
Planning Statement

Former MFI/Powerhouse Retail Unit at Twibell Street,
Barnsley

Proposed variation to planning permission 2016/0436 to
allow use as gym (Class D2)

Prepared for: Peel Property (Investments) Limited



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1. Introduction

- 1.1. This Statement has been prepared by Savills Planning on behalf of Peel Property (Investments) Limited (Peel) in relation to an application at the vacant former MFI/ Powerhouse unit on Twibell Street in Barnsley. The application is made under Section 73 of the Town and Country Planning Act to vary Condition 3 of planning permission 2016/0436, which permitted the use of the premises for Class D2 leisure, but which restricts the use of the property within Class D2 to use as a trampoline centre only. This new application is to allow use of the premises as a gym, also within Class D2.
- 1.2. The unit has been vacant for several years, following the closure of the previous occupier, MFI/Powerhouse, in 2008. Peel has subsequently explored various opportunities to regenerate the site, including proposals for redevelopment as a food superstore, which ultimately were not delivered. Peel's efforts to bring the unit back into economically productive use were supported by the local planning authority as recently as June 2016, when the application to allow the change of use to allow D2 leisure was granted. That planning permission was restricted by the local planning authority to allow only the trampoline use which at that time was proposed. However, the intended tenant is no longer interested in taking a lease on the premises, after competing facilities opened elsewhere in the town.
- 1.3. Peel has therefore investigated other market interest, and has entered into an agreement for lease with the national health and fitness chain, JD Sports who operate large format health clubs.

The Proposal

- 1.4. The 2016 decision allows flexible use of the premises for either retail use or class D2 leisure use, restricted by condition to use as a trampoline centre (**Appendix 1**). The application therefore seeks to vary Condition 3 to alter the range of permitted uses to allow the unit to be lawfully used as a gym operated by JD Gyms. Condition 3 states that:

This permission to change to a D2 use related solely to the change of use described in the application form i.e. trampoline park. No other uses falling within the D2 use class are hereby permitted as part of this permission.

Reason: To ensure that alternative D2 uses are subject to a planning application and further sequential assessment, in accordance with CSP 8 'The Location of Growth', CSP 31 'Town Centres' and BA27 'Other Large Scale Retail Development'.

- 1.5. The application seeks to re-word condition 3 as follows:

*This permission to change to a D2 use relates solely to the change of use described in the application form i.e. use as a **gym** ~~trampoline park~~. No other uses falling within the D2 use class are hereby permitted as part of this permission.*

- 1.6. No external changes are proposed as part of the application. Separate applications for signage will follow in due course. As with the current consent, a flexible use is proposed, which would enable the unit to be used for either retail (current lawful use) or Class D2 leisure.

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The Proposed Occupier – JD Gyms

- 1.7. JD Gyms are operated by JD Sports Fashion Plc. They offer people an affordable way to exercise and provide state-of-the-art facilities on a highly cost effective basis. The unit will be refurbished internally to comprise a studio, ladies gym, function room, staff room and office, changing facilities, free-weights area, spin facilities, and space for burn, tone and gym activities.
- 1.8. The facilities can be used for a number of leisure activities including structured fitness classes, personal training fitness sessions and independent exercise. The gym provides enhanced facilities above those of its competitors such as its 'burn' spaces and will therefore be a unique addition to Barnsley and the wider area.
- 1.9. The operator is well established in the sector, with 11 fully operational gyms. It is understood that the operator plans to open a further 12 sites in the UK by the end of 2018. Brochures of the facility provided by JD are included at **Appendix 4**.
- 1.10. Details of the proposed operation include:
 1. An exciting new company with ambitious plans to establish a national presence.
 2. A modern and attractive facility providing a state-of-the-art leisure experience to the area.
 3. An ancillary function room catering to events.
 4. Facilities open to use by all abilities – structured classes, independent exercise and coaching.
 5. A venue for the community to pursue healthy and active lifestyles.
 6. Approximately 80 on-site car parking spaces including 9 on-site disabled parking spaces.
- 1.11. The currently vacant unit at the application site provides an opportunity for Barnsley to expand its leisure offer and attract a new and exciting operator to the Central Barnsley area. The proposal is a suitable use for the site and it will bring benefits in terms of health improvement, economic investment, activity and improved choice in the leisure sector.

Main Issues

- 1.12. The purpose of this report is to address the planning issues arising from the proposal, having regard to the policies contained in the Adopted Development Plan (comprising the saved policies of the Barnsley Unitary Development Plan (UDP), Core Strategy and Site Allocations DPD). Appropriate weight will also be given to the emerging local plan, which is currently under examination but is yet to have been considered sound by the Inspector. The assessment will also have regard to the National Planning Policy Framework (NPPF) as a material consideration, together with National Planning Policy Guidance (NPPG) which sets out how the policies of the NPPF should be applied in practice. The NPPF sets out the Government's planning policies for all forms of economic development, including leisure.
- 1.13. The application site is:
 1. Within approximately 440m of the town centre boundary in the Adopted Plan.

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2. Situated adjacent to the established retail and leisure destination; The Peel Centre, which is well located in relation to the nearby town centre and the surrounding residential areas and has clear evidence of strong linkage of trips to and from the town centre.
 3. Allocated in the Barnsley Core Strategy (September 2011) for large scale retail development.
- 1.14. Whilst the site is located in close proximity and well connected to the town centre, it is located outside of the defined town centre boundary. It is 'out of centre' in planning policy terms.
- 1.15. The existing planning permission for the building allows for retail use (class A1) and a leisure use (class D2), both of which are 'town centre uses' according to the definitions set out in the National Planning Policy Framework (NPPF). Therefore the effect of the proposal is simply to replace one town centre use with a very similar alternative. Such a limited change in the way existing floorspace is used would not be expected to raise any planning policy issues which have not already been taken into account in the Council's original consideration and approval of the building and the recent approval for an alternative town centre use. It is therefore arguable that there is no need for the proposal to be assessed against the NPPF policies which relate to Main Town Centre Uses.
- 1.16. Without prejudice to this view, because the unit is not allocated specifically for leisure use, the town centre policy issues are addressed. The assessment will consider:
1. If the site is suitable for the proposed leisure facility, given the current retail allocation and whether there are any planning issues which arise from the change of use from one town centre use (retail) to another town centre use (leisure) which have not already been fully considered in granting the existing consent for a leisure use.
 2. Whether the proposal meets the overarching strategic development objectives.
 3. Whether the proposal raises any severe impacts with regard to accessibility and transport.
 4. Whether the proposal meets the economic objectives of the development plan and NPPF.
 5. Does the proposal enhance the borough's leisure offer by increasing accessibility to facilities that improve health and by actively promoting an increase in physical activity.
 6. Whether there are any town or edge-of-centre sites that are available and suitable for the proposal.
 7. Whether there is any clear evidence of significant adverse impacts.
 8. Whether the balance of impacts and other material considerations are acceptable, having regard in particular to paragraph 14 advice that development should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Structure of the Statement

- 1.17. This Statement describes the proposed alternative use, considers the planning issues raised, and assesses the overall suitability of the proposal against relevant planning policies.
- 1.18. The remainder of the Statement sets out the case for the proposal and addresses the main issues identified above. It is structured as follows:
- **Section 2.0: The Site and Surroundings and Planning History:** Describes the application site and its relevant planning history.

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- **Section 3.0: Planning Policy Assessment:** Provides an assessment of the relevant planning policies and outlines how the proposal accords with each policy. A comprehensive assessment is set out at **Appendix 3**.
- **Section 4.0: The Sequential Approach:** Provides an assessment of whether there are any alternative sites, in or edge of centre that are suitable and available to accommodate the proposal, focussing on sites within Barnsley town centre allocated in the Development Plan for leisure development. The conclusion is that there are no such sites which satisfy the policy tests of availability and suitability (incorporating viability) and that the proposal therefore passes the sequential test.
- **Section 5.0: Impact:** Assesses the potential impact that the proposal could have on the vitality and viability of Barnsley town centre and also on committed and planned, public and private investment coming forward in the town. The overall conclusion is that the proposal would not have a significant adverse impact on the centres within the catchment area.

1.19. Our overall **Conclusions** at **Section 7.0** are as follows:

1. The proposal accords with relevant policies set out in the NPPF and the development plan. In particular, the application accords with the following:
 - a. The Adopted Barnsley Unitary Development Plan and Core Strategy.
 - b. NPPF.
2. Primarily for the following reasons:
 - a. The proposal passes the sequential test because there are no in or edge of centre sites which are available, suitable and viable for the proposal.
 - b. The proposal would not result in any significant adverse impact in terms of vitality and viability on Barnsley town centre, nor would it prejudice the delivery of existing, committed or planned in-centre investments.
3. The proposal will generate material benefits including:
 - a. Enabling further **investment** and the **regeneration** of the currently vacant unit in the form of a new internal fit out for the gym, costing over a million pounds and works to the building by the landlord in excess of half a million pounds.
 - b. **Increased local employment, spending, and economic regeneration.** The NPPF states at paragraph 19 that “significant weight should be placed on the need to support economic growth through the planning system”. It follows that development which supports sustainable economic growth should be supported.
 - c. **Improving the leisure offer, competition and consumer choice** for residents of Central Barnsley.
 - d. Increasing quality of health, through encouraging healthy lifestyles and promoting an increase in exercise.
 - e. **Offering people an affordable way to exercise**, including through structured fitness classes and personal training sessions.

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- 1.20. The planning case here is that as the proposal meets both 2a and 2b above, then it should benefit from the NPPF presumption in favour of sustainable development and be granted planning permission. The clear advice in the NPPF is to encourage economic growth now, without delay, which means granting permission unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. There is no evidence that significant harm could realistically arise which would significantly and demonstrably outweigh the benefits of the development proceeding. Rather, the balance of impacts such as investment, sustainability, economic and health benefits overall weigh strongly in favour of the proposal.
- 1.21. In the light of the above, the overall conclusion is that the proposal accords with the town centre use policies set out in the NPPF and the Development Plan, and that planning permission should therefore be granted.

2. The Site, Surroundings and Planning History

- 2.1. A Site Location Plan showing the site in its context is included at **Appendix 2**.
- 2.2. The site comprises a vacant warehouse unit measuring approximately 2,552 sq. m (gross). It was developed in the mid 1980's and was previously occupied by the bedroom and kitchen furniture retailer MFI, until it closed following the retailer's administration. It includes car parking for approximately 80 vehicles including 9 disabled spaces. It is located at the junction of Twibell Street and Harborough Hill Road, to the north of the established retail destination the Peel Centre. Photos of the site are provided below:



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- 2.3. The site is accessed via a signalised gyratory junction with Harborough Hill Road (the A61). From the Gyratory, routes such as Old Mill Lane connect the town centre with the site. The site lies approximately 0.3 miles from Barnsley railway station.
- 2.4. Two warehouse and retail units are situated adjacent to the site, and share the same access road. The larger unit to the north is currently occupied by Plumb Centre and Howdens Joinery, whilst the smaller unit to the east is occupied by Screwfix. To the west, on the island created by the gyratory, is a B&M Bargains store, surrounded by Old Mill Lane and Harborough Hill Road, and to the west of this is the Asda Superstore.
- 2.5. To the west beyond Harborough Hill Road is a large residential area and to the south is the Peel Centre and Barnsley Football Club Stadium. To the east are large areas of open space and agricultural land.
- 2.6. The site is less than 500m from the town centre, and whilst not 'edge of centre' as defined by the NPPF, it is well connected to Barnsley town centre and offers linkage opportunities in the same way as those already evidence from the Peel Centre, including on foot.

Planning History

- 2.7. Planning permission was granted for the building on site in 1984 (ref. B/82/0131/BA). In 2016 planning permission (ref: 2016/0436) was granted for the change of use from retail (Class A1) to a flexible use of trampoline park (Class D2) or retail (A1). The application was permitted on the understanding that if the proposed trampoline operator or further trampoline operators no longer utilised the site, it would revert back to the existing A1 use.
- 2.8. The committee report (June 2016) concluded:
- 'The applicant has demonstrated that there are no sequentially preferable sites to accommodate the proposed development and that the proposal will not have a significant adverse impact on the Town Centre or the planned investment in the Better Barnsley scheme.'*
- 'There is no evidence that the impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Accordingly, the presumption in favour of sustainable development applies and the application is therefore recommended for approval.'*
- 2.9. The proposed trampoline operator did not occupy the site and it continues to remain vacant.

Summary

- The site is in long established use as a 'town centre use', having been used for retail since 1984;
- The site is within 500m of the town centre boundary and is well connected to the range of services located within it. There is evidence which suggests there are a substantial number of link trips between the adjacent Peel Centre and the town centre; and,
- The site is empty and at risk of terminal decline without the support of the local planning authority to allow it to be re-occupied.

3. Planning Policy Assessment

3.1. **Appendix 3: Relevant Planning Policy** provides a comprehensive overview of relevant policies affecting the site. To summarise:

1. Adopted UDP Policy BA27 allocates the site for 'Other Large Scale Retail Development'. Indeed, it should be noted that Peel have made submissions that the site should be given a retail park allocation in the replacement plan.
2. Policy GS39 and GS40 of the Adopted UDP support the provision of new leisure developments in Barnsley.
3. The site is located within the urban area of Barnsley close to the town centre, which Core Strategy Policy CSP8 identifies as the preferred location for growth.
4. The site is not considered to be within the NPPF's definition of an edge-of-centre site, as it is more than 300m away from the town centre boundary.
5. The site is identified in the emerging Barnsley Local Plan as being within 'Urban Fabric' which is land within the settlement with no specific allocation. Policy GD1 in the emerging plan is the 'starting point' for making decisions on all proposals including those shown as forming part of the urban fabric. Policy GD1 sets out various criteria that all development proposals should meet, e.g. they are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land.
6. The overarching objective of the NPPF is to secure sustainable economic growth. Local planning authorities should plan positively for new development, and approve individual proposals which generate employment and economic development wherever possible unless the adverse impacts would significantly and demonstrably outweigh the benefits (paragraph 14).
7. The NPPF and Core Strategy Policy CSP 31 require that a sequential test should be applied to proposals for leisure development not within a town centre. Out-of-centre sites should be assessed on a realistic basis, in terms of suitability, viability and availability.
8. Applications over the specified threshold should be assessed having regard to a range of impacts and should be refused only if there is clear evidence that the proposal would lead to significant adverse impacts, although even in this event, any conflict with this area of policy should be weighed against any benefits before arriving at a balanced decision. The unit exceeds the 2, 500 sq. m threshold by just 52 sq. m.

3.2. The main issues are:

1. If the site is suitable for the proposed leisure facility, given the current retail allocation and whether there are any planning issues which arise from the change of use from one town centre use (retail) to another town centre use (leisure) when a leisure use has recently been permitted;
2. If the proposal meets the overarching strategic development objectives;
3. If the proposal raises any severe impacts with regard to accessibility and transport; and,
4. If the proposal meets the economic objectives of the development plan and NPPF.
5. If the proposal enhances the borough's leisure offer by increasing accessibility to facilities that improve health and by actively promoting an increase in physical activity.

6. Whether there are any town or edge-of- centre sites that are available and suitable for the proposal (considered at **Chapter 4**).
7. Whether there is any clear evidence of significant adverse impacts (considered at **Chapter 5**).
8. Whether the balance of impacts and other material considerations are acceptable, having regard in particular to paragraph 14 advice that development should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits (considered at **Chapter 6**).

Flexible Use

- 3.3. The NPPF provides the Government's policies for planning throughout England. It sets out a presumption in favour of sustainable development and advocates a flexible approach to ensure that economic development is delivered without delay.
- 3.4. Paragraph 21 states that: *'Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should (amongst other factors):*
 - *Support existing business sectors, taking account of whether they are expanding or contracting, and where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.'*
- 3.5. Paragraph 157 goes on to recommend that *'Crucially, Local Plans should...allocate sites to promote development and flexible use of land...'*
- 3.6. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) sets out a range of development that is 'permitted development' which, subject to qualifying criteria, does not require planning permission. Permitted development under Class E allows *'development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.'*
- 3.7. The qualifying criteria under which development is not permitted by Class E are:
 1. The application for planning permission referred to was made before 5th December 1988
 2. It would be carried out more than 10 years after the grant of planning permission; or
 3. It would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.

- 3.8. The commentary at Section 3B-2080 of the Encyclopaedia of Planning Law and Practice explains how Class E can be applied as follows: *'Class E is unrelated to the Use Classes Order. Its purpose is to make it easier for local planning authorities to grant flexible planning permissions; that is, permission which authorises alternative possible uses. In accordance with the usual time limits, the permission would lapse if one of the uses were not implemented within five years of grant. If it is so implemented, then Class E allows a change of use to another authorised use at any time up to 10 years from the date of grant, though only in accordance with any condition, limitation or specification relating to it within the permission. The advantage of these provisions is that they may allow land to be marketed with a clear planning profile that embraces a wider range of uses than normally available.'*
- 3.9. It should be noted that the previous planning permission allows the applicant to change back to the existing retail use for a period of up to ten years. An equivalent planning permission is sought.

Site Suitability

- 3.10. The proposal accords with the relevant Barnsley UDP policies outlined in the previous section as follows:
1. **Policy BA27 (Other Large Scale Retail Development)** – the policy allocates the site for 'Other Large Scale Retail Development, and states that proposals will be judged on their individual merits taking into account the effect they would have on the character and appearance of the area, traffic and highways and any impact on the town centre. The proposal is for a variation in use from a flexible town centre use (A1 retail or D2 trampoline park) to another town centre use (D2 gym). The proposal does not accord with the specific allocation for retail, but as explained below, the leisure use would cause no harm to any of the criteria referred to, i.e. character and appearance, traffic and highways and town centre impacts.
 2. **Policy GS39 and GS40 (Indoor Recreation & Leisure Facilities)** – the policy states that the provision of leisure facilities will be encouraged in appropriate locations which are; associated with identified needs, offer greatest accessibility to the public and involve the use of derelict or degraded land. The proposal seeks to introduce a new indoor recreation facility in a location which is adjacent to a major arterial route into the town centre and easily accessible on foot, by bus or by car. The proposal will use a vacant and degraded retail unit and extend the range of facilities available to the public by introducing a method of sport exercise to the area.

3.11. The proposal accords with the relevant Barnsley Draft Local Plan policies as follows:

1. **Policy GD1 (General Development)** – the policy outlines a set of criteria which must be met for a proposal to be approved in areas allocated as ‘Urban Fabric’. The proposal meets all of these criteria. The proposal will not have a significant effect on the six terraced dwellings which are located adjacent to the existing unit, because the exterior of the unit will remain unchanged, and the proposed change of use and occupation by the operator JD Gyms will cause no impact in terms of noise and light pollution etc. The proposed D2 leisure use of the building is compatible with the surrounding town centre retail uses, and therefore will not have any adverse affect on the development potential of the surrounding land. The existing landscaping surrounding the unit will remain unchanged, and there are no issues which arise with regard to the environment, waste or pollution.

Transport and Accessibility

3.12. The Transport Statement prepared by TTHC to accompany the 2016 permission concludes at Section 5 that *‘the site is easily accessible on foot and by cycle, with a significant residential area covered by the site’s walk and cycle catchments’*. Further, the Report states that *‘The Site is also easily accessed by public transport. The closest bus stops to the site are less than 300m walk away, and Barnsley Interchange is less than a 1km walk from the Site.’* The Report concludes that the proposal will cause no traffic or highways issues, and states that *‘The transport implications of the proposed development have been examined using a robust worst case analysis. Despite this, the redevelopment would result in a net reduction in site-related trips during the AM peak hour, and with only a slight net increase in the PM peak. This shows that the redevelopment will not have any material detrimental increase on the surrounding highway network.’*

3.13. The current application is accompanied by a Transport Note (also prepared by TTHC) which should be read alongside the original Transport Statement. The Transport Note demonstrates that the proposed gym use would have a lower trip generation impact than the permitted use in the AM peak hour, and whilst the PM peak impact would be higher, the net increase in traffic would be minimal and would not have a detrimental impact on the highway network. The proposals are therefore considered acceptable in respect of transport and highways related issues.

3.14. The proposal accords with the relevant Barnsley Core Strategy policies as follows:

1. **Policy CSP25 (New Development and Sustainable Travel)** – the policy states that new development must be easily accessible by public transport whilst reducing the need to travel. The proposal is located adjacent to the A61 major arterial route into the town centre, at a site which is easily accessible by foot and bus service.

2. **Policy CSP27 (Parking Strategy)** – the policy, in conjunction with the Parking SPD (2012) states that a maximum of 1 parking space per 22-100 sq. m floor area should be provided for developments over 2500 sq. m, with 4% of the total spaces being for disabled parking. This equates to a minimum of 25 spaces and a maximum of 114 spaces. The proposal will retain the existing standard car parking spaces, of which there are approximately 80 including 9 disabled parking spaces and this therefore meets the policy requirements.

Economic Objectives

- 3.15. The proposal accords with the relevant Barnsley UDP policies outlined in the previous section as follows:
 1. **Policy ED3 (Uses on Employment Sites)** – the policy states that proposal for economic development adjoining or close to housing should not have any impact on residential amenity. The proposal will not cause any air pollution including smells, fumes or smoke etc and will not cause any increase in noise impact. Noise and air pollution from traffic visiting the site will be no greater than that which existed when the unit was occupied and open for business. No changes are proposed to the exterior of the building, or the site surroundings, and therefore there will be no impact in terms of visual intrusion.
- 3.16. The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social, and environmental¹.
- 3.17. Below we review the social and environmental role of the proposal, and provide some additional information on its economic role through job creation. In addition, we consider the compliance of the proposal against some of the relevant 'Core Planning Principles' of the NPPF.
- 3.18. The NPPF sets out a number of Core Planning Principles that should underpin decision making in applications for economic development². Below we assess the proposal against the relevant Core Planning Principles.
 - The proposal will enhance the leisure offering of the borough. The facility will provide residents with increased choice within Central Barnsley and the opportunity for them to link their trip with nearby facilities such as the Peel Centre and town centre;
 - The proposal proactively drives and supports sustainable economic development by providing a unique and modern leisure facility for all ages.
 - The proposal will secure a good standard of amenity for all existing and future occupants of the site;
- 3.19. The proposal will:
 - Facilitate inward investment in the area to accommodate a new occupant at a location which links with and benefits the town centre;

¹ See Paragraph 7 of the NPPF

² See Paragraph 17 of the NPPF

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- Deliver new employment opportunities;
- Facilitate the reoccupation of vacant floorspace;
- Add to consumer choice by introducing a new leisure offer to the local marketplace; and,
- Enhance competition and retention of local expenditure.

3.20. The first objective for delivering sustainable development that is stated in the NPPF is 'Building a strong, competitive economy'. Paragraphs 18 and 19 of the National Planning Policy Framework state that:

'18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.'

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'

3.21. Economic benefits are likely to occur through the direct investment at the application site, the creation of new jobs and increased earnings. Unemployment in Barnsley is currently around 5.3% (6,300 people)³, higher than the national average of 4.8%.

³ ONS data from Nomis website. Latest data related to period January 2016 – December 2016.

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- 3.22. The proposal, in providing the opportunity to optimise use and occupation of this existing vacant unit, will create a significant number of jobs in the local area. The flexibility of such jobs enables employees to fit their job around commitments including family and education.
- 3.23. By creating new employment opportunities, the proposed development will also help to create additional wages, a high proportion of which will be spent in the local economy.
- 3.24. The increase in earnings will have associated benefits for the local economy through increased spending power of residents, which in turn will help support other local businesses.
- 3.25. The proposal will also over time deliver direct investment to the site in terms of fit-out and refurbishment for a new occupier.
- 3.26. In light of the above, it is considered that the proposal will have a number of significant positive benefits, which accord with the Government's commitment to securing economic growth in order to create jobs and prosperity⁴, and should be afforded significant weight.

Health Objectives

- 3.27. The proposal accords with health aspirations outlined within the Core Strategy, by enhancing the borough's leisure offer, increasing accessibility to facilities that improve health and by actively promoting an increase in physical activity.
- 3.28. Barnsley Council at Chapter 3 (Relationship to Other Plans and Strategies) of the Core Strategy indicate that health objectives within the Borough follow governmental guidance from two documents: 'Healthy Weight Healthy Lives: a cross Government Strategy for England' (January 2008) and 'Healthy Weight Healthy Lives: Guidance for Local Areas' (March 2008). These documents focus on healthy eating and physical activity, which the proposed use actively encourages.
- 3.29. The Core Strategy states that the health of people in Barnsley is generally worse than average levels measured in England, with the Borough being ranked as the 8th worst place for risk of obesity in England, indicating a requirement for uses such as now proposed, which are aimed at reducing these levels.
- 3.30. Chapter 4 of the Core Strategy States that by 2026 Barnsley aims to '*be a successful uniquely distinctive 21st Century Market Town at the centre of a prosperous borough which will....have healthier people who live for longer*'.
- 3.31. Ambition 5 of the Core Strategy – *Barnsley people are healthier and live longer adding life to years and years to life* – focuses on reducing health inequalities by lowering obesity levels and improving diets across the Borough.

⁴ Paragraph 18 of National Planning Policy Framework

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- 3.32. Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Whilst Paragraph 70 states the planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 3.33. In accordance with the above, the proposal will assist Barnsley in its aspirations to improve health quality by providing residents with an affordable and accessible way of exercising.

4. Sequential Test

Introduction

- 4.1. The application site is situated in an out-of-centre location and the proposals relate to a main town centre use, and therefore ordinarily a sequential assessment would be required. However when considering the relevance of the sequential test to the application proposals, it should be noted that the site is allocated for retail use in the development plan and that planning permission (ref. 2016/0436) was approved in 2016 at the application site for the following uses; Trampoline Park (D2) or Retail (A1). As part of the trampoline park application a robust sequential assessment was undertaken. The Committee Report which accompanied the application states the following:

“The applicant has demonstrated that there are no sequentially preferable sites to accommodate the proposed development and that the proposal will not have a significant adverse impact on the Town Centre or the planned investment in the Better Barnsley scheme.”

Sequential Assessment – 2016/0436

- 4.2. As referred to above no sequentially preferable sites were identified during the determination of application ref. 2016/0436, which included an assessment for a comparable D2/leisure use, a trampoline park. The current proposals purely seek to vary Condition 3 of the permission to allow a different operation within Use Class D2. There is no material change to the proposals and it is considered that the conclusions of the previous Sequential Assessment (a copy of which is contained at **Appendix 5**) remain valid. It is debatable as to whether a further sequential assessment is required. Notwithstanding the above further consideration is given to the sequential assessment below:
- 4.3. The overall aim and objective of the proposal is to provide the residents of Barnsley with a state-of-the-art leisure facility of significant scale and capacity that is capable of attracting significant investment in to the area, and utilise a currently vacant unit.
- 4.4. Given the aim and objective of the proposal, particularly the scale of facility which would be necessary, the search parameters for the sequential test should be to look for large units of sufficient height with appropriate car parking and servicing.
- 4.5. Given the allocation for large format comparison retail in the development plan, it is debatable as to whether a sequential test is required. For robustness, a review of the Sequential Assessment which accompanied the 2016 permission has been undertaken. All of the units considered in 2016 have again been ruled out on the basis of the comparable assessment parameters. To be sequentially preferable a site must be suitable, viable and available. JD's requirements are: warehouses between approximately 1,800-3,700 sq. m (the application unit approximately is 2,415 sq. m (GIA)), low cost rental, generous on-site parking provision or the option to create parking nearby, and prominent road frontage close to the urban centre. The internal layout feasibility plan contained within the operator information at **Appendix 4** shows how the unit will be configured to provide a full range of health and fitness equipment and workout space. This includes:
- Entrance lobby;

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Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



- Ladies gym;
 - Male and female changing areas and showers;
 - Male and female saunas;
 - Burn studio;
 - Free weights area;
 - Function zone;
 - Tone zone;
 - Offices and staff areas;
 - Studio;
 - Spin room; and,
 - 563 sq. m of main gym space.
- 4.6. Smaller premises would not be able to provide the same full range of facilities and could therefore only be suitable for gym operations offering much reduced levels of facilities and different business models.
- 4.7. The previous Sequential Assessment considered sites of greater than 2,500 sq. m as well as the relevant 'Development Sites' included in the emerging Local Plan. Our conclusions for all of the identified sites are:
1. Vacant units and allocated development sites in the centre and edge-of-centre of Barnsley have been considered. None are suitable, viable and available.
 2. The Barnsley Markets development is not yet available, and in any event is not a realistic option on the grounds of viability – JD consider an edge-of-centre or outwards site as commercially more viable. The Government's Planning Practice Guidance states that '*promoting development on town centre locations can be more expensive and complicated than building elsewhere local planning authorities need to be realistic and flexible in terms of their expectations*'.
 3. In the light of *Dundee*, none of the sites can be suitable for a proposal to meet the requirements of the JD format.
 4. The overall conclusion is that the application site is the most sequentially preferable location for the proposed development. The proposal therefore accords with Paragraph 24 of the NPPF, Core Strategy Policy CSP31 and Saved UDP Policy S3.

5. Impact

Introduction

- 5.1. The relevant criteria against which impacts are considered are set out at paragraph 26 of the NPPF, which states that assessments are required for leisure developments that exceed 2,500 sq. m (gross) that are not in an existing centre and not in accordance with an up to date development plan. The emerging Local Plan also sets a threshold of 2,500 sq. m. The proposal at 2,552 sq. m (GEA) exceeds the 2,500 sq. m threshold by just 52 sq. m. The NPPF states that the assessment should consider:
1. 'The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 2. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'
- 5.2. Weight must be given to the fact that the NPPF is concerned with 'significant impact'. The Policy has been purposely drafted in these terms because all development will have an impact. The pertinent question therefore is not whether there will be an impact, but whether that impact is significant.
- 5.3. It is crucial to remember that the proposal is effectively seeking to replace one D2 use with another following the grant of planning permission 2016/0436. There is no material change to the proposals and the previously approved application established that the potential replacement of a town centre use (retail) with another (leisure) was acceptable in respect of impact. As in the case of the previous approval, the replacement of a retail use with leisure is highly likely to result in a reduced impact for retail locations. The impact therefore needs to be viewed in this context. The committee report which accompanied the 2016 application stated the following:
- "The harm to the deliverability of the Better Barnsley scheme would not be significant as the proposed trampoline centre is an entirely different use to the cinema that forms the leisure element of the Better Barnsley scheme. As such, it is not anticipated that the proposal will result in any trade diversion from the town centre. It follows that the proposal will not result in a significantly adverse impact on the town centre."*
- 5.4. The Council considered that as the proposed D2 (trampoline park) use was entirely different to the cinema element of Better Barnsley and therefore the proposals would not result in any trade diversion. it is reasonable to draw the same conclusions in respect of the current proposals.

Barnsley Town Centre

Mix of Uses

- 5.5. The town centre has a reasonably good representation of a range of both national and independent retailers and a mix of comparison and convenience retailers, but currently lacks a department store. Key variety stores include Marks and Spencer and Primark and key national multiple stores include Burton, Dorothy Perkins, New look, Next and TK Maxx. The main leisure offering in the town is The Metrodome Leisure complex (an edge of centre site), which offers a wide range of sports facilities including a swimming pool, indoor sports courts and bowling alleys. The only other major leisure facility is the Parkway Cinema complex.
- 5.6. Barnsley also has an indoor market which opens five days a week (Monday, Tuesday, Wednesday, Friday and Saturday) from 8.30am until 5pm. An open market is held every Tuesday, Wednesday, Friday and Saturday.
- 5.7. The Barnsley and District Centres Survey (2017) provides a comparison of the number of retail and service units in 2013 and 2017 as well as vacancy rates. In 2013 there were 396 retail and service units in Barnsley, compared to 457 in 2017 an increase of 15%. The percentage of vacant units has also dropped substantially from 18% to 4.4%. This is well below the average UK vacancy rate which was 11.11% at July 2017 (GOAD Experian). The evidence clearly demonstrates that even though there has been a substantial increase in the total number of retail and service units in Barnsley, vacancy rates have dropped significantly. This would indicate that town centre health is good and that it has been improving since 2013.

1. Existing, committed and planned public and private investment

- 5.8. The principal planned investment is the Better Barnsley town centre regeneration scheme. As well as providing new public realm / open space and associated access and infrastructure, the Glass Works scheme intends to deliver over 50,000 sq. m of refurbished floorspace, including more than 8,500 sq. m of Class D2 floorspace which it is proposed will be primarily used as a cinema.
- 5.9. Better Barnsley is a longstanding £170m redevelopment opportunity which the Council is funding. The latest update on the development manager's (Queensberry) website states that a scheme comprising the following will be delivered:
- 25 shops;
 - A cinema;
 - A bowling alley; and,
 - 10 restaurants;
 - A library,
 - Refurbished;
 - New public realm; and,
 - 500 car parking spaces.

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Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



- 5.10. We understand that earlier this year Cineworld agreed a 20 year lease for a 13 screen multiplex cinema. Construction is due to commence this year, with Phase 1 opening in Spring 2018 and Phase 2 in 2020.
- 5.11. There is no realistic possibility that the proposal could harm the deliverability of the Better Barnsley scheme. The proposed gym is an entirely different use to the cinema which is to anchor the leisure element of the Better Barnsley scheme and very clearly the development is now progressing. There could not therefore be any significant harm to planned investment as a result of this proposal.
- 5.12. It is therefore considered that the proposed gym will not impact the future trading potential of Better Barnsley. It is important to note that this is also the view that the Council took in respect of the trampoline park, the committee report stated that *'the harm to the deliverability of the Better Barnsley scheme would not be significant as the proposed trampoline centre is an entirely different use to the cinema that forms part of the Better Barnsley scheme.'*
- 5.13. It is noted that two recent applications relating to the Better Barnsley/Barnsley Markets site includes a gym element. The potential gym element is discussed in more detail below. However, given the recent comments, it would appear that the developer is progressing the development, with the Cinema element being the leisure anchor for the redevelopment. The proposal would therefore not have a significant adverse impact on the delivery of the Better Barnsley scheme.
- 5.14. The close proximity of the application site to Barnsley town centre means the proposal could help to support the delivery of the Better Barnsley scheme by attracting more visitors to the area. Aside from the DW gym at the Peel Centre there are no gyms of a similar standard providing the same level of affordability in the area, visitors from further afield from outside the catchment area are more likely to visit Barnsley. The delivery of both schemes will enhance the leisure offer within Central Barnsley by improving the customer choice and making Barnsley a more attractive destination for leisure activities.

2. Impact on town centre trade

- 5.15. Table 1 shows the existing health and fitness facilities operating within close proximity of the site. The JD Sports facility proposed will complement the existing offer in the surrounding area, but also provide an enhanced service over and above its competitors. It should be noted that of the gyms listed in Table 1, only Lifestyle Fitness is located within the town centre. The effect on town centre trade is therefore forecast to be negligible.

Table 1 Existing health and fitness facilities operating within proximity of the site

Gym Operator	Address	Role and Function
DW Sports Fitness Club	Peel Centre, Harborough Hill Road, Barnsley S71 1JE	Large gym open to all abilities with pool, steam room and spa facilities. Offers group exercise classes and personal training.
Fitness Flex Metro	Metrodome Leisure Complex, Queens Road, Barnsley S71 1AN	Gym and fitness centre offering flexible memberships with no minimum contracts.
Lifestyle Fitness	33 Peel Parade, Barnsley S70 2RN	Established gym with over 50 clubs nationwide. Open to all abilities, low cost fitness club.

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Barnsley Barbell	16, Mt Osborne Business Centre, Oakwell View, Barnsley S71 1HH	Small private personal training and fitness facility, focussing on powerlifting / weightlifting / bootcamps.
Honeywell Sports Centre	Barnsley College, Honeywell Lane, Honeywell, Barnsley S75 1BP	Fitness centre associated with Barnsley College. Open to all abilities, with sports hall facilities and a bar lounge.

- 5.16. Moreover, forecast growth in the health and fitness sector indicates that there is strong demand for new facilities to be provided in addition to existing clubs. The latest research and evidence in respect of health and fitness demonstrates an increased demand for gym, particularly budget gyms. The Mintel Health and Fitness Clubs Report (2015) states the following:

'The continued expansion of the budget sector will see gyms become even more convenient to access, while a reviving economy could see people who are able to afford it pay more for full-service clubs, which consumers still see as offering more relaxed, enhanced experience. As a result Mintel predicts that the value of the private health and fitness club market will increase by 6% over the next five years to reach a value of £2,832 million in 2020, up from an estimated £2,679 million in 2015.'

- 5.17. Savills own research piece, Megatrends in European Leisure (2016) states that:

'The importance of gyms, even in times of economic difficulty, was demonstrated following the financial crisis of 2008, with gym numbers remaining stable before growing rapidly from 2011 onwards. Membership in the UK alone grew by 2 million (30%) between 2007-2016.'

- 5.18. Savills Spotlight Report on UK Commercial Leisure (2017) states:

'The strongest segment of the market in recent years has been the budget sector, and we expect to see more growth in this segment, as well as further consolidation.'

- 5.19. The latest research indicates that there is ever increasing demand for gym memberships in the UK as well as a marked change in perceptions in relation to the importance of health and fitness. The evidence demonstrates that demand for gyms is increasing, and that the current market is resilient to the introduction of further gym uses. This is particularly the case in Barnsley, where existing health and fitness provision is limited.

Summary

- 5.20. To summarise:

- The proposal will not lead to a significant adverse impact on existing, committed and planned public and private investment.
- The proposal provides facilities above those already provided by existing gym and fitness facilities within the surrounding area. The proposed gym use also aspires to be more affordable than those already existing.
- The proposal will not result in a significant adverse impact on town centre trade.

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Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



- d) There is strong growing demand for health and fitness clubs and limited existing provision in Barnsley. There is therefore a strong need for additional facilities, which will help to increase levels of participation in exercise.

6. Summary and Conclusions

- 6.1. This Statement has been submitted in support of a planning application by Peel Property (Investments) Limited, to provide a gym at the former MFI/Powerhouse unit at Twibell Street, Barnsley. It seeks a variation in use from leisure (D2 trampoline park) to leisure (D2 gym).
- 6.2. The proposal will improve the leisure offer, competition and consumer choice in Barnsley and the wider area, and as such will attract an increasing number of visitors and promote localised economic expenditure.
- 6.3. The Statement has reviewed planning policy for the site and the proposed use, and assessed the proposal against the relevant development management policies contained in national policy guidance relating to leisure developments (NPPF) and the most relevant leisure and town centre policies in the development plan documents for Barnsley. A summary is provided below in relation to the eight issues identified at Chapter 3:

1. **Is the site suitable for the proposed leisure facility given the current retail allocation and use?**
The site is suitable for the proposed development because the proposal would not cause any harm to the criteria referred to in the Adopted UDP Policy BA27 i.e. character and appearance, traffic and highways and town centre impacts. Further, the site is considered suitable because it meets the criteria of Adopted UDP policies GS39 and GS40 as it offers greatest accessibility to the public, and is currently a vacant and degraded unit which will become a leisure facility. The principle of leisure use (D2 use) is already established and accepted by the Council through the grant of the 2016 permission. The current proposals fall within the same use class and are therefore not considered to be materially different.
2. **Does the proposal meet the overarching strategic development objective?** The proposal meets the strategic objectives for Barnsley because it is located in the 'Urban Barnsley' area which Core Strategy policy CSP8 states as the preferred area for growth. The site is located in close proximity to Barnsley town centre, and policy CSP31 directs the majority of town centre development to Barnsley town centre. The proposal raises no issues with regard to the Draft Local Plan Policy GD1 and causes no concern with regard to residential amenity or conflict with surrounding uses.
3. **Does the proposal raise any significant adverse impacts with to accessibility and transport?**
No issues are raised in relation to transport and accessibility, as confirmed by the Transport Statement prepared by TTHC (to accompany the 2016 application), which concludes that 'the redevelopment will not have any material detrimental increase on the surrounding highway network.' The proposals are not materially different as confirmed within the TTHC Transport Note supporting this application and therefore accord with the relevant Core Strategy policies CSP25 and CSP27 which state that new development must be easily accessible by public transport, reduce the need to travel and provide parking within the maximum standards.

4. **Does the proposal meet the economic objectives of the LPA and the NPPF?** The proposal meets the economic objectives for Barnsley as outlined in the Adopted UDP Policy ED3 and those outlined in the NPPF, because it will allow the occupation of a vacant unit, creating a significant number of jobs and facilitating direct investment at the site.
5. **Does the proposal enhance the borough's leisure offer by increasing accessibility to facilities that improve health and by actively promoting an increase in physical activity?** The proposal will assist Barnsley in its aspirations to improve health quality by providing residents with an affordable and accessible way of exercising.
6. **Whether there are any town or edge-of-centre sites that are available and suitable for the proposal.**

- **The application site is an appropriate location for the development.** It is already within an established retail destination, allocated in the Development Plan for large format retailers, and substitutes one town centre use (retail) for another (leisure), and is accessible by a range of modes of transport, with clear evidence of strong linkages with the town centre.
- In the light of case law established by *Dundee*, sites in Barnsley town centre could not address the same requirements as the Site at Twibell Street in helping provide Barnsley with a leisure offer which can be a genuinely unique to Barnsley. In any event, following a thorough search for alternative sites, there are **no more central sites** able to meet that pressing need and accommodate the proposal which satisfy the tests of availability, suitability and viability.
- **The sequential test is therefore passed.**

7. **Whether there is any clear evidence of significant adverse impacts?**

- The proposal will not lead to a significant adverse impact on existing, committed and planned public and private investment, namely the Better Barnsley scheme for the redevelopment of the town centre markets.
- The proposal will not result in a significant adverse impact on town centre trade.
- Our conclusion on retail impact therefore is that the proposal satisfies the requirement at paragraph 26 of the NPPF.

8. **Whether the balance of impacts and other material considerations are acceptable, having regard in particular to paragraph 14 advice that development should be approved unless any adverse impacts would significantly outweigh the benefits?**

6.4. 4.The proposal will deliver other material benefits including:

- i. **Enabling investment** in the locality in the form of delivering a new leisure destination and refurbishing the existing unit affected by the proposal, attracting potential future new retail or leisure tenants.

- ii. **Increased local employment and local spending, achieving economic regeneration.** The NPPF states at paragraph 19 that “significant weight should be placed on the need to support economic growth through the planning system”. It follows that everything must be done to support the economic regeneration of the site and without delay. The proposal represents an opportunity for the Council to support sustainable economic growth and job creation.
 - iii. Improving the **leisure offer, competition and consumer** choice for residents of Barnsley, in accordance with economic development objectives.
 - iv. Generating **new employment opportunities** at a range of skill levels and seniority
 - v. Generating **additional local spending** through increased wages
- 6.5. The proposal accords with the Government’s expectations of local planning authorities and the planning system to help secure a swift return to economic growth, as set out in recent Government statements and the NPPF, which advises at paragraph 14 that where the development plan is absent, silent or relevant policies are out of date, decision takers should grant planning permission unless:
- i. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii. specific policies in this Framework indicate development should be restricted.
6. There is no evidence that any (very minor) adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Rather, the benefits of the proposal as a whole weigh in favour of the proposal and contribute to the Government’s overall objective of achieving sustainable development. The presumption in favour of development should therefore apply.
- 6.6. The proposal seeks to bring vacant floorspace back into productive use in a highly sustainable location in the centre of Barnsley. To summarise:
- 1. The proposal will deliver new investment and employment in Barnsley;
 - 2. The introduction of a high quality gym will add to the choice of leisure facilities in accordance with policy objectives to promote competition;
 - 3. The use as a gym accords with national objectives to promote health and well being in society;
 - 4. Health and fitness facilities are appropriate uses for town centre locations where they can serve large numbers of people;
 - 5. The use itself is suitable for the site, and complements to overall strategy for the area;
 - 6. There are no technical, noise, heritage, transport or other reasons why the site would not be suitable for the proposed use; and,
 - 7. Offering people a new and exciting way to exercise, including through structured fitness classes and personal training sessions.

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Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



- 6.7. It is evident from the above that the application should be supported in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) as the proposal accords with the development plan and there are no material considerations that indicate that the applications should not be approved.
- 6.8. The overall conclusion is therefore that the policy advice contained in NPPF adds further weight to the presumption that planning permission should be granted. Given the above, the overall conclusions are that the proposal accords with the relevant development plan policies and the NPPF and therefore should be approved without delay.

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Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



Appendices

Planning Statement

Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



Appendix 1

Planning Permission 2016/0436



BARNSELEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2016/0436

To Savills (UK) Limited
Belvedere
12 Booth Street
Manchester
Greater Manchester
M2 4AW

DESCRIPTION Change of use from retail (Class A1) to a flexible use of trampoline park (Class D2) or retail (A1).

LOCATION Former MFI/Powerhouse Retail Unit, Twibell Street, Barnsley, S71 1DG

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 May 2016 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 This permission to change to a D2 use relates solely to the change of use described in the application form i.e. trampoline park. No other uses falling within the D2 use class are hereby permitted as part of this permission.
Reason: To ensure that alternative D2 uses are subject to a planning application and further sequential assessment, in accordance with CSP 8 'The location of Growth', CSP 31 'Town Centres' and BA27 'Other Large Scale Retail Development'.

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

Signed 
Head of Planning and Building Control

Dated 29 June 2016

Development Service
PO Box 634, Barnsley, S70 9GG

Telephone: 01226 - 773555
Fax: 01226 - 772591

- 4 The A1 use shall be solely for the sale and storage of furniture, DIY products, ancillary and complementary electrical goods, carpets and other flooring materials, household furnishings, lighting and bathroom fittings and for no other use.
Reason: To ensure that alternative A1 uses are subject to a planning application and further sequential assessment, in accordance with CSP 8 'The location of Growth', CSP 31 'Town Centres' and BA27 'Other Large Scale Retail Development'.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 Prior to the commencement of the D2 use (trampoline park), details of proposals to mitigate the air quality impact of the development shall be submitted to and approved in writing to the Local Planning Authority. Specifically, these are the preparation and implementation of a Travel Plan to reduce the reliance on the private car and improve awareness and usage of alternative travel; the installation of two electric vehicle charging points; and, the installation of cycle parking spaces. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of minimising the impact of the proposal on local air quality in accordance with Core Strategy policies CSP 40
- 8 There shall be no external storage of goods within the site.
Reason: In the interests of visual amenity in accordance with CSP29
- 9 Prior to occupation of the building/commencement of the use, a Noise Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority setting out details of the control of noise from;
- music
- Trampolines
- externally mounted plant or equipment for heating, cooling or ventilation purposes.

The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interest of visual and residential amenity in accordance with Core Strategy Policy CSP 40.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

- 1 The granting of planning permission does not effect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk
- 2 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

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 giving 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 to 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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Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



Appendix 2 Site Location Plan

Twibell Street, Barnsley: Site Location Plan



March 2016
1:1250 @ A4

Ref: PC/2016/SLP/B

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Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



Appendix 3 Relevant Planning Policy

Appendix to Planning Statement

Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



Review of Relevant Planning Policy

Introduction

- 1.1. The starting point for the consideration of the acceptability of a proposed development is an assessment against the development plan. If a development is in accordance with the plan, and the plan is up-to-date, then the decision should be to grant planning permission unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is also an important material consideration.

The Development Plan

- 1.2. Barnsley's Development Plan consists of the saved policies within the Barnsley Unitary Development Plan (UDP, December 2000) and the Core Strategy Development Plan Document (DPD, September 2011). Appropriate weight will also be given to the emerging Local Plan (currently under examination).

The Barnsley Unitary Development Plan (UDP, December 2000)

- 1.3. The UDP was adopted in December 2000. Although the Core Strategy supersedes a number of the UDP policies, parts of the UDP have been saved until replaced by forthcoming documents. In particular, policies with associated notations shown on the UDP Proposals Maps will continue to apply until such time as new proposals maps associated with the Development Sites and Places DPD and the Town Centre Area Action Plan are adopted. These include the policies and boundaries relating to town centres and other retail locations.
- 1.4. Saved policies GS39 and GS40 relate specifically to leisure uses, as outlined at points 4.8 and 4.9.

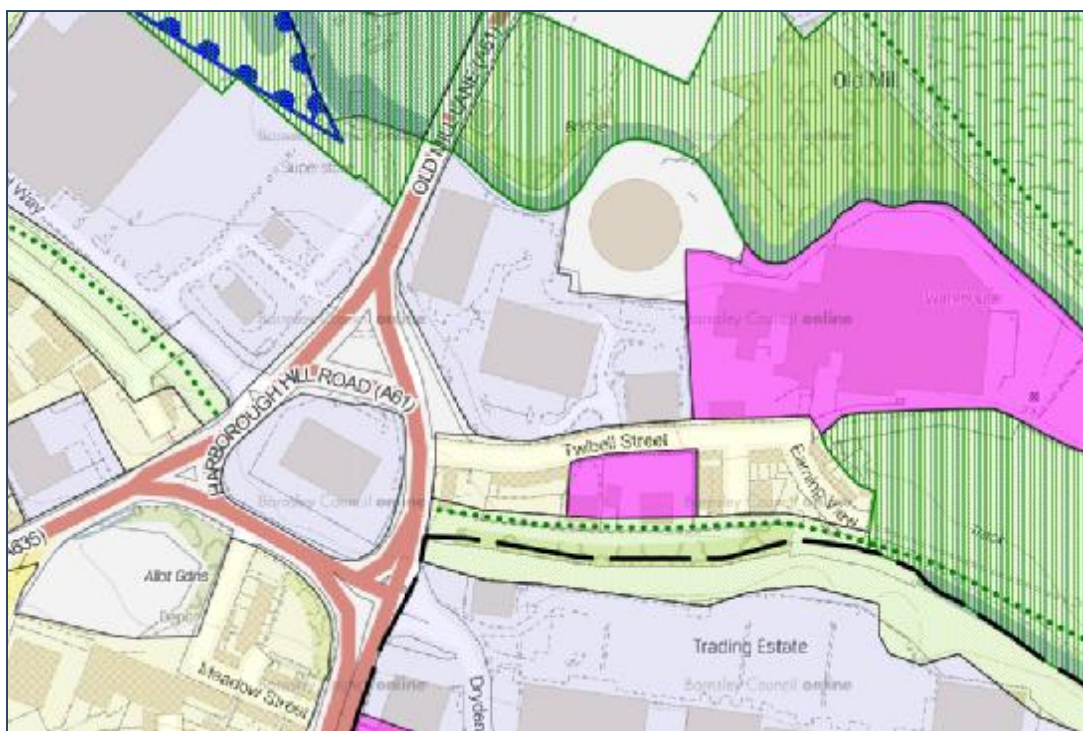
UDP Policies and Site Allocation

- 1.5. The excerpt below is taken from the Barnsley UDP and shows the application site and surrounding uses.

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Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley

Review of Relevant Planning Policy



- 1.6. The site is identified in light grey as an 'Other Large Scale Retail Development', where Policy BA27 applies, which relates to large scale retailing of comparison goods. It states:

'Proposals for the development or redevelopment of those sites currently accommodating out of centre retail uses in the Old Mill Lane area, and which are shown as such on the proposals map, will be judged on their individual merits taking into account the effect they would have on the character and appearance of the area, car parking requirements and traffic and highways considerations, and any impact on the town centre and other designated shopping centre arising from a possible intensification of the existing use or uses'

- 1.7. Policy BA27 states that the redevelopment of the land should be assessed on its individual merits. The application will not alter the external appearance of the existing unit, and therefore will not affect the character or appearance of the area. If the application is found to comply with the sequential approach then the remaining criterion will be met as the site is accessible by a choice of means of transport and will not impact the town centre or designated shopping centre. Although the policy has been saved, it was drafted to relate primarily to proposals for further retail development.

- 3.1 Policy GS39 is a saved policy relating to Indoor Recreation & Leisure Facilities, which states that the provision of new indoor recreation and leisure facilities and the improvement of existing ones will be encouraged in appropriate locations, particularly where they:

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Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



Review of Relevant Planning Policy

- a) Are associated with identified needs;
- b) Offer greatest accessibility to the public;
- c) Involve the use of derelict or degraded land and assist in meeting the strategic objectives particularly the need to revitalise communities and lessen disadvantage.

- 1.8. Policy GS40: The Council will promote the full use of existing or new indoor recreation and leisure facilities, has also been saved. The policy supports leisure development with provides an opportunity to extend the range of facilities available to the public in accessible locations.

The Barnsley Core Strategy (September 2011)

- 1.9. The Core Strategy was adopted on 8 September 2011. It sets out the Council's vision for future development of Barnsley over the next 15-20 years.

- 1.10. Policy CSP31 relates to centres. It states:

'Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfil its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres.

The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of Planning Policy Statement 4'

- 1.11. Paragraph 9.209 defines the main town centre uses that relate to the policy as: retail, leisure, entertainment facilities, more intensive sport and recreation uses, offices, arts, culture and tourism development.

- 1.12. Policy CSP8 relates to the preferred locations for growth and states:

'Priority will be given to development in the following locations:

- *Urban Barnsley*

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Review of Relevant Planning Policy

- *Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (Dearne Towns), Penistone and Royston*

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town to accord with its place in the settlement hierarchy...

1.13. Policy ED4: Economic Development and Residential Amenity states:

'Proposals for economic development adjoining or close to housing will be assessed with particular regard to the likely impact on residential amenity in terms of:

- a) Air pollution including smell, fumes, smoke, soot, ash, dust or grit*
- b) Noise from operations on, or traffic entering or leaving, the site*
- c) Visually intrusive buildings, plant, fencing, lighting or outside storage.'*

1.14. Policy CSP20: Promoting Tourism and encouraging Cultural Provision states that:

'the Council will promote tourism and encourage the growth of cultural provision by:

- encouraging the provision of a wide range of venues and opportunities for cultural activity*
- safeguarding and sustaining existing cultural provision*
- promoting the existing cultural provision and tourism offer (for example museums, theatres, accommodation and hospitality)*
- encouraging the growth of the tourism business sector'*

1.15. Policy CSP25: New Development and Sustainable Transport outlines the need for new development to be easily accessible by public transport whilst reducing the need to travel. The policy states that development will be expected to:

- i. be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists*
- ii. provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people, and should not provide more than the maximum number of car parking spaces set out in a Supplementary Planning Document*
- iii. provide a transport statement or assessment in line with the thresholds and guidance set out in Department for Transport 'Guidance on Transport Assessments' as published March 2007 (or any subsequent version)*
- iv. provide a travel plan statement or a travel plan in accordance with the thresholds and guidance set out in Department for Transport 'Good Practice Guidelines: Delivering Travel Plans through the Planning Process' as published April 2009 (or any subsequent version). Travel plans will be secured through a planning obligation or a planning condition.*

Review of Relevant Planning Policy

- Barnsley Local Plan Publication Draft 2016**

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Review of Relevant Planning Policy

- 1.20.** Sites designated as 'Urban Fabric' have no specific allocation, and as such other appropriate policies of the Local Plan and Joint Waste Plan will be applied.
- 1.21.** Policy GD1: General Development is the starting point for all proposals allocated as 'Urban Fabric'. The policy states that proposals will be approved if:
- *there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents*
 - *they are compatible with neighbouring land and will not significantly prejudice the future use of the neighbouring land*
 - *they will not adversely affect the potential development of a wider area of land which could otherwise be available for development*
 - *they include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape.*
 - *any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated*
 - *adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas*
 - *any drains and culverts are considered*
 - *appropriate landscaped boundaries are provided where sites are adjacent to open countryside*
 - *any pylons are considered in the layout*
 - *existing trees that are to remain on site are considered in the layout in order to avoid overshadowing*

The National Planning Policy Framework

- 1.22.** The National Planning Policy Framework (NPPF) for England was published by the Government on 27 March 2012. The NPPF replaced over a thousand pages of previous planning policies with around fifty and took effect immediately.
- 1.23.** The NPPF is a strong "material consideration" in determination [paragraph 13]. Government expects communities to plan positively to support local development [paragraph 16]. It also follows that "development plans", under the current plan-led system ought to be consistent with the objectives, principles and policies now set out in the NPPF.
- 1.24.** If development plans still remain absent, silent, indeterminate or out of date, then the presumption in favour of sustainable development should apply [paragraphs 14 and 197].

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Review of Relevant Planning Policy

1.25. It is intended to refocus planning policy on encouraging growth, and thus includes a powerful presumption in favour of sustainable development [see paragraph 14 of the NPPF document]. Government expects that this presumption should run as a “golden thread” through all plan making and decisions on planning applications henceforth.

1.26. For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

1.27. The NPPF is intending to be strongly pro-business and thus pro-development. A clear message is being sent out to all concerned that the planning system should better support the delivery of growth, jobs and homes than it has often done in the past. This is highlighted in the Ministerial foreword:

- *The purpose of planning is to achieve sustainable development*
- *To fulfil this purpose, planning must not simply be about scrutiny*
- *Sustainable development is about positive growth*

1.28. It states:

‘Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision.’

1.29. The NPPF therefore includes the following stipulations:

- Significant weight should be placed on the need to support economic growth through the planning system (paragraph 19)
- To help achieve economic growth, Local Planning Authorities (LPAs) should plan proactively to meet the development needs of business (paragraph 20)
- Investment in business should not be over-burdened by the combined requirements of planning policy expectations (paragraph 21)

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Review of Relevant Planning Policy

- LPAs should approach decision-taking in a positive way to foster the delivery of sustainable development; (paragraph 186)
- LPAs should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible (paragraph 187)
- In assessing and determining planning applications, LPAs should apply the presumption in favour of sustainable development (paragraph 197)

- 1.30.** Paragraph 73 states the importance of sport and recreation facilities and the contribution they can make to the local community. It states that planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.
- 1.31.** Paragraph 156 states that leisure is a strategic priority for local planning authorities and is to be considered a main town centre use, for which local authorities must establish specific policies.
- 1.32.** Paragraphs 24 – 27 set out that proposals for leisure development which are not in accordance with the Development Plan and are outside of any centres, should be subject to the sequential test and, where more than 2,500 sq. m of floorspace is proposed, an impact test. Further details are set out in the following sections. The unit is just 52 sq.m above the 2,500 sq.m threshold at which an impact test is normally required, although its lawful use is already retail, a main town centre use. Of course the assessment should be of the impact of changing from one main town centre use to another.

Summary

1. Adopted UDP Policy BA27 allocates the site for 'Other Large Scale Retail Development'.
2. Policy GS39 and GS40 of the Adopted UDP support the provision of new leisure developments in Barnsley.
3. The site is located within the urban area of Barnsley close to the town centre, which Core Strategy Policy CSP8 identifies as the preferred location for growth.
4. The site is not considered to be within the NPPF's definition of an edge-of-centre site, as it is more than 300m away from the town centre boundary.
5. The overarching objective of the NPPF is to secure sustainable economic growth. Local planning authorities should plan positively for new development, and approve individual proposals which generate employment and economic development wherever possible unless the adverse impacts would significantly and demonstrably outweigh the benefits (paragraph 14).

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Review of Relevant Planning Policy

6. The NPPF and Core Strategy Policy CSP 31 require that a sequential test should be applied to proposals for leisure development not within a town centre. Out-of-centre sites should be assessed on a realistic basis, in terms of suitability viability and availability. The site exceeds the 2500 sq.m threshold by just 52 sq.m.
7. Applications over the specified threshold should be assessed having regard to a range of impacts and should be refused only if there is clear evidence that the proposal would lead to significant adverse impacts, although even in this event, any conflict with this area of policy should be weighed against any benefits before arriving at a balanced decision.

Planning Statement

Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



Appendix 4

JD Gym Brochure and Internal Layout Feasibility



LANDLORD INFORMATION PACK
JUNE 2017





WHO WE ARE

JD SPORTS FASHION PLC

Established in 1981, JD Sports Fashion Plc is a leading multichannel retailer of sports fashion and outdoor brands in the UK and Europe.

The Group, which floated on the stock market back in 1996, now has over 800 stores across a number of retail fascias.

In 2015, the Group delivered a record result with a headline profit (before tax and exceptional items) in excess of £100 million for the year.





FITNESS JUST GOT SERIOUS

In 2014, JD Sports Fashion PLC carved its footprint in the fitness industry with the creation of JD Gyms.

Wholly funded by the PLC, investing an average of £1.5m per site, JD Gyms is making waves and raising the bar within the low cost fitness market.

We create low cost gyms with a premium feel, giving our members more for their money. They can enjoy the benefits of state-of-the-art, luxury facilities on a highly cost effective basis, making us an incredibly popular choice.

The quality of each of our bespoke fit outs is second to none, boasting cutting edge interior design, incredible gym floors, modern urban surroundings, statement lighting and luxurious changing rooms with saunas.

We take a best in class / multiple supplier approach to our fitness equipment provision. Suppliers include True Fitness, Freemotion, Life Fitness (sourced predominantly from the USA) and Technogym. This results in our gyms having the very best range of equipment, free weights and functional training facilities.





AWARD WINNING GYM CHAIN

WINNER: Budget Gym of The Year National Fitness Awards 2015 and 2016

JD Gyms is officially the UK's best budget gym. For the last two years running we have been presented with the award at the fitness industry's leading and most highly respected awards ceremony, The National Fitness Awards, which recognises and celebrates excellence, innovation and achievement in the UK fitness market.

The category is open to entries from all gym chains in the UK who offer membership at less than £20 per month.

We were selected as the clear winner for the second year running after demonstrating how we set our gyms apart from other low cost gyms, showcasing our state-of-the-art facilities, high levels of member satisfaction and retention, demonstrable value for money and the positive impacts on the health and wellbeing of the local communities in which we invest.

JUDGES' COMMENTS:

"The standard of entries was excellent – the work going on in fitness facilities up and down the country is inspirational and JD Gyms should be very proud of their achievement."

"JD Gyms present their gyms in the best way possible and are a perfectly compiled package."

"Highly impressed. I want to train in JD Gyms."



NATIONAL
FITNESS AWARDS

WINNER







OUR LOCATIONS

Since early 2014 we have rolled out a number of 'seriously stylish, seriously affordable' gyms in prime locations.

DEALS AGREED 2017 THUS FAR:

- BURY
- BRADFORD
- CARDIFF
- DERBY
- LEEDS SOUTH
- SHEFFIELD
- SUNDERLAND
- WOLVERHAMPTON

AND MORE PENDING ...



HULL 24,000 SQ FT OPENED FEB 2014
LIVERPOOL 26,000 SQ FT OPENED JAN 2015
PRESTON 20,000 SQ FT OPENED AUG 2015
COVENTRY 25,000 SQ FT OPENED JAN 2016
WASHINGTON 20,000 SQ FT OPENED MAR 2016
ROCHDALE 26,000 SQ FT OPENED MAY 2016
WIGAN 26,000 SQ FT OPENED SEPT 2016
LEEDS 30,000 SQ FT OCT 2016
BIRMINGHAM 26,000 SQ FT OPENED MAR 2017
BATLEY 30,000 SQ FT OPENED JUNE 2017
SALFORD 26,000 SQ FT OPENING LATE SUMMER 2017

WE PLAN TO
OPEN A FURTHER
10 CLUBS
BY EARLY 2018

KEY PEOPLE:

→ PETER COWGILL - Chairman

→ ALUN PEACOCK - Managing Director

→ NIGEL KEEN - Group Property Director

→ JAMES AIR - Acquisitions Surveyor

JDGYMS.CO.UK

WE NEED SPACE ... LOTS OF IT

With an award winning, highly popular, well proven, exciting concept and the financial backing of JD Sports Fashion Plc, JD Gyms is embarking on an aggressive roll out phase and is proactively acquiring new sites for 2017/18.

JD Gyms' robust senior management team have successfully opened over 150 health clubs in the last decade and have a solid knowledge of all aspects of the industry. Combined with the ongoing success of the business and the exceptional reputation of the PLC, landlords can be confident in facilitating our roll out as we look to transform viable sites across the UK into award winning low cost gym facilities.

KEY REQUIREMENTS:

- UK WIDE SEARCH
- LONG LEASE COMMITMENTS
- 12,000 - 30,000 SQ FT
- LEASEHOLD PREFERRED
- GENEROUS PARKING PROVISION / PARKING OPTIONS
- PROMINENT ROAD FRONTAGE CLOSE TO THE URBAN CENTRE

INVESTING AVG.

£1.5m

PER SITE



PR COVERAGE

We generate exciting local press and trade press coverage regarding our new sites.

Please click on article to read more →





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Planning Statement

Former MFI/Powerhouse Retail Unit at Twibell Street, Barnsley



Appendix 5 Sequential Assessment (2016/0436)

5. Sequential Test

Introduction

- 5.1** The current planning permission for the building allows for retail (use class A1). The site is allocated for large scale retail development in the Adopted UDP. This application is for a change of use to accommodate a trampoline centre (use class D2). Both use classes are 'town centre uses' according to the definitions set out in the National Planning Policy Framework (NPPF). Therefore the effect of the proposal is simply to replace one town centre use with another town centre use. Such a limited change in the way existing floorspace is used would not be expected to raise any issues in respect of retail and other planning policy which have not already been taken into account in the Council's original consideration and approval of the building. It is therefore perfectly arguable that there is no need for the proposal to be assessed against the NPPF policies which relate to Main Town Centre Uses.
- 5.2** Without prejudice to this view, because the site is not allocated specifically for leisure use, this appendix undertakes a proportionate sequential test.
- 5.3** The policy criteria used to assess whether in centre sites are tests of availability, suitability and viability. These are described as follows:
- 1. Availability** – Whether sites are available. It should be noted that the NPPF requires that to be sequentially preferable, a potential alternative site must be “available” not “available within a number of years” as previously indicated in the cancelled Practice Guidance on Need, Impact and the Sequential Approach. This is confirmed by the Secretary of State in his decision in June 2014 on a called in application at Rushden Lakes (Appeal Ref: APP/G2815/V/12/2190175).
 - 2. Suitability** – Whether a site could be developed for the proposal having regard to the requirement to demonstrate flexibility and whether the site is suitable to accommodate the specific need or demand the proposal is intended to meet.
 - 3. Viability** – Whether there is a reasonable prospect that the development will occur on the site at a particular point in time, again having regard to the specific nature of the need or operator demand the proposal is intended to meet.

- 5.4** A sequentially preferable site is one that accords with both criteria i.e. available and suitable for the proposed use. Suitability incorporates viability.

Relevant Case Law

- 5.5** The application of the sequential approach should also accord with the approach set down in established case law and Secretary of State decisions, in particular:

1. Supreme Court decision of Tesco Stores Ltd v Dundee City Council (2012) – ref. UKSC 13 (21 March 2012)
2. High Court decision of Zurich v North Lincolnshire and Simons Developments (2012) – Case No: CO/4764/2012
3. Secretary of State Call-in Decision at Rushden Lakes (2014) – appeal ref. APP/G2815/V/12/2190175

- 5.6** The key points are:

1. The sequential test relates entirely to what is proposed by the application and whether it can be accommodated on an actual alternative site, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer (Dundee).
2. The 'Dundee' case is legally binding in that the sequential approach does not:
 - a. relate to need or deficiencies in retail provision in the area in question
 - b. require a 'suitable' site to be one that can only accommodate a proposal if the proposal is altered / reduced (Dundee, Rushden Lakes)
3. Dundee applies in England and even if the sequential test is not fully satisfied, the local planning authority is not required to automatically refuse permission - a balancing exercise is still required. (North Lincolnshire)
4. The question is whether an alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. (Dundee, Rushden Lakes)
5. Flexibility can be demonstrated by developers not seeking to maximise the foot print of buildings proposed on a site. (Rushden Lakes)

6. The proposal as a whole needs to be considered, and should not be disaggregated. (Rushden Lakes)

7. Only in or edge of centre sites should be considered (Rushden Lakes)

8. The sequential approach is only concerned with sites that are available now. (Rushden Lakes)

5.7 In light of the above, the pertinent question posed by the sequential approach is whether there are any suitable sites in established centres that are available now that could meet the format and market requirements of the proposed trampoline centre.

Site Search Parameters

5.8 In light of the above, a sequential approach to site selection has been applied in this case, taking on board the relevant Court decisions and recent commentary contained within Secretary of State and appeal decisions. The relevant centre is Barnsley town centre.

5.9 A trampoline centre has specific requirements. To be considered suitable, the unit must have:

- Low cost rental
- Sufficient and free on-site parking
- High-bay buildings for maximum floor to ceiling distance for safety of users
- Easily accessible location
- A large floorplate to accommodate space hungry trampolines. The application unit extends to 2508 sq.m.

5.10 The overall aim and objective of the proposal is to provide the residents of Barnsley with a leisure facility of significant scale and capacity that is unique to the locality. Central Barnsley lacks any such facility and there is no comparable facility within a 30 mile radius of Barnsley.

5.11 Given the aim and objective of the proposal, particularly the scale of facility which would be necessary, the search parameters for the sequential test should be to look for large units of sufficient height with appropriate car parking and servicing.

Barnsley Town Centre Sites from the Local Plan Consultation Draft 2014

- 5.12** The table below summarises the conclusions for the sites included in the Local Plan Consultation Draft (2014). None of the sites were proposed for leisure. The references to each site are taken from Inset Map 4 – ‘Development Sites’ of the associated town centre plan. A copy of the plan is included at **Appendix 6**.

Site	Available?	Suitable?	Viable?	Conclusion
Development Site 1 – Better Barnsley	x	x	x	The site has been granted planning permission for comprehensive redevelopment (ref. 2015/0549). It is not available now, and the possible leisure space that could be included is not considered viable for a trampoline operator given the low rental levels required.
Development Site 2 – Heelis Street/New Street	x	x	x	The site benefits from an unimplemented foodstore consent. There are also issue relating to the topography.
Development Site 4 – Land between the Transport Interchange and Harbrough Hill Road (Gala Bingo/Former YEB Site)	x	x	x	The site is not on the market. It is allocated in the Draft Local Plan for a mix of uses including ancillary retail. The planning history suggests the site is not viable, especially for a trampoline centre use.

Table 5.1: Summary of Sequential Test Findings of Allocated Sites

- 5.13** None of the sites allocated for retail purposes within Local Plan Consultation Draft 2014 are sequentially preferable to the application site for the proposed development. Furthermore, there are viability concerns in relation to whether some of the sites are likely to be able to be delivered in any event, as recognised by the Inspector when writing the decision for the Cortonwood Appeal.

Vacant Units within Barnsley Town Centre

- 5.14** Vacant sites / units in the town centre have also been taken into consideration. A plan showing all the vacant units is included at **Appendix 7** and a plan showing vacant units above

2,510 sq.m is included at **Appendix 8**. The table below provides a summary of the assessment of the larger units in respect of the three tests. There are other vacancies in the town centre, but no units of sufficient size that could be realistically considered as potentially suitable alternatives for a trampoline centre.

Site	Available?	Suitable?	Viable?	Conclusion
2 Upper New Street	x	x		The site is 2,990 sq.m, forms part of a wider development site and has planning permission for foodstore development.
Barnsley Market, Metropolitan Centre	x	x	x	The site forms part of the wider Better Barnsley town centre regeneration site, so is not currently available for trampoline centre use.
1 Lambra Road	x	x		The site was demolished as part of Phase 1 of the Better Barnsley redevelopment scheme.
Peel Parade / Shambles Street	x	x	x	The site requires works to make it suitable for the proposal that would make a leisure scheme unviable.

Table 5.2: Summary of Sequential Test Findings of Vacant Units

- 5.15** To summarise, none of the identified units meet the policy tests for the proposed development. It follows that none are sequentially preferable to the applications site.

Conclusion on the Sequential Test

- 5.16** The application site is allocated for large format comparison retail in the Adopted Plan, so it is debatable whether a sequential test is required. For robustness, a thorough assessment has been undertaken. To be sequentially preferable a site must be suitable, viable and available. Jump Inc's requirements are: a large unit of circa. 2,500 sq.m, low cost rental, sufficient and free on-site parking, high-bay buildings for maximum floor to ceiling distance and positioned in an easily accessible location. Our conclusions for all of the identified sites are:

1. Vacant units and allocated development sites in the centre of Barnsley have been considered. None are suitably viable and available.

2. The Barnsley Markets development is not yet available, and in any event is not considered to be a realistic option on the grounds of viability – the rental costs would be too expensive for Jump Inc's business model.
3. In the light of *Dundee*, none of the sites can be suitable for a proposal to meet the requirements of the Jump-Inc format.
4. The overall conclusion is that application site is the most sequentially preferable location for the proposed development. The proposal therefore accords with Paragraph 24 of the NPPF, Core Strategy Policy CSP31 and Saved UDP Policy S3.