

June 2014

Retail Statement

Peel Centre, Barnsley

Application to vary Condition 1 of Planning Permission 05/1165/BA to allow additional categories of goods to be sold from Units 3C, 5 and 6

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1. Introduction

- 1.1 This Retail Statement has been prepared by Savills Planning on behalf of Peel Property (Investments) Limited in relation to a planning application at the Peel Centre retail park in Barnsley. It supports a planning application to allow additional categories of goods to be sold from vacant units 3C, 5 and 6. The objective is to create a planning framework for the site that will enable Peel to fill the vacant space and in doing so, enhance the overall retail offer within Barnsley, in a location which is close to Barnsley Town Centre. By improving the retail offer, the proposal will help the town to help claw back expenditure currently leaking to other retail destinations outside of Barnsley.
- 1.2 The units have been vacant for between six months and three and a half years and it is evident that the current retail goods restrictions are causing significant difficulties in attracting retailers to the site. This difficulty is compounded by the fact that other retail park locations more distant from Barnsley town centre (e.g. Cortonwood) are either unrestricted or have much lesser restrictions. The proposed relaxation will enable the Peel Centre to start to provide a genuine local alternative to more distant retail parks which, because of far more relaxed planning controls, are currently able to attract retailers that the Peel Centre and therefore Barnsley, cannot. These distant retail parks therefore provide a much more comprehensive offer, attracting large numbers of shoppers from the core urban area of Barnsley.

The Proposed relaxation

- 1.3 The proposal relates to three units only, as follows:
- Unit 3C – vacant (former Dreams) - 472 sq. m
 - Unit 5 – vacant (former Storeys) - 929 sq. m
 - Unit 6 – vacant - 929 sq. m
- 1.4 The proposal is to vary condition 1 of planning permission 05/1165/BA so that it continues to be the single condition which regulates the whole of the Peel Centre, whilst relaxing its requirements in respect of the vacant Units 3C, 5 and 6. A replacement planning condition is proposed as follows:
- 'Notwithstanding the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, with the exception of:*
- (1) unit 7 (to be occupied as a leisure facility and sports goods retail premises); and

- (2) *units 3C, 5 and 6 (which may be used for any non-food retail purpose and for the sale of food from a maximum of 30% of the net sales area of any of these individual units);*

no unit shall be used for the retail sale (other than related to the principal use of the premises) of food; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority except where such goods are sold for use for animals’.

Main Issues

- 1.5** The purpose of this report is to address the retail planning issues arising from the proposal, having regard to the policies contained in the Adopted Development Plan (comprising the Barnsley Unitary Development Plan (UDP), Core Strategy and Site Allocations DPD); and the National Planning Policy Framework (NPPF), which sets out the Government’s planning policies for all forms of economic development, including retail.
- 1.6** Whilst the site is outside of the town centre boundary, it is allocated specifically for retail use in the Development Plan, so it is arguable whether retail impact and sequential tests for out of centre developments are relevant. However, as the Plan allocation relates to restricted retail uses and pre-dates the NPPF, for robustness this report addresses what we consider are the principal policy issues of:
1. Whether there are any town or edge-of-centre sites that are available within a reasonable period and are suitable and viable for the proposal
 2. Whether there is any clear evidence of significant adverse impacts
 3. Whether the balance of impacts and other material considerations is acceptable, having regard in particular to NPPF paragraph 14 advice that development should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits

Pre-submission consultation

- 1.7** Prior to the submission of this application the details of the proposal were discussed with Barnsley Council planning officers through a pre-application process. A copy of the pre-application correspondence and scoping report are included at **Appendix 1**. The Council’s response is included at **Appendix 2**. The scoping exercise confirmed as common ground that given the scheme would be below the NPPF threshold for submission of an impact assessment, it is highly unlikely that the Council would seek to resist the proposal on the basis of potential retail impact. The main development sites for consideration in the sequential test were also agreed.

Structure of the Statement

1.8 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, Surroundings and Planning History:** Describes the application site and its relevant planning history. It confirms that the site is an established retail location in Barnsley that is by some distance, the closest retail park to the town centre. A small number of piecemeal variations have previously been permitted to allow individual units to be occupied by retailers such as Pets at Home and Argos.
- **Section 3.0: Planning Policy:** Identifies the Development Plan allocation and the most relevant planning policy documents and policies, which are assessed in the remainder of the report. The site is allocated in the UDP for large format comparison retail.
- **Section 4.0: Existing Town Centre Performance and Shopping Patterns:** Assesses the overall vitality and viability of Barnsley town centre, which is agreed within the pre-application scoping as being the principal centre for consideration under the impact and sequential tests. It also provides an assessment of current shopping patterns, highlighting a very clear propensity for non-food spending to leak from Barnsley's core catchment area, a trend which is likely to be exacerbated as new and/or significantly expanded retail schemes at Cortonwood (Rotherham) and others come on stream, unless new investment and retailers are also attracted to the core urban area of Barnsley to counter the threats of increasing, distant, competition.
- **Section 5.0: Impact:** For robustness, assesses the potential impact the proposed relaxation 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.
- **Section 6.0: The Sequential Approach:** Provides an assessment of whether there are any alternative sites, in or edge of centre, that could accommodate the proposal, focussing on Barnsley town centre and the sites allocated within the Development Plan for retail development. The conclusion is that there are no sites which satisfy the policy tests of availability, suitability and viability and that the proposal therefore satisfies the sequential test.
- **Section 7.0: Economic Benefits:** summarises the economic benefits of the proposal to create additional employment opportunities, along with other important benefits of

improving competition and consumer choice, thereby encouraging more sustainable shopping patterns

1.9 Our overall **conclusions** at **Section 8.0** are as follows:

1. The proposal accords with relevant policies set out in national guidance and the development plan. In particular, the application accords with the following:
 - a. NPPF
 - b. The Adopted Barnsley UDP and Core Strategy
2. Primarily for the following reasons:
 - a. The proposal satisfies 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
3. The proposal will generate material benefits including:
 - a. Enabling further **investment** in the Retail Park in the form of new shop fit outs for the units and unit refurbishment by new tenants.
 - 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 retail offer, competition and consumer choice** for residents of Barnsley.
 - d. **Providing a strong retail offer** within Barnsley to counter increasing threats from competing retail park destinations outside of the town, **stemming expenditure leakage and** unsustainable shopping trips outside of Barnsley.

1.10 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, trade retention, sustainability and economic benefits overall weigh strongly in favour of the proposal.

- 1.11** In the light of the above, the overall conclusion is that the proposal accords with the retail policies set out in the NPPF and the Development Plan, and that planning permission should therefore be granted.

2. The Site, Surroundings and Relevant Planning History

Site and Surroundings

- 2.1** The Peel Centre is located on Dryden Road to the east of and close to, Barnsley town centre. It is situated in a well established wider retail and commercial area, and forms an integral part of Barnsley's overall retail offer. It is by some distance the closest retail park to the town centre. The close relationship to the town centre is illustrated by the context plan at **Appendix 3**. A site location plan is at **Appendix 4**.
- 2.2** At ground floor level, it currently comprises approximately 12,399sq. m of retail and leisure floorspace, arranged over 11 units. The current occupiers are:

Unit Number	Tenant	Floorspace
1a	Halfords	733 sq.m
1b	Bathstore	300 sq.m
1c	Barnsley Tile and Bathroom	130 sq.m
2	The Range	2,792 sq.m
3a	Pets at Home	465 sq.m
3b	Maplin	465 sq.m
3c	Vacant (former Dreams)	472 sq.m
4	Argos	929 sq.m
5	Vacant (former Storey Carpets)	929 sq.m
6	Vacant	929 sq.m
7	DW Sports	2,090 sq.m
8	Currys	1,858 sq.m
9	Pizza Hut	307 sq.m

Figure 2.1 Current occupiers

- 2.3** The Retail Park 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 0.5km from Barnsley railway station.
- 2.4** To the north of the site is partly vacant retail warehousing, which along with other adjoining land, is currently subject to an application, also by Peel, for a new foodstore development. To the north 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 north 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 and east are large areas of open space and agricultural land.
- 2.6** The Park provides a good standard of retail warehouse accommodation arranged in an 'L' shaped layout facing onto a large, level car parking area. Photographs of the site are included below.



Figure 2.2: Site photographs

Relevant Planning History

- 2.7** The most relevant planning history is as follows. Copies of the permissions are contained at **Appendices 5 to 7**.
- 1 Outline Permission was granted on 3 April 1999 for the refurbishment, redevelopment and extension of the Peel Centre (ref. B/98/0641/BA). Three of the conditions (4, 5 and 11) limited the categories of retail goods permitted to be sold.
 - 2 On 11 March 2004 permission was granted to vary Condition 5 (retail use) of the 1998/99 outline permission to 'reverse' the wording of the condition from listing those goods which could be sold, to instead list goods which could not be sold (ref. B/03/2180/BA).

- 3 This condition was then further varied on 5 August 2005 under permission reference 05/1165/BA to enable the sale of pet products. It is this amended condition that now controls the use of the majority of the units. It states:

'(1) Other than Unit 7, no unit shall be used for the retail sale (other than related to the principal use of the premises) of food, alcoholic drink, tobacco, watches or clocks, books, newspapers or magazines, clothing or footwear, fashion accessories, jewellery, toys, perfume and toiletries, music, records, audio or video tapes, pharmaceutical goods or sports goods except where such goods are sold for use for animals'

- 4 A further variation was granted in 2009 to allow Argos to trade from Unit 4.

3. Relevant Planning Policy

Introduction

- 3.1** 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

- 3.2** Barnsley's Development Plan consists of the Core Strategy Development Plan Document (DPD) and the remaining saved policies within the Barnsley Unitary Development Plan (UDP)

The Barnsley Unitary Development Plan (UDP, December 2000)

- 3.3** 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.

UDP Policies and Site Allocation

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

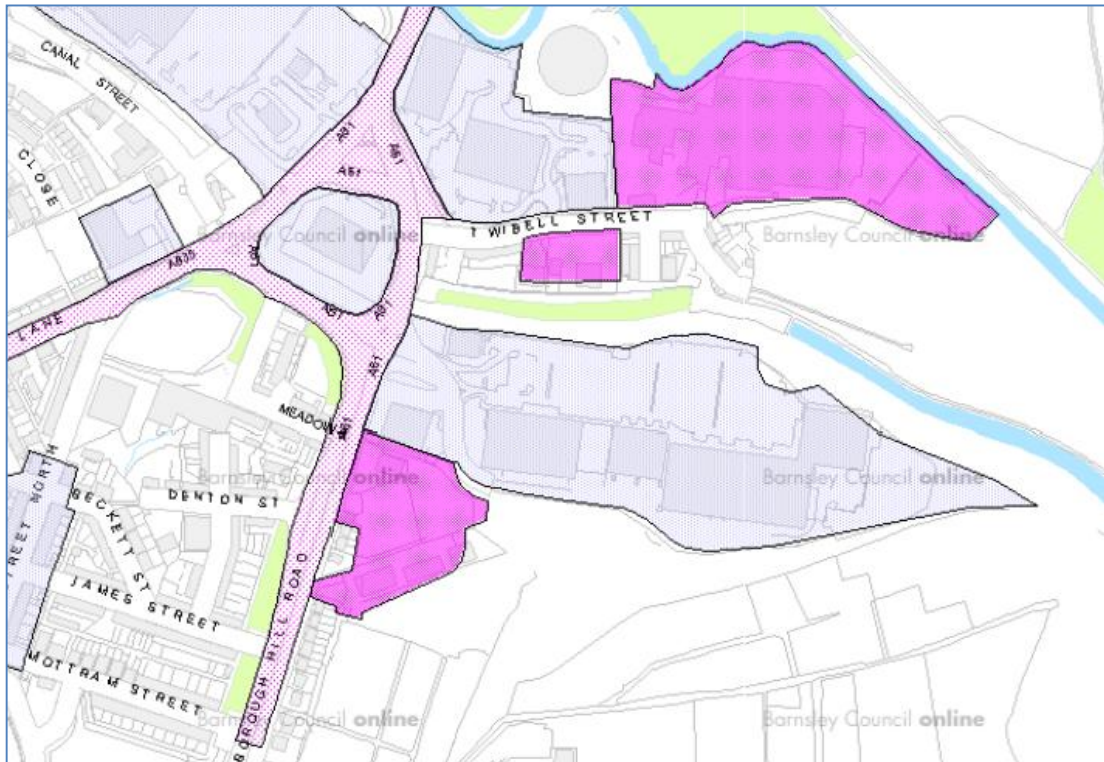


Figure 3.1: Excerpt from Barnsley UDP

- 3.5** The Retail Park is identified in light purple as an 'Other Shopping Commercial Area', where Policy BA26 applies, which relates to large scale retailing of comparison goods. It states:

*'Land at Wombwell Lane, Stairfoot and **Peel Centre** as shown on the proposals map is allocated for large scale retailing of comparison goods. Policy S5 will be applied to development'*

- 3.6** Saved Policy S5 stipulates that all retail development which would create a new shopping unit or units in excess of 930 sq. m outside of the central and principal shopping centres will be subject to planning conditions which control the range and type of goods to be sold and the maximum or minimum unit size as measured by the gross floor area. Whilst there is some tension between the application proposal and the policy's intention to limit the ranges of goods that can be sold, the application is not to create any new floorspace; and none of the units affected exceed 930 sq. m, so it is arguable that strictly the policy does not apply to this proposal.
- 3.7** Policy S3 is also saved, and relates to retail development outside the Central Shopping Area of Barnsley town centre and the defined Principal Shopping and Commercial Centres. It states that all new retail development outside of the centres will only be permitted:

- On a site allocated for that purpose in the plan

- Where there is not a suitable site available within the defined centre or where there is no available allocated site, then on a site at the edge of a defined centre; or
- Where there is no suitable site available either within any of the centres defined above or in accordance with the requirements of (a) or (b), then an out-of-centre site in a location accessible by a choice of means of transport.

3.8 The retail use accords with the first criterion, as the site is allocated for retail development in the Plan by Policy BA26. If the application is found to comply with the sequential approach then the second criterion will be met and the site is accessible by a choice of means of transport.

The Barnsley Core Strategy (September 2011)

3.9 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.

3.10 Policy CSP31 relates to centres. It states:

'Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfill 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'.

3.11 Policy CSP8 relates to the preferred locations for growth and states:

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

- *Urban Barnsley*
- *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...'

The National Planning Policy Framework

- 3.12** 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.
- 3.13** 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.
- 3.14** 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].
- 3.15** 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.
- 3.16** 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.
- 3.17** 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

3.18 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.'

3.19 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)
- 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)

3.20 Paragraphs 24 – 27 set out that proposals for retail 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.

Summary

1. The proposal accords with the site's allocation for large scale retailing of comparison goods in the Adopted UDP (Policy BA26 and S3).
2. The site is located within urban Barnsley, which Core Strategy Policy CSP8 identifies as the preferred location for growth
3. 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.

4. The NPPF and Core Strategy Policy CSP 31 require that a sequential test should be applied to proposals for retail development not within a town centre. Out-of-centre sites should be assessed on a realistic basis, in terms of suitability viability and availability.
5. 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.

4. Existing Town Centre Performance and Shopping Patterns

Introduction

- 4.1** This section assesses the overall vitality and viability of Barnsley town centre, being the principal centre for consideration under the impact and sequential tests. Barnsley town centre is the main centre within the district and recognised as a sub-regional centre within the wider region. The section also provides an assessment of current shopping patterns, highlighting a very clear propensity for non-food spending to leak from Barnsley's core catchment area, a problem which can only be exacerbated as new and/or expanded retail schemes at Cortonwood and Parkgate in Rotherham and others come on stream, unless new investment is also attracted to Barnsley to counter the threats of increasing competition.

The Barnsley Area Action Plan (AAP) Consultation Draft 2012

- 4.2** The Barnsley Area Action Plan (AAP) Consultation Draft 2012 provides a summary of the current overall health of Barnsley town centre. The AAP sets out its strengths at paragraph 3.8. These include:
- Traditional markets and shops that have a reputation for value to residents and that attract visitors from outside the borough
 - A diverse range of shops, services and institutions all within close proximity of each other including the College and University Campus Barnsley
 - Good connectivity by way of an improving range and quality of public transport links to the borough's communities and surrounding settlements by way of a new Transport Interchange, convenient car parking and convenient access to the M1 motorway
 - Dramatic topography which creates an extra dimension to consider in terms of townscape and views, and a rich urban form with a variety of architectural styles and block sizes
 - An interesting configuration of streets, arcades and thoroughfares including Conservation Areas, attractive buildings and open spaces providing a compact and walkable town centre which is close to residential parts of the town, with some pedestrianisation and covered shopping areas, CCTV coverage and falling crime levels.
- 4.3** The AAP also recognises the current challenges facing Barnsley town centre at paragraph 3.9, of which one particular concern is the current competition from the nearby centres of Leeds, Sheffield (including Meadowhall), Wakefield and Doncaster.

Mix of Uses

- 4.4** The centre is reasonably well represented by 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.
- 4.5** 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.
- 4.6** The table below summarises the mix of uses in the town centre. It shows that comparison retail is lower than the national average (25.7% compared with 32.9%).

Use	Number of Units	% of Total (470 units)	National Average	Floorspace (sq.m)	% of Total (123,740)	National Average
Comparison	121	25.7%	32.87%	26,790	21.7%	36.45%
Convenience	27	5.7%	8.19%	16,810	13.6%	14.72%
Retail Services	57	12.1%	13.89%	6,540	5.3%	7.35%
Financial & Business services	46	9.8%	10.87%	8,970	7.2%	8.29%
Leisure	104	22.1%	22.19%	25,740	20.8%	23.08%
Vacant	70	14.9%	11.56%	14,410	11.6%	9.38%

Figure 4.1: Town centre composition

Source: Experian GOAD survey at 16 May 2013

- 4.7** The vacancy rate is 3.3 percentage points higher than the national average, at 14.9% compared with 11.6% nationally. The proportion exceeds the national average, largely due to a cluster of empty units around the markets, left vacant in anticipation of redevelopment. Excluding this cluster area, which is an inevitable consequence (rather than an indicator of poor vitality and viability) in the lead up to complicated town centre redevelopment, the vacancy rate across the centre as a whole is not unusually high, with vacancies dispersed in predominantly non-retail or secondary shopping areas of the centre which are by their nature and definition marginal and/or unsuitable for retail use. The plan below shows the location of the vacancies.



Figure 4.2: Town centre vacant units

Barnsley Marketplace

- 4.8** The principal town centre redevelopment opportunity is Barnsley Marketplace. Proposals for retail-led redevelopment of parts of the town centre, including the Marketplace have been mooted for many years, but have failed to be delivered.
- 4.9** The background to the scheme began back in 2003, when Barnsley Metropolitan Borough Council agreed the underlying principles and a programme of works for the redevelopment of the Market and Metropolitan Centre in the town centre as part of the Barnsley Strategic Development Framework.
- 4.10** The Markets project was granted planning consent by the Council in 2006. The uncertainties associated with the financial climate meant that progress on the scheme was slow and a number of revisions were made to reflect the changing needs of retailers due to the economic downturn. By September 2011, a further full planning permission was granted for a mixed-use redevelopment (ref. 2011/0714) which included new retail and leisure elements, a new market, multi-storey car park and associated works.
- 4.11** However, delivering the scheme remained out of reach. Debenhams, H&M and Odeon had originally signed up for the scheme, but by January 2014 the Council terminated the

development agreement signed in March 2012 with 1249 Regeneration Partnership, as the necessary £125m of funding required from the investment market could not be delivered. 1249 could not deliver on their obligation to deliver the scheme by autumn 2016 and a key anchor tenant (Debenhams) had given notice to terminate their contract to occupy the large anchor unit.

4.12 A fresh approach is being considered. The Cabinet Report 'Barnsley Town Centre – The Way Forward' dated 29 January 2014 endorsed a fresh approach to the regeneration of the town centre, advocating further work exploring range of uses in the centre. We now understand that the Council itself proposes to act as developer and that further work and dialogue is underway to establish which retail, restaurant and leisure operators are interested in being in the town centre. The Council has earmarked an additional £35m to facilitate the regeneration, with key opportunities identified as being:

1. New library
2. Customer service centre within the new library
3. New £16m Barnsley Sixth Form College

4.13 The Cabinet Report envisages that over the next three years, the following can be achieved:

- a. £6m public realm improvements
- b. New library
- c. Structural and stock condition survey of all key buildings, including old Council offices, the Metropolitan Centre, Indoor Market and multi-storey car park
- d. Selected demolition of obsolete and redundant buildings. Develop proposals for improvements to Metropolitan Centre and market
- e. Develop and implement improvements to the indoor and outdoor markets
- f. Potential acquisition of the former TEC building and adjacent property as a leisure and retail quarter
- g. High quality and sufficient car parking
- h. Creation of public squares and development plots to facilitate future town centre development
- i. Potential identification of a select number of retailers, leisure and restaurant operators and private investors that will want to work with the Council for securing the continued regeneration of the town centre

4.14 Based on the above, a much more modest level of retail is just one of many objectives now being explored by the Council, with a wide range of proposals that would be completely unaffected by some limited relaxation of controls on existing retail warehousing being considered. We understand that work is ongoing and that further public consultation will be undertaken by the Council and that a town centre project team will procure the design of the scaled down proposals. What is clear is that ten years of history shows that it has not been

possible to deliver a solely retail and leisure scheme; and that retail will have to be a much more limited element than previous planning permissions for the site envisaged.

Shopping Patterns

- 4.15** The levels of expenditure leakage to other centres and retail parks outside the Borough from residents of Barnsley are unusually high, and the Council needs to work with landowners to ensure that the centre and its complementary centrally located retail warehouse facilities can compete with others to draw some of the expenditure back into Barnsley. Without any investment within Barnsley, including in the form of new retailers gaining representation, there is little if any potential of expenditure leakage being clawed back. Without the ability to secure investment and an improved retail offer within Barnsley, residents of the town will continue to shop elsewhere for non-food comparison goods.
- 4.16** We have reviewed the recent 2013 household survey information included with Sainsbury's application for a foodstore at Stairfoot which shows the following comparison goods shopping patterns within the area:

Destination	Market Share
Within the Study Area	
Barnsley town centre	30.8%
Asda, Old Mill Lane	3.6%
Tesco Extra, Wombwell Lane	1.6%
Penistone District Centre	1.2%
Other	6.7%
Sub-Total	43.9%
Outside Study Area	
Sheffield	27.3%
Brampton	8.3%
Other	10.9%
Sub-total	46.5%

Table 4.3: Summary of Comparison Goods Shopping Patterns within the Study Area

Notes: Taken from RIA for Sainsbury's application, based on household survey results 2013

- 4.17** The table shows that a significant proportion of expenditure (46.5%) is being spent outside of the Study Area, with a notable proportion (27.3%) being spent as far away as Sheffield. The destinations within the Study Area are identified to retain less than half of comparison goods expenditure. It is extremely telling and symptomatic of the acute problems facing the Peel Centre that it does not even register in the above table despite its location within the Barnsley

Central zone, close to the highest concentration of residents. There is a clear and very pressing need to retain and claw back a higher level of expenditure within the Study Area, through the provision of additional comparison goods floorspace and/or by broadening and improving the overall retail offer.

Retail Vision Assessment of Spending Flows

- 4.18** The telephone survey findings outlined above accord with the overarching conclusions shown by Savills' Retail Vision Model, which illustrates the spending flows within, into and out of, the Barnsley catchment area (see the plans and tables at **Appendix 9**).
- 4.19** Retail Vision is a retail model widely used within the sector to model the flow of spend to retail centres and defines associated shopping catchments under a series of different scenarios. A summary of the Retail Vision methodology is included at **Appendix 10**.
- 4.20** The model indicates that Barnsley's primary catchment (i.e. where Barnsley town centre draws 50% of its trade from) is relatively small and confined to the areas immediately surrounding Barnsley town centre.
- 4.21** The model divides the Barnsley District into three separate areas to enable it to estimate the inflows and outflows of expenditure: Barnsley town zone (i.e. town centre and immediately adjacent retail outlets, including the Peel Centre), Barnsley District East and Barnsley District West. These areas are shown on the plan at **Appendix 9**.
- 4.22** The model then splits the comparison goods inflows and outflows into three separate types of goods: fashion, homeware/DIY and electrical. The key headlines in respect of the District (i.e. all three areas) as a whole, are:
- For fashion retailing, the total retention of expenditure within the district is 49%, with 51% leaking to destinations such as Rotherham, Sheffield and Wakefield. 83% of the Barnsley town zone's turnover is from within Barnsley district. The overall inflow of 17% amounts to £17m.
 - Barnsley District is retaining just 40% of homeware and DIY expenditure, with 60% leaking outside. The main destinations to which expenditure is leaking are Rotherham, Sheffield and Wakefield. 64% of Barnsley town zone's turnover is from inside of the district. Inflow from outside is just 36% (£21.7m)
 - The outflow of expenditure for electrical goods is slightly less than fashion and homeware, at 47%, but this is still relatively high. 72% of electrical turnover is from inside of the district. Inflow is very low at just 28% (£12.3m).

- 4.23 The clear evidence is that Barnsley is losing very high levels of spending to competitor towns and other facilities.

Threats – Increasing Competition

- 4.24 As the Retail Vision Model illustrates, retail destinations in the surrounding authorities of Sheffield, Rotherham, Doncaster, Wakefield and Kirklees, along with Leeds further to the north exert strong pulls on Barnsley's core catchment for shoppers. The strong pipeline of retail development in all of these authority areas, countered by a relatively weak development programme committed within Barnsley itself, mean that the outflow of expenditure is likely to increase without improvements within Barnsley to act as a counterweight. The longer those developments go unchallenged by new developments and/or changes to the retail offer of Barnsley as a whole, the more shopping patterns will become embedded and the more difficult it will be to attract those shoppers back to Barnsley as a whole. The major developments currently planned are summarised in the table below and shown on the sub-regional competition plan contained at **Appendix 8**.

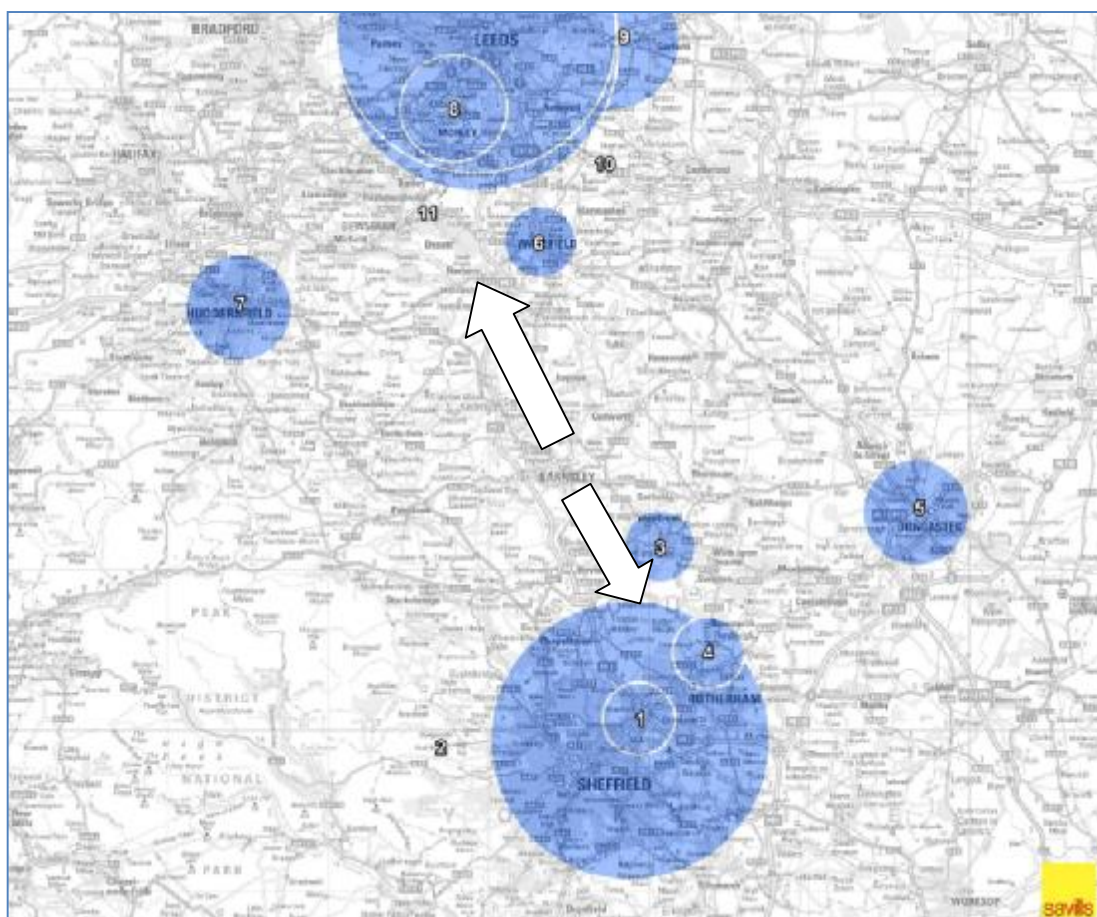


Figure 4.4: Competing Schemes Plan

Map Ref	Local authority	Key schemes	Gross floorspace
1	Sheffield	Meadowhall - 12/01017/FUL	5,678 sq.m (Next Home & Garden store)
2	Sheffield	Betafence Wire Factory Site, Lock House Road - 13/01682/FUL	37,261 sq.m (Ikea)
3	Rotherham	Cortonwood - RB2012/1615	six unrestricted non food retail units totalling 9,177 sq.m
4	Rotherham	Parkgate - RB2013/0915	New foodstore and three new retail warehouse units totalling 4,318 sq.m
5	Doncaster	Land at Marshgate - 11/02769/OUTM	11,650 sq.m of new retail floorspace
6	Wakefield	The Ridings Centre, Almshouse Lane - 10/02031/RPP	9,000 sq.m new comparison floorspace
7	Kirklees	Kirkgate / Oldgate - 2011/60/91613/W	11,500 sq.m of additional Class A1 retail floorspace and 12,066 sq.m of Class A3 floorspace
8	Leeds	White Rose - 13/01640/OT	11,500 sq.m of additional retail and leisure floorspace
9	Leeds	Thorpe Park - 12/03886/OT	18,112 sq.m of new retail floorspace as part of wider mixed-use development
10	Leeds	Victoria Parade	37,160 sq.m of new retail and leisure floorspace, including a new John Lewis store
11	Leeds	Trinity Shopping Centre, Leeds	92,903 sq.m of new retail and leisure floorspace

Figure 4.5: Table of Competing Schemes

- 4.25** The table shows that around 248,259 sq. m of new retail floorspace is currently proposed or has recently been delivered in the neighbouring authority areas. Strengthening competition close to Barnsley will be convenient and attractive to Barnsley residents and will further embed and increase unsustainable spending outflows. Notable examples are the recently approved developments at, Cortonwood where the 10,000 sq. m extension is targeting an opening in Autumn 2015; and the further 4,738 sq. m of retail warehouse space close to Parkgate Retail World, also in Rotherham is which is already partly pre-let and is scheduled for completion Spring 2015.
- 4.26** Conversely, the development pipeline within Barnsley itself is very modest, with no major comparison retail schemes currently proposed. It is important that Barnsley reacts proactively to such development by improving its own offer in order to retain shoppers. The first choice location for such improvements is the town centre, but as the 10 year efforts to deliver the Marketplace project have shown, that is not always feasible within a reasonable timeframe of

up to five years, let alone the very short term, as is self-evidently necessary here. Without further investment and improvements to the retail offer within Barnsley as a whole, the town will continue to lose out in ever greater numbers, to its neighbours. The current proposals for the Peel Centre site, being the closest retail park to the centre of Barnsley, with existing retail floorspace that is ready to be brought back into beneficial use and accommodate retailers, is an opportune first step to begin to fight back in the very short term. If consented quickly, it may even be able to compete for occupiers with the Cortonwood and Parkgate expansions before those schemes soak up all new retailers and become fully let at Barnsley's expense once again.

5. Sequential Test

Introduction

- 5.1** Within the positive framework for growth, the NPPF imposes a requirement upon local planning authorities to plan positively for the growth of retail and other forms of main town centre uses. The NPPF seeks to ensure that proposals for economic development are not frustrated by limited site availability. Paragraph 23 of National Planning Policy Framework comments at the 6th bullet point that:

“It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability...”

- 5.2** It follows that proposals or opportunities for development of retail and other main town centre uses outside defined centres can be supported provided it can be demonstrated they accord with sustainability objectives.
- 5.3** Paragraphs 24 and 26 of the NPPF explain that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. In this case, the proposal is not for new development. It is for a relaxation of controls on existing units which are located on a site specifically allocated for large scale comparison goods retailing in accordance with policies which were saved at a time when National Policy for retail development were not materially different to those now in force under NPPF. It is arguable that the proposal does accord with the Development Plan, but we have proceeded in any event to consider further the sequential approach and its correct application to this proposal.
- 5.4** Applying the sequential approach should have regard to the need that will be met by the development. It is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand. For it to have meaning, the sequential approach must be applied in a way that allows the identified need to be fully met at the right time. That is the essence of paragraph 23 of the NPPF.
- 5.5** Details of the sites to be considered were agreed with the Council ahead of submission as part of the scoping exercise (see **Appendix 1**). The scoping report provided our initial conclusions for all of the sites as follows:
1. In the light of *Dundee*, none of the sites can be suitable for a proposal to meet a site specific need to amend conditions for vacant retail floorspace that already exists to enable it to be re-occupied.
 2. None of the sites are suitable or viable for retail warehouse development in any event, especially given the overall aim and objective of the proposal, which is to provide the

residents of Barnsley with a retail park facility of a scale and with a sufficiently broad offer, to provide a genuine local alternative to other retail parks outside the Barnsley area. Central Barnsley lacks any such facility, as the Peel Centre restrictions prevent it from offering a comparable alternative, yet there is a chronic, pressing need for one quickly.

- 5.6** The local planning authority commented in response to the scoping exercise (see **Appendix 2**) that an assessment would be required, noting that *‘whilst I accept that your client’s objective is to secure the re-letting of existing vacant retail warehousing space, because the scheme is proposed by a landowner rather than an operator, I don’t consider that the Council would be entering into an ‘artificial world’ by expecting a sequential assessment to be undertaken including all vacant in centre and edge of centre sites...’*
- 5.7** The response goes on to acknowledge that *‘if conclusion 2 is accepted then the Council would not look to resist the proposal on the basis of the sequential test. To form a definitive view on this, we will need to see your detailed sequential assessment...’*
- 5.8** Without prejudice to these two overarching conclusions on the sequential test, a proportionate assessment has been undertaken at the request of planning officers. The criteria used to assess whether alternative sites exist are commercial criteria that examine the availability, suitability and viability as follows:
- **Availability** – Whether sites are available now or are likely to become available for development within a reasonable period of time having regard to the urgency of the need that exists in any particular case.
 - **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 meet¹.
 - **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.
- 5.9** A sequentially preferable site is one that accords with all three criteria i.e. available, suitable and viable for the proposed use.
-

Relevant Case Law: Tesco Stores Ltd v Dundee City Council (2012)

- 5.10** The Supreme Court in *Tesco Stores Ltd v Dundee City Council* ([2012] UKSC 13, 21 March 2012) considered how the sequential test should be applied, concluding that ‘it is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre.’ The Supreme Court was clear that a developer or retailer should not be required to fundamentally change their proposed development so as to operate in some artificial world. Lord Reed states at paragraph 38 of the transcript (**Appendix 13**):

‘The whole exercise is directed to what the developer is proposing, 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... ‘But these (sequential assessment) criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.’

- 5.11** Therefore in terms of flexibility, the applicant should not be expected to significantly alter the size of the proposed development so that it can be accommodated on an alternative smaller site, especially where the retailer has confirmed that the application site is the most suitable available site in terms of size and location.

Relevant Appeal Decision – Cortonwood Retail Park (ref. APP/P4415/A/13/2197947)

- 5.12** In the Cortonwood appeal decision, the Inspector applied the Dundee judgment to conclude at paragraph 22:

‘In this case there is no prospect of the retail units being developed, in full or in part, at any other location. The proposal is wholly specific to the appeal site as a means of redeveloping a partially used warehouse for a more commercially viable return.’

- 5.13** A copy of the Cortonwood decision is included at **Appendix 14**.
- 5.14** Similarly, in the case of the Peel proposals, they are a means of securing the re-letting of existing vacant retail warehouse space. This objective very clearly cannot be met by either the construction of new retail warehousing, or the relaxation of restrictions on existing retail warehousing, anywhere else. To expect or require the proposals to be located elsewhere would be to enter the ‘artificial world’ which the Dundee ruling guards against.

Zurich vs North Lincs and Simons Developments (2012)

- 5.15** The High Court's decision in *Gunness* (Scunthorpe) confirms that *Dundee* applies in England. It also confirms, with the following wording, that if a decision maker is not convinced the sequential test has been satisfied, a balancing exercise is still required of positive and negative factors: *'The applicant having failed to persuade the officer that the sequential test is passed, the officer performs the exercise which he must perform to see whether the presumption of refusal...is outweighed by other material considerations'* and *'to determine whether the presumption is displaced, the extent and consequences of the breach of sequential provisions may be relevant.'* (see paragraph 46 of the judgment at **Appendix 15**). In other words, in such cases, the local planning authority is not required to automatically refuse permission, notwithstanding the wording of the NPPF.

Site Search Parameters

- 5.16** In light of the above, a proportionate sequential approach to site selection has been applied in this case, taking on board the relevant Court decisions and recent commentary contained within appeal decisions. The relevant centre is Barnsley town centre.
- 5.17** The overall aim and objective of the proposal is to provide the residents of Barnsley with a retail park facility of a scale and with a sufficiently broad offer, to offer a genuine local alternative to other attractive, largely unrestricted retail parks outside the Barnsley area. Central Barnsley lacks any such facility and that there is a chronic, pressing need for one quickly, evidence by the extremely high levels of comparison goods expenditure leakage.
- 5.18** Given the aim and objective of the proposal, particularly the scale of facility which would be necessary to have any chance of competing with the distant retail parks such as Cortonwood and Parkgate, the search parameters for the sequential test should be to look for large sites capable of accommodating a multi-unit retail warehouse scheme of at least six units totalling at least 9,290 sq. m (100,000 sq. ft) with appropriate car parking and servicing. It is crucial to note that even if such a site were available in the very short term, in a location which is suitable and without constraints to viability, the time it would take to negotiate acquisition, procure planning and detailed design and secure the pre-lets necessary to procure funding, would mean a developer simply could not deliver development in time to be able to meet the need to respond quickly to the forthcoming increase in competition.
- 5.19** In reality, the competition would have already been delivered and largely let. Furthermore, in the mature retail park marketplace, it is highly unlikely that a brand new retail park destination could be let successfully; this is all the more unlikely in this case, given that the competition at Cortonwood and Parkgate is building on established destinations which are already well

known and popular with retailers. The Peel proposal needs the relaxation sought as a matter of urgency simply to be in the game as an existing destination able to provide Barnsley with the means to take on the competition in seeking to attract new retailers.

5.20 Therefore realistically, a sequentially preferable site is one capable of providing at least 100,000 sq. ft of retail warehousing with convenient parking and servicing. At worst, sites that could provide three retail warehouse units and 2,330 sq. m of floorspace (approx 25,000 sq. ft - i.e. the size of the three units subject to the application).

5.21 A plan of the sites is included at **Appendix 11** and an assessment is included at **Appendix 12**.

Barnsley Town Centre AAP – Sites Allocated for Retail

5.22 The table below summarises the conclusions for the AAP sites. The references to each site are taken from Inset Map 4 of the draft Barnsley Town Centre Area Action Plan (2012).

Site	Available?	Suitable?	Viable?	Conclusion
AAP Site 2 – Town End/Race Street	×	×	×	Too small and irregular shaped . Mixed uses preferred.
AAP Site 4 – Westgate/Shambles Street	×	×	×	Not available, but sensitive historic surroundings indicate not suitable for retail warehouse development in any event.
AAP Site 8 – Transport Interchange and Harborough Hill Road	×	×	×	Earmarked for retail since mid 90s. Not suitable or viable.
AAP Site 9 – Midland Street/Kendray Street	×	×	×	Triangular site containing a multitude of existing uses and occupier interests. Not suitable, viable or available.
AAP Site 10 – Marketplace	×	×	×	Retail-led redevelopment has not proved to be viable or deliverable
AAP Site 11 – Land south of Jumble Lane	✓	×	×	Slim, irregular shaped site cut off from centre by railway line. Not suitable or viable. Alternatives such as car parking more appropriate
AAP Site 13 – Heelis Street/New Street	×	×	×	Foodstore already approved, but dubious availability. Topography renders unsuitable and unviable.

Table 5.1: Summary of Sequential Test Findings of Allocated Sites

- 5.23** None of the sites allocated for retail purposes within the Barnsley Town Centre AAP are likely to be delivered or become available within a reasonable timeframe to accommodate units similar to those at the Peel Centre. Furthermore, there are significant viability concerns in relation to whether a number 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

- 5.24** Notwithstanding and without prejudice to the above points, in order to provide a very high level of robustness, we have also looked at sites and vacant units theoretically capable of accommodating only the smallest of the Peel Centre's vacant units on its own (i.e. 472 sq. m), although for the reasons above, these cannot realistically or sensibly be considered suitable or viable to address the very clear need to the Peel proposal seeks to address.
- 5.25** There are just seven units within Barnsley town centre over 472 sq. m. The table below provides an assessment of each of the units in respect of the three tests.

Site	Available?	Suitable?	Viable?	Conclusion
V1 – 25-27 Church Street	✓	×	×	Former bank. Limited scope for conversion to retail. Not suitable or viable.
V2 – 60 Shambles Street	✓	×	×	Former office. Long term vacancy and part of larger redevelopment opportunity. Not suitable or viable.
V3 – 3-11 Peel Street	✓	×	×	The site is available but not suitable or viable
V4 – 7A Wellington Street	×	×	×	Former nightclub. Questionable availability, but not suitable or viable in any event.
V5 – 5-7 Metropolitan Centre	×	×	×	Part of cluster of units to be redeveloped as part of Marketplace scheme. Not suitable, viable or available.
V6 – 1 Lambra Road	×	×	×	To be redeveloped as part of Marketplace scheme. Not suitable, viable or available.
V7 – Alhambra Shopping Centre	×	×	×	To be redeveloped as part of Marketplace scheme. Not suitable, viable or available.

Table 5.2: Summary of Sequential Test Findings of Vacant Units

5.26 To summarise, none of the units identified as being available and over the set threshold are suitable and viable for the proposed development. The majority of the units are located within wider sites allocated for either mixed-use or retail development within the Barnsley Town Centre Area Action Plan, are insufficient in size to accommodate the proposal or would be economically unviable to undertake the required alterations to ensure the units are suitable for retail purposes. None of the units are available, suitable and viable for the proposed development.

Conclusion on the Sequential Test

5.27 The 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. Our conclusions for all of the identified sites are:

1. In the light of *Dundee*, none of the sites can be suitable for a proposal to meet a site specific need to amend conditions for vacant retail floorspace that already exists to enable it to be re-occupied.
2. None of the sites are suitable or viable for retail warehouse development in any event, especially given the overall aim and objective of the proposal, which is to provide the residents of Barnsley with a retail park facility of a scale and with a sufficiently broad offer, to provide a local alternative to other retail parks outside the Barnsley area.
3. 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.

6. Impact

Introduction

6.1 The relevant criteria against which impacts are considered are set out at paragraph 26 of the NPPF, which states that assessments are required for retail and leisure developments that exceed 2,500 sq. m (gross), are not in an existing centre and not in accordance with an up to date development plan, and 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.'*

6.2 Weight must be given to the fact that the NPPF is concerned with 'significant impact'. The Policy has been purposefully 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.

6.3 Given no new floorspace is proposed; and the total amount of floorspace affected of 2,330 sq. m, the scale of the proposal is below the NPPF threshold for when an impact assessment is required. The fact that the proposal is below the NPPF threshold when impact assessments are required is of itself especially germane. Given it is of a scale that would not even normally require an impact assessment, it is very unlikely that it could then be deemed to be of such a scale to cause significant harm. It follows that the impact is very unlikely to be significantly adverse.

6.4 It was agreed with the local planning authority following the pre-application scoping process that whilst an impact assessment is not required, that a proportionate assessment would nevertheless be provided for completeness and without prejudice. The relevant centre to consider is Barnsley.

1. Existing, committed and planned public and private investment

6.5 The principal scheme to be considered is the proposal for Barnsley Markets. As noted above, the permitted mixed-use development (ref. 2011/0714) will no longer be delivered, and revised plans for a broader range of uses with less retail are being explored by the Council.

Given the modest scale of the proposed change at the Peel Centre and given no additional floorspace is proposed, it is not considered realistic that the proposals would have any discernible effect on the Markets scheme.

2. Impact on town centre trade

6.6 The approach to assessing the trade diversion impact takes a conventional approach as follows:

1. Calculate existing and forecast turnover of existing centres and retail facilities based on current spending patterns, forecast population growth and expenditure change
2. Calculate the turnover of committed retail schemes and assess the impact of these on existing retailers
3. Repeat step (2) for the impact of the proposal.

6.7 In the case of step (1), the data has been taken from the NEMS shopping survey used to inform Turley's planning application at Stairfoot (ref. 2014/0075). The household survey was completed in September 2013 and was based on 1,000 households across a Study Area divided into eight zones. A plan of the Study Area is included at **Appendix 16**.

6.8 In commenting on impact, it is important to highlight that the percentage impacts shown are for comparison goods trade only. The turnover of the centres as a whole is significantly higher, as each of the centres in the study area contains a mix of convenience and comparison shops, as well as a range of services and other uses. The total turnover of each centre is therefore significantly higher than shown in the tables, which therefore overstate the overall impacts in trade diversion terms by focussing on comparison impact only.

6.9 Although the NPPF recommends that assessments are undertaken up to five years ahead, we have undertaken the assessment of potential impact at 2018 due to the information available to us. This would still allow for growth in population and spending and if we tested the development at 2019 (i.e. five years ahead) the level of expenditure available would increase again and the level of impact as a result would decrease. The test year therefore represents a robust worst case for testing.

6.10 The assessment is described below on a step by step basis. The empirical tables are contained at **Appendix 17**.

- **Table 1a: Population** – this shows the forecast population of the Study Area is forecast to increase by 8,785 between 2013 and 2018 to a total catchment population of 252,783.

- **Table 1b** - Comparison Per Capita Expenditure (£) – this shows the amount of expenditure available in each zone for all comparison goods categories. The expenditure per capita in Zone 2 (Barnsley) is £2,677 at 2013, rising to £3,400 at 2018. P
- **Table 1c:** Total Available Expenditure (£m) –The total for the study area is set to increase by 32% between 2013 and 2018 from £628m to £826m. Spending within Zone 2 (Barnsley) will rise from £125m in 2013 to £165m in 2018.
- **Tables 2a, 2b and 2c:** Turnover of the Proposal –Estimates the potential existing turnover of the units if they were occupied and then calculates the potential proposed turnover following the variation based on a robust sales density of £5,000 per sq. ml. The 'uplift' is estimated to be just £3.73m at 2013, rising to £4.08m at 2018: the equivalent of less than two percent (or around one months worth) of the forecast expenditure growth of £198m over the five year study period
- **Tables 3 and 4:** Comparison Market Share and Turnovers at 2013 and 2018 – These calculate the current market shares of the existing centres, solus retail units and retail parks within the Study Area. The turnovers for each respective retail destination are then calculated by multiplying the market share by the corresponding comparison expenditure for the relevant year and zone. Barnsley town centre has a total comparison turnover of £193.4m at 2013, rising to £254.4m at 2018.
- **Tables 5a, 5b and 6:** are working tables that apply weighting factors to calculate trade diversion. Destinations with similar characteristics to the application site (i.e. retail parks) receive a higher weighting to reflect 'like affects like' principles. These tables are used only for assessing the trade diversion of a proposal.
- **Tables 7a, 7b and 7c:** Pattern of trade diversion and trade draw to Proposal at 2018 – Table 7a demonstrates the proportion of the uplift in turnover arising from the proposed relaxation that will be drawn from each of the eight zones contained within the Study Area. The proportions are based on existing shopping patterns for retail destinations within Zone 2 (Barnsley). These proportions are then used to calculate the amount of trade that will be drawn from each destination from each zone. Table 7c then calculates the level of turnover following the trade diversion at 2018.
- **Table 8:** Impact of the Proposal – Table 8 then summarises the pre-relaxation turnovers, the level of diversion to the proposal and the post-relaxation turnovers for each of the destinations within the Study Area. The highest level of impact is estimated to be just 1.8% on Wombwell Lane Retail Park. The level of impact on Barnsley town centre itself is estimated to be just 0.5% at 2018. None of the impacts shown within Table 8 are significantly adverse.

Convenience Impact

- 6.11** The trade diversion assessment has been based on the assumption that the new retailers trading from the three units would be those selling comparison goods only to ensure a highest case assessment. The proposed condition as set out at paragraph 1.5 above would also allow up to 30% of convenience sales, which would enable occupation by branded discount operator such as Family Bargains, Home Bargains etc. Similar retailers already present in the area include the Range and B&M.
- 6.12** The maximum 30% allowance for convenience sales would not have a material impact on Barnsley town centre and does not alter the conclusions above for the following reasons:
1. The effect of a discounter occupying the unit and selling up to 30% convenience goods would in reality reduce the forecast turnover. A discounter would typically achieve a sales density of around £2,000 per sq. m², whereas the impact of the proposal as a whole has been tested on the basis of a higher sales density of £5,000 per sq. m.
 2. An increase in the convenience goods sales area would be offset by a commensurate reduction in the comparison goods sales area and turnover.
 3. The total potential turnover from convenience sales would be very modest, at around £1.1m.³
 4. It is unlikely that all three units will sell convenience goods.
 5. Even if all of the convenience turnover was diverted from Barnsley town centre (which is clearly not realistic), the impact would be very modest. Barnsley town centre is estimated to have a convenience turnover of £78.91m⁴ at 2018, so a diversion of £1.1m would equate to an impact of just 1.4% at 2018 on convenience trade, which is not considered to be significant. More realistically, the proposal would compete with convenience operators and similar stores at or close to the site (such as The Range and B&M referred to above) and therefore the impact on Barnsley town centre would be significantly less.

Summary

- 6.13** Given no new floorspace is proposed; and the total amount of floorspace affected of 2,330 sq. m, the scale of the proposal is below the NPPF threshold for when an impact assessment is required. Given it is of a scale that would not even normally requirement impact assessment,

² See for example the supporting retail statement prepared by MWA Planning Consultancy in support of the Section 73 application to enable B&M Homestore to operate from the former PC World unit on Old Mill Lane/Harborough Hill Road in Barnsley, just metres from The Peel Centre (application reference 2013/0912), where which explains at paragraph 5.7 that the average sales density for such stores range from £1,800 per sq. m to £2,200 per sq. m.

³ Calculated as 30% of net sales area (560 sq. m) multiplied by a typical sales density of £2,000 per sq. m

⁴ Figure taken from Table 8 of the Turley's Appendix 6 of the Stairfoot application

it is very unlikely that it could then be deemed to be of such a scale to cause significant harm. It follows that the impact is very unlikely to be significantly adverse.

- 6.14** There is no harm to committed or planned investment. We are not aware of any extant planning permissions or applications for large format retail development in Barnsley town centre which would be affected by the proposal. The proposals for Barnsley Markets are in a state of flux, with indications being that the Council will now focus on a deliverable scheme for a range of as appropriate uses, rather than the retail focused development previously proposals, which history has shown is not deliverable.
- 6.15** The clear evidence from the empirical assessment of trade diversion is that the proposal will not result in a significant adverse impact on the vitality and viability of the town centre. The impact of the proposal on town centre units is less than 1%.
- 6.16** The proposal therefore satisfies the requirement at paragraph 26 of the NPPF.

7. Economic Benefits

Introduction

- 7.1** Paragraphs 18 and 19 of the NPPF set out how the Government is committed to ensuring the planning system does everything it can to support sustainable economic growth and create jobs and prosperity accordingly. It states that ‘significant weight’ should be placed on the need to support economic growth through the planning system.
- 7.2** 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 environmental⁵.
- 7.3** 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.

Core Planning Principles

- 7.4** The NPPF sets out a number of Core Planning Principles that should underpin decision making in applications for economic development⁶. Below we assess the proposed development against the relevant Core Planning Principles:
- The proposal will enhance the shopping environment of the District by retaining existing retailers at the Park and attracting new retailers to Barnsley thereby improving the town as a place where people live their lives;
 - The proposal proactively drives and supports sustainable economic development by providing the type of accommodation sought by modern large format retailers. The proposal will allow the applicant to respond positively to wider opportunities for growth by greatly improving the prospects of vacancies at the Park being filled more swiftly by maintaining an attractive location for retailer investment;
 - The proposal will secure a good standard of amenity for all existing and future occupants of the site by facilitating full occupation;
 - The proposal will actively manage patterns of growth by meeting retailer demand for modern attractive retail premises. The Peel Centre forms part of the wider shopping

⁵ See Paragraph 7 of the NPPF

⁶ See Paragraph 17 of the NPPF

patterns of local residents and the application site is an accessible location by a various modes of transportation, including sustainable modes. Accordingly, the proposal will make the fullest possible use of public transport, walking and cycling, and focuses development in a sustainable location able to encourage much more sustainable patterns of shopping development than currently exist; and

- The proposal will assist in the delivery of sufficient services to meet local needs. The proposal will ensure that the site continues to meet the requirements of modern retailers thereby ensuring that retail services are retained on the site to meet local needs.

7.5 The proposal will:

- Facilitate inward investment at the Retail Park by investing in the three units (new fit out) to accommodate new retailers
- Deliver new employment opportunities, both construction and retail
- Facilitate the reoccupation of vacant floorspace and bring the units back into economically productive use
- Add to consumer choice by introducing new retailers to the local marketplace
- Enhance competition and retention of local expenditure

7.6 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.'

7.7 The retail sector is a significant contributor to employment and the economy in the UK. 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 10% (11,700 people)⁷, higher than the national average of 7.5%.

7.8 We conservatively estimate that the proposal could result in the creation of approximately 26 full time equivalent employment positions. The total figure could easily be considerably higher depending on the occupiers of the units. This has been calculated using the “Employment Densities Guide” 2nd Edition 2010, produced by Drivers Jonas Deloitte on behalf of the Homes and Communities Agency.

7.9 Due to the nature of retail employment, it is likely that a proportion of staff will work part time. The potential proportion of full-time and part-time employees has been calculated using the ‘Business Register and Employment Survey 2012’, produced by the Office for National Statistics. Based on retail employment figures it presents a breakdown of 42% full-time and 58% part-time employees. These ranges have therefore been adopted and it is estimated that the proposal will create at least approximately 11 full-time jobs and 30 part-time jobs.

7.10 Employment positions within the retail sector are considered to provide good opportunities to reduce long term unemployment levels due to the low barriers to entry and the flexible working options (e.g. part time, weekend or shift work). Retail employment can be particularly valuable for the following reasons:

- retailing is one of the main contributors to employment creation in areas where there has been loss of manufacturing employment;
- retail jobs are mainly created in accessible locations close to where people live;
- they provide job opportunities for a wide range of socio-economic groups including low income families, ethnic minorities and disadvantaged groups;
- the flexibility of retail jobs enables employees to fit their job around commitments including family and education;
- retail training programmes enable local people and school pupils to develop skills and improve their employability; and
- 95% of the part time retail jobs are permanent which provides job security for employees.

7.11 Retail employment is particularly important to both the employment of women, accounting for nearly 15% of the female workforce in the UK, and for people aged 16-24 years old who are still in education or just left education. For young people, retail employment is identified as

⁷ ONS data from Nomis website. Latest data relates to period to December 2013.

acting as financial support whilst continuing in education and acting as a gateway to other jobs. Increases in employment levels in deprived areas are known to increase spending in the area and generate further indirect and induced jobs.

- 7.12** 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.
- 7.13** 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.
- 7.14** The proposal will also deliver direct investment to the site in terms of shop fit and refurbishment for a new retailer.
- 7.15** 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 prosperity⁸, and should be afforded significant weight.

⁸ Paragraph 18 of National Planning Policy Framework

8. Summary and Conclusions

- 8.1 This Statement has been submitted in support of a planning application by Peel Property (Investments) Limited , to amend the retail goods restrictions that apply to three vacant units at the Peel Centre, Barnsley. It seeks to vary condition 1 of planning permission 05/1165/BA to read as follows:

Notwithstanding the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, with the exception of:

- (1) unit 7 (to be occupied as a leisure facility and sports goods retail premises); and*
- (2) units 3C, 5 and 6 (which may be used for any non-food retail purpose and for the sale of food from a maximum of 30% of the net sales area of any of these individual units);*

no unit shall be used for the retail sale (other than related to the principal use of the premises) of food; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority except where such goods are sold for use for animals.

- 8.2 The site is the closest Retail Park to the town centre in Barnsley. It is situated in a well established wider retail and commercial area, and forms an integral part of Barnsley's overall retail offer.
- 8.3 The report has reviewed planning policy for the site and the development proposed, and assesses the proposal against the relevant development management policies contained in national policy guidance relating to retail developments (NPPF) and the most relevant retail and town centre policies in the development plan documents for Barnsley.
- 8.4 The main conclusions of the report in relation to the NPPF and the relevant development plan policies are that:

- 1. The application site is an appropriate location for the development.** It is already an established large retail destination, allocated in the Development Plan for large format retailers and is accessible by a range of modes of transport.
- 2.** In the light of case law established by *Dundee*, sites in Barnsley town centre could not address the same requirement to enable existing vacant space at the Peel Centre to be re-occupied, in order to help provide Barnsley with a retail offer which can be a genuine

alternative to more distant retail park destinations . 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.

3. Given no new floorspace is proposed; and the total amount of floorspace affected of 2,330 sq. m, the scale of the proposal is below the NPPF threshold for when an impact assessment is required. It follows that the impact is very unlikely to be significantly adverse. Nevertheless, for completeness and robustness, an assessment has been undertaken. It shows that there is **no clear evidence that the proposal would cause any significant adverse impacts** on Barnsley town centre, principally because:
 - a. The forecast turnover uplift resulting from the proposal is just £4.08m at 2018
 - b. The trade draw impact of the proposal on Barnsley town centre at 2018 is likely to be £1.32m, which results in only a 0.5% impact
 - c. There is no harm to planned investment. The principal town centre opportunity, Barnsley Markets, is in a state of flux with a range of education based and non-retail led proposes now being explored by the Council. In any event, the proposal is of such a modest scale that it could not realistically have any discernible effect on the emerging Markets plans as a whole.
4. Retail destinations in the surrounding authorities of Sheffield, Rotherham, Doncaster, Wakefield and Kirklees, along with Leeds further to the north exert strong pulls on Barnsley's core catchment for shoppers. The strong pipeline of retail development in all of these authority areas, (not) countered by a relatively weak development programme committed within Barnsley itself, mean that the outflow of expenditure is only likely to increase without improvements within Barnsley to act as a counterweight. The longer those developments go unchallenged, the more shopping patterns will become embedded and the more difficult it will be to attract those shoppers back to Barnsley as a whole. Without further investment within Barnsley as a whole, the town will continue to lose out to its neighbours. The current proposals for the Peel Centre site, being the closest retail park to the centre of Barnsley, with existing retail floorspace that is ready to be brought back into beneficial use and accommodate retailers, is an opportune and necessary first step to begin to fight back.
5. The proposal will deliver other material benefits including:

- a. **Enabling investment** in the Retail Park in the form of refurbishment by new retailer tenants such as shop fit out works.
 - b. **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.
 - c. Improving the **retail offer, competition and consumer** choice for residents of Barnsley, in accordance with economic development objectives.
 - d. **Returning existing vacant units** to a beneficial use.
 - e. **Economic regeneration** of vacant retail units. Due to market demand there is little prospect of the units affected by the proposal becoming occupied if the application is refused.
 - f. **Promoting more sustainable shopping patterns** by improving choice within Barnsley itself and assisting in retaining expenditure within Barnsley instead of allowing the unsustainable ‘leakage’ of expenditure to surrounding centres and retail destinations to continue unchecked
 - g. Generating **new employment opportunities** at a range of skill levels and seniority
 - h. Generating **additional local spending** through increased wages
6. 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:
- a. 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
 - b. specific policies in this Framework indicate development should be restricted.

7. 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.
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 supported.