



Peel South East Limited

**Planning Statement:
Proposed Argos Extra
Unit 4, The Peel Centre
Barnsley**

29th May 2009

A054872



REPORT CONTROL

Document: Planning Statement


Project: Change of Use of Unit 4, the Peel Centre, Barnsley


Client: Peel South East Limited

Job Number: A054872

File Origin:

Document Checking:

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Issue	Date	Status	Checked for Issue
1	29 th May 2009	Final	
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1 INTRODUCTION

Scope and Purpose

1.01 WYG Ltd has prepared this Planning Statement on behalf of Peel South East Ltd (herein after referred to as the Applicant). The application follows a pre application meeting with Kieron Dunn and Robert Ellis on the 15th April 2009. The Applicant is seeking to secure planning consent to enable Argos (herein after referred to as the Occupier) to operate an Argos Extra store from Unit 4, the Peel Centre, Barnsley (herein after referred to as the Site).

1.02 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this Planning Statement considers the conformity of the proposed development with the relevant Development Plan. The Statement also addresses material considerations, including policy contained within emerging planning documents. This statement is one part of a package of information which forms the planning application. The statement should be read in the context of the following documents that together form the application:

- Planning Application Forms
- Site Location Plan
- Proposed Internal Layout Plans (drawings D9076_2008_001 and D9076_2009_001)
- Traffic Technical Note (by TTHC)
- Design and Access Statement (by WYG)

Structure of Report

1.03 The rest of this report is structured as follows:

Section 2 provides a description of the application proposal.

Section 3 sets out the national, regional and local planning policy context against which the application proposal will be considered.

Section 4 appraises the proposal against relevant planning policy, including the key retail tests set out in national policy.

Section 5 provides our summary of the application and sets out our conclusions.

2 PROPOSAL AND SITE CONTEXT

The Proposal

- 2.01 The Applicant is the owner of the Peel Centre. The application site (Unit 4) has been vacant since December 2008, having been occupied for a short period by B&M following the previous occupier (Au Naturelle) going into receivership in April 2008. Argos proposes to occupy the site as an Argos Extra. Argos already has a presence in Barnsley town centre with a store at Peel Street and is seeking to complement this in town store with a 'stocked-in' Argos Extra store at the Peel Centre.
- 2.02 Argos is a unique retailer that sells a range of merchandise and products through a Catalogue, with all good being sold pre-packed. The extant consent relating to the Peel Centre (see Section 2.14 below) restricts the range of goods that can be sold from the Peel Centre. Further to pre-application discussions held with Planning Officers Keiron Dunn and Robert Ellis on the 15th of April 2009, it was agreed that to enable Argos to operate an Argos Extra from Unit 4 that a planning application would be made to seek permission for use of Unit 4 as a Catalogue Retail Showroom and for the insertion of a full cover storage mezzanine.
- 2.03 As outlined below, the Peel Centre has been subject to a number of applications to vary conditions to increase the range of goods that can be sold from the Park. During pre-application discussions Officers suggested that an application be made that relates only to Unit 4 rather than a further application to vary conditions on the whole Park. On this basis the Applicant seeks planning permission for:

'Use of Unit 4 by a catalogue showroom retailer and the insertion of a 948 m² mezzanine within the unit'

- 2.04 As part of the application we have provided an internal floor plan that shows the extent of the proposed mezzanine which is to be used only for the storage of goods (refer to drawing D9076_2009_001). Further to the pre-application meeting, discussions have taken place with officers over various potential conditions which could be attached to consent to control the use of the mezzanine level and to restrict the use of the unit to that of a catalogue showroom retailer. On this basis we suggest that the following conditions could be attached to address these issues:

2.05 Condition 1 – Control over the range of goods that could be sold from Unit 4:

'Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision in any statutory instrument revoking and re-enacting the Order with or without modification, Unit 4 shall not be used for the retail sale [other than related to the principal use of the premises] of food; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written permission of the LPA except where such goods are sold for use for animals. The above restrictions to the range of goods sold will not apply to Unit 4 whilst the unit is in use by a catalogue showroom retailer.'

2.06 Condition 2 – Control over the use of the proposed mezzanine:

'The mezzanine floor shall be used for storage use only and for no other purpose including retail sales unless agreed in writing by or on behalf of the Local Planning Authority.'

Argos and the Proposed Operation

2.07 Argos is recognised as having a very unique style of trading and operation in that all sales are undertaken from a Catalogue. Whilst there is a small public area within the store, the first time customers handle their chosen goods is once they have been purchased. All goods are sold pre-packed.

2.08 Argos trades from 733 stores throughout the UK and Ireland. Of these 235 are out-of-centre stores located mostly on retail parks. Prior to July 2005 most Argos stores traded as either a 'traditional' store or an 'Argos Extra', with the simple difference being that the latter offered a much wider range of goods (primarily bulky). There were also separate Catalogues for each format. In July 2005 and with the launch of its Autumn/Winter Catalogue these two catalogues were combined into one to enable all customers to have access to the Argos Extra range. All its UK stores now sell the same number of lines via this one Catalogue, although Argos Extra stores will stock the majority of the more bulky Extra range (as well as the more traditional lines).

- 2.09 The Extra stores can also differ in terms of whether they are 'stocked-in' or 'ordered-in' stores. As the descriptions imply 'stocked-in' stores are the largest formats in that they effectively have enough on-site storage space to stock-in the whole of the Extra range. With the smaller stores goods that are not held on site have to be ordered in and can normally be picked up within 2-3 working days or delivered directly to the home.
- 2.10 The Argos Extra business model requires a larger format than Unit 4 can currently provide. The business model requires two levels with a significant amount of storage. The ground floor would contain a public area to the front for browsing through the catalogue, cash tills, collections, returns and customer services. This area will also contain a substantial 'room set' area for displaying furniture.
- 2.11 Through the insertion of a mezzanine to provide first floor storage, Unit 4 would be able to satisfy the Argos Extra business model requirements. The proposed Argos Extra at Unit 4 would seek to provide for 12 Full Time Members of staff including a management team. The estimated 12 Full Time Jobs could be broken down as follows:
- 4 x Management
 - 2 x Full Time Members of Staff
 - 17 x Part Time Members of Staff

Application Site

- 2.12 Unit 4 is situated within The Peel Centre Retail Park, to the north east of Barnsley Town Centre, wholly within the Shopping Policy Area defined by the Barnsley UDP. The unit is bounded by the Storey Carpets store to the east and the Chiltern Mills store to the west. There is a mix of retail and leisure uses within the park.
- 2.13 Unit 4 is currently vacant. The last operator of Unit 4 was B&M following the demise of Au Naturele. The site is a prominent location and is well served by bus services. Unit 4 already has the benefit of existing retail use and is situated within a well established Retail Park. The A61 running past the site is an identified 'Quality Bus Corridor' with good bus service coverage between the town centre, the rail transport interchange and to the area north of the River Dearne. Further information on the frequency and number of services that serve the site can be found in the accompanying Transport Statement.

Planning History

2.14 The relevant planning history of the Peel Centre is as follows:

B/05/1165/BA – Variation of condition 1 to consent **B/03/2180/BA** dated 05/08/05 to allow the sale of *'pet products'*.

B/03/2180/BA – Variation of condition 5 to **B/98/0641/BA** dated 11/03/04 preventing the units (other than Unit 7 which may be used for leisure club & sports goods retail) from selling: *'food (including pet food), alcoholic drink, tobacco, watches/clocks, books, newspapers or magazines, clothing or footwear, fashion accessories, jewellery, toys, perfume and toiletries, music, records, audio or video tapes, pharmaceutical goods or sports goods.'*

B/02/1350/BA – Redevelopment of out of town shopping centre, including 5 new units and improvements to access, parking, landscaping and lighting (Reserved Matters) dated 20/12/02.

B/98/0641/BA – Outline planning permission for the refurbishment, redevelopment and the extension of The Peel Centre dated 03/04/99. Condition 5 permitted the sale of *'DIY products and equipment, electrical goods (including computer hardware and software), car and motor bike parts and accessories, flat pack and ready assembled furniture, carpets and floor coverings, soft furnishings, household textiles, gardening tools and implements, seeds and plants'*

3 PLANNING POLICY AND GUIDANCE

- 3.01 This section of the statement outlines the planning policy relevant to the authority's consideration of the application proposal at national, regional and local level.

The Development Plan

- 3.02 The Development Plan comprises: the Barnsley Unitary Development Plan (2000) and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (2008) – formerly RPG12.

Barnsley Unitary Development Plan

- 3.03 Barnsley Metropolitan Borough Council adopted the current Unitary Development Plan in December 2000. This document provides proposals for the use and development of land across the Borough. The Council have been granted their request to 'save' UDP policies until relevant LDF policies are in place to replace them.
- 3.04 The shopping strategy seeks to: make adequate provision for retail development consistent with the needs of the community; channel retail development to existing centres and to use their regenerative capacity to the maximum advantage of the centres; make adequate provision for retail uses, which do not duplicate the type and scale of comparison goods retailed in centres, but seek out of centre locations; and ensure that centres themselves provide an attractive environment for shopping.
- 3.05 Policy S1 'Shopping/Commercial Centres' states that all new retail development will be permitted only within the central shopping area of Barnsley Town Centre and in the principal shopping and commercial centres defined on the proposals map (which includes The Peel Centre) where suitable sites, or buildings suitable for conversion, are available for such purposes. Within these locations, proposals for new retail development will be assessed on their merits having particular regard to their relationship and compatibility with the existing retail uses located therein. New retail developments which extend and enhance the range of goods, consumer choice and the provision of amenities and facilities available to the public within the defined centres will be particularly encouraged.
- 3.06 Policy BA26 'Large Scale Retailing of Comparison Goods' states that land at The Peel Centre is specifically allocated for large scale retailing of comparison goods.

3.07 The UDP is written on the basis of a sustainable strategy, to make the best use of the existing land resource. The objective is to develop Barnsley's sub-regional role and balance the need for economic growth with the protection of the environment. The shopping strategy affords protection to the town centre and restricts large stores and retail warehouses to existing retail areas.

Barnsley Local Development Framework

3.08 The Council published its Local Development Scheme (LDS) in 2005; the LDS constitutes the first stage in the preparation of its Local Development Framework and established which documents will constitute the Development Plan, when the Local Development Framework becomes adopted policy. The Council is yet to produce its Core Strategy. The only document set out in the LDS which has been adopted is the 'Barnsley Education Sites Development Plan Document'; however this document is not relevant to this application. The LDS does not contain anything else of relevance.

Yorkshire and Humber Plan: Regional Spatial Strategy to 2026

3.09 The Yorkshire and Humber Plan: Regional Spatial Strategy (RSS) establishes the broad principles for development in the Region.

3.10 The overall emphases of the RSS, 2008 (formerly RPG12) are: sustainable development; protect and enhance the region's environmental resources; and support principal towns and local service centres as hubs for the economy. The RSS encourages sub-regional town centres such as Barnsley, to be transformed into attractive, cohesive and safe places where people want to live, work, invest and spend time in.

3.11 Policy YH7 is concerned with 'Location of Development' and states that the first priority is the re-use of previously developed land and buildings.

3.12 Policy E2, which is concerned with 'Town Centre and Major Facilities' states that development should take place to create a distinctive, attractive and vibrant sense of place and identity for each centre.

3.13 Policy E3 is concerned with 'Land and Premises for Economic Development' and states that plans, strategies, investment decisions and programmes should make use of appropriately located

previously developed land and current allocations, and ensure the availability of sufficient land and premises in sustainable locations to meet the needs of a modern economy.

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development (2005)

- 3.14 PPS1 divides 'Planning for Sustainable Development' into five categories: social cohesion and inclusion; protection and enhancement of the environment; prudent use of natural resources; sustainable economic development; and integrating sustainable development in development plans.
- 3.15 With regard to delivering sustainable development, Paragraph 27 sets out the general approach, which is to: promote urban regeneration and mixed use developments for locations that allow the creation of linkages between different uses; bring forward sufficient land of a suitable quality in appropriate locations to meet the expected needs; provide access for all to a range of services and facilities, including shops; to focus development which attract a large number of people, especially retail, leisure and office development, in established retail locations; reduce the need to travel; and promote the more efficient use of land.

Planning Policy Statement 6: Planning for Town Centres (2005)

- 3.16 PPS6 sets out the Government's key objective for town centres to promote their vitality and viability (Paragraph 1.3) and that this will be achieved by:
- Planning for the growth and development of existing centres; and
 - Promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.
- 3.17 PPS6 encourages local planning authorities to adopt a positive approach to planning for the future of all types of centres within their areas (Paragraph 2.15). Paragraph 2.16 goes on to state that local planning authorities should work in conjunction with stakeholders and the community to: assess the need for new floorspace; identify deficiencies; and assess the capacity of existing centres to accommodate new development. At Paragraph 2.20, PPS6 confirms that the Government is concerned to ensure that efficient use of land is made within centres and elsewhere.

3.18 With regard to site selection, PPS6 establishes the principal tests for key town centre uses including retail as: need; appropriateness of scale; the sequential approach; impact of the development on existing centres; and accessibility by a choice of means of transport (Paragraph 2.28). With regard to need, Paragraph 2.33 confirms that local planning authorities should place greater weight on quantitative need for additional floorspace for the specific types of development, although local authorities should also take account of qualitative considerations.

3.19 PPS6 (Paragraph 3.1) states that principal retail considerations of need, appropriateness of scale, the sequential approach, impact and accessibility apply to:

'Applications to vary or remove existing planning conditions, which would have the effect of creating additional floorspace (e.g. mezzanine floors) or changing the range of goods sold, thereby changing the scale and/or character of the development '

4 CONFORMITY WITH THE DEVELOPMENT PLAN AND PLANNING POLICY

4.01 This section of the statement outlines the planning policy relevant to the authority's consideration of the application proposal at national, regional and local level.

Method for Assessing Conformity

4.02 In accordance with Section 38 of the Planning and Compulsory Purchase Act (2004), this Planning Statement considers the conformity of the proposed development with the Development Plan as a whole, taking into account the Emerging Development Plan and National Planning Policy as material considerations; Section 3 sets out the relevant policies of the Development Plan, the Emerging Development Plan and National Planning Policy.

4.03 Conformity with the Development Plan is assessed in terms of Site Allocation, Retail Policy and Other Considerations to ensure that a comprehensive assessment of the proposed development is undertaken.

Site Allocation

4.04 The adopted Unitary Development Plan (2000) identifies the application site as being within an 'Other Shopping/Commercial Area'. The site is an established retail destination, which is recognised as such by the adopted Unitary Development Plan. The principle of retail development is established and the trading of Argos from Unit 4 is acceptable in principle. No other policy is of relevance specifically to the site allocation.

Key Retail Tests

4.05 As outlined above, the insertion of a mezzanine into Unit 4 would not provide any additional trading floorspace and it is clear from the Argos Extra business model and submitted store layout plan that Unit 4 will have an outward appearance and characteristics similar to a furniture showroom on the ground floor. There is therefore no question of the scale or character of the retail park being changed. It is clear therefore that pursuant to paragraph 3.1 of PPS6, the considerations within Chapter 3 of the PPS do not need to be applied to this proposal.

5 SUMMARY AND CONCLUSIONS

5.01 The Applicant seeks planning consent for:

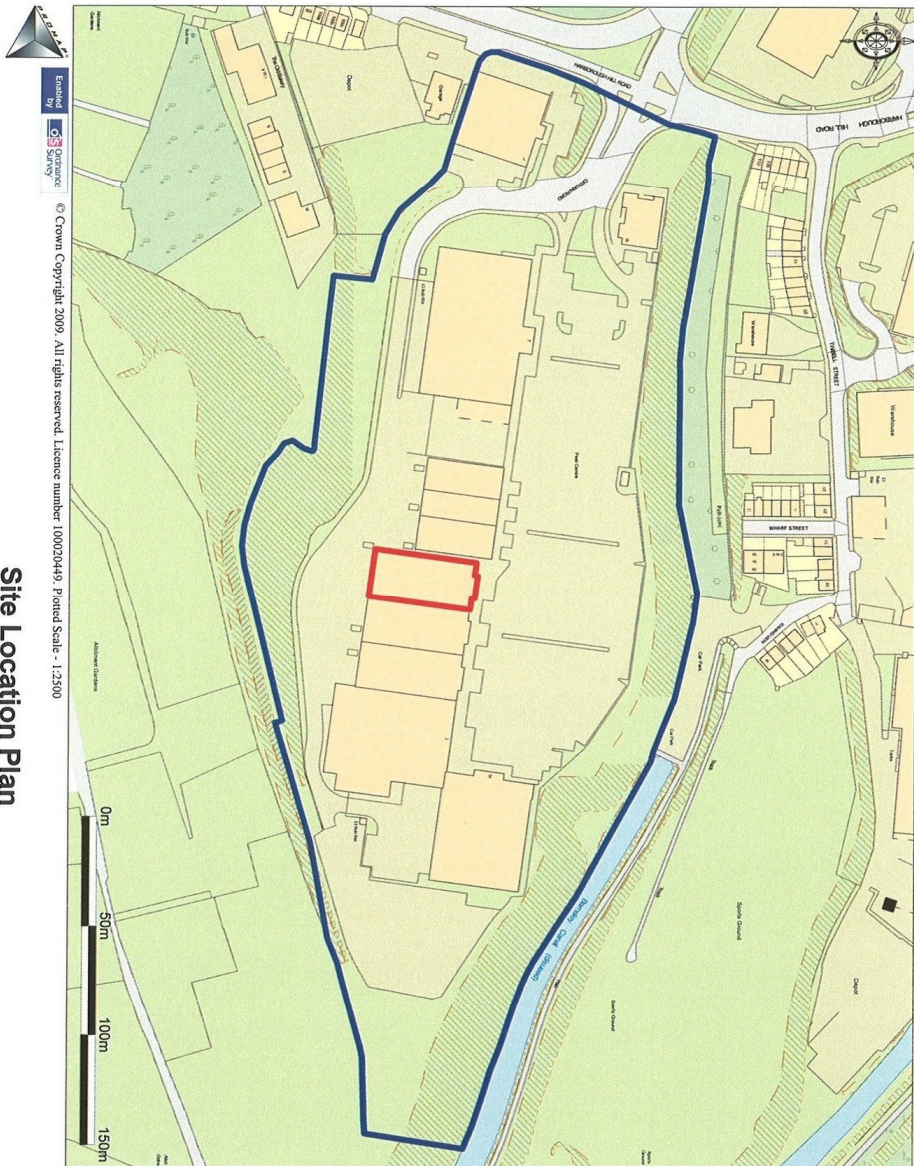
'Use of unit 4 by a catalogue showroom retailer and the insertion of a 948 m² mezzanine within the unit'

5.02 We have suggested a series of planning conditions that could be attached to a planning consent that would provide Barnsley Metropolitan Council with the requested level of control over the use of the unit as a catalogue retail showroom. The application also suggests a condition that could be attached to control the use of the proposed mezzanine level.

5.03 We consider that this planning application accords with national, regional and local planning policy and it is considered that the Council would be fully justified in granting planning permission for the proposed development.

APPENDIX A – SITE LOCATION PLAN

Unit 4, The Peel Centre Barnsley



APPENDIX B – PLANNING HISTORY



BARNLSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/06/1165/BA

To Peel Developments Ltd.
c/o Savills Commercial Planning
Fountain Court
68 Fountain Street
Manchester
M2 2FE

Proposal Variation of Condition 1 of planning permission B/03/2180/BA to allow the sale of pet products

At The Peel Centre, Harborough Hill Road, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 20 June 2005 and described above.

The approval is subject on compliance with the following conditions:

1. Notwithstanding the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than Unit 7 (to be occupied as a leisure facility and sports goods retail premises) no unit shall be used for the retail sale (other than related to the principal use of the premises) of food; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority except where such goods are sold for use for animals.

To ensure that the use of the premises is in compliance with policy S3 of the Council's adopted Unitary Development Plan.

Informatives

The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

S3 - Retail proposals

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed 
Assistant Director, Planning and Transportation

Dated 5 August 2005

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226 - 772000
Fax: 01226 - 772591

This informative is only intended as a summary of the reason for granting planning permission.
For further details on the decision please refer to the application file, by contacting 01226 772593.

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226 - 772000
Fax: 01226 - 772591

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport, and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley, S70 2TN

Telephone: 01226 - 772000
Fax: 01226 - 772591



BARNLSLEY

Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/03/2180/BA

To Peel South East Ltd
Peel Dome
The Trafford Centre
Manchester
M17 8PL

Proposal Variation of Condition 5 of Planning Permission B/98/0641/BA.
At The Peel Centre, Harborough Hill Road, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 December 2003 and described above.

The approval is subject on compliance with the following conditions:

1. Notwithstanding the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than Unit 7 (to be occupied as a leisure facility and sports goods retail premises) no unit shall be used for the retail sale (other than related to the principal use of the premises) of food (including pet food); alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority.
To ensure the use of the premises is in compliance with policy S3 of the Unitary Development Plan.

Informatives

The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations:

S3 - Retail proposals

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed Assistant Director, Planning and Transportation

Dated 11 March 2004

Planning and Transportation Service
Central Offices, Kondray Street, Barnsley. S70 2TN

Telephone: 01226 - 772600
Fax: 01226 - 772599

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport, and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within three months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

Planning and Transportation Service Telephone: 01226 - 772600
Central Offices, Kandrav Street, Barnsley. S70 2TN Fax: 01226 - 772599



BARNLSLEY
Metropolitan Borough Council

APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/02/1350/BA

To Peel South East Ltd
Peel Demo
The Trafford Centre
Manchester
M17 8PL

Proposal Redevelopment of out of town shopping centre, inc. 5 no new units and improvements to access, parking, landscaping and lighting (Reserved Matters).

At The Peel Centre, Harborough Hill Road, Barnsley.

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 12 September 2002 and described above, being matters reserved in the permission granted on 3 April 2000 under Application B/98/0541/BA.

The approval is subject on compliance with the details specified in the application, the approved plans and conditions of the outline permission and, additionally, is subject to the following conditions:-

1. The paladin and palisade security fencing shown on the approved plan (ref. no. 0245-001/B) between the points marked A, B, C, D, E, and F, shall be coloured cork or mid green in accordance with a colour scheme to be agreed in writing by the Local Planning Authority prior to the commencement of the development and it shall be installed in accordance with the approved details
in the interests of visual amenity.
2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings in the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species, unless the Local Planning Authority give written consent to any variation.
in the interests of the visual amenities of the locality

The consent of the Council does not constitute any warranty, approval or consent by the Council Authority for any other purpose

Signed For and on behalf of Assistant Director, Planning and Transportation

Dated 20 December 2002

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley, S70 2TN

Telephone: 01225 - 772600
Fax: 01225 - 772589

2. The development hereby approved shall be carried out in strict accordance with the amended plans and specifications received on 31st October 2002 (drawing Nos. 0245-001B and 011102/Q/01E) unless prior written consent has been given by the Local Planning Authority to any minor variation.
For the avoidance of doubt as amendments have been submitted during the course of processing the application.

Planning and Transportation Service	Telephone: 01226 - 772600
Central Offices, Kendray Street, Barnsley. S70 2TN	Fax: 01226 - 772593

NOTES:-

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, Transport and Regions in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements*, to the provisions of the development order, and to any directions given under the order. He does not, in practice, refuse to entertain appeals solely because the local planning was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or the Secretary of State for the Environment, Transport and Regions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or County Council, London Borough or District Council in which land is situated as the case may be, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act 1971.

*The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.

Planning and Transportation Service
Central Offices, Kendry Street, Bamsley. S70 2TN

Telephone: 01226 - 772600
Fax: 01226 - 772599



BARNLSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/98/0641/EA

To Peel Investments (north) Ltd.
Quay West
Trafford Wharf Road
Manchester
M17 1PL

Proposal The refurbishment, redevelopment & extension of the Peel Centre (Outline).
At The Peel Centre, Harborough Hill Road, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 1 June 1998 and described above.

The approval is subject on compliance with the following conditions:

1. Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun either:-

i) before the expiration of five years from the date of this permission, or

ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990

2. The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the siting of the proposed development.
- (b) the design of the proposed development.
- (c) the external appearance of the proposed development.
- (e) landscaping for the site.

In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

The grant of this consent does not constitute an outline permission, approval or consent by the Local Authority for any other purpose.

Signed

Head of Planning

Dated 3 April 1999

John Sanderson

Planning Services
Central Offices, Kendray Street, Barnsley. S70 2TN
Development Programme Area, Director, Rachel Heatley BA, MA, MBA

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3. The vehicular access to the site shall be constructed in accordance with the details as approved under application ref. no. B/97/1143/5A and in its entirety prior to the any of the buildings hereby approved being brought into use.
In the interests of highway safety.
4. Not more than one single unit of no more than 1,394 square metres gross internal area for the sale of sports goods, clothing and equipment will be permitted of which only 627 square metres (which shall include circulation space around the goods) will be used for the sale and display of non-bulky goods.
To safeguard the vitality and viability of the Town Centre.
5. Notwithstanding Condition 4 above the retail sale of goods within the Retail Park shall be restricted to the following goods categories: - DIY products and equipment; electrical goods (including computer hardware and software); car and motor bike parts and accessories; flat pack and ready assembled furniture; carpets and floor coverings; soft furnishings, household textiles, gardening tools and implements, seeds and plants..
To safeguard the vitality and viability of the Town Centre.
6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
In the interests of the visual amenities of the locality.
7. No development shall take place unless and until full foul and surface water drainage details (including land drainage) with levels and cross sections, have been submitted to and approved in writing by the Local Planning Authority.
To ensure the proper drainage of the area.
8. Prior to the substantial completion of the development, the parking/manoeuvring area shown on the approved plan shall be surfaced, sealed and drained (and marked out), and shall thereafter be permanently retained for parking/manoeuvring solely in connection with the development hereby approved.
To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 6 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with either of similar size and species, unless the Local Planning Authority give written consent to any variation.
In the interests of the visual amenities of the locality

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no development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority, full details of both hard and soft landscaping works, which shall include details of the species, positions and planted heights of all proposed trees and shrubs, and indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and details of any hard surfacing materials, any lighting and means of enclosure to the site.

In the interests of the visual amenities of the locality.

11 The Health and Fitness Club element of the proposal shall operate within a single unit. The area of the Health and Fitness Club shall not exceed 1863 sq.metres and for any part of this contained on the ground floor the footprint shall not be a greater area than 930 sq. metres and, other than the provision of entrance doors, it shall not present a frontage to the retail park. New retail floorspace of not less than 5,500 sq. metres will still be accommodated on the site. The Health and Fitness club area shall adjoin the area used for the sale of the goods referred to in Condition 4 and shall at no time be used, let, sold, separated, or otherwise severed from the remainder of the building without the prior written permission of the Local Planning Authority.

For the avoidance of doubt and to ensure the integrity of the unit as a primarily retail building is not prejudiced, in the interests of safeguarding the vitality and viability of the Town Centre.

12 The development hereby approved shall be carried out in strict accordance with the amended plans and specifications received on 15 July 1998 unless prior written consent has been given by the Local Planning Authority to any minor variation.

For the avoidance of doubt as amendments have been submitted during the course of processing the application.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.

To prevent damage to the existing [sewer, watercourse or culverted watercourse].

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NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol, BS2 9DJ.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

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