

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 73 APPLICATION

BY

CDS (SUPERSTORES INTERNATIONAL) LTD

UNIT 1

PEEL CENTRE RETAIL PARK

DRYDEN ROAD

BARNSELY

S71 1JE

FURTHER INFORMATION IN SUPPORT

OF

APPLICATION No. 2020/0909

November 2020

MWA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Tel:

Email:

[REDACTED]
[REDACTED]

CONTENTS	Page
1.0 INTRODUCTION	3
2.0 IMPACT ON THE ROLE, FUNCTION AND CHARACTER OF THE RETAIL PARK	5
3.0 COMPLIANCE WITH THE SEQUENTIAL ASSESSMENT	6
4.0 RETAIL IMPACT ON BARNSELEY TOWN CENTRE	12

Appendices:

Appendix [1] Copy of planning permission No. 2015/0987.

Appendix [2] Plan showing proposed location of food and drink sales within The Range.

Appendix [3] CoStar report on vacant units within Barnsley Town Centre.

Appendix [4] Tables relating to the retail impact assessment.

1.0 INTRODUCTION

- 1.1 Following the submission of App. No. 2020/0909 which seeks a variation of condition No. 6 imposed on planning permission No. 2012/0146 dated 10th April 2012 to permit the sale of food and drink goods from up to 250 sq.m. net from within Unit 1 9The Range).
- 1.2 The Council has also drawn our attention to a latter permission No. 2015/0987 dated 3rd October 2016 which is attached as **Appendix [1]**. Condition (3) imposed on that permission states:

Not more than 1,394 sq.m. of net sales area in total, across all of Units 1A, 1B and 1C, 2, 2A, 3A, 3B and 3C, 4, 5, 6 and 8, may be used for the retail sale of food and drink (in relation to Units 3C, 5 and 6 that being (if applicable) in addition to any area permitted by A(2) above, which shall not be taken into account in calculating the net sales area permitted by this paragraph).

- 1.3 The retail park contains two retailers selling food and drink goods: The Food Warehouse and Quality Save. We have calculated the areas within these two units¹, and this is set out in Table 1.1 below.

Table 1.1: Food and convenience goods sales

Retailer	Gross Floorspace sq.m.	Net (sales) Floorspace sq.m. ²	Net Convenience Floorspace sq.m.	Net Food and Drink Floorspace sq.m.
The Food Warehouse	920	828	124	704
Quality Save	920	828	207	401
Total	1,840	1,656	331	1,105

- 1.4 Consequently, having regard to condition No. 3 we believe that approximately 1,105 sq.m. of the net sales area capable of being used for the sale of food and drink goods. This would provide a balance of 289 sq.m. net which is potentially available for supporting the sales of these goods within The Range. Since we have not been able to corroborate these figures within the retailers directly, we have nonetheless proceeded to examine the position in the event that the 1,394 sq.m. net of food and drink sales should be increased by a further 250 sq.m. but permitted only within Unit 1, the Range store
- 1.5 The Council has therefore requested that consideration should be given to:
- Whether the variation would adversely affect the role, character, and function of the retail park
 - Whether the proposal complies with the sequential test to the location of main town centre uses

¹ We have not been able to corroborate these floor areas with the landlord or the retailers directly.

² Assumed to be 90% of gross.

- The impact on the vitality and viability of Barnsley Town Centre.

- 1.6 These matters are addressed in this statement. However, it is relevant to note that the proposal is directly linked to the existing permitted retail use of the unit and in terms of the sequential approach to site selection, is therefore 'locationally specific' as confirmed within paragraph 012 of the NPPG 'Town Centres and Retail' (ID: 2b-012-20190722). The floorspace cannot be disaggregated from the rest of the unit, which provides a format consistent with the company's business model. Seeking the provision of the ancillary food/drink goods within or on the edge of the town centre, would not meet the same operator or customer need. Thus, the application site is considered to be the most sequentially preferable to accommodate the proposal. In view of the unexpired lease which lasts until October 2031, the company would not seek to relocate the entire store on the basis of a request to sell food and drink goods from up to 250 sq.m., not least because the application site is accepted as being an appropriate location for a main town centre use and the retail park is acknowledged to be an appropriate location for the sale of food and drink goods. The Range has an established locational requirement for the application site and the requirement to innovate and adapt its market development, is fully recognised within paragraph 012 of the NPPG.

2.0 IMPACT ON THE ROLE, CHARACTER AND FUNCTION OF THE RETAIL PARK

- 2.1 The proposal seeks permission to use up to 250 sq.m. net of existing retail space within Unit 1 for the sale of a limited range of food and drink goods. This area is shown on the plan attached as **Appendix [2]**. It is relevant to note that no increase in the retail area within the store would occur. Rather, the proposal would 'displace' existing non-food goods. In addition, it would be a bespoke solution, relating to Unit 1 only and would be conditioned accordingly.
- 2.2 The application accords with the company's business model, which is to seek where appropriate, the sale of a limited percentage of food products, mainly frozen, non-perishable items into their stores. The area used for the sale of food will be comprised of the following main elements:
- Freezer cabinets
 - 2 chiller cabinets selling a limited range of perishable, items including cheese, meat, and dairy products
 - A range of ambient, non-perishable tinned and packet goods
 - A small selection of non-alcoholic and alcoholic beverages
 - A limited range of household goods such as soap, loo rolls, toothpaste, and similar products.
- 2.3 In order to enable the company to provide their full product range within The Range store, permission is sought for the sale of **food and drink** from up to **250 sq.m. net**. This represents 7.2% of the floor area associated with The Range store (3,468 sq.m. gross). It would not involve any material change to the operation, character, and function of The Range store and consequently there would be no material change to the role, character, and function of the retail park.
- 2.4 In this context it is relevant to note that the food and drink goods sold within The Range will be sourced from Iceland. The company's relationship with Iceland is that the latter supplies certain goods to The Range which is then sold in the company's stores, using its own freezers and staff. All of the sales go through the main tills and there are no separate tills within the area used for the sale of Iceland supplied products. It is in effect a "wholesaler supplier" arrangement which applies to all the branded goods sold in our stores. Iceland has no financial or operational interest in the sale of the food goods other than acting as suppliers to The Range. Since the goods are supplied by Iceland, the latter has agreed that its branding can be applied to the area within The Range unit. But Iceland is not involved in staffing, running, or benefitting from the sales other than on a wholesale basis.
- 2.5 Iceland of course already operate from the retail park under its out-of-centre format The Food Warehouse. The goods sold in The Food Warehouse are Iceland products and consequently the 'impact' of introducing a range of similar products with The Range store, can have no material impact on the role and function of the retail park as a whole. Not least because the sale of goods within The Range store would remain in accordance with the existing permission No.2015/0987.

3.0 COMPLIANCE WITH THE SEQUENTIAL TEST

1. Introduction and the adopted approach

- 3.1 Notwithstanding our comments in paragraph 1.6 of this statement, we have followed the advice in paragraph 86 of the Framework which requires LPAs to apply the sequential test to planning applications for main town centre uses that are not in existing centres or in accordance with an up to date development plan. Paragraph 011 of the Guidance sets the context for applying the sequential test. It states:

'It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.'

- 3.2 Paragraph 011 also contains a checklist of considerations for the sequential test. The concluding third bullet at Paragraph 010 is clear: if there are no suitable sites in sequentially preferable locations then the sequential test is passed. Suitable sites must be sites that are available and appropriate for the given proposal. Appropriate sites include available sites that can accommodate the proposal with regard to flexibility being applied to the proposal concerned.

- 3.3 In summary, applying the sequential test means:

1. First assessing whether there are any available sites that are suitable in sequentially preferable locations
2. Acknowledging the market and locational requirements of the uses concerned
3. Ensuring the assessment is proportionate and appropriate to the given proposal
4. Being flexible to demonstrate whether more central site have been fully considered

- 3.4 In interpreting the need for flexibility³ the Supreme Court in *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13⁴ held that in defining the term 'suitable' reference should be made to the design of the developer's proposal subject to the demonstration of flexibility and realism. It was held that the issue of suitability must be directed at the developer's proposals and not to some alternative scheme which might be suggested by the Local Planning Authority. In other words, any assessment must reflect the fact that a retail operator operates in the real world.

- 3.5 The principles underpinning the suitability of an alternative site was also discussed in the case of *R (on the application of Zurich Assurance Ltd T/A Threadneedle Property Investment v North Lincolnshire Council* [2012]⁵. At paragraph 62 of the judgement⁶ the Court⁷ held:

³ The judgment remains relevant since it deals with the concept of flexibility which is retained within NPPF 2019.

⁴ Although applying to a case in Scotland, Inspectors in England often refer to this judgment in assessing the suitability of alternative sites for retail development.

⁵ EWHC 3708 (Admin).

⁶ 20th December 2012.

⁷ Justice Higinbottom.

"Working in the real world, the committee were entitled (and indeed, bound) to take into account the evidence that any arrangement in which Marks and Spencer used the TJ Hughes unit (the only available unit in Scunthorpe town centre) would not be commercially viable, and that, because of that lack of viability, Marks and Spencer would not locate to Scunthorpe town centre in the event that this Application for the site was refused."

- 3.6 These judgments established two principles when interpreting and applying planning policy.
1. Decision makers cannot interpret planning policy in any way they chose, subject only to the limits of rationality. Interpretation of planning policy is a matter of law and policy statements should be interpreted objectively in accordance with the language used, read always in its proper context (Lord Reed, paragraph 18 in *Tesco Stores Ltd*).
 2. In assessing whether a town centre site was 'suitable' this refers to the suitability of sites for the development specifically proposed (paragraph 25 of *Tesco Stores Ltd*).
- 3.7 The Secretary of State for Communities and Local Government ('SoS') allowed an appeal for an out-of-centre retail proposal that he called in for his determination⁸. The appeal raised matters similar to those raised in this application and provides the Government's view on how it expects the sequential test should be applied. Paragraph 24 of The Framework⁹ which applied at the time, required LPAs to apply the sequential test to planning applications for main town centre uses that are not in existing centres or in accordance with an up to date development plan. Paragraph 24 advised that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale¹⁰. Unlike its predecessor, Planning Policy Statement 4, there is no requirement within the NPPF¹¹ for applicants to demonstrate scope for disaggregation. This change in policy was confirmed by the Secretary of State in agreeing with the Inspector's reasoning in the case at Skew Bridge Ski Slope, Northampton Road, Rushden and is retained within the recent revised version of the NPPF. In this decision the Inspector stated, and the Secretary of State agreed that:

"A related submission concerns the difference between national policy as now stated in the NPPF and as previously stated in PPS4. The last sentence of NPPF [24] states that "Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale". This contrasts strikingly with what was said previously in PPS4 in Policy EC15.1 at (d) (iv) and 15.2 which contained an explicit requirement for disaggregation. There is no longer any such requirement stated in NPPF [24]. These words cannot be read so as to imply that a major, and extremely controversial, part of previously stated national policy lives on by implication in the NPPF. Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word "disaggregation" at the end of NPPF [24]."

- 3.8 The effect of the decision is that the Government's view on the sequential test is:

⁸ Appeal Reference APP/G2815/V/12/2190175

⁹ Now contained within paragraph 87 of the NPPF (2019)

¹⁰ This is retained within paragraph 87 of the NPPF (2019)

¹¹ Either in NPPF1 (2012) or NPPF3 (2019)

1. It relates entirely what is proposed by the application, and whether it can be accommodated on an actual alternative site.
2. The *Dundee* case is legally binding.
3. The question is whether an alternative site is suitable for the proposed development, not whether a proposal could be altered or reduced to be made to fit the alternative site.
4. The proposal as a whole needs to be considered and should not be disaggregated.
5. The sequential test is only concerned with sites that are available within a reasonable period of time.

3.9 Therefore, the principal issue is whether there are there any suitable sites within the primary catchment area of the store which are available within a reasonable period and can meet the same market and locational requirements to provide floorspace for the scheme as proposed i.e. the entirety of The Range store. It is clear from the above Secretary of State and other appeal decisions there is no requirement for the applicant to consider the disaggregation of food/drink goods. The sequential test relates entirely to the store as a whole provided that an element of flexibility is exercised on issues such as format and scale, any potential sequential sites should be considered only in terms of whether they could accommodate The Range, in its entirety.

3.10 The sequential assessment has been completed in the context of The Range's business model. The Range has a minimum floorspace requirement in this location of 2,800 sq.m. gross with on-site car parking. The larger stores typically have 65,000 product lines across 16 departments including DIY, homewares, furniture, lighting, arts and crafts, garden products including a garden centre. The existing store also benefits from a garden centre extending to 927 sq.m. and this is also an integral component of the company's business model.

3.11 We have undertaken a sequential assessment and have adopted the following minimum thresholds for assessing the suitability or alternative premises/sites applying flexibility in format and scale. This assumes that no garden centre is provided.

Table 4.1: Sequential site parameters

Unit	Minimum floor area sq.m. gross	Minimum site requirement
The Range	2.800	1.0ha

3.12 Since the Range typically seek to re-use existing space as is this case, and since the company does not normally develop its own stores¹², the company would not consider constructing a new unit in or on the edge of the town centre. The following points are therefore relevant in applying the sequential test:

- CDS (Superstores International) Ltd are not developers and do not build their own stores.
- They do not redevelop existing previously developed or greenfield sites.

¹² The exception is in Plymouth where the company is constructing a new Range store. However, this is in conjunction with the development of a new national headquarters at Derriford.

- Their primary focus is on re-occupying and re-profiling existing second-hand retail space which has become or is becoming redundant to the former or existing occupiers.
- The company requires the ability to sell both bulky and non-bulky non-food goods as well as ancillary food products from a minimum of 2,800 square metres. This is approximately a 30% reduction if the garden centre is excluded.
- A demised at grade customer car park of an appropriate size is required directly adjacent to the retail unit to allow the safe and direct transfer of goods from store to customer vehicle, in particular for the purchase of bulky goods.
- The company requires the provision of an outside area to store trolleys.
- The provision of the majority of the main sales area on a single, ground floor level is required to facilitate trolley shopping and the transfer of bulky goods purchases from store to customer modes of transport.
- The Range stores do not typically trade from existing city, town, or district centres.
- The company favours locations on retail parks, with good accessibility to the strategic highway network and/or in close proximity to other retail warehouse operators providing customers with an ability to compare goods and prices.

3.13 Barnsley Town Centre is the largest centre within the catchment and has formed the focus for assessing alternative sites.

1. Available premises within Barnsley Town Centre (see Appendix [3])

BTC	Suitability considerations
1.	Individually the units within the town centre are not suitable in meeting the requirements of The Range which sells in the order of 65,000 items. Operating from two or more stores including one around 350 sq.m. which involves the total gross area associated with the proposal, would reduce rather than increase the efficiency of the company. This has a bearing not only on the inherent attractiveness and sustainability of allowing the display of a larger number of items under a single roof, but it also reduces the costs and overheads which we address under viability.
2.	The company has been increasing the number of products (but not the range of comparison goods) within each goods category. This means that the display areas have been increasing. The company has estimated based on an analysis of the town centre and the proposed catchment that a minimum of 2,800 sq.m. gross within a single store, is required. If this were split between two buildings more rather than less space would be required because of the inherent inefficiencies of trading from a range of units and the duplication and triplication of non-sales space which would arise. This will apply particularly to retailers selling bulky durable goods such as DIY, furniture, carpets, and domestic appliances. All of these goods are sold by The Range. Separating a proportion of

	the goods to be sold such as food, including the planned mezzanine and garden centre as part of a second store or disaggregating other items would lead to a reduced retail offer. Moreover, separating out a separate unit just to accommodate the proposed food sales would also be unsuitable and not reflect the company's evolving business model.
3.	The Range seeks to maximise the areas available for product display and to ensure that customers are able to move freely around the store. The core concept is based on 'cross-selling and dual-sighting' of products. If the products were split between more than one location, the benefits to both the retailer and the customer fail to materialise. The company did try and operate four separate units in Plymouth. However, trading levels were significantly reduced reflecting the fact that they were not attractive to the customer. Subsequently the company has closed two units. The productivity of the operation remains below company norms because of the generally unsuitable trading format and split sites. This would be contrary to the Government's desire to secure competition between retailers and enhanced consumer choice. None of the town centre units therefore offer a realistic proposition for The Range.
4.	There is no scope to extend any of the outlets or to insert mezzanines to achieve viable trading levels. The company were able in respect of an 1,858 sq.m. gross unit in Bristol, fortunate in being able to add a mezzanine floor after it ran into trading difficulties. However, the store at 2,787 sq.m. gross (one of the smallest in the company's portfolio) still barely makes an operating profit. In the case of the town centre units, there would be no scope to increase the sales area or create a multi-storey development.
5.	Trading from more than one unit would require separate leases with different landlords. The timing, terms and renewal of the leases are likely to be materially different and it is possible that some landlords would seek to extract considerably more favourable terms knowing that the company needed to trade from more than one unit.
6.	Delivery schedules and frequency would be increased reflecting the smaller size of the store. In addition, it might be necessary to seek to reduce the size of delivery vehicles given the difficulty in accessing some of the smaller units.

BTC	Viability considerations
1.	The markedly reduced trading area would provide limited ability for the company to display even one of its main product ranges. It would not be suitable for the sale of its bulky items because of the limited space, generally cramped and unattractive internal layout, and inability to trade from more than the ground level. In turn this would have a materially adverse impact on its overall trading levels and profitability. Each store within the company's portfolio is operated as a profit centre. The company does not trade on the basis that one store would subsidise another. Therefore, operating from two units or more in the town centre would require each store to achieve profitable levels within a specified period. Failure to achieve satisfactory trading levels would lead to closure as in the case of Plymouth.
2.	In the latest available year, the Range achieved a net operating margin of 6.1%. For a comparison goods retailer this is a relatively small margin. It is particularly low compared with 'High Street' retailers such as Marks and Spencer, Next, River Island, and John Lewis. These retailers also generate significant higher sales densities (typically in excess of £5,000 sq.m.) and are able therefore to sustain the much higher rents demanded by landlords in town centre locations. In contrast The Range generates sales densities comparable with many retail warehouse operators but not town centre uses. Disaggregating the food offer will reduce rather than increase the sales density (as confirmed by the company's trading performance in Bristol which is from a single store of below ideal size).

3.	Increased operational costs from operating at more than one site would be substantial. This would relate to a duplication of employment opportunities with each store requiring individual managers and assistant managers together with sales, office, IT, warehouse, and maintenance employees. IT and infrastructure costs would increase.
4.	It would reduce the identity and attractiveness of the brand again impacting upon the overall turnover and therefore profitability of the unit.
5.	Trading from more than one unit would require separate leases with different landlords. The timing, terms and renewal of the leases are likely to be materially different and it is possible that some landlords would seek to extract considerably more favourable terms knowing that the company needed to trade from more than one unit.
6.	The company's approach to retailing is to offer value for money items at low prices. As the company has confirmed this means that it is very sensitive to any increases on overheads. Renting town centre premises is appreciably higher than space in out of centre locations. When coupled with the narrow net margins, lower sales density relative to High Street retailers, price elasticity, and higher overheads, the units would not be commercially viable and would we believe ultimately lead to the outlets failing to achieve even the minimum net margins required for profitability. In this context it is of course necessary to recognise the importance of achieving the net margin because this is required to sustain the company's existing position and growth in the future.

3.14 The Range would not seek to comprise its wider business model by relocating into sub-standard premises, particularly if this failed to provide scope for a garden centre. Additionally, the company has an unexpired lease of around 11 years. This would either have to be surrendered to the landlord at significant cost or a sub-let agreed with another tenant. However, the latter is implausible given the state of the out of centre retail market with comparable operators such as B&M already trading in the locality. Company's such as B&M Retail Ltd and Home Bargains would in any event require a greater proportion of food and drink goods to trade from the premises.

4.0 IMPACT ON BARNSELEY TOWN CENTRE

(i) Introduction

- 4.1 Policy TC1 of the Barnsley Local Plan (2019) outlines the Council's support to maintain and enhancing the vitality and viability of the town centre as well as district and local centres. It states that an impact assessment will be required in accordance with Policy TC3. We note however, that this policy sets various floorspace limits with a 2,500 sq.m. gross limit applied to proposals falling within the catchment area of the town centre. For local centres, the limit is 500 sq.m. gross or greater. In respect of this proposal, the total gross floorspace involved with the scheme is 350 sq.m., with 100 sq.m. of back up space provided within the warehouse in the form of two chiller/cold stores. Thus, on the basis of Policy TC3 there is no requirement for an assessment.
- 4.2 Nonetheless, we note the comments of the Inspector (K Savage) in respect of an appeal involving a A3/A5 drive-thru unit on the retail park and the relevance of Policy TC1 in seeking to protect the town centre.
- 4.3 Paragraph 017 ID: 2b-017-20190722 of the National Planning Practice Guidance 'Town Centres and Retail' (2014) provides advice on how the impact test should be used in decision taking. It should be proportionate to the scale of development proposed and ideally applicants should agree the scope and key impacts and level of detail required, prior to an application being submitted.
- 4.4 Paragraph 018 ID: 2b-018-20190722 sets out factors which should be considered in undertaking an assessment:
- establish the state of existing centres and the nature of current shopping patterns (base year)
 - determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur
 - examine the 'no development' scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure);
 - assess the proposal's turnover and trade draw (drawing on information from comparable schemes, the operator's benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw)
 - consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact)
 - set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues
 - any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences for the vitality and viability of existing town centres
- 4.5 The NPPG notes that as a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector. Retail uses tend to compete with their most comparable competitive facilities. It also notes that where wider town centre developments or

investments are in progress, it will be appropriate to assess the impact of relevant applications on that investment. Key considerations are identified as including:

- The policy status of the investment (i.e. whether it is outlined in the Development Plan).
- The progress made towards securing the investment (for example if contracts are established).
- The extent to which an application is likely to undermine planned development or investments based on the effect on current/forecast turnovers, operator demand and investor confidence.

4.6 When assessing the potential trading effects, it is important to note that the NPPF (paragraph 90) advises that permission should be denied only where there is a 'significant adverse impact on one of more of the considerations set out in paragraph 89 i.e.

- a) The impact of a proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of a proposal; and
- b) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

4.7 In assessing whether a scheme is likely to have a significant adverse effect it is necessary for such a decision, to be based on evidence. In relation to an appeal in Derby (APP/C1055/A/11/2161815), the Inspector at paragraph 116 of the DL opined that:

"To justify an objection to the proposal it is not sufficient to simply suggest that there will be an impact. There is no persuasive evidence of such a significant impact that would be likely to undermine the vitality and vitality of the city centre trade/turnover and trade in the wider area, arising from the appeal proposal."

4.8 In relation to impact on **planned investment**, the Secretary of State for Communities and Local Government ('SoS') allowed an appeal for an out-of-centre retail proposal that he called in for his determination¹³. Paragraph 8.60 of the Inspector's report stated:

"NPPF [26] requires an assessment of the impact (if any) of the proposal on 'existing, committed and planned public and private sector investment' in a centre. That requirement is quite straightforward, only investment that has been made, and been committed or is planned warrants considerations. There appears to be general agreement that 'existing' investment is to be taken as a reference to investment that has already been made and that 'committed' investment is that which is contractually committed (private) or subject to resolution (public)'.

(ii) Impact methodology

4.9 Having regard to the limited floorspace involved we have adopted in accordance with the NPPG, an appropriate level of assessment.

¹³ Appeal Reference APP/G2815/V/12/2190175

1. Estimated convenience goods turnover of The Range

- 4.10 Table 2.1 sets out the estimated turnover of The Range in respect of food/drink goods.

Table 2.1: Design year turnover of The Range (2023)

Goods	Net (sq.m.)	Assumed sales density £'s sq.m.	Turnover £ms
Food/drink	250	£7,500 ¹⁴	£1.88

- 4.11 The proposal to sell food within The Range store is an entirely new concept which is being trialled by CDS. At the present time until trials of the new products have been established the company has no plans to roll the sale of these products nationally. The majority of the floorspace will be devoted to frozen products. The company estimates that the proposed floorspace will trade at £7,500 sq.m. in 2023¹⁵. This provides a potential total design year turnover of £1.88m. We have not sought to reduce the comparison goods turnover of the store as a consequence of the loss of an equivalent amount of retail space.

2. Existing shopping patterns

- 4.12 The Barnsley Town Centre Retail Study 2014 prepared by England and Lyle remains part of the Council's evidence base. Appendix 8 of the study provides the convenience goods turnover of the town centre in 2012. This is set out in **Appendix [4]**. The study estimated that the town centre attracted 5.1% of the total convenience goods expenditure within the study area based on the 5 zones defining the catchment area. The town's convenience goods turnover was estimated to be £75.37m.
- 4.13 Table 2 at **Appendix [4]** sets out the town's comparison goods turnover in 2012 which was estimated to be £202.26m

3. Future convenience goods shopping patterns

- 4.14 We have assumed as the 2014 study does under Scenario 1 that the town centre maintains a constant market share of convenience goods to 2023 which is adopted as the design year for assessing impact.

4. Trade draw based on market share

- 4.15 Table 2.2 sets out the market penetration rate of the town centre's convenience goods and the proposal.

¹⁴ Based on 2017 prices. The retail study adopts a 2006 price base. Appendix 4b to Experian Retail Planner Briefing Note 16 (December 2018) would require a reduction of 32% in order to reflect a comparable, constant (2006) price base. However, we have maintained the £7,500 sq.m. to assess a worst case.

¹⁵ Assumes sale of food and drink will commence in 2021 and 2023 assumes settled trading year.

Table 2.2: Predicted convenience goods impact in 2023 based on total study area

Total Convenience goods expenditure available in 2023 within study area	£530.98m ¹⁶
Total convenience goods turnover of existing food stores in the town centre	£75.37m
Market Penetration Rate (MPR)	14.2%
Proposed convenience goods turnover within The Range in 2023	£1.88m
Market Penetration Rate (MPR)	0.35%
Impact on MPR of existing town centre food stores in 2023	$14.2\% \times 0.35\% = 0.05\%$
Trade diversion based on reduction in MPR for existing food stores in 2023	$0.05\% \times £530.98m = £0.26m$ $£0.26m / £75.37m =$ 0.34%

- 4.16 Thus in 2023 the impact on the town's convenience goods turnover would be 0.35%. Putting this in context the 2014 study estimates that the town centre in 2023 would achieve a comparison goods turnover of £278.81m (assuming constant market share). This the impact on the town centre's total turnover would be around 0.1%.

5. Assessment of Impact

- 4.17 This broad-brush assessment indicates that there would be no material harm to the vitality and viability of the town centre. The impact would fall proportionately on out of centre food stores and the two food retailers on the retail park. Thus, there is no evidence to indicate a conflict with Policy TC1.

¹⁶ Table A: Capacity Analysis, Barnsley Town Centre, England and Lyle, 2014