September 2015

Retail Statement

Peel Centre, Barnsley

Planning applications for the following proposed retail developments:

1. **Variation of Condition 1 of Planning Permission 05/1165/BA and Condition 7 of 88/0294/BA to allow a wider range of goods to be sold from Units 1a, 1b, 1c, 2, 3a, 3b, 4 and 8 as follows:**
    a. **The sale of any non-food goods**
    b. **Up to 15,000 sq. ft for the sale of food and drink**
2. **Full planning application for the erection of a new retail unit on the Range garden centre site**

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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 series of planning applications at the Peel Centre on Harborough Hill in Barnsley. The applications represent a significant investment at the Peel Centre in delivering a new retail unit and relaxing existing planning controls on the retail use of the site so that it has the flexibility to compete with the ongoing investments and expansions of ever-improving out-of-centre schemes outside Barnsley.

1.2 The objective is to create a planning framework for the site that will enable Peel to respond more quickly to problems such as tenant administrations, attract new retailers and ensure the Peel Centre remains a viable and attractive retail destination. The Peel Centre is located in central Barnsley and although it is not edge-of-centre in planning policy terms, it is the closest retail park in Barnsley to the town centre and there is clear evidence of good levels of linkage with the Town Centre. By improving the retail offer at the Peel Centre, the proposal will help the town as a whole to compete with and claw expenditure back from other retail destinations outside of Central Barnsley.

The Proposal

1.3 The proposal comprises three separate panning applications summarised as follows

Goods variation

1.4 The proposed goods variation will affect Units 1a, 1b, 1c, 2, (proposed new unit) 2a, 3a, 3b, 4 and 8 and will allow:

a. The sale of any non-food goods
b. Up to 15,000 sq. ft for the sale of food and drink (1,394 sq.m)

1.5 The retail use of Unit 1 (a, b and c) is currently restricted by Condition 7 of 88/0294/BA.

1.6 The retail use of Units 2, 3a, 3b, 4 and 8 is restricted by Condition 1 of Planning Permission 05/1165/BA.

1.7 We propose the following replacement condition for the above permissions:

'The retail units shall be used for the sale of non-food goods only, other than:

a) *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)*
b) *In addition to (a), up to 1,394 sq.m for the sale of food and drink in any single unit or across several units.*

Infill unit

1.8 A new unit measuring around 977 sq. m is proposed on The Range garden centre site located immediately to the east of the unit. It is shown on drawing reference MH973-01 as Unit 2a.

1.9 An application has recently been submitted to provide a new garden centre at the western side of The Range unit (ref. 2015/0552). The relocated garden centre provides an opportunity to develop a logical infill to the existing units on the current garden centre site. The new unit would be subject to the same retail use condition described above.

Main Issues

1.10 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). The assessment will also have regard to the National Planning Policy Framework (NPPF) as a material consideration, together with the National Planning Policy Guidance which sets out how the policies of the NPPF should be applied in practice. The NPPF sets out the Government's planning policies for all forms of economic development, including retail.

1.11 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 and suitable 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

1.12 Prior to the submission of this application the details of the proposal were discussed with Barnsley Council planning officers through a pre-application process. The scope of the retail assessments was agreed during pre-application discussions as follows:

- The parameters of the impact assessment were agreed
- The sites to be assessed as part of the sequential approach were agreed

Structure of the Statement

1.13 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 Barnsley town centre. A small number of variations have previously been permitted to support the re-occupation of Units 3c, 5 and 6 and individual units to be occupied by Pets at Home and Argos.
- **Section 3.0: Public Consultation:** Provides details of the public consultation that was carried out at the pre-application stage.
- **Section 4.0: 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 Peel Centre is allocated in the UDP for large format comparison retail.
- **Section 5.0: Existing Town Centre Performance and Shopping Patterns:** Assesses the overall vitality and viability of Barnsley town centre. It also provides an assessment of current shopping patterns, highlighting a healthy level of linked trips between the Peel Centre and Barnsley town centre and a very high and unhealthy level of leakage of non-food spending from Barnsley's core catchment area out to more distant retail facilities, a trend which is likely to worsen as investments continue at competing retail destinations such as Cortonwood (Rotherham) and others.
- **Section 6.0: The Sequential Approach:** Provides an assessment of whether there are any alternative sites, in or edge of centre, that are suitable and available to accommodate the proposal, focussing on Barnsley town centre and the sites allocated within the Development Plan for retail development. The conclusion is that there are no such sites which satisfy the policy tests of availability and suitability (incorporating viability) and that the proposal therefore passes the sequential test.

- **Section 7.0: Impact:** Assesses the potential impact the proposal could have on the vitality and viability of Barnsley town centre and also on committed and planned, public and private investment coming forward in the town. The overall conclusion is that the proposal would not have a significant adverse impact on the centres within the catchment area.
- **Section 8.0: 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 by providing a centrally located alternative to other more distant retail parks which currently have a broader retail offer.

1.14 Our overall **Conclusions** at **Section 9.0** are as follows:

1. The proposal accords with relevant policies set out in the NPPF and the development plan. In particular, the application accords with the following:
    a. The Adopted Barnsley UDP and Core Strategy.
    b. NPPF.

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 central 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.

1.15 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.

1.16 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 A site location plan showing the Peel Centre in its context is included at **Appendix 1**.

2.2 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.

2.3 At ground floor level, the Retail Park 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 / PC World	1,858 sq.m
9	Pizza Hut	307 sq.m

***Figure 2.1** Current occupiers*

2.4 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.

2.5 To the north of the site is partly vacant retail warehousing, and a vacant yard area. 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.

2.6 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.

2.7 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*

Connectivity with the town centre

2.8 The Peel Centre 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 2**. Despite not being edge-of-centre in NPPF terms, it is well connected to Barnsley town centre and offers linkage opportunities, including on foot.

Linked trips

2.9 An exit survey was undertaken by CACI between 16 July and 22 July 2012 at the Peel Centre. 554 respondents were surveyed in the exit survey. A copy of the report is included at **Appendix 3**. The results of the survey show that around **23%** of trips to the Peel Centre are linked with the town centre. By any reasonable and objective measure this is a very beneficial level of linkage with the town centre.

Distances

2.10 Walking distances between the Peel Centre and various town centre locations are shown in the table below:

Category	Destination	Metres (approx)
Train	Nearest Train Station	1,000
	Barnsley Interchange	1,000
Town Centre	Peel Square	1,300
	Townsend Roundabout	1,700
	Alhambra Roundabout	1,000
	St Mary's Church	1,100

Figure 2.3: *Distances from the Peel Centre to locations in central Barnsley*

2.11 While the NPPF defines suitable walking distance as 800m, it is evident from the CACI survey information above that the Peel Centre is in close enough proximity to the town centre for linked trips to take place on foot, as the survey evidence shows that links are occurring. Even if some of those links are by private car, they will still have a positive effect on overall levels of activity in the town centre. Certainly the propensity for linked trips to occur between the Peel Centre and the town centre is significantly greater than between competitor retail parks and the town centre, as the competing parks are significantly more remote.

Walking times

2.12 We have also measured walking times from the Peel Centre to some town centre locations to further demonstrate the opportunities for linked trips to take place on foot. The journeys and times are as follows:

- It takes approximately eight and a half minutes to walk from the gyratory crossings up Old Mill Lane and Eldon Street to reach the transport interchange.

- It takes approximately 10 minutes to walk from the Peel Centre to Eldon Arcade and the Civic Theatre.
- It takes approximately 11 minutes to walk from the junction of Peel Square and Market Hill to Peel Centre (across railway crossing to A61).

Relevant Planning History

2.13 The relevant planning history is as follows. Copies of the permissions are contained at **Appendices 4 to 7.**

1 Planning Permission was granted for Unit 1 (a, b and c) on 16 June 1988 (ref. B/88/0294/BA). Condition 7 states that that the unit shall not be used for the sale of food.

2 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.

3 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).

4 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:

'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'

5 On 6 August 2009 planning permission was granted for '*Use of Unit 4, The Peel Centre, for catalogue retail sales and the installation of a mezzanine floor (941 sq m gross)'* . The application enabled Argos to trade from Unit 4 (ref. 2009/0714). There are four conditions attached, Conditions 2 and 3 state:

'2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision in any statutory instrument revoking and re-enacting the Order with or without modification, the premises shall only be used by a catalogue showroom retailer for sale and display of items listed within their catalogue. The following exceptions to the items that can be sold from the catalogue shall apply: pharmaceuticals, hot or cold food, groceries, sweets, alchoholic and non- alchoholic drinks, tobacco, magazines and newspapers, for which there shall be no sales permitted whatsoever.

3) The sale and display of goods shall only take place on the ground floor of the premises and there shall be no retail sales or display of goods from the mezzanine floor whatsoever. The mezzanine floor shall be used for the ancillary storage of items by the catalogue showroom retailer referred to in condition 2 only and for no other purpose.'

6 On 8 September 2014 a further variation of Condition 1 of planning permission: 05/1165/BA was approved. It allowed the sale of any non-food retail and a maximum of 30% of net sales area to be used for the sale of food for Units 3C, 5 and 6. The varied condition states:

'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:

a) unit 7 (to be occupied as a leisure facility and sports goods retail premises); and

b) 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'.

3. Public Consultation

Introduction

3.1 Ahead of submitting the planning applications Peel carried out a public consultation exercise to engage with the community and gauge local opinion on the proposed developments. This section provides details and the results of the public consultation. It demonstrates a significant level of support for the Peel Centre proposals.

Law and policy on community engagement

3.2 Planning guidance states that pre-application consultation with local communities, local authorities and statutory consultees can bring a number of benefits to the process of determining planning applications. Against this background, Peel has sought to consult with interested parties, in accordance with policy and guidance, in relation to community involvement in the planning system.

The Localism Act 2011

3.3 The Government has stated its intention to hand power back to communities on planning decisions. The Localism Act 2011, which received Royal Ascent on 15 November 2011, states:

'Empowering communities to do things their way – by creating rights for people to get involved with, and direct the development of, their community.'

National Planning Policy Framework (NPPF)

3.4 Paragraph 188 of the NPPF relates to pre-application engagement. It states:

'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'

Postal survey

3.5 The public consultation scheme carried out by Peel comprised a postal survey postal. A leaflet questionnaire was posted to approximately 300 local addresses. A copy of the leaflet questionnaire is included at **Appendix 8**. Please note that the parts of the leaflet questionnaire which refer to a discount foodstore proposal on an adjacent site will inform a separate proposal.

3.6 The areas covered in the survey are shown below:



Figure 3.1: *Plan showing the survey area for the public consultation*

3.7 A total of 46 responses were received to the survey. A copy of all of the responses is included at **Appendix 9.**

3.8 The results are summarised as follows:

1. **Do you support proposals at the Peel Centre to:**

    a. **Allow the sale of any non-food goods from the existing units and up to 30,000 sq. ft of food and drink?**
    Yes=33
    No=13

    b. **Deliver a new discount foodstore?** (relates to a different proposal)
    Yes=32
    No=14

    c. **Provide an additional unit on the Range Garden Centre site? (the garden centre will be relocated)**
    Yes=32
    No=13
    N/A=1

2. **Would you use a discount foodstore at the Peel Centre?** (relates to a different proposal)
    Yes=31
    No=15

3. **What other retailers, or types of retailer, would you like to see at the Peel Centre**?
    Full responses in the attached, comments include:

TK Maxx	HMV	Toys-r-us
Lidl	Next	Debenhams
WH Smith	Mothercare	McDonalds
Primark	Matalan	Yo Sushi
M&S	Aldi	KFC

3.9 The results of the public consultation demonstrate support for the proposals and general retail development at the Peel Centre. In addition, the results show that local residents are keen to see a wider range of retailers at the Peel Centre, particularly fashion retailers, the majority of which would be unable to trade at the Peel Centre at present due to the onerous retail goods planning conditions.

4. Relevant Planning Policy

Introduction

4.1 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

4.2 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)

4.3 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

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

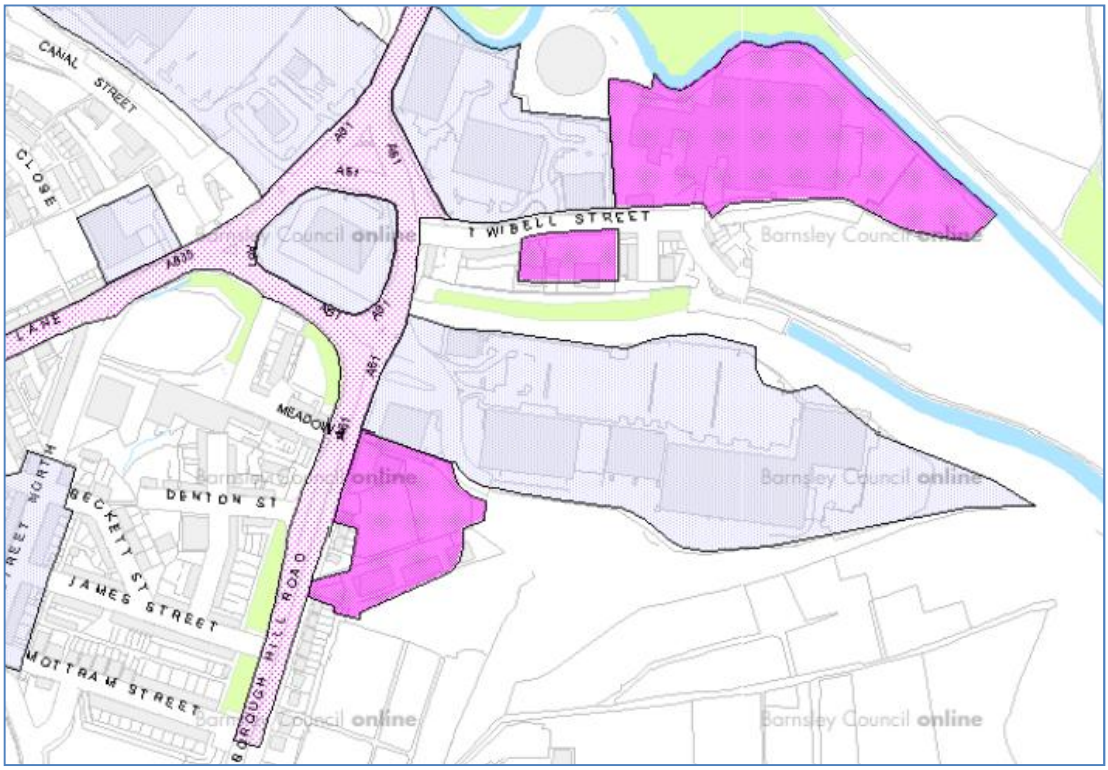

Figure 4.1: *Excerpt from Barnsley UDP*

4.5 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'*

4.6 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 proposal and the policy's intention to limit the ranges of goods that can be sold, the variation applications will not create any new floorspace, so it is arguable that strictly the policy does not apply to the these variation applications.

4.7 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.

4.8 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 third criterion will be met as the site is accessible by a choice of means of transport.

The Barnsley Core Strategy (September 2011)

4.9 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.

4.10 Policy CSP31 relates to centres. It states:

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

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

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

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

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus

development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of Planning Policy Statement 4'.

4.11 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

4.12 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.

4.13 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.

4.14 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].

4.15 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.

4.16 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.

4.17 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

4.18 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.'*

4.19 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)

4.20 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.

5. Existing Town Centre Performance and Shopping Patterns including linkage between the Peel Centre and Barnsley Town Centre

Introduction

5.1 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 is recognised as a sub-regional centre within the wider region.

5.2 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. This section also therefore highlights the benefits of clear linkage of trips between the Peel Centre and the Town Centre.

The Barnsley Area Action Plan (AAP) Consultation Draft 2012

5.3 The Barnsley Area Action Plan (AAP) Consultation Draft 2012 provides the Council's latest summary of the 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.

5.4 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 and consequent leakage of spend to, the nearby centres of Leeds, Sheffield (including Meadowhall), Wakefield and Doncaster.

Mix of Uses

5.5 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.

5.6 Barnsley also has an indoor market which opens five days a week (Monday, Tuesday, Wednesday, Friday and Saturday) from 8.30am until 5pm. An open market is held every Tuesday, Wednesday, Friday and Saturday.

5.7 The table below is based on the latest data available from Experian Goad. It summarises the mix of uses in the town centre.

Use	Number of Units	% of Total (462 units)	National Average	Floorspace (sq.ft)	% of Total (1,189,900)	National Average
Comparison	143	31%	32.38%	386,300	32.5%	36.08%
Convenience	35	7.6%	8.47%	203,700	17.1%	15.09%
Retail Services	60	12.99%	14.22%	71,800	6%	7.44%
Financial & Business services	47	10.2%	10.79%	96,800	8.1%	8.16%
Leisure	107	23.2%	22.50%	236,000	19.8%	23.3%
Vacant	69	14.9%	11.32%	194,900	16.4%	9.2%

***Figure 5.1**: Town centre composition*

Source: Experian GOAD survey at 19 May 2014

5.8 The vacancy rate is around 3 percentage points above the national average, at 14.9% compared with 11.32% 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 with many in predominantly non-retail or secondary shopping areas of the town centre which are, by their nature and definition, marginal and/or unsuitable for retail use. The plan below shows the location of the vacancies at the time the centre was surveyed:



***Figure 5.2**: Town centre vacant units based on a Goad Plan surveyed on 19 May 2014*

Better Barnsley (Markets)

5.9 The principal potential town centre redevelopment scheme is the Better Barnsley town centre regeneration scheme. Planning permission 2015/0549 was granted on 8 July 2015 for:

'Outline application with all matters reserved comprising of a mixed use development of Barnsley Markets and adjoining land following demolition of existing offices, bridge, part of existing market hall and multi-storey car park to provide a replacement refurbished retail /

market floorspace, new retail / food and drink (Use classes A1, A3, A4), a cinema (Use Class D2), a library (Use Class D1), and new public open space, access road and associated servicing arrangements, car parking and a pedestrian footbridge across the adjacent railway to the site of the former CEAG building.'

5.10 The intention is that the outline permission will underpin the future regeneration of the town centre through delivering up to 38,000 sq.m of refurbished floorspace broken down as follows:

- Up to 12,000sqm of refurbished retail / market floorspace (Metropolitan Centre) to re-establish Barnsley as a Market Town
- Up to 30,500sqm of new retail / food and drink (Use classes A1, A3, A4)
- Up to 4,500sqm of cinema (Use Class D2)
- A 3,000sqm public Library (Use Class D1)
- New public open space / public realm
- Closure of Jumble Lane railway crossing in lieu of a new pedestrian footbridge across the railway towards the approved CEAG surface car park.
- Associated access road, parking and servicing arrangements

History of the scheme

5.11 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.

5.12 The Markets project was originally granted outline planning consent by the Council in 2006 (2006/1082). 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.

5.13 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.

5.14 A fresh approach was then 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

5.15 The Cabinet Report envisaged 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

5.16 The Report helped inform the new proposals that were submitted by the Council and approved in early July 2015. However what is clear is from the ten years that make up the background of the scheme, is that it has not been straight forward to identify a scheme with substantial elements of retail and leisure that is deliverable at the site. It is therefore surprising that the currently approved scheme includes such high levels of these land uses.

5.17 The application was made in outline, with all matters reserved and no information that any major retailers or developers are lined up to deliver this very ambitious scheme are currently in the public domain. The committee report for the application implies that details are still some way off, stating that:

"the details within the submission would, in effect, become a guiding masterplan that would help shape and inform future Reserved Matters submissions."

5.18 It is important to note though that the Cabinet report does confirm the reality that whatever the content of the final scheme, the period up to 2017 will not see any delivery of any additional retail floorspace. The nature of progress so far, in the form of a programme for demolitions, suggests that by December 2015, certain sites will have been cleared, with clearance of the multi-storey car park, markets office and TEC building to follow on from February 2016. There is no timescale for delivery of redevelopment of these sites for retail, although Council announcements state that some of the non-retail elements will be delivered over the next two years (new landscaped square is due to be finished in 2016 and the revamped market hall, shopping boulevard and new central library in early 2017). This is a key fact particularly when applying the availability element of the sequential test.

Shopping Patterns

5.19 The levels of expenditure leakage to other centres and retail parks outside the Borough from residents of Barnsley is 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 outside the area 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 for 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. Again it should be noted that even if additional retail space is to be delivered under the Better Barnsley initiative (and it is clear from the events of the last 12 years there can be no certainty at all that any will) it will certainly not be before 2020.

5.20 We have reviewed the household survey information included with Sainsbury's application for a foodstore at Stairfoot, planning application reference 2014/0075, to convert the B&Q DIY store to food retail, which was approved by the Council on 10 October 2014, but which Sainsbury's have subsequently publically stated they will not deliver due to changes in their

new store requirements. This survey 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 5.3**: Summary of Comparison Goods Shopping Patterns within the Study Area*

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

5.21 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.

5.22 The evidence form the Council's July 2014 Retail Study shows a similar pattern of high levels of expenditure leakage with Barnsley town centres market shares from the five survey zones being just 33.3%.

Retail Vision Assessment of Spending Flows

5.23 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.

5.24 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. The Retail Vision data and methodology is included at **Appendix 10.**

5.25 The model indicates that Barnsley's primary catchment (i.e. the area from which Barnsley town centre draws 50% of its trade) is relatively small and confined to the areas immediately surrounding Barnsley town centre.

5.26 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.

5.27 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).

5.28 The clear evidence is that Barnsley is losing very high and unhealthy levels of spending to competitor towns and other facilities. In planning terms this is having very clear negative consequences, not least in economic and sustainability terms.

Threats – Increasing Competition

5.29 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, compounded by a relatively weak development programme committed within Barnsley itself, means that the outflow of expenditure is likely to increase without improvements in the short term within Barnsley to act as a counterweight. The longer those developments outside the area go unchallenged by new developments and/or changes to the retail offer of Central 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.

5.30 As part of the retail assessment for the goods widening application at the Peel Centre in 2014 (ref. 2014/0663), we provided a schedule of recently completed or soon to be delivered major developments in neighbouring authorities that would put additional pressure on Barnsley. An update of that table is provided below:

Map Ref.	Local authority	Key schemes	Gross floorspace	Status / update
1	Sheffield	Meadowhall - 12/01017/FUL	5,678 sq.m (Next Home & Garden store)	The Next Home and Garden store opened in December 2014.
2	Sheffield	Betafence Wire Factory Site, Lock House Road - 13/01682/FUL	37,261 sq.m (Ikea)	Construction of the store soon to commence.
3	Sheffield	Sheffield Retail Quarter, Wellington Street - 15/00097/EIA (Scoping request)	Large-scale mixed use development providing retail units including a 16,939 sqm department store and up to 9, 400 sqm of food & drink floorspace.	Scoping request submitted 1 June 2015.
4	Rotherham	Cortonwood - RB2012/1615	Six unrestricted non food retail units totalling 9,177 sq.m	A revised application was approved on 12 September 2014 for eight non-food retail units totalling 13,584 sq. m (ref. RB2014/0612).
5	Rotherham	Parkgate - RB2013/0915	New foodstore and three new retail warehouse units totalling 4,318 sq.m	Due to open summer 2015.

6	Doncaster	Wheatley Hall Retail Park - 14/00335/FULM	4,205 sq.m expansion for Next and new M&S Simply Food.	M&S opened in May 2015, new Next store will open later in 2015.
7	Wakefield	Land adjacent Park Road the M62 Stainburn Avenue & Spittal Hardwick Lane - 14/01440/OUT	Large scale stadium-led mixed-use development including a 6,503 s.qm foodstore, non-food retail including a 7,246 sqm Next Fashion Home & Garden store with garden centre, two non-food units totalling 13,006 sq.m and 1,486 sq.m of Class A3 floorspace	Approved in February 2015.
8	Kirklees	Gas Works Street / Leeds Road - 60/94438/W2	Mixed-use development including leisure uses and 4,644 sq.m of retail	Approved 17 June 2014
9	Leeds	White Rose - 13/01640/OT	11,500 sq.m of additional retail and leisure floorspace	Opened in Summer 2014
10	Leeds	Thorpe Park - 12/03886/OT	18,112 sq.m of new retail floorspace as part of wider mixed-use development	
11	Leeds	Victoria Gate - 13/02967/FU	37,160 sq.m of new retail and leisure floorspace, including a new John Lewis store	Construction started in March 2015
12	Leeds	2 Bridge Road, Kirkstall - 103274/FU	16,619 sq.m non-food retail units forming a retail park scheme	Approved October 2014. Construction started October 2014.
13	Leeds	Trinity Shopping Centre, Leeds	92,903 sq.m of new retail and leisure floorspace	Opened in march 2013

Figure 5.4: *Table of Competing Schemes*

5.31 The table shows that the pipeline and delivery of new retail development in Barnsley's neighbouring authorities continues to grow inexorably. Strengthening competition close to

Barnsley will be convenient and attractive to Barnsley residents and will further embed and increase unsustainable and economically harmful spending outflows. Conversely, the development pipeline within Barnsley itself is modest, with the only major comparison retail scheme currently proposed being the Better Barnsley scheme that was granted planning permission on 8 July 2015 (ref. 2015/0549). However, the history of the site suggests that the deliverability of the scheme in the short-term is uncertain.

5.32 It is important that the Council proactively seeks in the short term to support developments that improve the town's retail offer and bring more visitors to locations in and around central Barnsley. The first choice location for such improvements is the town centre, but as the 10 year efforts to deliver the Marketplace (Better Barnsley) project have shown, that is not always feasible within a 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 proposal for the Peel Centre site, being the closest retail park to the centre of Barnsley, including existing retail floorspace that is ready to be brought back into beneficial use and other existing space which with a flexible planning consent could be better asset managed to improve the retail offer, 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.

5.33 In respect of the ability to compete with Cortonwood and Parkgate, it is crucial to understand that certain types of retailers that Barnsley currently lacks will only go into new locations if they are able to co-locate with other similar retailers. This means that Peel needs to able to demonstrate that it has planning consent for a full range of retailers across the retail park.

6. Sequential Test

Introduction

6.1 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 requires 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…"

6.2 It follows that proposals or opportunities for development of retail and other main town centre uses outside defined centres can and indeed should be supported provided it can be demonstrated they accord with sustainability objectives.

6.3 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 to a significant extent 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 this part of 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 the proposal as a whole.

6.4 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 in the right format and at the right time. That is the essence of paragraph 23 of the NPPF.

6.5 The sites to be considered were agreed with the Council ahead of submission as part of the pre-application scoping exercise. The criteria used to assess whether the agreed sites are commercial criteria that examine the availability, suitability and viability as follows:

- **Availability** – Whether sites are available. It should be noted that the NPPF requires that to be sequentially preferable, a potential alternative site must be "available" not "available within a number of years" as previously indicated in the cancelled Practice Guidance on Need, Impact and the Sequential Approach. This is confirmed by the Secretary of State in his decision in June 2014 on a called in application at Rushden Lakes (Appeal Ref: APP/G2815/V/12/2190175 see **Appendix 11**).
- **Suitability** – Whether a site could be developed for the proposal having regard to the requirement to demonstrate flexibility and whether the site is suitable to accommodate the specific need or demand the proposal is intended to meet[1].
- **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.

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

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

6.7 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 12**):

'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.'

6.8 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)

6.9 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.'

6.10 A copy of the Cortonwood decision is included at **Appendix 13.**

6.11 Similarly, in the case of the current Peel proposal, it is a means of achieving flexibility of retail use in order to secure a more diverse and attractive retail offer, together with the ability to deliver additional, similarly flexible retail warehouse space. The objective is to be able to further develop and asset manage the Peel Centre in a way that enables its critical mass to be optimised in a way that enables it to provide more effective Centrally located, local competition (in the eyes of both potential new retailers and shoppers) to other retail parks such as Cortonwood and Parkgate. 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)

6.12 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 14**). In other words, in such cases, or for that matter cases where there will be a significant adverse impact, the local planning authority is not required to automatically refuse permission, notwithstanding the wording of the NPPF. Instead, the LPA MUST undertake a planning balance to weigh any conflict with sequential or impact test against any benefits.

Secretary of State Decision, application by LXB RP (Rushden) Limited at Land adjacent to Skew Bridge Ski Slope, (Ref: APP/G2815/V/12/2190175)

6.13 A copy of the decision is contained at **Appendix 11.**

6.14 At paragraph 15 the Secretary of State concludes *'Furthermore, having regard to the arguments put forward by the Inspector at IR8.44-8.48, the Secretary of State agrees with his conclusion at IR8.48 that the sequential test relates entirely to the application proposal and whether it can be accommodated on an actual alternative site (e.g. a town centre site)...it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and format of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.'*

6.15 In understanding the Secretary of State's conclusions, it is useful to refer to paragraph 8.46 and 8.57 of the Inspector's report which state:

'It is important to bear in mind that the sequential test as set out in the NPPF require applications for main town centre uses to be located in town centres and it then runs through the sequence, edge and then out-of-centre. This makes good the very simple point that what the sequential test seeks is to see whether the application i.e. what is proposed, can be accommodated on a town centre site. There is no suggestion here that the sequential test means to refer to anything other than the application proposal. So Dundee clearly applies to the NPPF.'

'A related submission concerns the differences 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 the NPPF. It is no answer to this to refer to the words "such as" in the last sentence of 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.'

6.16 It is extremely clear from the above Secretary of State and other very recent appeal decisions that with or without named retailers, there is no requirement at all for the applicant to consider the disaggregation of the individual elements of the scheme. The sequential test relates entirely to the application proposal as a whole; it is not a question of whether a materially reduced or otherwise different scheme can in theory be pursued on other sites. 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 complete application proposal. In this case, the entire proposal is necessary to deliver the flexibility of use and ability to further add to the critical mass of the Peel Centre so it can compete more effectively in providing Central Barnsley with a retail park which is a genuine local alternative to the better offer of more distant retail parks.

Site Search

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

6.18 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 there is a chronic, pressing need for one quickly, evidenced by the extremely high levels of comparison goods expenditure leakage.

6.19 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 9,325 sq. m 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, secure 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.

6.20 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 relaxations sought and the delivery of an additional unit as a matter of urgency simply to be in the game as an existing destination able to diversify and expand to provide central Barnsley with the means to take on the competition in seeking to attract new retailers.

6.21 The sites to be included in the sequential approach were agreed during pre-application discussions with the LPA. Plans of the sites included in the sequential approach are included at **Appendix 15,** and a detailed assessment is included at **Appendix 16.**

Barnsley Town Centre Sites from the Local Plan Consultation Draft 2014

6.22 The table below summarises the conclusions for the sites included in the Local Plan Consultation Draft (2014). Only sites with retail proposed have been considered. The references to each site are taken from Inset Map 4 – 'Development Sites' of the associated town centre plan.

Site	Available?	Suitable?	Viable?	Conclusion
Development Site 1 – Better Barnsley	×	×	×	The site has been granted planning permission for comprehensive redevelopment (ref. 2015/0549).
Development Site 2 – Heelis Street/New Street	×	×	×	The site benefits from an unimplemented foodstore consent. There are also issue relating to the topography.
Development Site 4 – Land between the Transport Interchange and Harborough Hill	×	×	×	The site is not on the market and allocated in the Draft Local Plan for a mix of uses including ancillary retail. The planning history suggests the site is not

Road (Gala Bingo/Former YEB Site)				viable.

***Table 6.1**: Summary of Sequential Test Findings of Allocated Sites*

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

Vacant Units within Barnsley Town Centre

6.24 Vacant sites / units in the town centre have also been taken into consideration as part of the sequential approach. The table below provides a summary of the assessment of each of the units in respect of the three tests.

Site	Available?	Suitable?	Viable?	Conclusion
2 Upper New Street	x	x		The site is too large, forms part of a wider development site and has planning permission for foodstore development.
Barnsley Market, Metropolitan Centre	x	x	x	The site forms part of the wider Better Barnsley town centre regeneration site.
1 Lambra Road	x	x		The site was demolished as part of Phase 1 of the Better Barnsley redevelopment scheme.
Peel Parade / Shambles Street	x	x	x	The site requires works to make it suitable for the proposal that would make a retail scheme unviable.

***Table 6.2**: Summary of Sequential Test Findings of Vacant Units*

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

Conclusion on the Sequential Test

6.26 The application site is allocated for large format comparison retail in the Adopted Plan, so it is debatable whether a sequential test is required. For robustness, a thorough assessment has been undertaken. 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 and add to the critical mass of floorspace that already exists to enable the site to provide the local competition referred to in 2 below.
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.

7. Impact

Introduction

7.1 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.'*

7.2 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.

1. Existing, committed and planned public and private investment

7.3 As noted above, the principal potential town centre scheme is the Better Barnsley regeneration scheme. As well as providing new public realm / open space and associated access and infrastructure, the scheme intends to deliver around 38,000 sq.m of refurbished floorspace as follows:

- Up to 12,000sqm of refurbished retail / market floorspace (Metropolitan Centre) to re-establish Barnsley as a Market Town
- Up to 30,500sqm of new retail / food and drink (Use classes A1, A3, A4)
- Up to 4,500sqm of cinema (Use Class D2)
- A 3,000sqm public Library (Use Class D1)

7.4 In the light of the above, there is no realistic possibility that the proposals at the Peel Centre could, harm the deliverability of the large scale Better Barnsley scheme. The connectivity

between the Peel Centre and Barnsley town centre means that the proposals could help to support town centre vitality and viability through helping to retain retail spending in Barnsley, and in doing so, help the Better Barnsley scheme, which has been in a state of flux over the last ten years, to be delivered. The proposal will therefore not result in a significant impact on existing, committed and planned public and private investment.

2. Impact on town centre trade

7.5 For ease of reference and consistency with the Council's 2014 Retail Study, the trade diversion tables are based directly on the tables contained within the Retail Study (a copy of the plan showing the study area for the Retail Study is included at **Appendix 17**). However, for the reasons outlined earlier, these may in fact overstate the levels of impact as some of the technical assumptions that have been adopted are highly conservative. The assessment is therefore very much a highest case approach to measuring likely trade diversion effects.

7.6 The Retail Study assesses the amount of surplus convenience and comparison expenditure available and the projected turnover of the town centre at 2018, 2023 and 2023 based on three scenarios as follows:

1. Constant market share for Barnsley town centre based on expenditure growth and assuming no new development

2. Small increase in market share for Barnsley town centre based on current proposals for the Barnsley Markets project

3. Smaller increase in market share for Barnsley town centre and lower expenditure growth in comparison goods 2018 - 2033 based on current proposals for the Barnsley Markets project. The amount of surplus expenditure available before and after all commitments at 2018 and 2023 is summarised in the table below (comparison goods only).

7.7 The Capacity Analysis table shows that the amount of overall expenditure surplus after commitments ranges from between £20.4m (Scenario 2) and £28.1m (Scenario 1) at 2018. The surplus increases significantly by 2023, to between £46.9m and £54m.

7.8 As noted earlier, the additional turnover should the Peel proposals be fully implemented (I.e. all units experience an increase in turnover even if the occupiers remain largely the same) is £13.6m under Scenario 1 (non-food) and up to £18.5m under Scenario 2 (food).

7.9 The additional turnover therefore would leave a surplus under all of the scenarios included in the Retail Study.

7.10 The high level of surplus expenditure that the Retail Study forecasts provides an informative starting point that given the surplus spending available, the effect of a modest uplift in turnover at the Peel Centre is unlikely to be significant. In effect, based on the Retail Study turnover estimates, the entire uplift in turnover could be supported through surplus spending from population and spending growth in the study area.

Trade diversion

7.11 The assessment is described below and the empirical tables are contained at **Appendix 18**. They are summarised below:

1. **Table(s) 1 - Population and Expenditure Forecasts, Convenience Goods:**
    a. **Table 1a - Population** – this shows the forecast population of the Study Area is forecast to increase by 9,460 between 2018 and 2023 to a total catchment population of 288,002.
    b. **Table 1b** - **Expenditure (£)** – this shows the amount of expenditure available in each zone for convenience goods. The expenditure per capita in Zone 1 (Barnsley) is £1,756 at 2018, rising to £1,771 at 2023.
    c. **Table 1c**: **Total Available Expenditure (£m)** – the total for the study area is set to increase between 2018 and 2023 from £495.9m to £531m. Spending within Zone 1 (Barnsley) will rise from £132.8m in 2018 to £142.3m in 2023.

2. **Table(s) 2 - Population and Expenditure Forecasts, Comparison Goods (based on growth forecasts in Experian Retail Planner Briefing Note 11, October 2013):**
    a. **Table 2a - Population** – as per (Table 1a) above.
    b. **Table 2b** - **Expenditure (£)** – this shows the amount of expenditure available in each zone for comparison goods. The expenditure per capita in Zone 1 (Barnsley) is £2,337 at 2018, rising to £2,657 at 2023.
    c. **Table 2c** - **Total Available Expenditure (£m)** – the total for the study area is set to increase between 2018 and 2023 from £ 712.2m to £837.28m. Spending within Zone 1 (Barnsley) will rise from £189.5m in 2018 to £223m in 2023.

3. **Table(s) 3 - Population and Expenditure Forecasts, Comparison Goods (based on lower expenditure growth forecasts in the period 2018-2033):**
    a. **Table 3a - Population** – as per (Table 1a) above.

b. **Table 3b** - **Expenditure (£)** – this shows the amount of expenditure available in each zone for comparison goods. The expenditure per capita in Zone 1 (Barnsley) is £2,337 at 2018, rising to £2,606 at 2023.

c. **Table 3c**: **Total Available Expenditure (£m)** – the total for the study area is set to increase between 2018 and 2023 from £ 712.2m to £821.1m. Spending within Zone 1 (Barnsley) will rise from £189.5m in 2018 to £218.6m in 2023.

4. **Table(s) 4 – The Proposal:**
   a. **Table 4a - Proposal Scenario 1 - non-food** – shows the potential turnover of the proposal in a scenario where all of floorspace affected by the proposal is occupied by non-food retailers. The estimated total turnover at 2015 under this Scenario is £13.6m, rising to £14.3m in 2018, and to £14.8m in 2020.
   b. **Table 4b - Proposal scenario 2 - food scenario -** shows the potential turnover of the proposal in a scenario where 15,000sq.ft of floorspace is used for food retail. The estimated total turnover at 2015 under this Scenario is £18.5m, rising to £19.5 in 2018, and £20.2m.

5. **Table 5 - Convenience Turnover Estimates, Barnsley Town Centre 2012** - shows the distribution of main food shopping in the town centre, which totals £11.3m. It also shows the distribution of top-up food shopping in the town centre, which totals £12.6m. Barnsley town centre has a convenience goods market share of 5.1% of the total £466.4m available in the study area. The later table in the Retail Study includes the additional turnover of the Morrisons store, within the overall town centre turnover.

6. **Table 6 - Comparison Turnover Estimates, Barnsley Town Centre 2012** – shows the total expenditure for different types of comparison goods in the town centre, which totals £202.3m. This is 33.% of the £602m total available comparison goods expenditure in the study area.

7. **Table(s) 7 - Capacity Analysis, Convenience Goods, Barnsley Town Centre**:
   a. **Table 7a - Scenario 1: Constant market share of Barnsley town centre (based on expenditure growth and assuming no new development)** – shows that the residual capacity after accounting for commitments is £4.97m at 2018 and £10.65m at 2023.
   b. **Table 7b - Scenario 2: Including a small amount of convenience floorspace in the Barnsley Markets project and no increase in retention level for convenience goods** – shows that the residual capacity after commitments is £3.82m at 2018 and £9.5m at 2023.

8. **Table(s) 8 - Capacity Analysis, Comparison Goods, Barnsley Town Centre**:
    a. **Table 8a - Scenario 1: Constant market share of Barnsley town centre (based on expenditure growth and assuming no new development)** – shows that the residual capacity after accounting for commitments is £23.15m at 2018 and £ 43.36m at 2023.
    b. **Table 8b - Scenario 2: Small increase in market share of Barnsley town centre (based on current proposals for the Barnsley Markets project)** – shows that the residual capacity after commitments is £16.54m at 2018 and £37.4m at 2023.
    c. **Table 8c - Scenario 3: Smaller increase in market share of Barnsley town centre and lower expenditure growth in comparison goods 2018-2033 (based on current proposals for the Barnsley Markets project) -** shows that the residual capacity after commitments is £14.29m at 2018 and £29.07m at 2023.

9. **Table 9 - Barnsley Markets Project - Turnover Estimates -** shows the anticipated uplift in turnover from the markets redevelopment scheme from the Retail Study. The figures provide are for the previous scheme which was approved in September 2001, as opposed to the more recent scheme granted in July 2015. There are no anticipated turnover figures available for the 2015 scheme, and so we are therefore using the figures in the Retail Study for the 2011 scheme.

Impact tables

10. **Table(s) 10 - Impact on Town Centre Turnover at 2018 - Retail Study Scenario 1 –** shows the diversion from the town centre to the proposal at 2018. Market shares from the retail study have been used for diversion as follows:
    - convenience – 16.2%
    - comparison – 33.3%.

    In terms of impact, it shows that for Savills Scenario 1 (non-food) the overall impact is 1.5%, and for Savills Scenario 2 (food) the overall impact is 1.6%.

11. **Table(s) 11 - Impact on Town Centre Turnover at 2018 - Retail Study Scenario 2 –** under this Scenario, Savills' non-food Scenario (1) again results in an overall impact of 1.5%, and for the Savills food Scenario (2) the overall impact is 1.6%.

12. **Table(s) 12 - Impact on Town Centre Turnover at 2018 - Retail Study Scenario 3 –** as above, Savills Scenario 1 (non-food) shows an overall impact of 1.5%, and for Savills Scenario 2 (food) the overall impact is 1.6%.

7.12 In the light of the above, it is evident that the levels of potential trade diversion resulting from the proposed development, at 1.5 – 1.6%, will not lead to a significant adverse impact on town centre trade in Barnsley.

Summary

7.13 To summarise:

a. The proposal will not lead to a significant impact on existing, committed and planned public and private investment.
b. The proposal will not result in a significant adverse impact on town centre trade. The evidence contained within the retail impact tables demonstrates that town centre trade will have an impact of around only 1.5 – 1.6%.

7.14 In conclusion, the proposal satisfies the requirement at paragraph 26 of the NPPF.

8. Economic Benefits

Introduction

8.1 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.

8.2 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 environmental[2].

8.3 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

8.4 The NPPF sets out a number of Core Planning Principles that should underpin decision making in applications for economic development[3]. Below we assess the proposal 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;
- There is already a very healthy level of linkage of trips between the Peel Centre and the Town Centre. Any proposals which can increase the attractiveness and numbers of customers at the Peel Centre can in turn only help Barnsley Town Centre by adding to existing spin-off trips and benefits;
- 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

[2] See Paragraph 7 of the NPPF
[3] See Paragraph 17 of the NPPF

by greatly improving flexibility and with it, the prospects of beneficial asset management being secured 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 patterns of local residents and the application site is an accessible location by a various modes of transportation, including sustainable modes, with clear evidence of strong linkage with the Town Centre. 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.

8.5 The proposal will:

- Facilitate inward investment at the Retail Park to accommodate new retailers at a location which links with and benefits the Town Centre
- Deliver new employment opportunities, both construction and retail
- Facilitate the reoccupation of vacant floorspace and more beneficial occupation of space not currently vacant
- Add to consumer choice by introducing new retailers to the local marketplace
- Enhance competition and retention of local expenditure

8.6 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.'

8.7 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)[4], higher than the national average of 7.5%.

8.8 The proposal, in providing the opportunity to optimise use and occupation of this existing retail park, will create a significant number of jobs in the local area. 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 programs 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.

8.9 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 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.

8.10 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.

8.11 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.

8.12 The proposal will also over time deliver direct investment to the site in terms of shop fit and refurbishment for a new retailers.

[4] ONS data from Nomis website. Latest data relates to period to December 2013.

8.13 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 prosperity[5], and should be afforded significant weight.

[5] Paragraph 18 of National Planning Policy Framework

9. Summary and Conclusions

9.1 This Statement has been submitted in support of a planning application by Peel Property (Investments) Limited, to provide a new 997 sq.m infill unit and amend the retail goods restrictions that apply at the Peel Centre, Barnsley. It seeks to vary condition 1 of planning permission 05/1165/BA and condition 7 of 88/0294/BA condition applies to the Halfords unit to read as follows:

'The retail units shall be used for the sale of non-food goods only, other than:

c) Units 3C, 5 and 6 (which may be used for an 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)

d) In addition to (a), up to 1,394 sq.m for the sale of food and drink in any single unit or across several units.

9.2 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.

9.3 It's central location results in very healthy levels of spin-off linked trips into Barnsley town centre; any success in increasing the numbers visiting the Peel Centre (instead of distant sites such as Cortonwood or Parkgate) is likely in turn to increase the numbers of visitors to Barnsley town centre.

9.4 The report has reviewed planning policy for the site and the proposal, 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.

9.5 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, with evidence of strong linkages with the town centre.

2. In the light of case law established by *Dundee*, sites in Barnsley town centre could not address the same requirements as the Peel Centre in helping 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. In relation to impact:

    a. The proposal will not lead to a significant adverse impact on existing, committed and planned public and private investment, namely the Better Barnsley scheme for the redevelopment of the town centre markets.
    b. The proposal will not result in a significant adverse impact on town centre trade, the evidence contained within the retail impact tables demonstrates that the proposal will have an impact of around only 1.5 – 1.6% on town centre trade.

    Our conclusion on retail impact therefore is that the proposal satisfies the requirement at paragraph 26 of the NPPF.

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 and delivery 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 outside 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 on an ever increasing level. The current proposal for the Peel Centre site, being the closest retail park to the centre of Barnsley, with strong linkage of trips, is an opportune and necessary first step to begin to claw back lost retail expenditure.

5. The proposal will deliver other material benefits including:
    a. **Enabling investment** in the Retail Park in the form of delivering a new retail unit and refurbishing existing units affected by the proposal potentially by future new retail 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. **Economic regeneration** of the units at the Retail Park, the investment generated by the proposal will help regenerate the Retail Park and achieve and maintain a fully let scheme.

e. **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. By retaining shoppers at this central location, the number of linked trips with Barnsley town centre is likely to increase

f. Generating **new employment opportunities** at a range of skill levels and seniority

g. 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.

9.6 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.