

**46-48 MARKET STREET BARNSELEY S70 1SN
PLANNING STATEMENT
25 MARCH 2009**

1.00 Introduction

- 1.01 This Statement has been written to support a planning application for change of use from use class A1 Shop to use class A2 Financial & Professional Services to enable use of the premises as a Licenced Betting Office.
- 1.02 The application also seeks consent to install a new shop front, 2 no. air condenser units, a satellite dish and new roller shutter doors with housing.
- 1.03 A further application for proposed signage will be submitted in due course if the current application is approved.

2.00 The Property

- 2.01 The property comprises a double fronted ground floor lock up shop with frontage to Market Street and return to Albert Street East.
- 2.02 The unit itself is set back from the street beneath a cantilevered concrete canopy. The first floor of the unit is set back over the rear part of the ground floor.
- 2.03 Concealed roller shutter doors are currently fitted to all shop fronts.
- 2.04 Market Street and Albert Road East are paved pedestrianised thoroughfares linking the West Way with Peel Square.
- 2.05 Market Street itself runs parallel with the primary shopping streets of Cheapside and Queen Street, and although benefiting from a high level of footfall, has a secondary feel, with only one multiple retailer and a significant number of independent traders.
- 2.06 Photographs of the unit as existing are included in Appendix 1.

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3.00 Planning History

- 3.01 A search of the LPA's database suggested there are no previous applications which are relevant to the current proposal.

4.00 Planning Policy Considerations

- 4.01 The extant Local Plan is the Barnsley Unitary Development Plan which was formally adopted in 2000.
- 4.02 The Proposals Map confirms Market Street lies within the Town Centre but is **not** classed as a Principal Shopping Frontage. The property itself is not subject to any specific allocation.
- 4.03 The southern most part of Market Street including frontage to New Street is classed as an Area of Comprehensive Retail Refurbishment but this does not include the subject site.
- 4.04 Volume 3 of the Written Statement relates to Barnsley Town Centre and para 1.4 confirms that the Town Centre needs *"to act as a focal point of wider provision of facilities for the community in service, shopping, leisure and cultural pursuits."*
- 4.05 Para 2.7 confirms that *"By adjusting policies it [the Plan] seeks to generate use and diversity without prejudicing the core strength of the centre."*
- 4.06 Policy TC6 relates specifically to ground floor frontages in the central shopping area and confirms:

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"A2, A3 and other non-A1 class uses will be considered having regard to:

- A) The location and prominence of the premises within the frontage*
- B) The number, distribution and proximity of other non-A1 premises or consents within the frontage*
- C) The proportion of vacant property within the frontage."*

4.07 The supporting text confirms the Council acknowledges the 'scope for greater diversity' in these areas but the need to ensure the policy *"does not produce areas that hold no attraction for shoppers."*

4.08 Further guidance at national level is also relevant to the proposal and is contained within PPS6 Planning for Town Centres (2005), which confirms diversity of uses in town centres makes an important contribution to a centres' overall vitality and viability.

4.09 The Statement also confirms that Local Authorities should promote growth, which should be accommodated by development, redevelopment, by conversions or by changes of use.

4.10 In addition Local Authorities should look at consolidating and strengthening centres by seeking to focus a wider range of services and promote the diversification of uses.

In addition, point 10.2.4 of the Ministerial Interim Planning Policy Statement – Clarification on Retailing and Town Centres (MMIPPS – 02/2005) confirms that;

"Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a diversity of uses in centres."

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5.00 Justification

5.01 We believe the proposed change of use from A1 shop to A2 financial and professional services satisfies both adopted local planning policy and the aspirations of established national policy.

5.02 The property is **not** located in the Principal Shopping Frontage and conforms to the criteria given in policy TC6 as follows:

- The proposed use, Class A2 is a permitted use within the town centre.
- Whilst the unit is located on a corner of Market Street we would suggest that it is not unduly prominent, being set back below a concrete canopy and also at a higher level than the adjacent walkway on Albert Road East.
- The property is, furthermore, located in the southern part of Market Street which is distinctly secondary in feel and where the majority of other units have been allowed to move to non-retail use.
- The property is bounded to the north by a significant retail frontage from no.'s 44-16 Market Street, and is faced by further large retail units at no.'s 31 and 23 Market Street. We enclose in Appendix II by way of illustration in a street survey undertaken in March 2009, which clearly illustrates the current uses in the street.
- Change of use will enable the unit to be bought back into beneficial use and contribute once more to the activity in the street.
- We enclose as Appendix III property particulars from Messrs King Sturge confirming the property has been offered on the open market since October 2007. To date no viable offers have been received from retail occupiers.

5.04 Our street survey confirms that **eight** units on the street are currently vacant, offering significant choice to retail operators who might wish to relocate to this area.

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- 5.05 If permitted, Coral will undertake a high level of refurbishment and fit out to enhance the appearance of this part of the street.
- 5.06 A betting office can also offer significant levels of footfall to further enhance the vitality and viability of the shopping frontage.
- 5.07 We enclose by way of example in Appendix IV a Pedestrian Count Survey for a secondary thoroughfare in Pitshanger Lane.
- 5.08 The survey clearly shows the high number of visits to the betting office which, moreover, is open all day and part of the evening thereby generating more continual activity than say a restaurant or late night takeaway which tend to be open only in the evening.
- 5.09 We are aware members of the public do sometimes have concerns about the operation of a betting office and have therefore enclosed a Licencing Statement in Appendix V which explains how a betting office is strictly regulated and controlled by statute.
- 5.10 We would ask you to note that the proposed use is strictly non-alcohol related and is not associated with any noxious smells or fumes as no food is offered on the premises.
- 5.11 We hope therefore we have illustrated above why a betting shop would be an attractive and appropriate use for this vacant unit and you will therefore be able to support the proposed change of use and associated works.



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Appendix 1

Photographs of the Unit as Existing

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Frontage to Market Street



Frontage to Market Street and Return to Albert Street East



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**View Looking North along Market Street with
Unit on Right Hand Side**



**View Looking South along Market Street with
Unit on Left Hand Side**





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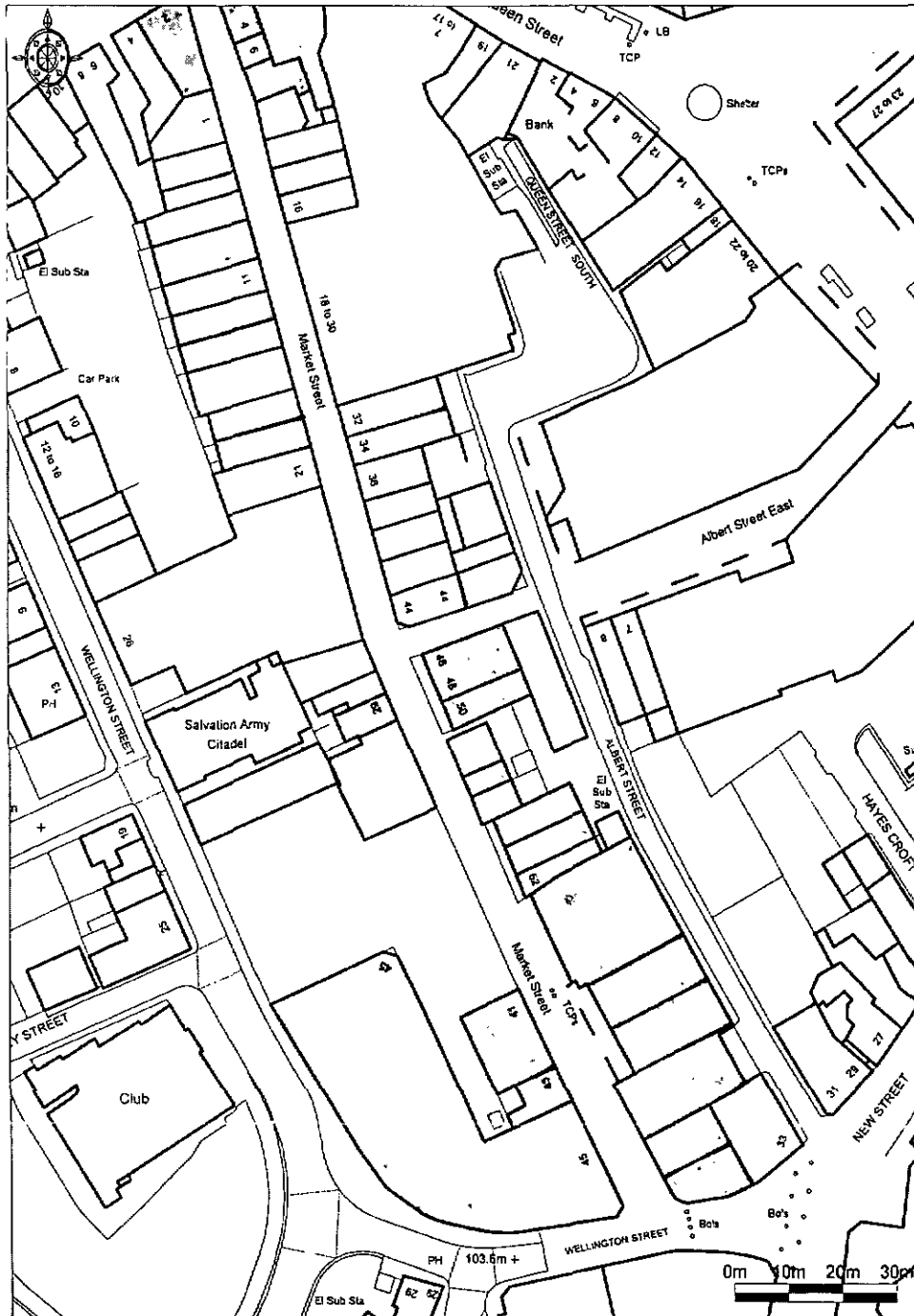
Appendix II

**Street Survey of Existing Uses Undertaken
In March 2009**

48 MARKET STREET
BARNSELEY
S70 1SN



STREET SURVEY
MARCH 2009



Enabled by
Ordnance Survey

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RETAIL
NON-RETAIL
VACANT



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Appendix III

Property Particulars from King Sturge dated October 2007



TO LET 48 MARKET STREET BARNSELEY



LOCATION

The property is situated fronting the busy Market Street in Barnsley town centre close to **Marks & Spencer**. Other surrounding retailers include **Thomson, Gamestation and Brightouse**.

DESCRIPTION

We understand the property provides the following approximate net areas:-

GF Sales	118.77 m ²	(1,278 ft ²)
FF Store	36.62 m ²	(394 ft ²)
FF Kitchen	3.23 m ²	(35 ft ²)

TERMS

The premises are available by way of an assignment of the existing 10 year lease from 2 May 2005. There is a rent review in May 2010.

RENTAL

The passing rent is £44,000 per annum exclusive.

RATEABLE VALUE

We have been informed by the local authority that the property has a rateable value of £43,250.

LEGAL COSTS

Each party to bear its own legal costs incurred in the transaction.

VAT

VAT if applicable will be charged at the standard rate.

VIEWING

Strictly by appointment through the sole letting agents King Sturge.

Alex Mayor

Tel: 0113 235 5254

Email: alex.mayor@kingsturge.com

Dominic Bouvet

Tel: 0113 235 5218

Email: dominic.bouvet@kingsturge.com

SUBJECT TO CONTRACT

DETAILS PREPARED OCTOBER 2007



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Appendix IV

Pedestrian Count Survey for Pitshanger Lane District Centre

PEDESTRIAN COUNTS - PITSHANGER LANE DISTRICT CENTRE						
FRIDAY 27 TH FEBRUARY						
	11.00 to 12.00	12.00 to 13.00	13.00 to 14.00	14.00 to 15.00	15.00 to 16.00	TOTAL
NEWSAGENT						
72 Pitshanger Lane	16	20	18	12	16	82
BETTING OFFICE						
76 Pitshanger Lane	8	10	12	16	10	56
PET SHOP						
80 Pitshanger Lane	10	12	10	8	6	46
GREEK RESTAURANT						
84/86 Pitshanger Lane	1	6	9	2	NIL	18
SATURDAY 28 TH FEBRUARY						
	11.00 to 12.00	12.00 to 13.00	13.00 to 14.00	14.00 to 15.00	15.00 to 16.00	TOTAL
NEWSAGENT						
72 Pitshanger Lane	34	32	28	18	10	120
BETTING OFFICE						
76 Pitshanger Lane	11	18	18	24	13	84
PET SHOP						
80 Pitshanger Lane	8	14	10	15	10	57
GREEK RESTAURANT						
84/86 Pitshanger Lane	2	4	10	2	nil	18



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Appendix V

Licencing Statement



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1.00 INTRODUCTION

1.01 Coral Estates are aware considerable concern and misunderstanding still exists amongst the general public about licensed betting offices and the facilities which can be offered as part of their service.

1.02 This brief statement has been prepared to try and address these concerns by outlining how the licensed betting offices (LBO's) are licensed and regulated.

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2.00 THE REGULATION OF LICENSED BETTING OFFICES

2.01 Gradual deregulation of LBO's has been occurring since 1985. A variety of changes have been introduced which now permit bookmakers to offer refreshments; sell newspapers; provide seating for customers and watch live television pictures. The change most noticeable to members of the public occurred in the 1990's when bookmakers were allowed to "open up" their previously obscured window frontages, enabling passers by to see the activity within.

2.02 Despite these changes, betting offices remain a regulated industry, controlled by statute. The Betting Licensing Committee of the Local Authority are responsible for the grant or refusal of Betting Offices Licences.

2.03 The Committee has three statutory grounds to consider when dealing with an application:

- To keep crime out of gambling;
- To ensuring that gambling is conducted fairly and openly;
- To protect children and vulnerable people from being harmed or exploited by gambling.

2.04 In addition, an applicant must hold an Operators Licence which is granted by the Gambling Commission.

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- 2.05 The Committee can ask the applicant for undertakings to provide certain facilities, such as toilets for disabled users (although this type of provision is usually covered through other legislation or the planning / building regulation process). If any undertaking(s) are breached by the applicant, the licence can be revoked at any time.
- 2.06 The profile of customers using LBO's continues to evolve, with increased numbers of women using the facilities since deregulation, largely for betting on lottery type events.
- 2.07 The licence prohibits entry to the LBO to anyone under the age of 18. If a bookmaker is found to be in breach of this condition, his or her permit can be revoked, thereby disallowing them from operating a Betting Office.
- 2.08 In addition, staff are trained to question individuals who appear to be under the age limit. In reality, under age use of Betting Offices is rarely a problem for the industry.

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3.00 THE PROPOSED PREMISES

3.01 Coral Estates will be applying to the Betting Licensing Committee for permission to operate a Licensed Betting Office at the subject premises.

3.02 The subject premises are sufficiently large to meet the requirements of the modern Betting Office and will allow provision of disabled access, customer toilets, refreshments, separate staff area and rest room.

3.03 As has been stated above, concerns over the operation of a Betting Office can be raised with the appropriate Licensed Betting Committee. Coral do adhere to industry guidelines and best practice, and seek to make their units modern, attractive and comfortable, thereby forming part of a modern centre's amenities.