following former use classes into a single new use class – retail, apart from local community shops (A1); financial and professional services (A2); restaurant/cafes (A3); business (B1); and certain former D1/D2 uses in addition.

Regulation 7 (of the Use Class Order Amendment Regulations 2020) states that if a building is used for A1/A2/A3/B1 purposes on 31 August 2020, it is to be treated as being a Class E use from the 1st September 2020; however, Class E does not override existing planning conditions or obligations. Where existing conditions and/or obligations prevail and are restrictive on the use, planning permission will be required.

The Planning Practice Guidance (PPG) notes² that local planning authorities must have regard to the new Regulations and their intended function when determining such proposals. The Explanatory Memorandum³ to the Regulations confirms that:

- Class E deliberately allows for a mix of uses to reflect changing retail and business models.

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (“the Regulations”).

² Planning Practice Guidance (PPG), Paragraph 012b, Reference IF 13-012b-20200918

³ Explanatory Memorandum to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, 2020 No. 757 (Paras. 7.3 & 7.9).



- The Regulations recognise that a building may be in a number of different uses concurrently, or that a building may be used for different uses at different times of the day.
- Bringing these uses together into new defined use classes, and allowing movement between them, will give businesses greater freedom to adapt to changing circumstances and respond more quickly to the needs of their communities.
- The reforms are primarily aimed at creating vibrant, mixed use town centres by allowing businesses greater freedom to change to a broader range of compatible uses which communities expect to find on modern high streets, as well as more generally in town and city centres.

The Proposals

Full planning permission is sought to change the use of the Site to a flexible range of Class E. The application relates to a change of use only – no further works are proposed such as external alterations or the display of advertisements which would require consent.

Whilst the application responds to market interest by a discount furniture retailer, the proposed application is not intended to be tenant specific and establishing the full range of Class E uses at the Site will support the Applicant in attracting tenants in the long term.

Planning Assessment

The proposals are entirely appropriate in this case, given that:

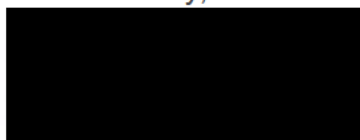
- The Site is located within Barnsley Town Centre, along a Secondary Shopping Frontage and within the Westgate/Churchfields District where retail uses are supported.
- The Site is previously developed, brownfield land which is prioritised for development by the National Planning Policy Framework (NPPF).
- Government guidance confirms that regard must be had to the intended consequences of Class E when determining proposals. The use class changes were deliberately radical in their nature and are intended to provide occupiers with greater flexibility in the use of commercial premises. This is particularly the case in traditional high street areas which have struggled in recent years, largely as a consequence of out-of-town retail and online shopping.
- Town centres have experienced significant economic pressures arising from the Covid-19 pandemic. It is important that vacant properties respond quickly to market interest to support their recovery.
- The proposals would ensure a quick and meaningful reoccupation of a vacant Town Centre unit, adding to the vitality, viability in this part of Barnsley.



- The application will provide the Applicant with greater freedom to adapt to changing circumstances, respond more quickly to market needs, and supporting vibrant, mixed-use town centres with a range of compatible uses.
- The introduction of flexible Class E use will complement the existing surrounding uses and add diversity to this part of Peel Street.
- There is no adverse planning harm arising, only planning merit. The proposals would contribute positively to the development plan's vision to develop the town centre as a place of diverse quality employment. Furthermore, the proposals would contribute to the town centre's vital role in providing shops and services.

I trust that the above is acceptable and I look forward to receiving confirmation of formal validation in due course. Please do not hesitate to contact me should you require any further information.

Yours sincerely,



Emma Bilton
Senior Planner

enc. As noted