

March 2016

Planning Statement Appendices

Town and Country Planning Act 1990 (as amended) Vacant Retail Unit (Formerly MFI) at Twibell Street, Barnsley

**Full planning application for the change of use from retail (Class A1) to
trampoline park (Class D2)**

Prepared for:

Peel Property (Investments) Limited

Prepared by:

Savills

Belvedere

12 Booth Street

Manchester

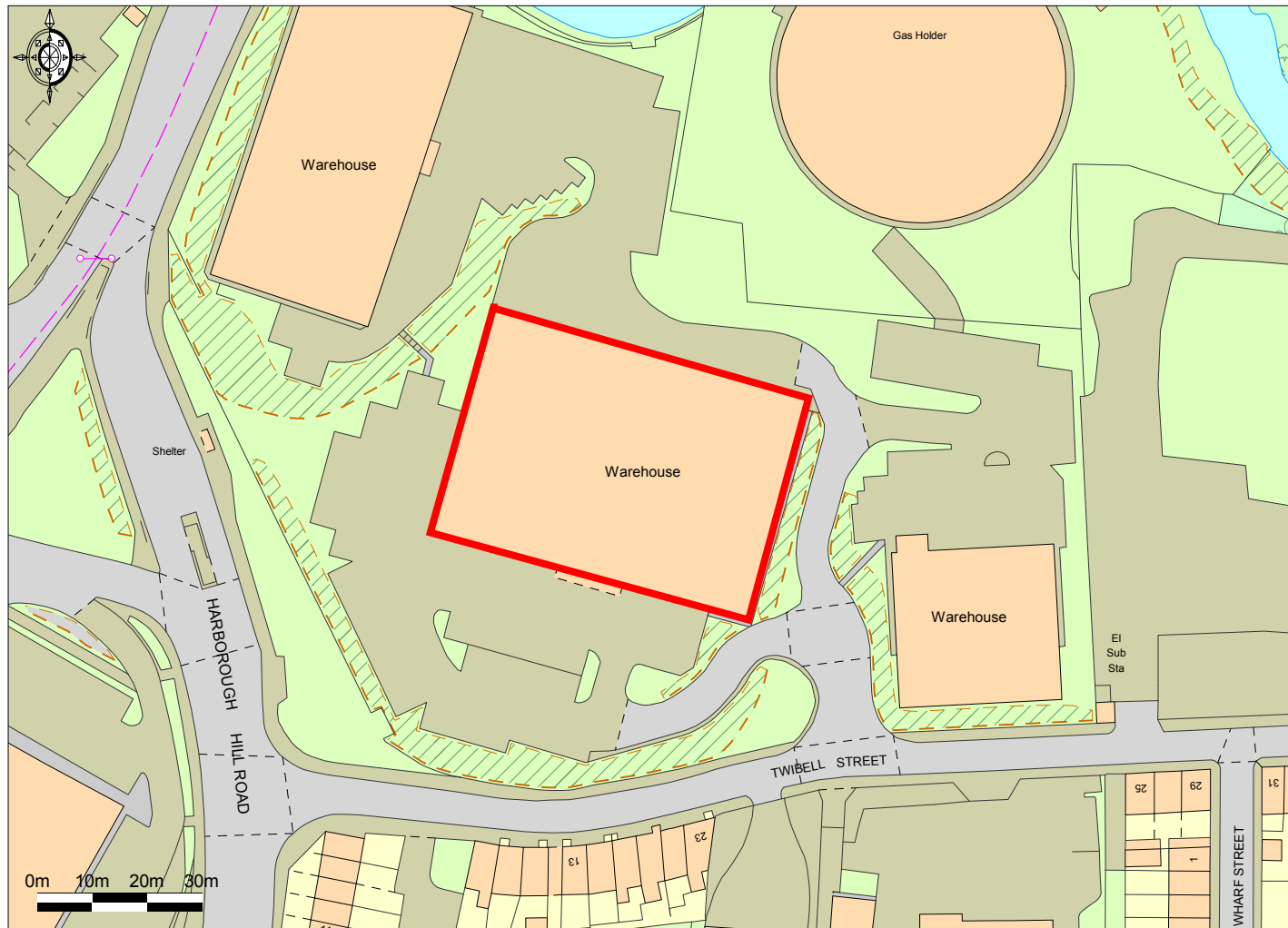
M2 4AW



Appendix 1

Site Location Plan

Twibell Street, Barnsley: Site Location Plan



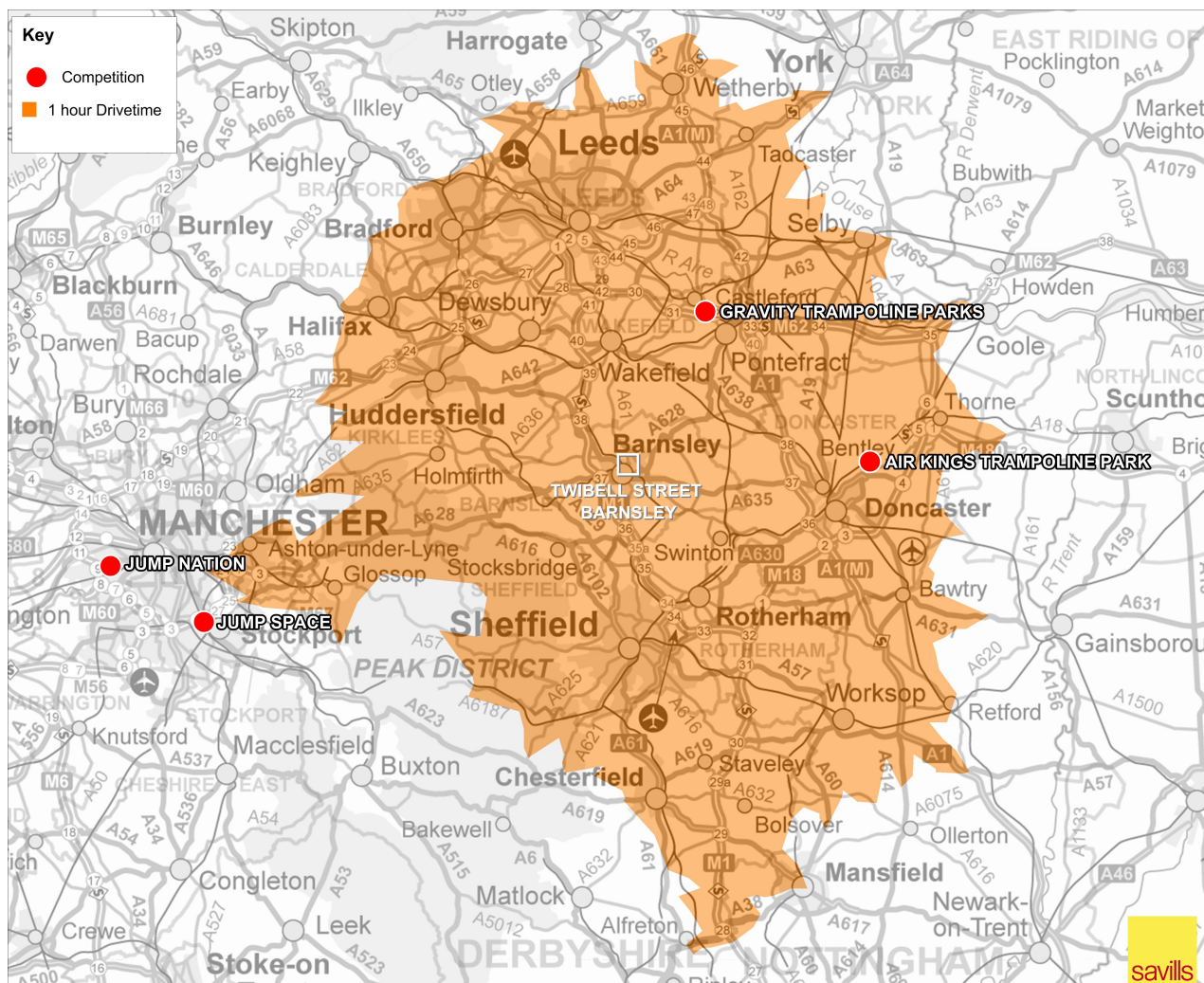
Ordnance Survey © Crown Copyright 2016. All rights reserved. Licence number 100022432. Plotted Scale - 1:1250

March 2016
1:1250 @ A4

Ref: PC/2016/SLP

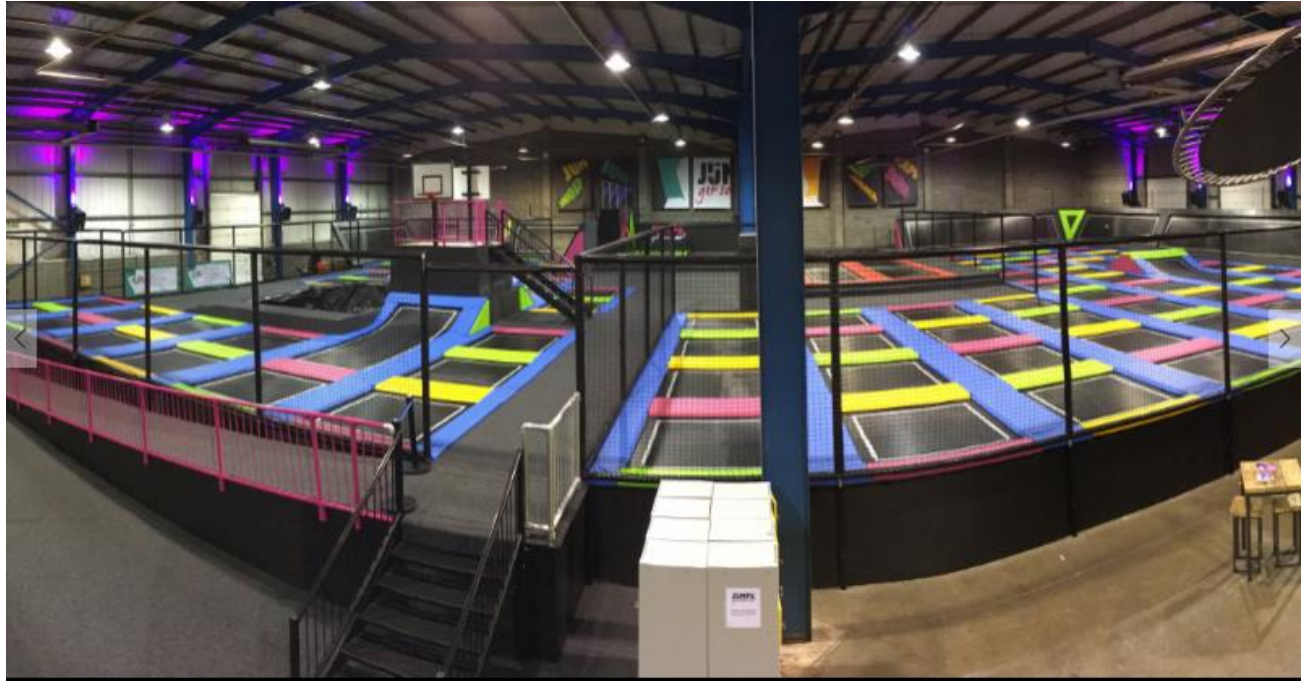
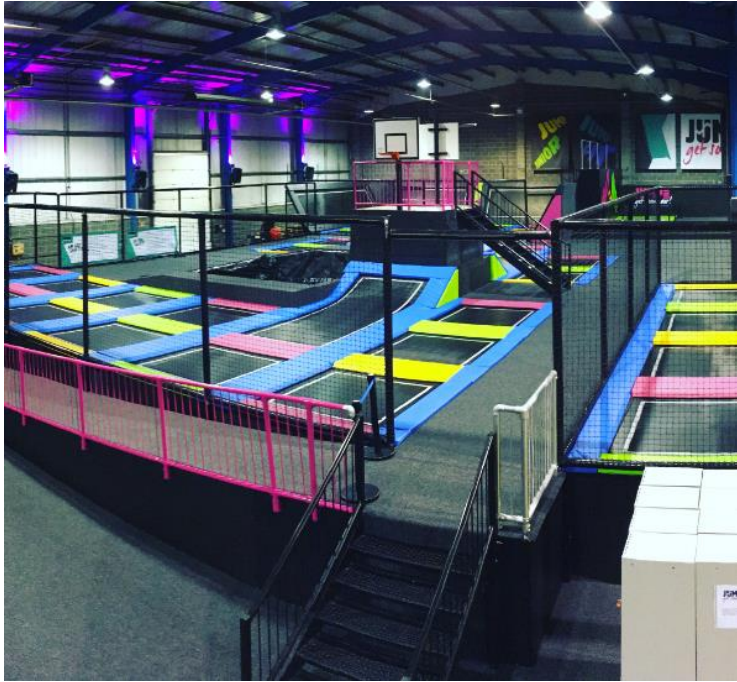
Appendix 2

Competitors Map



Appendix 3

Jump-Inc Operator Details



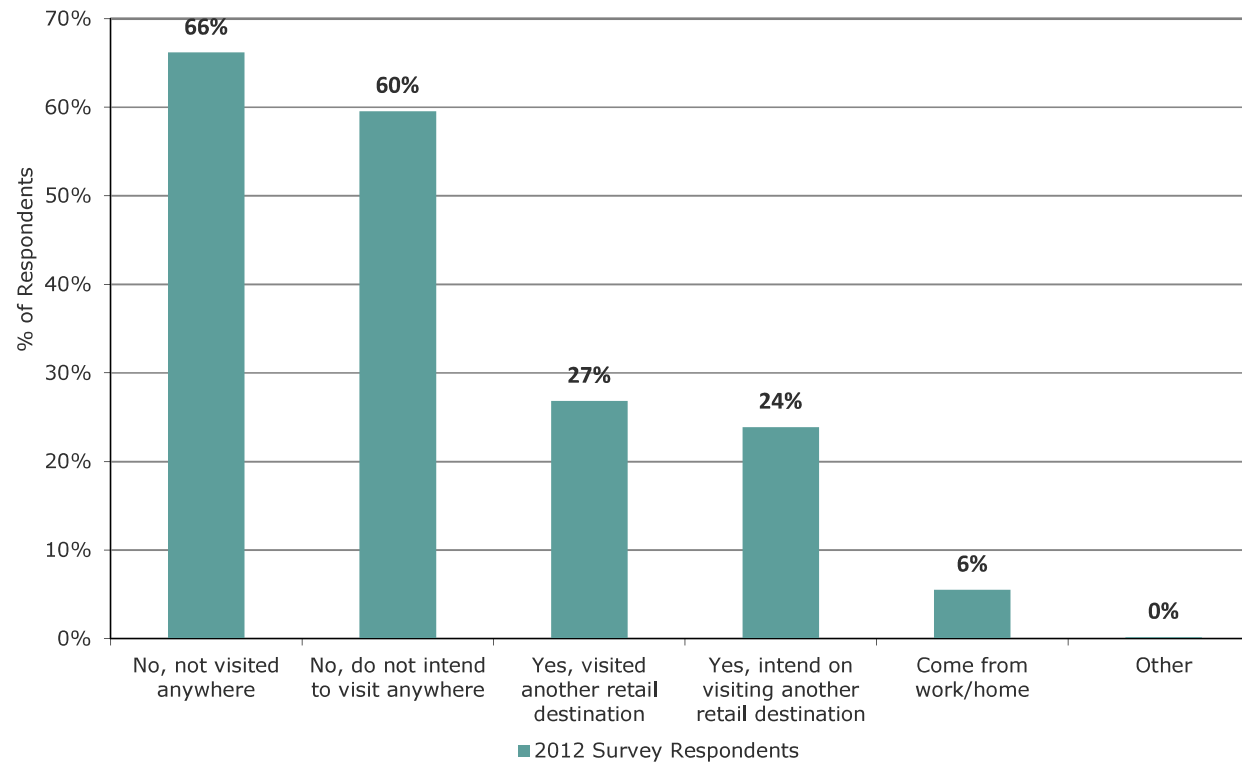
Appendix 4

CACI Exit Survey Extract

Other destinations visited/intending to visit outside of retail park

The majority of respondents were only visiting The Peel Centre, Blackburn

Q. Have you visited anywhere else on your way to this retail park today or are you going to visit anywhere after you leave the park?



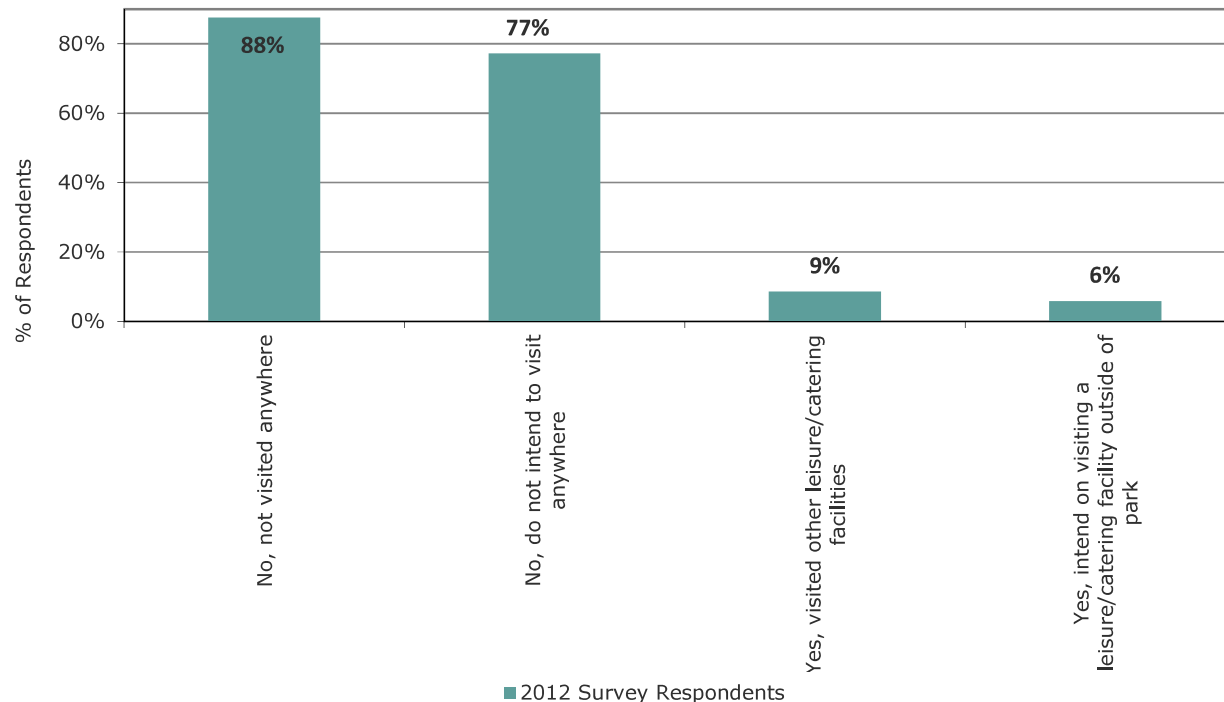
Other destinations visited	Other destinations intending to visit
Asda	Asda
Barnsley Town Centre	Barnsley Town Centre
Wickes	B&M

- ▶ The majority of respondents (66%) have not visited anywhere else prior to visiting the park and a further 60% do not intend to visit anywhere else.
- ▶ Respondents will typically visit Asda or Barnsley Town Centre before or after visiting The Peel Centre reflecting the number of respondents visiting from the local area.
- ▶ Respondents visiting Wickes and B&M reflects the mix of shops found in The Peel Centre.

Leisure or catering facilities visited/intending to visit outside of retail park

Majority of respondents had not visited any leisure or catering facilities outside the park

Q. Have you visited or do you intend on visiting any leisure and/or catering facilities today, other than those at this Retail Park?



Leisure/catering facilities visited	Leisure/catering facilities intending to visit
McDonalds	16
KFC	9
Asda Café	6
Greggs	6
Café	5

- ▶ 88% of respondents had not visited any leisure or catering facilities, whilst a further 77% were not intending on visiting any catering or leisure facilities after their visit to the Peel Centre.
- ▶ Only 9% of respondents had visited any leisure or catering facilities before visiting The Peel Centre whilst 6% were planning on visiting a leisure or catering facility during their shopping trip.
- ▶ Fast food outlets dominate the catering facilities visited outside of the retail park, the most popular destinations include McDonalds, KFC and Greggs.

Appendix 5

Sequential Test

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 Harborough 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

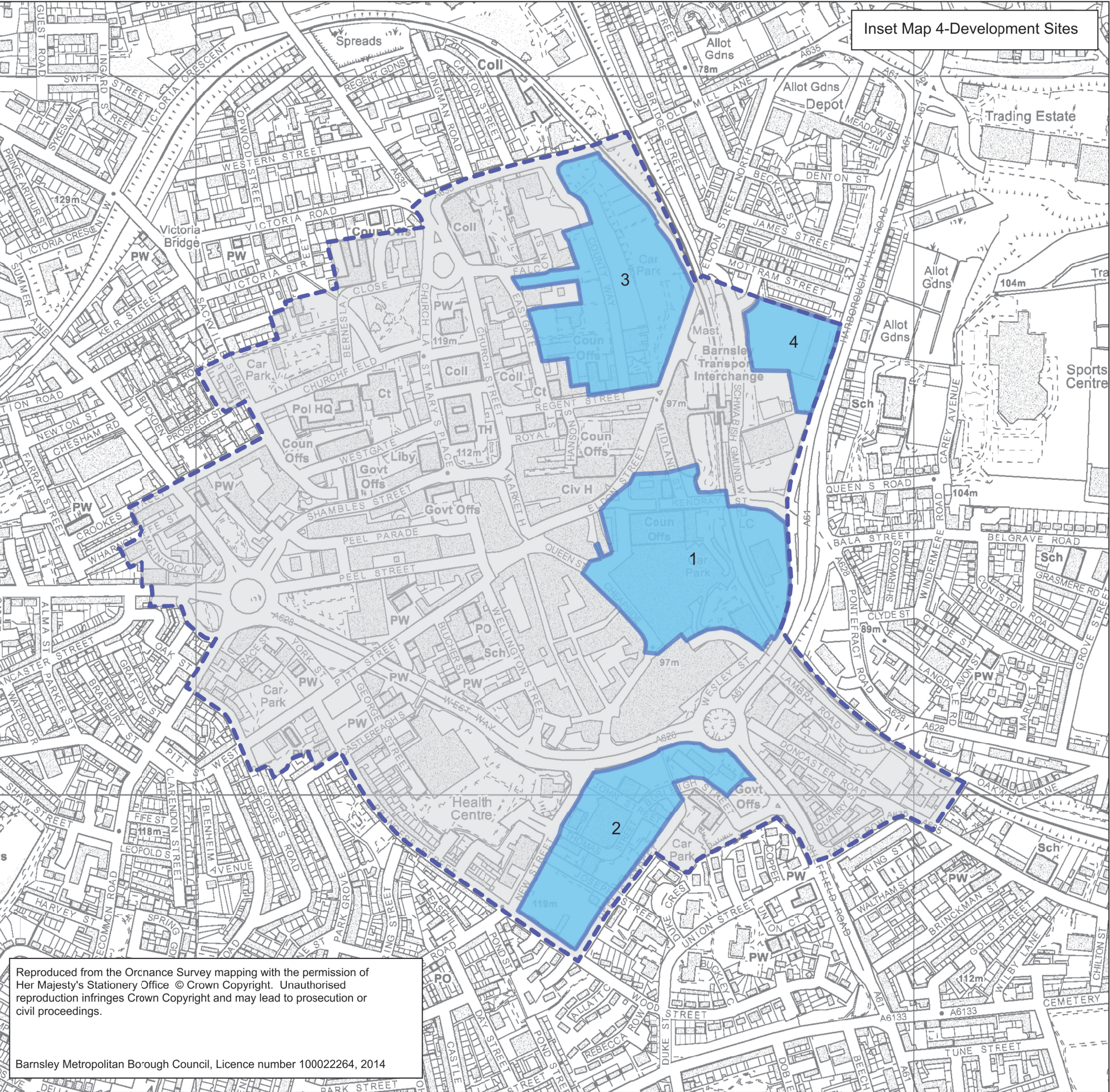
- 5.16** The application site is allocated for large format comparison retail in the Adopted Plan, so it is debatable whether a sequential test is required. For robustness, a thorough assessment has been undertaken. To be sequentially preferable a site must be suitable, viable and available. Jump Inc's 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.

Appendix 6

Local Plan Consultation Draft 2014 – Inset Map 4 'Development Sites'



Barnsley Town Centre Boundary

Barnsley Town Centre

Development Sites

1

Better Barnsley

2

Heelis St./New St./Gala Bingo/Burleigh Court

3

Courthouse

4

Land between the Transport Interchange and Harbrough Hill

Reproduced from the Orncrance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Barnsley Metropolitan Borough Council, Licence number 100022264, 2014

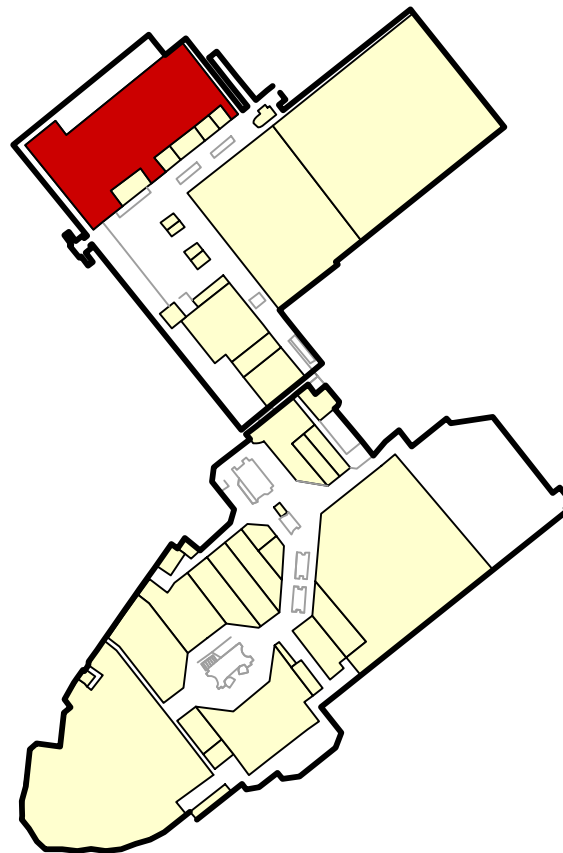
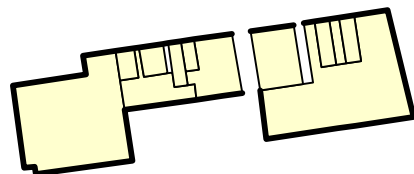
Appendix 7

Vacant Units Plan



250 metres

Experian Goad Plan Created: 05/04/2016
Created By: Savills



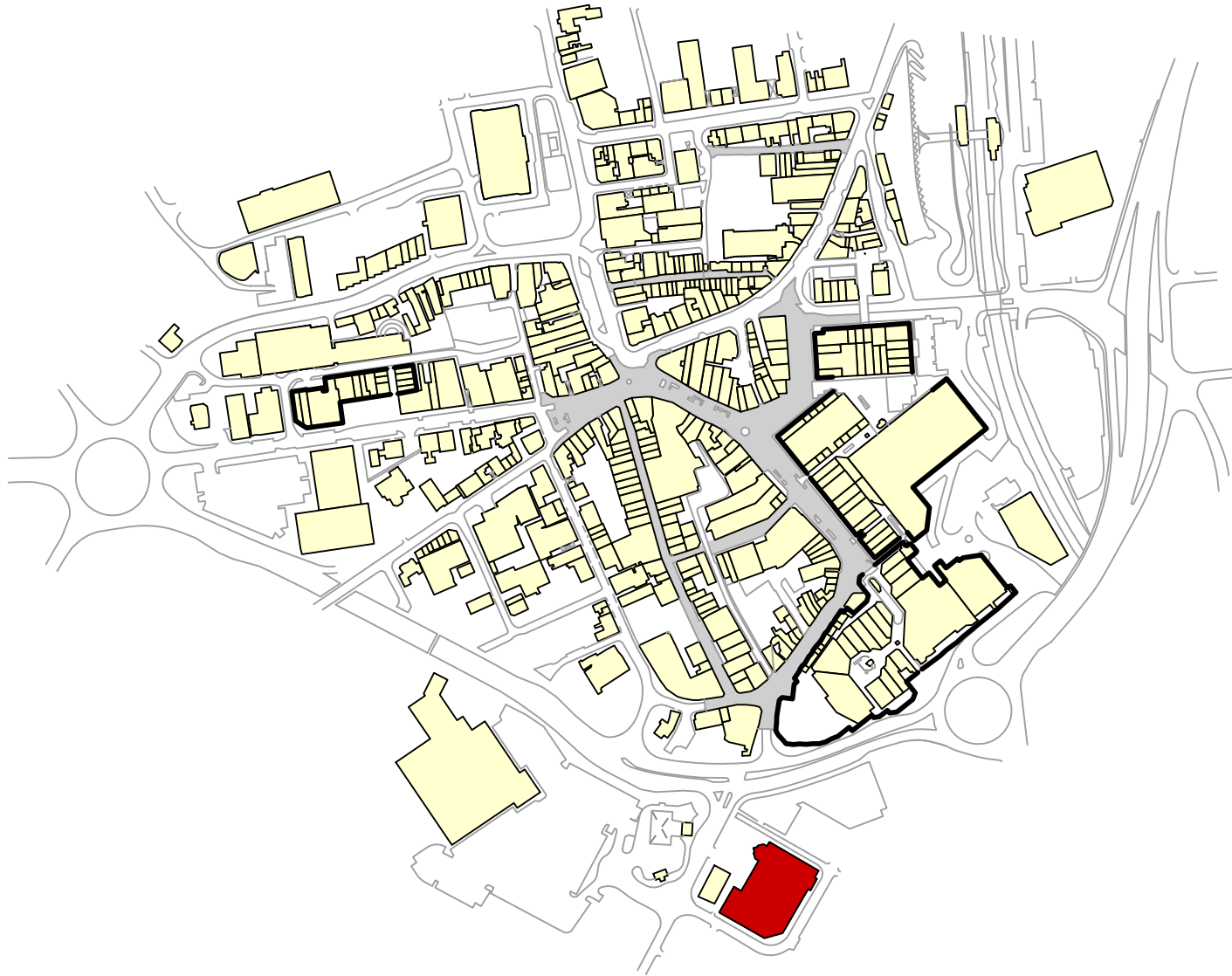
125 metres

Experian Goad Plan Created: 05/04/2016

Created By: Savills

Appendix 8

Vacant Units over 2,510 sq.m Plan



250 metres

Experian Goad Plan Created: 05/04/2016

Created By: Savills