

SUPPORTING RETAIL STATEMENT

**SECTION 73 APPLICATION
VARIATION OF CONDITION
No. 1 IMPOSED ON PLANNING PERMISSION
No. B96/1167**

**OLD MILL LANE/HARBOROUGH HILL ROAD
BARNSELY
S71 1LP**

PREPARED ON BEHALF OF

B&M RETAIL LTD

August 2013

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CONTENTS		Page
1.0	INTRODUCTION	3
2.0	THE RETAIL OPERATION, SITE LOCATION AND THE PROPOSED DEVELOPMENT	4
3.0	RELEVANT RETAIL POLICY	7
4.0	THE SEQUENTIAL APPROACH AND SITE SELECTION	10
5.0	IMPACT	14
6.0	OVERALL CONCLUSIONS	17

List of Appendices

- Appendix [1] Copy of planning permission No. B/96/1167/BA.
- Appendix [2] GOAD catchment profile for Barnsley.
- Appendix [3] Examples of planning permissions granted by other Local Planning Authorities.
- Appendix [4] List of vacant properties in Barnsley based on Focus property database.
- Appendix [5] Appeal decisions relating to the threshold for an Impact Assessment.

1.0 INTRODUCTION

1.1 MWA has accepted an instruction from B&M Retail Ltd to submit a planning application which seeks permission for a minor variation in the range of goods which can be sold from the existing non-food retail warehouse occupied by PC World. The variation is required in order to enable B&M Retail Ltd to open one of the company's 'Homestores'.

1.2 Planning permission No. B96/1167 was approved on 28th November 1996. A copy is attached as **Appendix [1]**. Condition No. 1 states that:

"The permission hereby granted shall be restricted solely to the goods categories specified in the applicant's list and shall at no times be used for the sale of clothing, jewellery, shoes and toys."

1.3 The list of permitted goods is as follows:

1. Carpets and furniture, soft furnishings and household textiles.
2. Electrical goods and accessories.
3. Gardening tools and implements, seeds and plants.
4. Motor accessories.
5. DIY goods.

1.4 The application is made and should be considered in accordance with the provisions of section 73(1) of the 1990 Act. The application therefore falls to be determined in accordance with powers contained in section 79(4) of the same Act (as amended). Section 73 of the 1990 Act provides for the development of land without complying with conditions subject to which a previous planning permission was granted. On application the local planning authority should consider only the question of the conditions subject to which planning permission should be granted. Sub-sections 73(2)(a) and (b) allows permission to be granted subject to different conditions or granted unconditionally or refused where it is determined that the original conditions remain valid.

1.5 This statement examines the following matters:

- The nature of the retail use proposed within the store.
- Relevant retail policy.
- Compliance with the sequential approach.
- Impact.

2.0 THE RETAIL OPERATION, SITE LOCATION AND THE PROPOSED DEVELOPMENT

(i) B & M and its retail operation

- 2.1 B&M is one of the UK's fastest growing retailers and over the last 5 years the chain has grown from 21 stores to in excess of 325 stores. The business is based on a discount retail format, particularly targeting shoppers on restricted incomes, it has grown strongly through the recession. B&M Retail Limited (B&M) had only 21 stores seven years ago. Today it enjoys a turnover in excess of £920m per annum, and it employs some 13,000 staff. Over 10,000 of those jobs have been created in the last 5 years. The company is recognised in the Sunday Times Top Track 100 and the Sunday Times Fast Track 100. These accolades and the growth of the business are a testament to the popularity of this retailer in the current economic climate.
- 2.2 The primary activity of the "B&M Homestore" business is retailing of what are generally regarded as bulky and comparison goods. These include indoor and outdoor furniture, greening products, home textiles, household goods, housewares including small domestic electrical goods, home adornment, seasonal items particularly Christmas and garden centre items, paint, wallpaper and DIY products. These product categories account for approximately 70%-75% of the floor space and sales within the average B&M Homestore.
- 2.3 The business also sells ancillary product areas such as food, confectionery, drink and recreational goods. Together these categories account for approximately 25%-30% of the floor space, and normally not one of those categories on an individual basis accounts for more than 10% of the floor space.
- 2.4 Retailing is a business which requires a high proportion of fixed costs. The overheads of a store are primarily built-up by its rent, rates, utilities, staff and other fixed costs. The net profit margin of B&M Retail Limited is 6%. *If the turnover is reduced by 10%, the costs of the business remain the same and on this basis almost all profit is eliminated.* In other words, B&M Retail Limited is dependent on the impulse and ancillary sales of non-core products in order to make it viable and support its store, head office and distribution centre costs.
- 2.5 The store's average basket spend is approximately £10.00 (2006 prices). Obtaining an extra £1.00 on impulse buys is highly material to the viability of the store given the low average spend per trip. However shoppers categorically do not visit a B&M in order to, for example, conduct a grocery shop. *B&M's Homestore food range is extremely limited and relates to purely ambient, non-perishable packaged goods. There is no sale of fresh vegetables, meat, fish, chilled or frozen products.*
- 2.6 Approximately 60% of B&M's shoppers are over 56 years of age. These 'time-rich: cash poor' shoppers are drawn to B&M by its low prices and many are on limited and restricted incomes. The company's market research indicates that 60% of its customers are in the social and economic groups C2 and below. A significant proportion of its products are clearance or short-dated discontinued goods purchased from factories. These socio-economic groups are attracted by clearance and end-of-line products (some of which are a very limited range of ambient food and drink products offered as an "Impulse Buy").
- 2.7 The business has also grown as the out of town DIY retail market has consolidated. That market is now dominated by B&Q, Wickes and Homebase. Focus DIY has gone into receivership due in part to its inability to respond quickly to changing market conditions. The company considers that the 3

remaining national DIY retailers are focused on the mid and upper market and they do not adequately serve the lower end of the socio-economic spectrum. In this regard no national retailer currently sells DIY products at discounted prices. Similarly the independents have been squeezed out of the DIY market and there are no regional DIY operators.

- 2.8 B&M's ability to trade successfully as a discounter is wholly dependent upon the sales of its ancillary product areas. To those outside the retail industry it may sound implausible that a retailer cannot trade successfully if it were to lose only a small percentage of its turnover. However, that is the case given the fact that many retailers trade on small net margins and rely on the quantity of lower value items to maintain their profitability. This is particularly the case with discount operators with low gross margins and very little in store that is over a £30 unit price.
- 2.9 The display and sale of bulky goods requires a retail unit with a large floorspace. There is an essential requirement for sufficient space for the display of the bulky goods for sale as well as space required for customers to examine the goods and try them where necessary (for example beds and furniture). There is also a requirement for customer circulation space and customer service areas. Within a typical Homestore, goods are displayed as they may be in the home or garden, to provide customers with full information as to how products may meet their needs.
- 2.10 By way of an example is the sale of garden furniture, which must necessarily be set up 'in situ' in store so that customers are able to see the product prior to its purchase. Flat packed goods such as tables, chairs and wardrobes are displayed assembled, and the packaged goods are stored on the shop floor so that customers can transport them to the till.
- 2.11 As an aside it is not practical for a B&M Homestore to operate from a store on multiple levels. The vast majority of goods are large bulky goods that need a trolley to transport them around the store. Customers transport the goods themselves to the till, then large goods are transported to the customer's own vehicle in the car park, there being no internet or delivery service available. It is impractical and dangerous to require customers and employees to carry bulky goods between different levels. Single level stores are clearly a standard format among retailers of DIY and bulky goods.

(ii) Catchment profile

- 2.12 With regard to its catchment profile and population demographics (see **Appendix [2]** for Barnsley catchment):
1. It is worth emphasising that approximately 60% of B&M's shoppers are over 56 years of age. These shoppers are drawn to B&M by its low prices and many are on limited and restricted incomes.
 2. The company's market research indicates that 60% of its customers are on restricted incomes particularly those who are unemployed or on incapacity benefit. A significant proportion of its products are clearance or discontinued goods purchased from factories around the world. These socio-economic groups simply cannot afford the mainstream prices and are attracted by clearance and "end-of-line" products. Additionally due to the impact of the recession other socio-economic groups are becoming increasing price sensitive.
 3. Many families in the area have relatively limited disposable incomes although in 2003 the average disposable income was comparable with the GB average (£485).
 4. The company requires a minimum of 1,000-1,500 sq.m. of sales floorspace on a single floor. This necessitates a minimum store size of approximately 1,500-2,000 sq.m. gross.

5. The availability of free parking very close to the store is particularly important in meeting the needs of older shoppers. Customers in general are unprepared to carry flat-packed furniture or heavy tins of paint and wallpaper from a high street location to a car hundreds of metres away. Similarly many of the company's shoppers from the lower end of the socio economic spectrum should be deterred from visiting a B&M Homestore, if the purchase necessitated £2.00 - £3.00 in town centre car parking costs. The low average transaction of £11 is highly sensitive to external cost factors such as car parking charges. Put simply the saving achieved by visiting a B&M Homestore versus a mainstream retailers such as B&Q or Homebase is largely eroded if £2 has to be spent on car parking fees.

6. The company's discount operation does not provide for home delivery or internet shopping. Therefore all items have to be removed by the customers including any large flat packed items.

(iii) Site location

2.13 The store extends to 1,500 sq.m. and is currently occupied by PC World who wish to vacate the premises and consolidate trading within a combined Currys/PC World outlet.

(iv) The proposed development

2.14 A minor variation in condition 1 is required as follows:

"The permission hereby granted shall be restricted solely to the goods categories specified below:

1. Carpets and furniture, soft furnishings and household textiles and goods.

2. Electrical goods and accessories.

3. Gardening tools and implements, seeds and plants.

4. Motor accessories.

5. DIY goods.

6. Toys Up to 120 sq.m.

7. Non fashion clothing Up to 60 sq.m.

8. Toiletries Up to 120 sq.m.

9. Food and confectionery Up to 120 sq.m."

2.15 This equates to 420 sq.m. or 28% of the floor area within the store.

2.16 Copies of planning permissions issued by other LPAs which follow this approach are set out in **Appendix [3]**.

3.0 RELEVANT PLANNING POLICY

A. Local policy

- 3.1 The Barnsley UDP contains some policies which have been 'saved'. Policy S3 refers to retail development outside existing centres. It states:

ALL NEW RETAIL DEVELOPMENT (INCLUDING THAT FOR BOTH CONVENIENCE AND COMPARISON GOODS) WHICH IS PROPOSED ON A SITE OUTSIDE THE CENTRAL SHOPPING AREA OF BARNSELY TOWN CENTRE AND THE PRINCIPAL SHOPPING AND COMMERCIAL CENTRES DEFINED ON THE PROPOSALS MAP WILL ONLY BE PERMITTED :

A) ON A SITE ALLOCATED FOR THAT PURPOSE IN THE PLAN

B) WHERE THERE IS NO SUITABLE SITE AVAILABLE WITHIN A CENTRE DEFINED ON THE PROPOSALS MAP, OR WHERE THERE IS NO AVAILABLE ALLOCATED SITE, THEN ON A SITE AT THE EDGE OF A DEFINED SHOPPING CENTRE SO LONG AS IT CAN PROVIDE A SATISFACTORY FUNCTIONAL CONNECTION THERETO IN TERMS OF DISTANCE AND PHYSICAL RELATIONSHIP AND WHERE IT IS LIKELY THAT THE DEVELOPMENT OF THE SITE WILL GENERATE JOINT TRIPS TO IT AND THE ADJACENT CENTRE, SUBJECT TO THE PROVISIONS OF POLICY S4 OF THE PLAN

OR

C) 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 ON AN OUT-OF-CENTRE SITE IN A LOCATION ACCESSIBLE BY A CHOICE OF MEANS OF TRANSPORT, SUBJECT TO THE PROVISIONS OF POLICY S4 OF THE PLAN.

- 3.2 Policy S4 has not been saved.

- 3.3 Policy S5 refers to new shopping units. It states:

ALL RETAIL DEVELOPMENTS WHICH WOULD CREATE A NEW SHOPPING UNIT OR UNITS IN EXCESS OF 930 M² GROSS FLOOR AREA TO BE USED FOR THE SALE OF COMPARISON GOODS AND WHICH ARE PROPOSED ON SITES OUTSIDE THE CENTRAL SHOPPING AREA OF BARNSELY TOWN CENTRE AND PRINCIPAL SHOPPING AND COMMERCIAL CENTRES DEFINED ON THE PROPOSALS MAP, WILL BE SUBJECTED TO PLANNING CONDITIONS WHICH WILL CONTROL :

A) THE RANGE AND TYPES OF GOODS TO BE SOLD THEREFROM

AND/OR

B) THE MAXIMUM OR MINIMUM UNIT SIZE AS MEASURED BY GROSS FLOOR AREA.

- 3.4 The Core Strategy was adopted in September 2011. It identifies Barnsley as one of six Principal Towns. It recognises that it is a large sub-regional centre with a significant catchment area.

- 3.5 Policy CSP31 notes that Barnsley is the dominant centre in the borough larger than other 'district' and 'local' centres. The policy states that A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of Planning Policy Statement 4.

- 3.6 The policy does not define a minimum threshold above which an impact assessment is required and PPS4 has been superseded by the NPPF.

B. National Planning Policy

- 3.7 The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the Government's overarching planning policies. The publication of the NPPF supersedes the majority of all other Planning Policy Statements and Planning Policy Guidance Notes, although some companion guides and circulars are still current.
- 3.8 Paragraph 214 of the NPPF states that for 12 months from the day of publication of the NPPF, planning authorities may continue to give full weight to relevant policies adopted from 2004, providing any degree of conflict with the NPPF is limited. In other cases and following this 12 month period, the NPPF instructs that weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF, with the closer the policies in the plan to the policies in the framework, the greater the weight that may be given.
- 3.9 There is no requirement to demonstrate that there is a need for a retail proposal set out in the NPPF.
- 3.10 Paragraph 17 of the NPPF sets out a number of key principles that should underpin decision-taking. These include the need to proactively support sustainable economic development.
- 3.11 Paragraph 19 of the NPPF makes clear that planning decisions should operate to encourage sustainable growth and that **significant weight** should be placed on the need to support economic growth through the planning system.
- 3.12 Section 2 of the NPPF deals specifically with the vitality of town centres.
- 3.13 Paragraph 24 of the NPPF states that 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.
- 3.14 Paragraph 24 states that the sequential assessment requires applications for main town centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered. Paragraph 24 goes on to state that when applying the sequential approach, applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 3.15 Paragraph 26 of the NPPF sets out the circumstances under which an Impact Assessment should be undertaken to accompany proposals for retail, leisure and office development outside of town centres, which are not in accordance with an up to- date Local Plan. Planning authorities should require an Impact Assessment if the development is over a proportionate locally-set floorspace threshold. Paragraph 26 goes on to state that where there is no locally-set threshold, the default threshold is 2,500 sq m. In the case of Barnsley there is locally set threshold and since the scheme involves existing floorspace and involves only a minor variation in the range of goods which can be sold there is no requirement for an Impact Assessment.
- 3.16 Where an Impact Assessment is required, paragraph 26 states that this should include an assessment of:
- The impact of the proposal on existing, committed and planned public and private investment in the centre or centres in the catchment area of the proposal; and
 - The impact of the proposal on town centre viability 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.

- 3.17 Paragraph 27 of the NPPF sets out how the sequential assessment and impact assessment should be considered. It states that where an application fails to satisfy sequential tests or is likely to have significant (our emphasis) adverse impact on one or more of the above factors, it should be refused. This needs to be considered in the context of the advice given at paragraph 14 of the NPPF which requires planning authorities to weigh the balance of any adverse impacts against any benefits that arise from the application proposals, with permission only being refused where there are significant and demonstrable adverse effects that outweigh any planning benefits.

Planning for Growth (March 2011)

- 3.18 In March 2011, The Minister of State for Decentralisation (Mr.Greg Clark) made a ministerial statement in relation to promoting economic growth through the operation of the planning system, and indicated that the Government's objectives for economic growth should inform Development Management decisions.
- 3.19 At paragraph 13, the Companion to PPS 1 (The Planning System General Principles) states:
- “The Courts have also held that the Government’s statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. ... where such statements indicate the weight that should be given to relevant considerations, decision makers must have proper regard to them. If they elect not to follow relevant statements of the Government’s planning policy, they must give clear and convincing reasons.”***
- 3.20 With regards to the weight that should be attached to the Ministerial Statement, Mr Clarke states:
- “The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.”***

4.0 THE SEQUENTIAL APPROACH AND SITE SELECTION

1. Introduction and the adopted approach

- 4.1 The NPPF advocates that a sequential approach to site selection be adopted. In respect of planning applications for new retail floorspace in an out-of-centre location, this involves examining whether there are any more central sites within the catchment area that the development seeks to serve that are suitable for the proposed development.
- 4.2 In the case of this scheme it is not proposed to provide 'new' retail floorspace since it involves floorspace which has been consented, built and has become operational. Since the store exists and the application seeks a minor variation in the range of ancillary items it is arguable that there is no requirement to apply the sequential approach to site selection.
- 4.3 We have nonetheless undertaken an assessment of alternative premises within the town centre.

2. The B&M Homestore business model

- 4.4 The business model operated by the company involves:
- Minimising the amount of storage space within the store to facilitate maximum sales area floorspace.
 - The company's stores do not involve the sale of discrete departments which could be sold separately from other departments.
- 4.5 Therefore requiring the unit to trade with a reduced sales area by removing the proscribed food goods would seriously compromise the business model. It would reduce the company's ability to sell its full range of items. This full range requires extensive display space. The ability to sell a wide range of relatively low value products compared with for example high margin or high ticket fashion and electrical retailers is all the more important given the relatively narrow profit margins and low ticket prices associated with many discount retailers. The importance of B&M's ancillary sales is exemplified by its success contrasted with the demise of Focus DIY. B&M Homestore has been a national success and has created 10,000 jobs within the past 5 years. In contrast Focus DIY (with no ancillary impulse sales to supplement customer spend) closed in 2011 with the loss of several thousand jobs.
- 4.6 The B&M business model comprises the following fundamental principles:
- (i) a retail model which offers an integrated range of products albeit predominantly bulky ones;
 - (ii) a customer base that makes purchases from various ranges, indeed they are actively marketed to do so by offering both comparison and a very limited range of food goods in a number of discrete and different areas.
 - (iii) staff that are trained in all business ranges who are rotated across ranges to provide cover during busy times and during sickness/holidays.
- 4.7 Due to the business model, B&M Homestore does not, for example:
- > Provide separate entrances/exits for the different product categories.
 - > Offer separate tills or services for the different product categories.
 - > Staff different product departments with dedicated specialist staff for those categories.
- 4.8 The level of integration can also be demonstrated through the identification of profit streams from a B&M Homestore outlet. The business model is not reliant on a single product; rather that all ranges contribute to the overall viability of the store. Clearly, if one range was removed from the business model then the viability of the whole store would be jeopardised. It is not simply the case that by

removing ambient food and drink for example, a retailer can fill the space with the stock from another range within the permitted range of products. It is impractical for B&M Homestore to buy expanded product ranges just for one branch. Those expanded ranges would not be competitive due to the small volumes being purchased and would not justify the central overheads. The company retails its winning lines from its range to optimise the returns on the rental investment. To strip out a whole range and maintain the space would inevitably mean that less successful or duplicated lines would have to fill the space resulting in an unviable store. Indeed the viability of retailers is a topical and important issue owing to the constrained margins that retailers operate within these days. The retail sector has seen the net loss of many thousands of jobs due to the economic climate in both town centre and out of centre locations.

- 4.9 We do not consider therefore that the proposed additional goods proposed to be sold from the unit and which form an integral component of the business model could be disaggregated. Customers would therefore be presented with a business model so different from what they would expect, that their potential customer base would be compromised.
- 4.10 A store occupying an outlet of similar size to the former Focus store is therefore required having regard to the following considerations:
1. size of product range of up to 10,000 items;
 2. extent of on-site stockroom;
 3. display area requirement;
 4. customer amenities; and
 5. staff facilities.
- 4.11 In addition, the practical implications of breaking up these elements would have a detrimental effect on the sustainable travel patterns including:
1. Destroying the benefits of providing a full product range under one roof and significantly reducing the range of products and the reduced ability to provide linked trips.
 2. Prohibit socially inclusive shopping patterns via higher prices necessitated as a consequence of offering a reduced product range albeit of the same cost base.
- 4.12 B&M is able to keep prices low by allowing the products to be displayed efficiently and effectively on one site. If the product range is broken down across two separate buildings and two separate sites, the inconvenience to customers is immediately apparent, not to mention the increased overheads which ultimately would feed through into higher prices thereby undermining its competitive position in the retail market. B&M is absolutely clear that its Homestore format is simply not commercially viable without the ancillary impulse sales. It does not have a single Homestore operating nationally that does not sell its ancillary ranges. Any such hypothetical store would be loss making.
- 4.13 The scope for disaggregating the currently prohibited goods from B&M's Homestore business model is unreasonable and would prove unsuccessful and unsustainable. In summary therefore:
- The application relates to **existing** retail floorspace, already built and long established. No new or additional floorspace is proposed to be created.
 - No change in the primary nature of the permitted retail use would occur.
 - The variation would be confined to a single unit.
 - The variation would be very limited in terms of the total floor area devoted to the currently prohibited goods.

- 4.14 If it is accepted by the Council that the scope for disaggregating B&M Homestore business model is unreasonable and unsuccessful, then the extent to which there are sequentially preferable sites becomes immaterial. The NPPF states that segregation on this basis should not be expected where scope for disaggregation has been considered and reasonably rejected and flexibility has been demonstrated.
- 4.15 As paragraph 5.5 of the *Practice Guidance* states it is a matter for the Council as decision maker to judge the extent to which an applicant has demonstrated compliance with the sequential approach. While we believe it has been satisfied but should the Council consider otherwise, the guidance in paragraph 5.7 states that where an application is proposed to be refused for an application involving a town centre use on the basis of the sequential approach, it should be on the basis that there is a reasonable prospect of a sequentially preferable opportunity coming forward within the foreseeable future. It is entirely contrary to the thrust of national advice in the NPPF and to seek to resist retail development in less central locations based on an unfounded claim that it would clearly inhibit other development from coming forward. As we have indicated the company is financially unable to occupy prime and some secondary locations within existing centres. To suggest that the retailer should desist from selling the limited proscribed items which are already sold to much greater degrees by other retailers in out of centre stores, would simply undermine the viability of the outlet with no prospect whatsoever that the company would then seek re-open a smaller outlet selling the additional items in a town or district centre location.
- 4.16 In addressing this matter it is also worth highlighting the difference between the company's Homestore format and its 'B&M Bargains' range of stores. The company has over 100 Homestores trading in out of centre locations and selling predominantly bulky goods. It also operates a complementary store format under the Bargains fascia. The latter occupies town centre locations and in some towns depending upon the size and catchment area, the company will operate a Homestore and a Bargains store. For clarity this is an application for a B&M Homestore.

3. Available units

- 4.17 As a cross-check we have nonetheless examined whether there are units of around 1,000 sq.m. gross within Barnsley and we attach as **Appendix [4]** an extract from the FOCUS property database. This indicates that no units of the required size are currently available.
- 4.18 Coupled to this is the unsuitable and unviable sub-division or disaggregation of the prohibited goods by seeking their sale within a town centre unit. To do so would render an out-of-centre store unviable. The main points are set out in the two tables below.

Table A: Suitability considerations

Suitability considerations	
1.	Individually the units within the town centre are clearly too small to meet the requirements of a retailer requiring a minimum of 1,000 sq.m. Operating from two or more stores would reduce rather than increase the efficiency of the company's Homestore model. This has a bearing not only on the inherent attractiveness and sustainability of allowing the display of a larger number of items under a single roof, but it also reduces the costs and overheads which we address under viability.
2.	If a comparison goods retailer was to split their operation between two buildings, more rather than less space would be required because of the inherent inefficiencies of trading from a range of units and the duplication and

	<p>triplication of non-sales space which would arise. Thus the various town centre units in combination would fail to satisfy the identified need. Paragraph 6.33 of the <i>Practice Guidance</i> recognises that this is a valid consideration. Paragraph 6.31 of the <i>Practice Guidance</i> also recognises that the size and bulk of the goods sold will influence the size and type of store required. This will apply particularly to retailers selling bulky durable goods such as DIY, furniture, furnishings, carpets and domestic appliances. Separating a proportion of these goods to be sold in a second store or disaggregating other items would lead to a much reduced retail offer and a store that is not viable. It will also apply to retailers such as B&M Homestore that sell a range of non-bulky items as part of an overall mix of products which means that the retailer does not comfortably fall within the definition of a 'bulky' or 'non-bulky' retail warehouse.</p>
3.	<p>The range of items within each outlet under a disaggregated option would be significantly reduced. In particular many of the town centre units are not only very small (relative to the needs of the proposed occupier) but dated. Their size constrains the ability to layout the store in terms of display areas and the net sales area as a percentage of the total is greatly reduced. If the products were split between more than one location, the benefits to both the retailer and the customer fail to materialise.</p>
4.	<p>There is no scope to extend any of the existing shop units. This effectively precludes any company from attempting to 'make a go' of trading from small units on the basis that there is no potential fall-back position through extending the premises. In the case of the town centre units, there would be no scope to increase the sales area or create a multi-storey development.</p>
5.	<p>Delivery schedules and frequency would be increased reflecting the smaller size of the store.</p>

Table B: Viability considerations

	Viability considerations
1.	<p>The markedly reduced trading areas associated with either a single small unit or combination thereof would provide limited ability for the company to display even one of its main product ranges. They would not be suitable for the sale of some of the bulky items proposed to be sold because of the limited space, generally cramped and unattractive internal layout and inability to trade from more than the ground level. In turn this would have a materially adverse impact on its overall trading levels and profitability. Each store within the company's portfolio is operated as a profit centre and it is unlikely that the company trades on the basis that one store would subsidise another. Therefore operating from three units or more in Barnsley would require each store to achieve profitable levels within a specified period. Failure to achieve satisfactory trading levels would lead to an under-performing store.</p>
2.	<p>Many 'high street' retailers generate significantly higher sales densities (around £5,000 sq.m.) when compared with B&M Homestore and are able therefore more likely to sustain the much higher rents demanded by landlords in town centre locations and in particular within new retail space provided as part of a town centre redevelopment.</p>
3.	<p>Increased operational costs from operating at more than one site would be substantial. This would relate to a duplication of employment opportunities with each store requiring individual managers and assistant managers together with sales, office, IT, warehouse and maintenance employees. IT and infrastructure costs would increase.</p>
4.	<p>It could reduce the identity and attractiveness of the brand again impacting upon</p>

	the overall turnover and therefore profitability of the unit.
5.	Trading from more than one unit would require separate leases with different landlords. The timing, terms and renewal of the leases are likely to be materially different and it is possible that some landlords would seek to extract considerably more favourable terms knowing that the company needed to trade from more than one unit.
6.	Renting town centre premises is in general appreciably higher than space in out of centre locations. When coupled with the narrow net margins, lower sales density relative to High Street retailers, price elasticity, and higher overheads, the alternative of multiple smaller town centre units would not be commercially viable and would we believe ultimately lead to the outlets failing to achieve even the minimum net margins required for profitability. In this context it is of course necessary to recognise the importance of achieving the net margin because this is required to sustain a company's existing position and growth in the future.

5.0 IMPACT

1. Introduction

5.1 We have already commented in Section 3 that we do not believe in the light of the NPPF, for an Impact Assessment to be undertaken. This is because:

- The planning application relates to existing rather than new retail floorspace.
- There are no locally set thresholds above which an impact assessment is required.
- In accordance with paragraph 26 of the NPPF the default threshold is therefore 2,500 sq.m.
- The variation involves approximately 430 sq.m. of floorspace within a consented and operational store. This is only 17% of the default threshold.

5.2 Consequently the Council should not require an assessment of impact. This position is supported by three recent appeal decisions which confirms that proposals for under 2,500 sq m of floorspace do not require an Impact Assessment. The appeal decisions upon which we rely and which are contained as **Appendix [5]**, are as follows:

- Braintree District Council (27th September 2012)(APP/Z1510/A/12/2171723): The scheme involved the construction of food store extending to 760 sq.m. gross (490 sq.m. net). At paragraph 22 the decision letter Inspector (Kay Sheffield) concluded that a retail impact assessment was not required. At paragraphs 12-14 of her decision on costs the Inspector concluded that in the absence of a locally set threshold the Council had failed to justify the alleged need for an impact assessment.
- Bracknell Forest Borough Council (26th March 2013)(APP/R0335/A/12/2181506): The scheme involved 815 sq.m. gross of comparison goods floorspace. At paragraph 27 of Inspector Wildsmith's decision letter he concludes that there was no specific need to undertake an impact assessment. At paragraph 9 of his decision on costs the Inspector concluded that it was unreasonable of the Council to include retail impact within its reason for refusal.
- Tamworth Borough Council (12th April 2013)(APP/Z3445/A/12/2177615); The scheme involved a convenience store of 277 sq.m. gross. Inspector Graham at paragraph 10 concluded that there was no requirement for an impact assessment.

5.3 Notwithstanding this conclusion we have nonetheless provided an indication of the turnover attributable to the additional range of ancillary items and made an assessment having regard to:

- The impact of the proposal on existing, committed and planned public and private investment in the centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre viability 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.

2. The adopted approach

5.4 As paragraph 5.8 of the *Practice Guidance* states this is the key impact policy test. Paragraph 5.5 of the *Practice Guidance* also stresses that it is a matter for the decision maker to judge what constitutes a 'significant' adverse impact. Annex D of the *Practice Guidance* relates to 'Quantifying impact'. Figure D1 sets out the steps required to quantify the impact. These are as follows:

Step 1: Establish base/design years, and determine what is being assessed

Step 2: Examine 'no development' scenario i.e. what will happen if the development does not take place?

Step 3: Assess turnover and trade draw i.e. what turnover will the development generate and where will it come from?

Step 4: Assess impact on existing centres and facilities i.e. quantify the effects of trade diversion

Step 5: Consider the consequences of impact, including quantitative and qualitative issues

5.5 The guidance states that it will appropriate in assessing the impact of a planned development to examine a 'no development' scenario.

5.6 Paragraph D.22 of the *Practice Guidance* states:

"In every case, the objective should be to set out clearly the judgements reached about the total turnover and proportion of the proposals turnover drawn from different parts of the catchment area, together with assumptions about 'inflow' from beyond the survey area. This provides an important first step, as a means of judging, on a zone by zone basis, the likely changes in shopping patterns arising and the centres from which the proposal is likely to divert its trade."

(ii) The adopted approach

1. Proposed turnover of the B&M Homestore

5.7 The Applicant proposes to trade from a store extending to 1,500 sq.m. gross. We have estimated following discussions with the company that its stores on average achieve a sales density of between £1,800 to £2,200 sq.m. Applying the upper estimate would generate a total turnover within the store of £3.3m at 2010 prices.

5.9 Of course the Council will recognise that the majority of floorspace within the store falls within the terms of the permitted range. Taking a broad brush approach given the very limited amount of floorspace involved, the additional items would generate a turnover of £0.92m.

2. Impact

5.10 Normally we would prepare a detailed analysis of the impact of an out of centre retail development. However we believe that a reality check should be made given the modest turnover which is derived from the sale of these additional goods. Most of these additional goods are already sold out of centre stores including large supermarkets and superstores.

5.11 Moreover we estimate that the existing PC World store achieves a turnover in excess of £5m. Thus occupation by B&M would lead to a net reduction in turnover within this store.

6.0 OVERALL CONCLUSIONS

6.1 Our main findings and conclusions are as follows:

1. The scheme involves private sector investment by B&M Retail Ltd in the re-occupation of a retail warehouse serving Barnsley and its catchment. It would enable the company to occupy the unit and would assist in meeting national and local objectives:
 - Improving the choice of shopping facilities.
 - Encouraging competition.
 - Improving the quality of services in the town and making it a better place for people to reside in and visit.
 - Creating employment in a commercial property that has been economically inactive.
 - Reducing social exclusion by allowing those on limited incomes the opportunity to access discounted products.
 - Allowing the company to relocate from its existing store which will be redeveloped for a Waitrose store.
2. The scheme would enable the Council to fulfil a wide range of objectives identified by the Government as part of its sustainable communities programme. We consider this to be a highly significant material consideration. We can find no conflict with development plan and national retail policies given the nature of the scheme and the allocation of the site for retail warehousing development. In this regard we should stress that B&M Retail Ltd are wholly supportive of the Council's desire to improve the range of comparison goods retailing in the town centre. However prohibiting the range of ancillary items in the manner proposed would have no positive impact on securing this objective and in our opinion would be contrary to paragraph 15 of the NPPF which states that sustainable development should be permitted without delay. Paragraph 18 of the Framework further states that 'significant weight' should be placed on the need to support economic growth and the planning system should not be seen as an impediment to such development. This is re-affirmed in the government's statement of 15th June 2011 on promoting sustainable development and adopting a presumption in favour of new schemes.
3. The proposal involves only a very limited variation in the range of goods which could be sold. Such a limited variation in some food and non-food items would be related to the trading profile and operation of a named, national retailer. The variation would enable the sale of a modest range of ancillary items which form a key component to the company's operation and given national planning advice, there is no requirement to assess the likely trading impact. In any event the very substantial growth in comparison goods expenditure generated within the town's catchment area coupled with the level of out of centre retail provision, demonstrates that the scheme would have an inconsequential impact.
4. Our view on this point is strengthened by the fact that our analysis of the Government's objectives and also its objectives for the planning system demonstrates that the planning system should be there to serve the wider objectives. Therefore, if the planning system served only to defeat the creation of sustainable communities it will not have provided a good service to the public who will be directly affected by the failure to provide the sort of shopping facilities proposed by a B&M Homestore. The fact that the re-occupation will be entirely financed by the private sector is to be welcomed since the public has borne none of the costs but reap all of the benefits.
5. The scheme is not 'footloose'; there appears to be a general acceptance of the need to improve and extend shopping facilities serving the town. The disaggregation of the ancillary items in the proposed

store as a whole would be impractical, unviable and unrealistic. This is not the sort of flexibility advocated in the NPPF.

6. The development would generate 35 employment opportunities.
7. We therefore believe that planning permission for the proposed variation is justified.

Appendix [1] Copy of planning permission No. B/96/1167/BA.

GRANT OF PLANNING PERMISSION

APPLICATION

B	9	6	1	6	7	B	A
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BARNSELEY
Metropolitan Borough Council

TOWN AND COUNTRY-PLANNING ACT 1990

Stainsby Grange (Barnsley) Ltd. Per Hull Smith Ltd.

To
5th floor, South Point, South Accommodation Road, Leeds

Proposal
Change of use from DIY store to non-food retail

At
Retail premises between Old Mill Lane/Harborough Hill Road, Barnsley

Permission is granted for the proposals which were the subject of the Application & Plans submitted to the Council on 7th October, 1996 and described above.

The approval is subject to compliance with the following conditions:

1. The permission hereby granted shall be restricted solely to the goods categories specified in the applicant's list and shall at no times be used for the sale of clothing, jewellery, shoes and toys.
2. The unit shall not be sub-divided without the prior written approval of the Local Planning Authority.



The reasons for the Council's Decision to grant permission subject to the conditions specified above are:

1. To comply with the provisions of Section 91 of the Town & Country Planning Act 1990
1. and 2. In order to ensure that a proper balance of shopping provision is maintained in the Borough and especially to protect the viability of the Town Centre.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
John Sanderson
Head of Planning Services

Dated 28th November, 1996

Planning Services
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226 - 772600
Fax: 01226 - 772599

Notes:

Appeals to the Secretary of State.

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ.

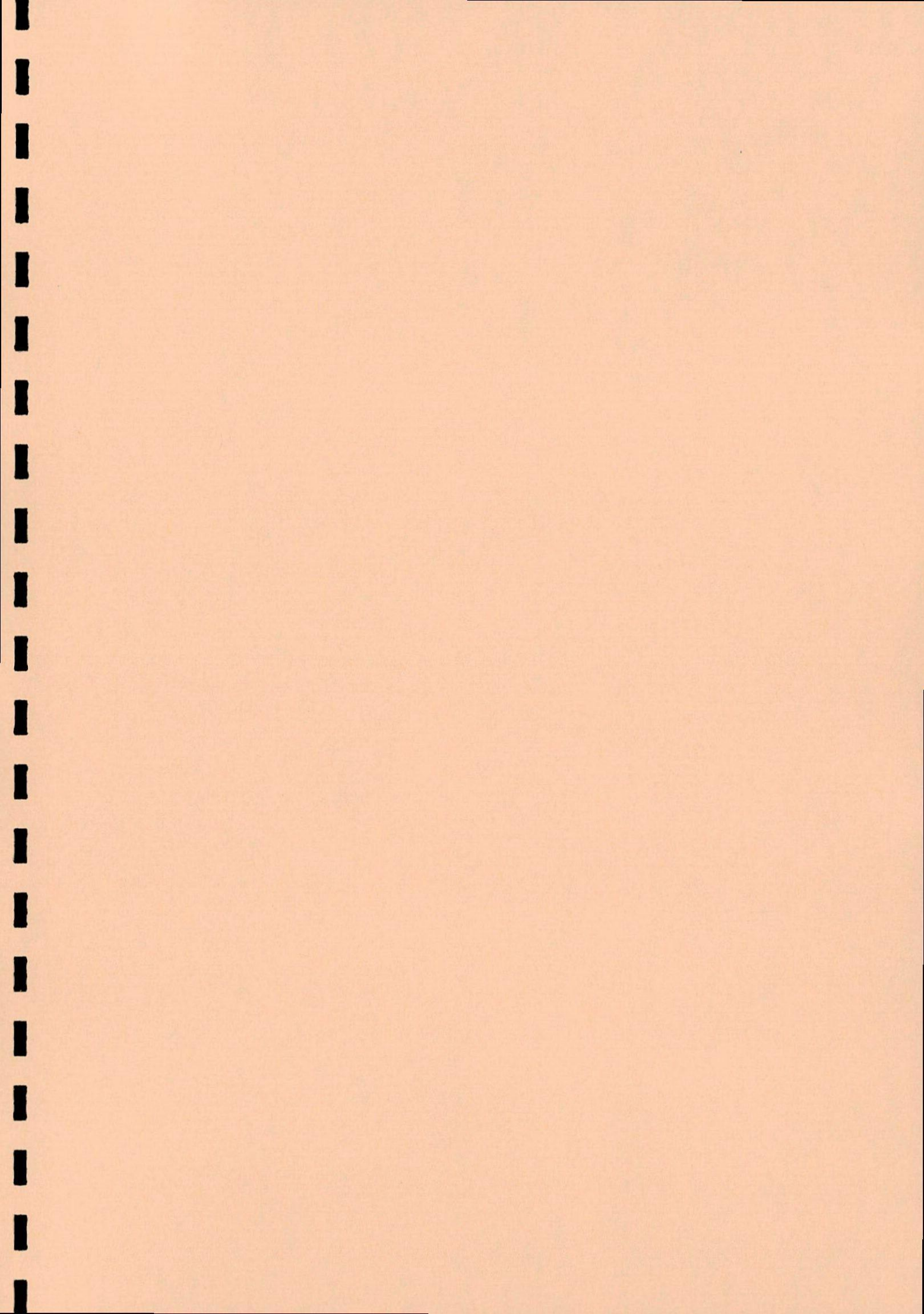
The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

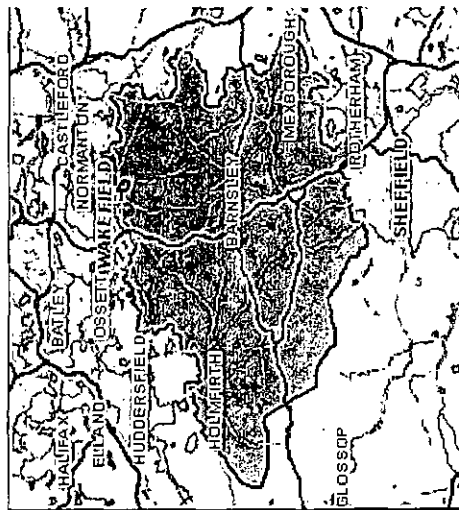
In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.



Appendix [2] GOAD catchment profile for Barnsley.

Barnsley

GOAD Catchment



Key Economic Indicators

	Catchment	GB	Index
All Residents 2001	470,860		
Unemployed 2001	12,148		
Average weekly household disposable income estimate (2003)	£427	£485	88
Population Projections		% Change	Change
2007	483,723		
2012	495,959	3.15	15,236
2017	515,825	3.34	18,856

Demographic & Geodemographic Profile (2001)

Social class breakdown	%	GB %	Index
Class 1: Managers & Senior Officials	12.68	14.74	86
Class 2: Professional Occupations	8.43	11.13	76
Class 3: Associate Prof & Technical	11.40	13.77	83
Class 4: Admin & Secretarial	11.62	13.31	87
Class 5: Skilled Trades	13.54	11.79	115
Class 6: Personal Service Occupations	7.55	6.93	109
Class 7: Sales & Customer Service	8.56	7.75	110
Class 8: Process, Plant & Machinery	11.73	8.65	136
Class 9: Elementary Occupations	14.49	11.94	121
Total	100.0	100.0	100

Mosaic Lifestyle Group (2007)

Mosaic Lifestyle Group	%	GB %	Index
1 Symbols of Success	5.13	9.61	53
2 Happy Families	11.14	10.76	104
3 Suburban Comfort	14.10	15.13	93
4 Ties of Community	26.21	16.04	163
5 Urban Intelligence	0.13	7.15	2
6 Wellfare Borderline	1.44	6.42	23
7 Municipal Dependancy	14.88	6.75	221
8 Blue Collar Enterprise	16.57	11.05	150
9 Twilight Subsistence	5.55	3.89	143
10 Grey Perspectives	3.55	7.88	45
11 Rural Isolation	1.30	5.32	24
Total Households	100.00	100.00	100

For a Goad Paper Plan, a Goad Centre Report or if you have any queries please contact Experian on tel: 0845 601 6011, fax: 0115 958 5003 or E-mail: goad.sales@uk.experian.com Terms and Conditions and Details on how to use the report are available on request.

GOAD

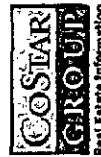
Catchment Profile.

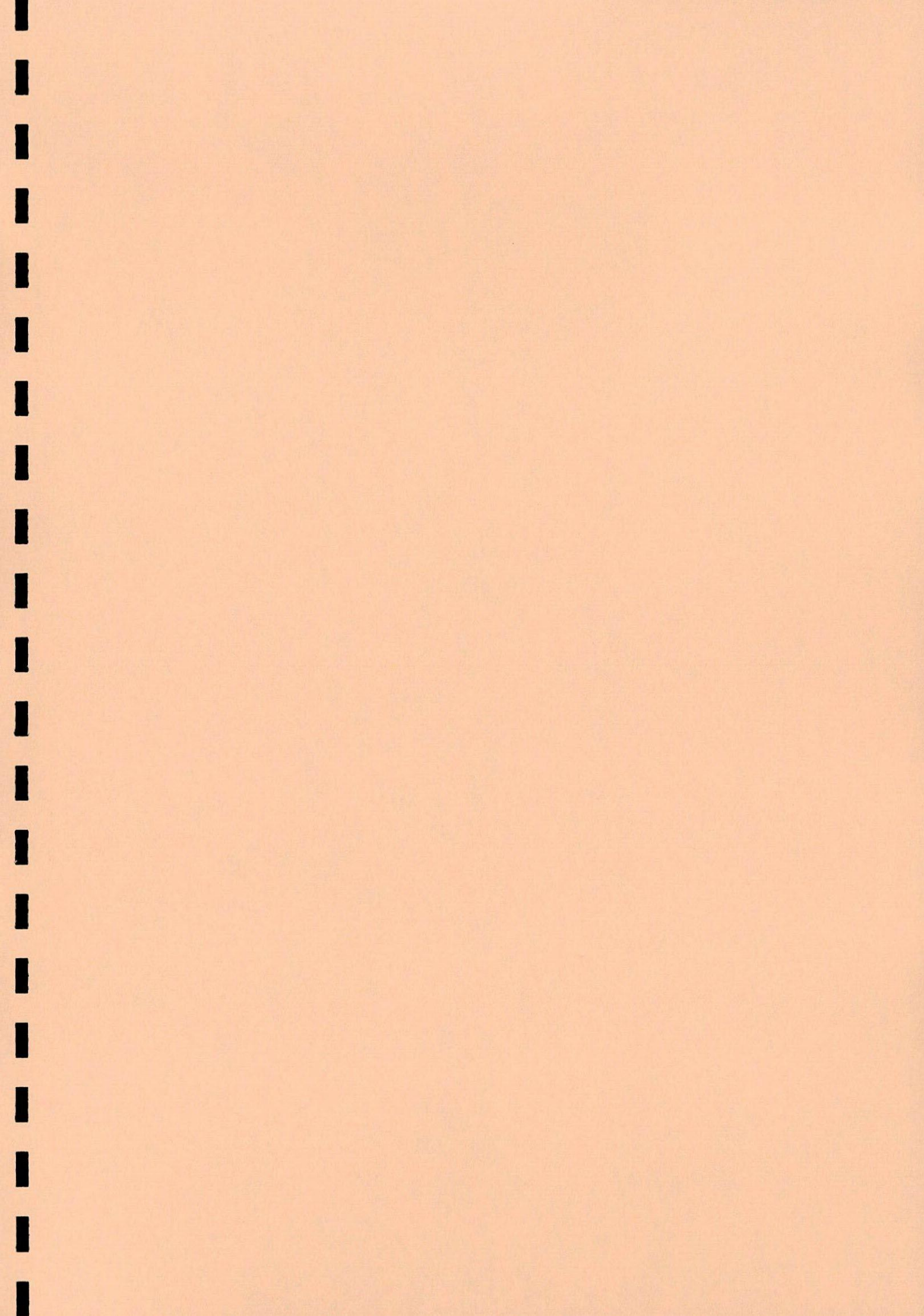
Housing Profile (2001)

	Catchment	%	GB %	Index
Private households	197,044	100.0	100.0	100
Household tenure				
Private rented	12,311	6.25	9.79	64
Renting Council/Housing Association	47,195	23.95	20.39	117
Outright owner	56,444	28.65	29.55	97
Mortgaged	75,546	38.34	40.27	95
Type of dwelling				
Dwelling type: Detached	47,891	24.30	22.91	106
Dwelling type: Semi-detached	92,020	46.70	30.79	152
Dwelling type: Terraced	50,069	25.41	25.57	99
Dwelling type: Flats	13,800	7.00	20.02	35
Dwelling type: Other	363	0.19	0.72	27
Household size				
One person private households	53,242	27.02	30.21	89
Two person private households	70,461	35.76	33.92	105
Three person private households	34,268	17.39	15.54	112
Four person private households	28,135	14.28	13.37	107
Five person private households	8,343	4.23	4.95	85
Six person private households	1,923	0.98	1.46	67
Seven or more person private h'holds	508	0.26	0.55	47
Car ownership				
Households with no car	57,201	29.03	27.44	106
Households with a car/cars	139,679	70.89	72.56	98

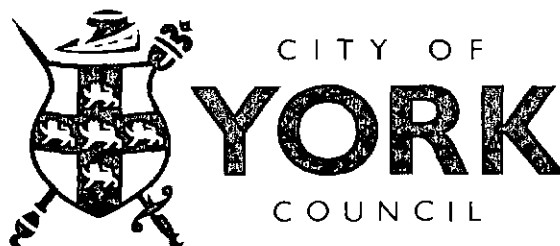
Resident Profile (2001)

	Catchment	%	GB %	Index
Resident population	470,860	100.00	100.00	100
All Residents 2001				
Age structure				
Aged 0 to 4	26,702	5.67	5.73	99
Aged 5 to 14	62,478	13.27	12.52	106
Aged 15 to 24	51,502	10.94	11.86	92
Aged 25 to 44	134,934	28.68	28.32	101
Aged 45 to 64	121,061	25.71	23.19	111
Aged 65 to 74	39,942	8.48	8.31	102
Aged 75 and over	34,240	7.27	7.32	99
Mode of travel to work				
Works mainly at home or from home	15,512	3.29	4.01	82
Travel to work by car	142,809	30.33	27.74	108
Travel to work by bus	17,766	3.77	3.83	98
Travel to work on train	2,828	0.60	1.79	33
Travel to work on foot	19,368	4.11	5.24	78
Travel to work by bike or motorcycle	1,710	0.36	1.18	31
Employment				
In employment	175,031	37.18	37.66	99
Permanently sick	39,045	8.38	4.16	153
Unemployed (2001)	12,148	2.58	2.48	104
Self employed	22,752	4.83	5.87	82
Education: Higher Degree / Degree	45,552	9.69	14.32	68
Students	5,152	1.31	1.88	69
Changed address in last year	45,569	9.68	12.03	80





Appendix [3] Examples of planning permissions granted by other Local Planning Authorities.



Approve Outline Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

Mark Wood
MWA
12 The Glenmore Centre
Jessop Court
Marconi Drive
Quedgely
Gloucester
GL2 2AP

Application at:

P C World Stirling Road York YO30 4WZ

For:

Variation of condition 10 of approved application
00/02769/OUT (and condition 5 of
05/00013/REM) to vary the restriction on the
goods that can be sold from the premises

By:

B&M Retail Ltd,

Application Ref No:

12/02047/OUTM

Application Received on:

28 May 2012

CONDITIONS OF APPROVAL:

1 No more than 25% of the total trading floor space of the approved non-food-retail unit (planning ref no's:- 00/02769/OUT and 05/00013/REM) shall be used for the sale of the following ancillary goods:-

- a) food and drink;
- b) clothing and baby goods;
- c) toys.

Reason:- To minimise the adverse impact of comparison and convenience goods sold from this unit competing with goods sold from York City Centre retail outlets.

2 No more than 10% of the total trading floor space of the approved non-food-retail unit (planning ref no's:- 00/02769/OUT and 05/00013/REM) shall be used for the sale of household textiles.

Reason:- To minimise the adverse impact of comparison and convenience goods sold from this unit competing with goods sold from York City Centre retail outlets.

3 The variation of condition hereby granted permission shall enure for the benefit of B&M Retail Ltd (trading as B&M Homestore) only whilst B&M Retail Ltd is in occupation of the premises and shall not enure for the benefit of the land. When B&M Retail Ltd cease occupation of the premises, the premises shall revert to the use as prescribed in Condition 10 attaching to planning permission 00/02769/OUT dated 14th January 2003 and Condition 5 imposed on Reserved Matters approval 05/00013/REM dated 12th May 2005.

Reason:- The permission has been granted bearing in mind the nature of B&M Homestore's retail offer and the Local Planning Authority would wish to re-assess the situation in the event of a change of owner/operator.

4 The development hereby permitted shall not exceed the floor area of 2,323 square metres.

Reason:- To safeguard the rights of control of the Local Planning Authority and to ensure a sequential approach to the provision of retail development in line with the requirements of the National Planning Policy Framework is achieved.

5 Any future proposals to create additional internal floor space shall not be carried out without the prior written approval of the Local Planning Authority through the submission of a formal planning application.

Reason:- To safeguard the rights of control of the Local Planning Authority and to ensure that a sequential approach to the provision of retail development in line with the National Planning Policy Framework is achieved.

Date:30 August 2012



M.Slater
Assistant Director (City Development and
Sustainability)

FOR RIGHTS OF APPEAL, SEE OVERLEAF

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the *vitality and viability of the City Centre*. As such the proposal complies with Policy S2 of the City of York Development Control Local Plan.

Appeals to the Secretary of State

If you are aggrieved by the decision of the City Council to attach conditions to the grant of planning permission, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within SIX months of the date of this. You must use a form which you can get from The Planning Inspectorate, at 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (tel: 0117 372 8000) or apply online via their web site (www.planning-inspectorate.gov.uk).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the City Council could not have granted planning permission for the proposed development, or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

Purchase Notices

If either the City Council or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the City Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances, compensation may be claimed from the City Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 120 and related provisions of the Town and Country Planning Act 1990.

Note

This permission does not absolve you from the need to obtain approval under the Building Regulations, or to obtain approval under any other Bye-Laws, Local Acts, Orders, Regulations and statutory provision in force, and no part of the proposed development should be commenced until such further approval has been obtained.



TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER
2010

DC/12/0216/VOC

Agent

Mark Wood
MWA
12 The Glenmore Centre
Jessop Court
Marconi Drive
Waterwells Business Park
Quedgeley
Gloucester
GL2 2AP

Applicant

B&M Retail Ltd
The Vault
Dakota Drive
Estuary Commerce Park
Speke
Liverpool
L24 8RJ

Town/Parish

Gisleham

Date Valid

27th February 2012

Proposal: Variation of Condition no. 3 of W9844/4 to allow a discount retail store

Site: Former Focus Store, 7 Tower Road, Gisleham

PERMISSION IS HEREBY GRANTED by **WAVENEY DISTRICT COUNCIL** as Local Planning Authority for the purposes of the **TOWN AND COUNTRY PLANNING ACT 1990**, for development in complete accordance with the application shown above, the plan(s) and information contained in the application, and subject to compliance with the following conditions as set out below. Your further attention is drawn to any informatives that may have been included.

In determining the application, the Council has given due weight to all material planning considerations including policies within the development plan as follows:

CS10 Retail, Leisure and Office Development (Adopted Core Strategy, January 2009)
DM10 Town Centre Boundaries (Adopted Development Management Policies, January 2011)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The net sales floorspace shall be laid out strictly in accordance with the amended shelving layout plan received 17th April 2012 and written statement dated 26th March 2012 for which permission is hereby granted and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. Condition no. 3 of W9844/4 is amended as follows:
The premises shall be used for the sale of DIY homeowner and garden items, building materials, carpets, furniture and electrical items and for no other purpose (including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) save for the following permitted limits:

- sale of food/drink/confectionary from no more than 200 square metres of the net sales area of the store
- sale of clothing/baby goods from no more than 100 square metres of the net sales area of the store
- sale of toiletries/health and beauty products from no more than 127 square metres of the net sales area of the store
- sale of recreational goods/stationery from no more than 320 square metres of the net sales area of the store

Reason: For the avoidance of doubt and to protect the vitality and viability of Lowestoft town centre.

Informatives:

There are no informatives.

Date 23rd May 2012

Philip Ridley – Head of Planning Services

PLEASE READ NOTES BELOW

NOTE

Most work, including change of use, has to comply with Building Regulations. Have you made an application or given notice before work is commenced?

NOTE

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to conditions, he may appeal to the First Secretary of State. The applicant's right to appeal is in accordance with the appropriate statutory provisions which follow:

Planning applications: Sections 78 and 79 Town & Country Planning Act 1990

Listed Building applications: Section 20, 21 and 22 Planning (Listed Buildings and Conservation Areas) Act 1990.

Advertisement applications: Section 220 and 221, Town and Country Planning Act 1990 Regulation 15 *Town & Country Planning (Control of Advertisements) Regulations 1989*.

2. **Notice of appeal** in the case of applications for advertisement consent must be served within **two months** of the date of this notice. Householder planning applications must be served within **twelve weeks** of the date of this notice. In all other cases, notice of appeal must be served within **six months** of the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Registry/Scanning Room, 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; or online at <http://www.planningportal.gov.uk/planning/appeals/>. The Planning Inspectorate website can be viewed at <http://www.planning-inspectorate.gov.uk/>.

3. The First Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances *which excuse the delay in giving notice of appeal*. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order, and to any directions given under the Order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

4. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development or works which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 114 and 116 of the Town and Country Planning Act 1990.



For B&M Retail Limited

Ref No : P/12/0223/VC

Mark Wood
Mwa
12 The Glenmore Centre, Jessop Court
Marconi Drive, Waterwells Business Park
Quedgeley
Gloucester
GL2 2AP

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995**

**FORMER FOCUS DIY SPEEDFIELDS PARK FAREHAM
VARIATION OF CONDITION 14 OF PLANNING PERMISSION FBC 4633/63 TO PERMIT AN
EXTENSION IN THE RANGE OF GOODS WHICH CAN BE SOLD**

Application Received : 8th March 2012

In pursuance of their powers under the above mentioned Act the Council, as the Local Planning Authority, hereby PERMIT the variation described above, in accordance with your application.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: To comply with the procedures set out in the Town and Country Planning (Development Management Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990.

2. No works shall be carried out within the crown spread of the existing trees and hedgerows on the southern and western boundaries of the site, either underground or on the surface, without the prior written approval of the Local Planning Authority.

Reason - To protect the health of the hedge and trees which contribute to the amenities of the area in accordance with Policy DG4 of the Fareham Borough Local Plan Review (2000) and Policy CS17 of the Adopted Fareham Borough Core Strategy (2011).

3. Other than the within the garden centre compound to the east of the existing building, no goods, plant or material shall be deposited or stored in the open or displayed for sale in the open within the site, without the prior written consent of the Local Planning Authority.

Reason - To protect the amenities of the area and/or to maintain adequate parking in accordance with Policies CS5 and CS17 of the Adopted Fareham Borough Core Strategy

Lee Smith



(2011).

4. The development hereby permitted shall not be brought into use until the areas shown on the plan approved under FBC.4633/63 for the parking, loading and unloading of vehicles, have been made available, surfaced and marked out. Thereafter, these areas shall be retained in a condition to the satisfaction of the Local Planning Authority and reserved for the purposes of parking and unloading at all times.

Reason - In the interests of highway safety, in accordance with Policy CS5 of the Adopted Fareham Borough Core Strategy (2011).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order revoking and re-enacting that Order), fences or other means of enclosure at road junctions shall be set-back to the sight lines shown on the approved plans under FBC.4633/63 and these visibility splays shall be kept free of obstacles from the commencement of development.

Reason - In the interests of highway safety, in accordance with Policy CS5 of the Adopted Fareham Borough Core Strategy (2011).

6. Any proposed external lighting shall be agreed with the Local Planning Authority and no danger or inconvenience shall be caused to users of the highway or the estate roads and no detriment shall be caused to the amenity of the locality, to the satisfaction of the Local Planning Authority.

Reason - In the interests of highway safety and to preserve adjoining residential amenity, in accordance with Policy CS5 of the Adopted Fareham Borough Core Strategy (2011).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order revoking and re-enacting that Order), no accesses other than those shown on the approved plan shall be formed to the site.

Reason - In the interests of highway safety, in accordance with Policy CS5 of the Adopted Fareham Borough Core Strategy (2011).

8. The approved screening to the garden centre shall be erected concurrently with the development and the adjacent building hereby permitted shall not be occupied until the screening has been erected. Thereafter the screening shall be retained.

Reason - In the interests of visual amenity and in order to enhance the appearance of the locality, in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy (2011).

9. The use of the land shall be limited to the retailing or wholesaling of builders merchants products, home improvement products, garden plants and products and home furniture and furnishings and for no other use (including any other uses falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any equivalent class contained in any statutory instrument which replaces it). Except that limited areas of the land may be used for the following uses:

Lee Smith



- Up to 176 square metres of the net sales area of the building on the land may be used for the sale of food/drink /confectionary sold at ambient temperature.
- Up to 75 square metres of the net sales area of the building on the land may be used for the sale of clothing and or baby goods.
- Up to 90 square metres of the net sales area of the building on the land may be used for the sale of toiletries and or health and beauty consumable products.
- Up to 235 square metres of the net sales area of the building on the land may be used for the sale of indoor and outdoor toys, camping goods and stationery.

Reason: For the avoidance of doubt and to protect the vitality and viability of existing retail centres within the Borough, in accordance with Policy CS3 of the adopted Fareham Borough Core Strategy (2011).

10. The net sales floorspace, consistent with the floor areas specified in condition number 9, shall be laid out strictly in accordance with a floor plan and shelving layout plan to be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure a properly planned development and to protect the vitality and viability of existing retail centres within the Borough, in accordance with Policy CS3 of the adopted Fareham Borough Core Strategy (2011).

Further Information:

1. (i) This permission is granted for the following reasons:-

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. The proposal is not considered likely to result in any significant adverse impact upon the vitality and viability of established retail centres, will bring a vacant commercial building back into positive re-use and create new employment opportunities within the Borough. There are no other material considerations judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

(ii) In determining this application the following policies of the development plan were taken into account:

Fareham Borough Core Strategy (2011):

Policy CS3 - Vitality and Viability of Centres

2. (i) Your attention is drawn to the enclosed Warning Notice relating to development not in accordance with approved plans. The protocol for 'Dealing with variations to Planning Permission' is available from the Civic Offices or in the Council's web site www.fareham.gov.uk
- (ii) You are also reminded that where a decision contains conditions which are required to be discharged before development commences, to commence development before those

Lee Smith



FAREHAM BOROUGH COUNCIL

www.fareham.gov.uk

conditions are discharged means that the development is not pursuant to the planning permission and is therefore UNAUTHORISED DEVELOPMENT.

Lee Smith



Your Entitlement to Appeal:

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or consent or at the imposition of conditions then, subject to the following provisions, you may appeal to the DCLG. The ways you can do so are set out above.

Please note that only the applicant possesses the right to appeal. There is no third party right of appeal for neighbours and other objectors.

Restrictions on Your Right to Appeal:

There is a time limit for lodging your appeal, although the Secretary of State may override this. The applicant has the following time in which to lodge an appeal for these classes:

- * Planning applications (but see below for Householder Applications)(appeal under Section 78 of the Town and Country Planning Act 1990 (TCPA)),
- * Listed building consent applications (appeal under Sections 20 or 21 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA)) and
- * Applications for Certificates of lawful use or development (appeals under Section 195 of the TCPA).

Should be lodged within 6 months of the date of the decision notice, or within 6 months of the expiry of the period of 8 weeks from the date the application was received or such extended period as agreed between the appellant and the Planning Inspectorate.

*** Householder Applications - If you want to appeal against a decision to refuse planning permission for a householder application then notice of appeal should be lodged within 12 weeks of the date of the decision notice.**

* Advertisement applications (appeal under Regulation 15 of the Town and Country Planning (Control of Advertisement) Regulations 1989) should be lodged within 8 weeks of the date of the decision notice.

* Application for consent to carry out works to a tree(s) the subject of a Tree Preservation Order (appeals under Sections (78)I of the TCPA) should be lodged within 28 days of the date on the decision notice, and

* Applications for a Certificate of Appropriate Alternative Development (appeals under Section 17 of the Land Compensation Act 1961) should be lodged within 1 month of the date of the certificate or notice of refusal to issue a certificate.

The Secretary of State may decide he will not consider an appeal. This might happen if the proposed development has been subject of an appeal which has been dismissed within the last two years, or where the Local Planning Authority could not have granted permission (or not without the conditions imposed) having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.

Lee Smith



2. Your Right to Serve a Purchase Notice

If the Local Planning Authority or the DCLG refuses planning permission to develop land or grant listed building consent for works, or grants permission or consent subject to conditions, the owner may serve a notice on the Council in whose area the land is situated, requiring the Council to purchase his interest in the land. The owner will need to establish that he can neither put the land to a beneficial use by the carrying out of any works or development which would have been or would be permitted (see Part VI, Chapter 1 of the TCPA for the former class of applications and Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990 for the latter class of applications).

3. Other ways to complain

If you are aggrieved at the way the Council has dealt with your application the Planning Officer who has been dealing with it will be pleased to explain the reasons for the Council's decision and endeavour to resolve the matter for you. If you are not satisfied, you may wish to put your complaint in writing or e-mail comps@fareham.gov.uk, using the Council's formal complaints procedure. This will ensure the details of your complaint are thoroughly investigated by an independent officer and an informed decision made as to whether your application was correctly dealt with. Details of the complaints procedure may be obtained from the Customer Services Manager at the Civic Offices (telephone 01329.236100). Should you remain unsatisfied at the conclusion of the Council's investigation, you may ask the Local Government Ombudsman to investigate the details of your complaint. Leaflets outlining the process of these procedures are available at the Civic Offices.

4. Other Consents You May Need

This decision relates solely to the town planning requirements under the Acts and Orders mentioned at the head of the decision notice. It does not grant any other consent or permission. In particular, the following may require consent:

i. Works requiring Building Regulations consent - If you have not already done so, you should contact the Council's Building Control Partnership at the Civic Offices, Telephone: 01329 236100 Ext 2441.

ii. Works or structures in the vicinity of a public sewer - If in doubt you should contact The Development Control Manager, Southern Water Services Ltd, Southern House, Sparrowgrove, Otterbourne, Winchester, Hampshire SO21 2SW Tel 0845 278 0845. You may inspect the Public Sewer Map held in the Council's Building Control Business Unit to find out if a public sewer crosses the site of the proposed development. (Buildings are not normally allowed within 3.0metres of a public sewer, although this may vary, depending upon the size, depth, strategic importance, available access and ground conditions appertaining to the sewer in question).

iii. Works affecting neighbours - (e.g.: work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near neighbouring buildings). The Party Wall Act 1996 requires certain measures to be taken and leaflets explaining the specific requirements are available at the Council Offices.

Lee Smith



IMPORTANT WARNING

Please read the content of this warning notice on receipt of your planning permission decision notice.

The Council is pleased to enclose your conditional planning permission decision notice.

FEEES FOR DISCHARGING PLANNING CONDITIONS

There is a fee payable to the Council when you submit details pursuant to planning conditions. The fee is £85 per request to discharge conditions (or £25 if the discharge of condition relates to a planning permission for extending or altering a dwellinghouse or other development in the curtilage of a dwelling). By way of clarification if details are submitted to discharge a number of conditions at the same time then just one fee of either £85 or £25 would be payable. If details to discharge conditions are submitted on a number of separate occasions then a fee of either £85 or £25 would be payable on each occasion. The fee must be paid when the request is made.

All requests for discharging planning conditions should be made in writing and ideally on the national application form designed for this purpose (which can be downloaded from the following site www.fareham.gov.uk/pdf/developmentc/appformlist.pdf (No. 27 on the list of forms), or otherwise please contact Regulatory Services: Development Control 01329 236100 ext. 2437 for a paper copy.

If you choose to send a covering letter rather than fill in the national application form you must ensure that all the relevant information requested in the application form is contained within your covering letter.

PRE-DEVELOPMENT CONDITIONS

Please note that there maybe conditions attached to this planning permission which are required to be discharged **before** development commences.

There have been several occurrences recently where developments have commenced before planning conditions have been discharged.

I must advise you that should you commence the development prior to all of the pre-development conditions being discharged the development will be treated as unauthorised development.

Should development commence before the pre-development conditions are discharged planning enforcement and or injunctive action to secure the cessation of the development will be considered.

Lee Smith



DEVELOPMENT NOT IN ACCORDANCE WITH APPROVED PLANS

There have been many instances recently where development has not been undertaken strictly in accordance with the approved plans.

If there is any variation from the approved plans for whatever reason, unless it is so insignificant that it can be considered de minimis (of no consequence), it is likely that it will require the submission of a new planning application. This will involve significant work and additional cost to both the developer and the Local Planning Authority.

A protocol for dealing with variations to planning permissions was agreed by the Planning Development Control Committee 16 March 2005 and copies are available from the Civic Offices or on the Council's web site www.fareham.gov.uk

Please ensure that the development you undertake is the development for which you have been granted planning permission. If your working drawings do not match the stamped approved planning drawings a new planning application will be required unless the variation is **very** small.

The ultimate decision on whether or not any change will require planning permission rests with the Local Planning Authority.

Development which is not in accordance with the approved plans is unauthorised development and likely to attract Planning Enforcement Action.

**THIS WARNING IS DESIGNED TO ASSIST AND PREVENT LATER DIFFICULTIES
PLEASE HEED THE ADVICE IN THE PROTOCOL.**

Lee Smith



Planning Permission

Agent:

MWA
12 The Glenmore Centre,
Jessop Court
Marconi Drive
Waterwells Business Park
Quedgeley,
Gloucester
GL2 2AP

Applicant:

B & M Retail Ltd
Dakota Drive, Estuary Commerce Park
Speke
Liverpool
L24 8RJ

Part 1 Particulars of Application: APP/2011/0326 received 25 June 2011

Proposal: Variation of condition 9 of planning permission 12/80/0152 to extend the range of goods which can be sold

Location: FOCUS STORE ACTIVE WAY BURNLEY

Plans: Amended Location plan received 12 September 11

Part 2 Particulars of Decision:

The Council gives notice under the Town and Country Planning Act 1990 (as amended) that Planning Permission has been **Granted** for the carrying out of the development in accordance with the application and plans submitted, referred to in Part 1 above, and subject to the following:

Condition 9 of Planning Permission 12/80/0152 shall be varied as follows:

The premises to which this permission relates shall be used only for the purposes of retailing in "Do-It-Yourself" which shall be deemed to include items described in Appendix A of this consent, and for no other purpose including any other purposes within Class 1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) save for the following permitted limits:

Goods type	Sq.m net sales
Food / drink /confectionery	190
Clothing and baby goods	60
Toiletries/ health & beauty	80
Toys / stationery	220
TOTAL	550

Subject to the following additional conditions:

1. A scheme for off-site highway improvement works and improved pedestrian linkages to the site and including a programme for implementation of the works, shall be submitted for approval in writing by the Local Planning Authority, within 1

Application APP/2011/0326

month of the date of this permission. The scheme and programme of works shall be implemented as approved to the satisfaction of the Local Planning Authority.

2. A scheme for on-site car park and access improvement works to include provision for better pedestrian linkages within the site, rearrangement of the access and egress lanes to Active Way and improvements to the exit sight lines, shall be submitted for the approval in writing by the Local Planning Authority within 1 month of the date of this permission. The scheme shall be undertaken in accordance with the approved scheme within 3 months of the date of the written approval of the scheme.
3. No deliveries to the store shall take place between the hours of 9 a.m and 4 p.m.
4. The car park shall be managed in such a way so as to deter long stay commuter parking on the site but to allow customers to undertake linked trips within the town centre for a minimum period of 2 hours, to the satisfaction of the local planning authority.

Reasons:

- 1/2/3 In the interests of highway and pedestrian safety, having regard to Policies GP1 and TM15 of the Burnley Local Plan Second Review.
4. To enhance the vitality and viability of the town centre having regard to the policy BTC3 of the Burnley Local Plan Second review

Summary of Reason for Decision:

The site is within the defined Town Centre on the Burnley Local Plan Second Review and is allocated for Class A1 retail use. A retail use here is in line with the Development Plan, in particular the policies listed below, provided highway safety improvements are brought forward to enhance pedestrian linkages across Active Way and within the site, together with better access and egress arrangements. There are no other material considerations to indicate that planning permission should not be granted.

Burnley Local Plan Second Review

BTC3 - Retail development in Burnley Town Centre outside the main and secondary shopping areas

BTC8 - Movement in Burnley Town Centre

GP1 - Development within the Urban Boundary

TM17 - Management retail and leisure car parking in town centres

Notes:

1. Your attention is drawn to the informatory notes on the back of this notice.
2. Please take careful note of the conditions attached to this permission. It is in your own interests to make sure that you satisfy the conditions at an early stage, as it can save unnecessary delay when development starts. The Council can serve a notice, if the conditions are not complied with, which could result in the development having to stop until a particular condition is fulfilled. If you are in any doubt about what you need to do, please contact this office for advice.

Application APP/2011/0326

3. This development should not be carried out otherwise than in strict accordance with the application and plans approved. You are advised to contact the local planning authority if there is any variation from the approved application, as a further planning permission may be required.
4. Please remember to remove all site notices which have been displayed in connection with this application.
5. The Burnley Local Plan Second Review may be inspected free of charge during normal office hours at this office. A copy can be purchased on request, price £50.00 plus £4.00 postage. Alternatively, you can view the Local Plan on Burnley Borough Council's website at www.burnley.gov.uk. (search under Environment, Planning, Planning Policies).
6. Please see Appendix A attached.
7. Any other relevant conditions on application 12/80/0152 are still applicable.

For Head of Planning & Environment

Decision Date: 23 September 2011

APPENDIX A

For the purposes of defining the range of goods which may be retailed from the development hereby approved the expression 'do-it-yourself' shall be deemed to include but not be limited to the following items:

- a) Building and roofing materials including sand, cement, plaster, bricks and blocks, PVC sheeting, rolls of bituminous felt;
- b) Timber and wood products including board materials, doors, window frames, moulding and sundries, wood stains, varnishes and associated tools;
- c) Plumbing equipment and materials including tubes and fittings, wastes, valves, taps, storage tanks, cylinders, baths, bathroom equipment, ceramic and plastic sanitary ware, brassware, showers, shower trays, shower doors and curtains, shower cubicles, bathroom cabinets and other bathroom fittings, domestic central heating and necessary tools and equipment;
- d) Paints, wall coverings (including co-ordinated ranges of wallpaper and curtain materials) brushes, tools and adhesives;
- e) Floor and wall tiles, floor coverings including vinyl and carpet tiles, adhesives, associated tools and sundries, door mats but excluding carpets in general;
- f) Kitchen furniture including fully fitted kitchens and flat pack self-assembly household furniture but not ready made furniture;
- g) Ironmongery, tools, nails, screws, sundry fittings and fixtures, ladders, car accessories and car care materials and sundries,
- h) *Double glazing materials, glass, mirrors, garage and patio doors;*
- i) –
- j) Garden tools, equipment, plants, seeds, fertilizers, soil conditioners, pesticides, weed killer, etc, fencing panels and posts, wire fencing materials and equipment, garden furniture, equipment and ornaments.
- k) Fire surrounds, solid fuel hearths, gas and electric fires'
- l) Domestic light fittings, cable and electric sundries;
- m) Window blinds (internal and external), curtain track, accessories and sundries;
- n) Handbooks, magazines, and instruction manuals relating to DIY
- o) Build yourself boat and canoe kits and moulds;

- p) *Camping equipment including tents, sleeping bags, associated fold up furniture and equipment*
- q) 'Lady-in-the-home' DIY – macramé, tapestry, materials and yarns, flower arranging materials and equipment, sewing machine demonstrations, franchise upholstery equipment and materials, artists paints and equipment, wood carving equipment and tools, pottery clay;
- r) Children's craft e.g. plaster casting and modelling but not toys in general;
- s) Lounge area and snack bar restricted to tea, coffee and soft drinks, biscuits, cakes and light snacks.
- t) Creche play equipment for children.

THE BOROUGH OF GREAT YARMOUTH

Town and Country Planning Act 1990

PLANNING PERMISSION

Part 1 - Particulars of Application

Reference No :- **06/12/0756/F**

Submitted :- 20th December 2012

Development at :-

B & M
Pasteur Road
Great Yarmouth
NR31 0DW

For :-

Variation of condition 2 of Planning Permission
06/85/134/F to allow a variation in the range of goods sold

Agent :-

Mr M Wood - MWA
12 The Glenmore Centre
Jessop Court, Marconi Drive
Waterwells Business Park
Quedgeley, Gloucester
GL2 2AP

Applicant :-

B & M Retail Ltd
The Vault, Dakota Drive
Estuary Commerce Park
Speke
Liverpool
L24 8RJ

Part 2 - Particulars of Decision

The Great Yarmouth Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act, 1990 that permission has been granted for the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

1. The premises shall be used for the sale of (i) DIY, gardening and building materials, (ii) hardware, (iii) furniture, carpets and floor coverings, (iv) textiles, soft furnishings and housewares and (v) domestic electrical goods for the home and shall not be used for any other purpose (including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) except that limited areas of the store may be used for the following:
 - up to 200 square metres of the net sales area of the building may be used for the sale of ambient food/drink/confectionery
 - up to 60 square metres of the net sales area of the building may be used for the sale of clothing/baby goods
 - up to 60 square metres of the net sales area of the building may be used for the sale of toiletries/health and beauty products
 - up to 200 square metres of the net sales area of the building may be used for the sale of recreational/stationery goods

The reason for the condition is :-

To allow the Local Planning Authority to retain control over the use of the store in order to protect the vitality and viability of Great Yarmouth town centre.

2. Within three months of the date of this permission a floor plan and shelving layout plan (consistent with the floor areas specified in condition 1) shall be submitted to and approved by the Local Planning Authority. The net sales floorspace shall be laid out strictly in accordance with the approved floor plan and shelving layout plan.

The reason for the condition is :-

For the avoidance of doubt.

3. No trading shall take place outside the building and garden centre compound and no goods, plant or material shall be stored or displayed for sale in the car park and manoeuvring area without the prior consent of the Local Planning Authority.

The reason for the condition is :-

To protect the amenities of the area and to ensure the permanent availability of the car park and manoeuvring area.

4. REASON FOR APPROVAL OF THE APPLICATION :-

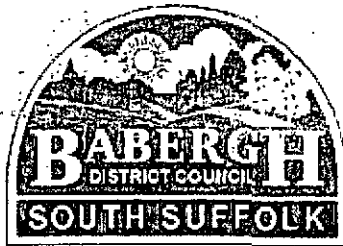
The proposal is not considered to be likely to result in any significant adverse impact upon the vitality and viability of the town centre.

5. STATEMENT OF POSITIVE ENGAGEMENT: In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

Wendy Mains

Date: 27th February 2013

Development Control Manager
Town Hall, Hall Plain, Great Yarmouth



2006-2007
Waste and Recycling
2006-2007
Culture and Sport for
Hard to Reach Groups

Christine Thurlow DipEnvP MRTPI
Corporate Manager
Development Management
Babergh District Council
Corks Lane, Hadleigh, Ipswich IP7 6SJ
DX NO: 85055 Exchange: Babergh
Website: www.babergh.gov.uk

PLANNING PERMISSION

Town and Country Planning Act 1990

Correspondence Address:

MWA
12 The Glenmore Centre, Jessop Court
Marconi Drive
Waterwells Business Park, Quedgely
GLOUCESTER
Gloucestershire
GL2 2AP

Applicant: B&M Retail Ltd

Part 1 - Particulars of Application

Date of application: 18 December 2012

Application No.: B/12/01527/ROC/LJB

Date Received: 20 December 2012

Particulars and location of development:

Application under section 73 of the Town and Country Planning Act (1990) variation to condition 13 attached to P. P. B/96/01505 - to allow the following goods to be sold: up to 196sqm of the net sales may be used for the sale of food/drink/confectionary; up to 98sqm of the net sales may be used for cleaning products; up to 98sqm net sales may be used for the sale of toiletries; up to 196sqm of the net sales may be used for the sale of toys.

PC World, Copdock Interchange, Pinewood, IPSWICH, IP8 3TT

Part 2 - Particulars of decision

The **Babergh District Council** hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. No external lighting shall be erected on the site unless details have first been submitted to and approved in writing by the Local Planning Authority.
3. There shall be no subdivision of the permitted retail warehouses into units of less than 700 square meters (gross internal) without the written approval of the Local Planning Authority, upon prior application having first been made.
4. Except as provided for in Condition 5 below, the hereby permitted retail warehouse development shall be used for retail sales within the following categories and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order): DIY and decorators supplies, gardening products including plants and shrubs, furniture including self assembly flat pack furniture, household textiles, soft and home furnishings, carpets and floor coverings, electrical goods including domestic appliances and the equivalent gas appliances, car accessories, motorcars and caravans and the

sale of food and drink to be consumed on the premises as an ancillary activity to the main retail use.

Notwithstanding the limitations prescribed above within the unit (identified as Unit B in host permission B/96/1505) the following goods can be sold:

1. Up to 196 sq.m of the net sales area may be used for the sale of food/drink/confectionery sold at ambient temperature.
 2. Up to 98 sq.m of the net sales area may be used for the sale of cleaning products.
 3. Up to 98 sq.m of the net sales area may be used for the sale of toiletries.
 4. Up to 196 sq.m of the net sales area may be used for the sale of toys.
5. Notwithstanding the provisions of Condition 4, the sale of household textiles, soft and home furnishings shall be limited to no more than 20% of the total retail floorspace of any of the hereby permitted retail warehouse units.

The reason(s) for the imposition of the said condition(s) is/are:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. In the interests of visual amenity and highway safety.
3. To enable the Local Planning Authority to retain control over such matters to prevent an over-intensive form of out of town centre retail development which would be contrary to adopted planning policy.
4. & 5. The site of the permission is outside the area where planning permission would normally be forthcoming for shopping development and the Local Planning Authority wishes to ensure that retail sales are confined to bulky goods in accordance with its adopted planning policies.

Summary of Reasons for Approval:

1. The proposed development has been assessed against saved policies SP03 of the Babergh Local Plan Alteration No.2 and emerging policies in the draft Core Strategy. The proposed variation to the condition to allow an increase in the sales for non bulky goods is limited and would not harm the vitality and viability of town centres and the rural economy.



Christine Thurlow DipEnvP MRTPI
Corporate Manager - Development Management

Date: 14 March 2013

Cheshire West & Chester Council

Notice of Planning Permission (Section 73)

B M Retail Ltd
 C/o Mr Mark Wood
 MWA
 12 Glenmore Centre Jessop Court Marconi Drive
 Waterwells Business Park
 Quedgeley
 Gloucester
 GL2 2AP

Application Number:**13/01975/S73**

Building Control Ref:

10 July 2013

Town and Country Planning Act 1990

Proposal: Variation of condition 17 of planning permission 94-00163-OUT to enable the relocation of the B and M homestore at unit 1C of The Boughton Centre to unit 4

Location: Caldley Valley Retail Park, Caldley Valley Road, Great Boughton, Chester, Cheshire,



In pursuance of their powers under the above Acts, the Council hereby grants **PERMISSION** for the above development to be carried out, subject to compliance with the following conditions:

1. The retail warehouse units 1 - 4 shall be used for the sale of bulky goods only and shall not be used for the sale of food, clothing, footwear or fashion accessories.

Notwithstanding the above, the following categories of goods shall be permitted to be sold limited to the floorspace areas specified below in unit 4 only:

- i) Food, drink and confectionary up to 75 sq m
- ii) Non Fashion clothing up to 25 sq m

Reason: To ensure the development would not adversely affect the vitality or viability of the city centre or neighbouring suburban shopping centre in accordance with the provisions of the NPPF and Policies RET9 and RET10 of the Chester District Local Plan.

2. The residential development approved under 94/00163/OUT shall only be accessed via Robinsons Croft.

Reason. In the interests of highway safety.

3. The service yard to the retail units shall be enclosed by a wall, not less than 3 metres high.



Reason. To protect the residential amenities of local residents.

4. No deliveries to the retail warehouse units shall take place outside the hours of 07.00am to 19.00pm Mondays to Saturdays. There shall be no deliveries on Sundays or Bank Holidays.

Reason. To protect the residential amenities of local residents.

5. The number of retail warehouse units shall not exceed 4 and they shall not be sub-divided to form units of less than 5,000 sq.ft. gross internal area.

Reason. In order to safeguard the vitality and viability of the city centre.

6. There shall be no external public address system serving the site unless such a system has been agreed in writing by the Local Planning Authority.

Reason. To protect residential amenities.

7. There shall be no storage or sale of goods from the open area of the site.

Reason. In the interests of visual amenity and to protect residential amenities.

Notes

1. The decision to grant planning permission has been taken having regard to the following considerations as appropriate:

National Planning Policy Framework 2012

Chester District Local Plan

RET9 Proposal for retail development outside the city centre

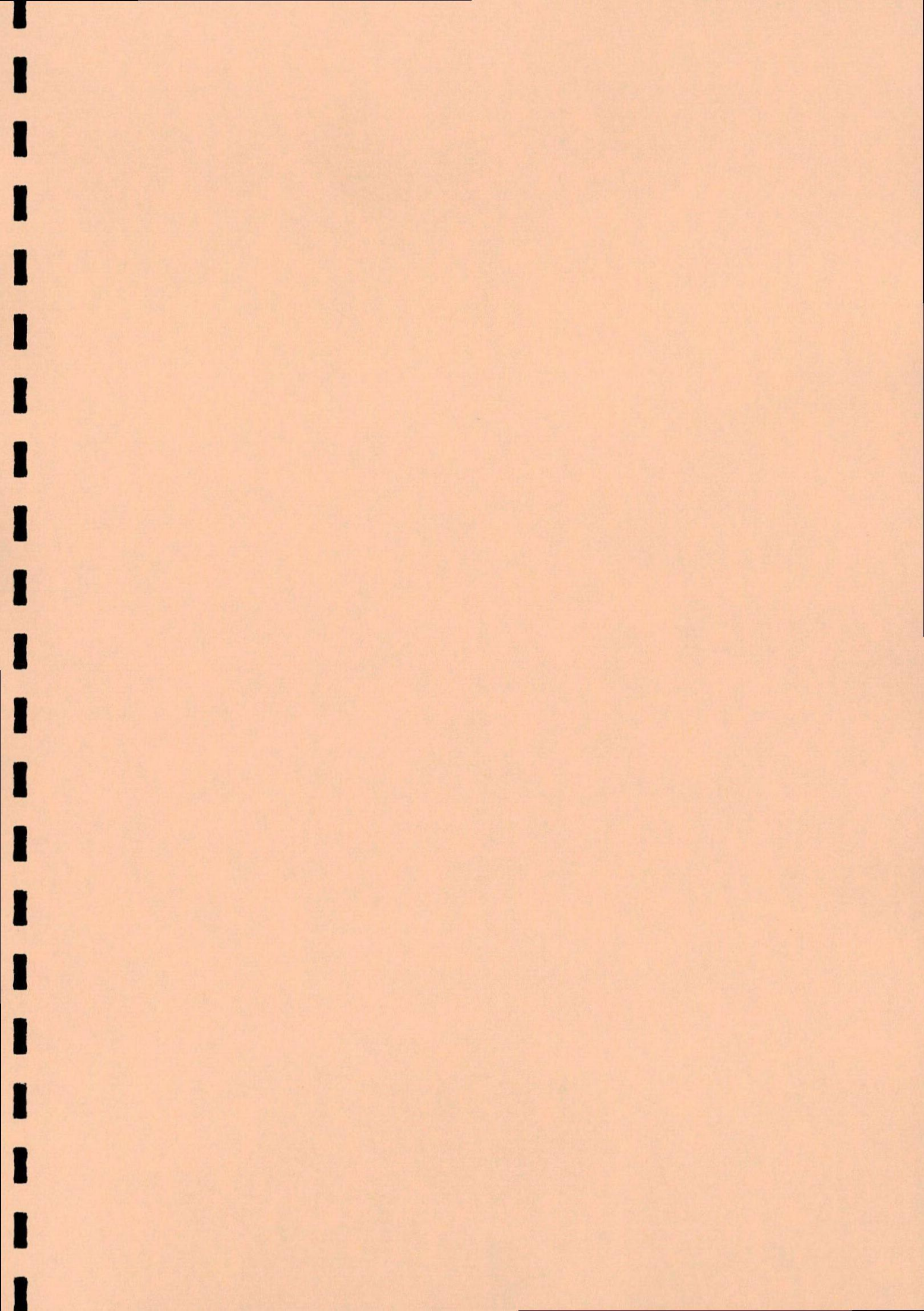
RET10 Suburban Shopping Centres

and to all other material considerations.

The local planning authority has sought to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social and environmental conditions of the area, in line with the NPPF.

It is considered that varying the condition to enable specific products to be sold other than bulky goods in the limited amount of floorspace proposed would not be materially detrimental to the vitality or viability of the city centre or neighbouring suburban shopping centre.

The proposal subject of this application is considered to comply with the national planning guidance and development plan policies set out above.



Appendix [4] List of vacant properties in Barnsley based on Focus property database.

AVAILABLE SPACE

Address	Floors & Charges				Terms	Description/Amenities	
66 Agnes Road Barnsley S70 1NH	Use: Rent: Interior Width Ground Floor sales Total Ancillary TOTAL Rates: Service Charge:	Retail £10,000 pa Per Annum Ft M 18 5 Sq Ft Sq M 725 67 Available 1,685 157 2,410 224 £1,128 pa Not Quoting	Leasehold Lease Type: NEW LEASE The available space comprises ground floor retail accommodation with ancillary offices, staffroom and storage on the ground and first floors together with a large storage cellar. 01/01/2008 Vacant	Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 21/05/2013			
The Mall Shopping Centre 4 Ainsworth Mall Blackburn BB1 5AF	Use: Rent: Ground Floor sales Total Ancillary TOTAL Rates: Service Charge:	Retail £27,500 pa Per Annum Sq Ft Sq M 584 54 Available 800 74 1,384 129 £14,719 pa Not Quoting	Leasehold Lease Type: NEW LEASE The available space comprises retail space which is arranged over ground and mezzanine levels providing retail and ancillary accommodation. The premises are available by way of a new lease for a term of years to be agreed. A service charge is payable on the premises, further information available on request. 01/05/2010 Vacant	Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 28/06/2013			
The Mall Shopping Centre 8 Ainsworth Mall Blackburn BB1 6AW	Use: Rent: Ground Floor sales TOTAL Rates: Service Charge:	Retail £25,000 pa Per Annum Sq Ft Sq M 585 54 Available 585 54 £14,366 pa Not Quoting	Leasehold Lease Type: NEW LEASE The available space comprises ground floor retail accommodation. The premises are available by way of a new lease for a term of years to be agreed. A service charge is payable on the premises, further information available on request. 01/08/2012 Vacant	Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 28/06/2013			

<p>The Mall Shopping Centre Unit 10 Ainsworth Street Blackburn BB1 6AW</p>	<p>Use: Retail Rent: £25,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>544</td> <td>51</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>544</td> <td>51</td> <td></td> </tr> </table> <p>Rates: £13,894 pa Service Charge: £3,215 pa Total Outgoings: £77.41 psf</p>		Sq Ft	Sq M		Ground Floor sales	544	51	Available	TOTAL	544	51		<p>Leasehold</p> <p>Lease Type: NEW LEASE</p> <p>The available space comprises ground floor retail accommodation. The premises are available by way of a new lease for a term of years to be agreed. Negotiable</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 28/06/2013</p>				
	Sq Ft	Sq M																	
Ground Floor sales	544	51	Available																
TOTAL	544	51																	
<p>Former Longbow Public House Barnsley Road Barnsley S73 9DJ</p>	<p>Use: Retail</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>4,050</td> <td>376</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>4,050</td> <td>376</td> <td></td> </tr> </table> <p>Sale Price: £725,000 Guide Price Rates: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	4,050	376	Available	TOTAL	4,050	376		<p>Freehold Investment</p> <p>The property comprises a former public house which is to undergo alterations and shop fitting to provide a Co - Operative Food Group Convenience Store which is likely to be open and trading in August 2013. Externally the property provides a tarmacadam car park with approximately 32 spaces leased to Co-Operative Food Group Ltd. Ground floor GIA is approximately 4050 square feet. The property is pre-let on a new 20 year full repairing and insuring lease to Co-Operative Food Group Ltd at a commencing rent of £50,000 per annum for a term of 20 years with a 10 year tenant break. The lease is subject to an initial 4 month rent free period, 5 yearly rent reviews in an upwards only direction in line with RPI subject to a cap of 4% per annum and collar of 1% per annum. Vacant</p>	<p>Location: High Street</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 31/05/2013</p>				
	Sq Ft	Sq M																	
Ground Floor sales	4,050	376	Available																
TOTAL	4,050	376																	
<p>18 Barugh Green Road Barnsley S75 1JT</p>	<p>Use: Retail Rent: £8,500 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>619</td> <td>58</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>98</td> <td>9</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>717</td> <td>67</td> <td></td> </tr> </table> <p>Rates: £2,702 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	619	58	Available	Total Ancillary	98	9		TOTAL	717	67		<p>Leasehold</p> <p>Lease Type: NEW LEASE Review Pattern: 3 Years</p> <p>The available space comprises ground floor retail accommodation with disabled facilities, kitchen and storage space. The premises are available by way of a new effectively full repairing and insuring lease with upward only rent reviews at 3 yearly intervals. 01/04/2013 Vacant</p>	<p>Location: High Street</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 21/05/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	619	58	Available																
Total Ancillary	98	9																	
TOTAL	717	67																	

<p>The Metropolitan Centre 21 Cheapside Barnsley S70 1RQ</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,485</td> <td>138</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>258</td> <td>24</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,743</td> <td>162</td> <td></td> </tr> </table> <p>Rates: £43,165 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,485	138	Available	Total Ancillary	258	24		TOTAL	1,743	162		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises ground floor retail accommodation. The property is available by way of a new lease for a term of years to be agreed. 01/11/2006 Vacant</p>	<p>Location: Shopping Centre Use Class: Not Specified Grade: Second Hand Last Update: 30/04/2013</p>				
	Sq Ft	Sq M																					
Ground Floor sales	1,485	138	Available																				
Total Ancillary	258	24																					
TOTAL	1,743	162																					
<p>The Alhambra Shopping Centre Unit K3a K3A Cheapside Barnsley S70 1SB</p>	<p>Use: Retail Rent: £9,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>280</td> <td>26</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>280</td> <td>26</td> <td></td> </tr> </table> <p>Rates: £2,920 pa Service Charge: £1,489 pa Total Outgoings: £47.89 psf</p>		Sq Ft	Sq M		Ground Floor sales	280	26	Available	TOTAL	280	26		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises a ground floor kiosk unit forming part of the Alhambra Shopping Centre. 01/08/2012 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 05/06/2013</p>								
	Sq Ft	Sq M																					
Ground Floor sales	280	26	Available																				
TOTAL	280	26																					
<p>The Alhambra Shopping Centre Unit 10 Cheapside Barnsley S70 1SB</p>	<p>Use: Retail Rent: £47,500 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>25</td> <td>8</td> <td></td> </tr> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,467</td> <td>136</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>1,467</td> <td>136</td> <td></td> </tr> </table> <p>Rates: £25,198 pa Service Charge: £14,967 pa Total Outgoings: £59.76 psf</p>		Ft	M		Interior Width	25	8			Sq Ft	Sq M		Ground Floor sales	1,467	136	Available	TOTAL	1,467	136		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises retail accommodation. A lease for a duration of 15 years. Rateable Value £53,500. 01/01/2009 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 05/06/2013</p>
	Ft	M																					
Interior Width	25	8																					
	Sq Ft	Sq M																					
Ground Floor sales	1,467	136	Available																				
TOTAL	1,467	136																					
<p>The Alhambra Shopping Centre Unit 35a Cheapside Barnsley S70 1SB</p>	<p>Use: Retail Rent: £22,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>27</td> <td>8</td> <td></td> </tr> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>629</td> <td>58</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>629</td> <td>58</td> <td></td> </tr> </table> <p>Rates: £9,302 pa Service Charge: Not Quoting</p>		Ft	M		Interior Width	27	8			Sq Ft	Sq M		Ground Floor sales	629	58	Available	TOTAL	629	58		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises retail accommodation. The subject property is located on the upper level adjacent to the principal car park entrance in a very prominent corner location opposite TK Maxx and adjacent to The Entertainer. Five year lease terms available with terms drawn on full repairing and insuring basis subject to a service charge provision. 01/03/2012 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 05/06/2013</p>
	Ft	M																					
Interior Width	27	8																					
	Sq Ft	Sq M																					
Ground Floor sales	629	58	Available																				
TOTAL	629	58																					

<p>The Alhambra Shopping Centre Unit 16b The Alhambra Shopping Centre Cheapside Barnsley S70 1SB</p>	<p>Use: Retail Rent: £40,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,666</td> <td>155</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>1,666</td> <td>155</td> <td></td> </tr> </table> <p>Rates: £23,432 pa Service Charge: £17,722 pa Total Outgoings: £48.71 psf</p>		Sq Ft	Sq M		Ground Floor sales	1,666	155	Available	TOTAL	1,666	155		<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises upper level retail accommodation. An initial rent of £40,000 per annum exclusive is sought. Five year lease terms available with terms drawn on full repairing and insuring basis subject to a service charge provision. Rateable value £44,250. Negotiable</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 05/06/2013</p>								
	Sq Ft	Sq M																					
Ground Floor sales	1,666	155	Available																				
TOTAL	1,666	155																					
<p>The Alhambra Shopping Centre Unit 30, Cheapside Barnsley S70 1SB</p>	<p>Use: Retail Rent: £50,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>25</td> <td>8</td> <td></td> </tr> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>2,460</td> <td>229</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>2,460</td> <td>229</td> <td></td> </tr> </table> <p>Rates: £18,840 pa Service Charge: Not Quoting</p>		Ft	M		Interior Width	25	8			Sq Ft	Sq M		Ground Floor sales	2,460	229	Available	TOTAL	2,460	229		<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises retail accommodation, located on the upper level of the mall. The unit is available by way of a new 5 year lease subject to 5 yearly upward only rent reviews and terms drawn on full repairing and insuring basis subject to a service charge provision. Rateable Value £60,000. 01/03/2012 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 05/06/2013</p>
	Ft	M																					
Interior Width	25	8																					
	Sq Ft	Sq M																					
Ground Floor sales	2,460	229	Available																				
TOTAL	2,460	229																					
<p>The Alhambra Shopping Centre Unit 16a Cheapside Barnsley S70 1SB</p>	<p>Use: Retail Rent: £45,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,624</td> <td>151</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>1,624</td> <td>151</td> <td></td> </tr> </table> <p>Rates: £18,369 pa Service Charge: £20,467 pa Total Outgoings: £51.62 psf</p>		Sq Ft	Sq M		Ground Floor sales	1,624	151	Available	TOTAL	1,624	151		<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises retail accommodation located on the lower level of the shopping mall. The property is available on a new five year lease for a term to be agreed. Rateable value £41,250. 01/09/2012 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 05/06/2013</p>								
	Sq Ft	Sq M																					
Ground Floor sales	1,624	151	Available																				
TOTAL	1,624	151																					
<p>The Alhambra Shopping Centre Unit 12 Cheapside Barnsley S70 1SB</p>	<p>Use: Retail Rent: £55,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>33</td> <td>10</td> <td></td> </tr> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>2,233</td> <td>207</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>2,233</td> <td>207</td> <td></td> </tr> </table> <p>Rates: £28,496 pa Service Charge: Not Quoting</p>		Ft	M		Interior Width	33	10			Sq Ft	Sq M		Ground Floor sales	2,233	207	Available	TOTAL	2,233	207		<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises retail accommodation within a busy shopping centre. The property is available on a new full repairing and insuring lease for a term to be agreed. Rateable value £60,500. 01/09/2012 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 05/06/2013</p>
	Ft	M																					
Interior Width	33	10																					
	Sq Ft	Sq M																					
Ground Floor sales	2,233	207	Available																				
TOTAL	2,233	207																					

<p>The Mall Shopping Centre Unit 45 The Mall Blackburn Church Street Blackburn BB1 5AF</p>	<p>Use: Retail Rent: Not Quoting Interior Width Ft M 19 6 Sq Ft Sq M Ground Floor sales 1,803 168 Available TOTAL 1,803 168 Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Leasehold Lease Type:NEW LEASE The available space comprises ground floor retail accommodation within the newly created MALL. A new lease on terms to be agreed. Negotiable</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: New or Refurbished Last Update: 28/06/2013</p>
<p>49 Church Street Barnsley S70 2AH</p>	<p>Use: Retail Rent: £9,500 pa Per Annum Ground Floor sales Sq Ft Sq M 727 68 Available TOTAL 727 68 Rates: Not Quoting Service Charge: £600 pa</p>	<p>Leasehold Lease Type:NEW LEASE Review Pattern:3 Years The available space comprises 727 sq ft of ground floor retail accommodation. The property is offered for a term to be negotiated on an effective full repairing and insuring basis. Negotiable</p>	<p>Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 20/06/2013</p>
<p>The Mall Shopping Centre Unit 24 The Mall Blackburn Church Street Blackburn BB1 5AF</p>	<p>Use: Retail Rent: Not Quoting Interior Width Ft M 60 18 Sq Ft Sq M Ground Floor sales 7,304 679 Available TOTAL 7,304 679 Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Leasehold Lease Type:NEW LEASE The available space comprises ground floor retail accommodation within the newly created MALL. A new lease on terms to be agreed. Negotiable</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: New or Refurbished Last Update: 28/06/2013</p>
<p>The Mall Shopping Centre Unit 25 The Mall Blackburn Church Street Blackburn BB1 5AF</p>	<p>Use: Retail Rent: Not Quoting Interior Width Ft M 64 20 Sq Ft Sq M Ground Floor sales 6,977 648 Available Other Sales 22,222 2,064 TOTAL 29,199 2,713 Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Leasehold Lease Type:NEW LEASE The available space comprises ground and first floor retail accommodation within the newly created MALL. A new lease on terms to be agreed. Negotiable</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: New or Refurbished Last Update: 28/06/2013</p>

<p>51 Church Street Barnsley S70 2AH</p>	<p>Use: Retail Rent: £10,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>521</td> <td>48</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>208</td> <td>19</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>729</td> <td>68</td> <td></td> </tr> </table> <p>Rates: £3,600 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	521	48	Available	Total Ancillary	208	19		TOTAL	729	68		<p><i>Leasehold</i></p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises a ground floor shop unit with basement ancillary space. Offered by way of a new FRI lease on terms to be agreed. 01/10/2012 Vacant</p>	<p>Location: High Street</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 20/06/2013</p>								
	Sq Ft	Sq M																									
Ground Floor sales	521	48	Available																								
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<p>The Mall Shopping Centre Unit 28 The Mall Blackburn Church Street Blackburn BB1 5AF</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>36</td> <td>11</td> <td></td> </tr> </table> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>3,666</td> <td>341</td> <td>Available</td> </tr> <tr> <td>Other Sales</td> <td>2,602</td> <td>242</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>6,268</td> <td>582</td> <td></td> </tr> </table> <p>Rates: Not Quoting Service Charge: Not Quoting</p>		Ft	M		Interior Width	36	11			Sq Ft	Sq M		Ground Floor sales	3,666	341	Available	Other Sales	2,602	242		TOTAL	6,268	582		<p><i>Leasehold</i></p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises ground and first floor retail accommodation within the newly created MALL. A new lease on terms to be agreed. Negotiable</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: New or Refurbished</p> <p>Last Update: 28/06/2013</p>
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<p>The Mall Shopping Centre Unit 29 29 Church Street Blackburn BB1 5AF</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>24</td> <td>7</td> <td></td> </tr> </table> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>2,232</td> <td>207</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>365</td> <td>34</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>2,597</td> <td>241</td> <td></td> </tr> </table> <p>Rates: Not Quoting Service Charge: Not Quoting</p>		Ft	M		Interior Width	24	7			Sq Ft	Sq M		Ground Floor sales	2,232	207	Available	Total Ancillary	365	34		TOTAL	2,597	241		<p><i>Leasehold</i></p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises ground and first floor retail accommodation within the newly created MALL. A new lease on terms to be agreed. Negotiable</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: New or Refurbished</p> <p>Last Update: 28/06/2013</p>
	Ft	M																									
Interior Width	24	7																									
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Ground Floor sales	2,232	207	Available																								
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<p>The Mall Shopping Centre Unit 34 The Mall Blackburn Church Street Blackburn BB1 5AF</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>24</td> <td>7</td> <td></td> </tr> </table> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,628</td> <td>151</td> <td>Available</td> </tr> <tr> <td>Other Sales</td> <td>2,148</td> <td>200</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>3,776</td> <td>351</td> <td></td> </tr> </table> <p>Rates: Not Quoting Service Charge: Not Quoting</p>		Ft	M		Interior Width	24	7			Sq Ft	Sq M		Ground Floor sales	1,628	151	Available	Other Sales	2,148	200		TOTAL	3,776	351		<p><i>Leasehold</i></p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises ground and first floor retail accommodation within the newly created MALL. A new lease on terms to be agreed. Negotiable</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: New or Refurbished</p> <p>Last Update: 28/06/2013</p>
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Other Sales	2,148	200																									
TOTAL	3,776	351																									

<p>The Mall Shopping Centre Unit 27 The Mall Blackburn Church Street Blackburn BB1 5AF</p>	<p>Use: Retail Rent: Not Quoting Interior Width 35 Ft 11 M Ground Floor sales 3,944 Sq Ft 366 Sq M Available Other Sales 1,486 138 TOTAL 5,430 504 Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Leasehold Lease Type:NEW LEASE The available space comprises ground and first floor retail accommodation within the newly created MALL. A new lease on terms to be agreed. Negotiable</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: New or Refurbished Last Update: 28/06/2013</p>
<p>31 Dodworth Road Barnsley S70 6DW</p>	<p>Use: Retail Rent: £8,500 pa Per Annum Ground Floor sales 391 Sq Ft 36 Sq M Available Total Ancillary 94 9 TOTAL 485 45 Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Leasehold Lease Type:NEW LEASE The available space comprises ground floor retail accommodation with residential on upper floors. 01/11/2012 Vacant</p>	<p>Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 21/05/2013</p>
<p>31 Dodworth Road Barnsley S70 6DW</p>	<p>Use: Retail Ground Floor sales 485 Sq Ft 45 Sq M Available TOTAL 485 45 Sale Price: £135,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Freehold The available space comprises ground floor retail accommodation and residential space to the first and second floors. The property currently produces an income of £8,500 pa with income growth potential. The entire freehold is occupied by Mrs S Frost under the terms of a full repairing and insuring lease for a term of 3 years and one day from 2nd August 2007. The current rent passing is £8,500 p.a. 01/04/2013 Vacant</p>	<p>Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 21/05/2013</p>
<p>5 Doncaster Road Barnsley S70 1TH</p>	<p>Use: Retail Ground Floor sales 1,043 Sq Ft 97 Sq M Available TOTAL 1,043 97 Sale Price: £65,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Freehold The available space comprises a double fronted retail unit of 1,043 sq ft. The property is available on a freehold basis. 01/10/2011 Vacant</p>	<p>Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 02/04/2013</p>

508 Doncaster Road Barnsley S70 3PY	<p>Use: Retail</p> <p>Ground Floor sales</p> <p>TOTAL</p> <p>Sale Price: £120,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Sq Ft Sq M</p> <p>530 49 Available</p> <p>530 49</p>	<p>Freehold</p> <p>The available space comprises a ground floor retail unit with two bedroomed residential space on the upper floors. At the rear is a small yard which is shared with the adjoining property. 01/01/2013 Vacant</p>	<p>Location: High Street</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 13/06/2013</p>
42 Doncaster Road Barnsley S70 1TL	<p>Use: Retail</p> <p>Ground Floor sales</p> <p>TOTAL</p> <p>Sale Price: £200,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Sq Ft Sq M</p> <p>4,388 408 Available</p> <p>4,388 408</p>	<p>Freehold</p> <p>The available space comprises 4,388 sq ft (407.6 sq m) of retail accommodation over four levels. Freehold: Offers in the region of £200,000. Rateable Value: £23,500. Freehold with vacant possession on completion. Negotiable</p>	<p>Location: High Street</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 23/05/2013</p>
24 - 26 Eidon Street Barnsley S70 2JB	<p>Use: Retail Rent: Not Quoting</p> <p>Ground Floor sales</p> <p>Total Ancillary</p> <p>TOTAL</p> <p>Rates: £10,951 pa Service Charge: Not Quoting</p>	<p>Sq Ft Sq M</p> <p>961 89 Available</p> <p>859 80</p> <p>1,820 169</p>	<p>Leasehold</p> <p>Lease Type: NEW LEASE Expiry Date: 01/09/2019</p> <p>The available space comprises ground floor retail accommodation with additional basement space available. The shop is available to let, to include the contents and fixtures and fittings, by way of a new lease expiring 28th September 2019 on full repairing and insuring terms with a rent review at 29th September 2014. The rent will be payable quarterly in advance exclusive of rates & VAT, if applicable. Negotiable</p>	<p>Location: High Street</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 26/06/2013</p>
31 - 33 Eldon Street Barnsley S70 2JJ	<p>Use: Retail Rent: £40,000 pa Per Annum</p> <p>Ground Floor sales</p> <p>Other Sales</p> <p>Total Ancillary</p> <p>TOTAL</p> <p>Rates: £12,557 pa Service Charge: Not Quoting</p>	<p>Sq Ft Sq M</p> <p>1,965 183 Available</p> <p>1,193 111</p> <p>3,714 345</p> <p>6,872 638</p>	<p>Leasehold</p> <p>Lease Type: NEW LEASE Review Pattern: 5 Years</p> <p>The available space comprises retail accommodation with storage within a three storey property. The premises are available to let on a new full repairing and insuring lease on terms to be agreed and incorporating upward only rent reviews at 5 yearly intervals. 25/08/2010 Vacant</p>	<p>Location: High Street</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 21/05/2013</p>

<p>20 - 26 Eldon Street Barnsley S70 2JB</p>	<p>Use: Retail Rent: £10,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,537</td> <td>143</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>1,537</td> <td>143</td> <td></td> </tr> </table> <p>Rates: Not Quoting Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,537	143	Available	TOTAL	1,537	143		<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:3 Years</p> <p>The available space comprises first floor leisure accommodation of 1,537 sq ft previously used as gym space and a hair salon. An FRI lease for term to be agreed incorporating 3 yearly reviews. The 2009 rateable value was £10,750. 01/09/2010 Vacant</p>	<p>Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 21/05/2013</p>												
	Sq Ft	Sq M																									
Ground Floor sales	1,537	143	Available																								
TOTAL	1,537	143																									
<p>28 - 30 Eldon Street Barnsley S70 2JB</p>	<p>Use: Retail Rent: £20,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>30</td> <td>9</td> <td></td> </tr> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>712</td> <td>66</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>872</td> <td>81</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,584</td> <td>147</td> <td></td> </tr> </table> <p>Rates: £9,063 pa Service Charge: Not Quoting</p>		Ft	M		Interior Width	30	9			Sq Ft	Sq M		Ground Floor sales	712	66	Available	Total Ancillary	872	81		TOTAL	1,584	147		<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises ground floor retail accommodation with first floor office space. The premises are available by way of a new effectively full repairing and insuring lease for a term to be agreed incorporating 3 yearly rent reviews. 01/06/2011 Vacant</p>	<p>Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 21/05/2013</p>
	Ft	M																									
Interior Width	30	9																									
	Sq Ft	Sq M																									
Ground Floor sales	712	66	Available																								
Total Ancillary	872	81																									
TOTAL	1,584	147																									
<p>The Davies Building George Yard Barnsley S70 2HG</p>	<p>Use: Retail Rent: £28,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>852</td> <td>79</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>2,556</td> <td>237</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>3,408</td> <td>317</td> <td></td> </tr> </table> <p>Rates: Not Quoting Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	852	79	Available	Total Ancillary	2,556	237		TOTAL	3,408	317		<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises a three storey town centre building suitable for restaurant, cafe or drinking establishment, substantially refurbished 3,408 sq.ft (316.72 sq.m). £28,000 (Twenty eight thousand pounds) per annum, exclusive of business rates, payable in advance by standing order. The property is also available on a freehold basis. Negotiable</p>	<p>Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 20/06/2013</p>								
	Sq Ft	Sq M																									
Ground Floor sales	852	79	Available																								
Total Ancillary	2,556	237																									
TOTAL	3,408	317																									

<p>59 - 59A Greenspring Avenue Barnsley S70 5SW</p>	<p>Use: Retail</p> <p>Ground Floor sales Sq Ft Sq M Available 2,252 209</p> <p>TOTAL 2,252 209</p> <p>Sale Price: £225,000 Guide Price Rates: Not Quoting</p>	<p>Freehold Investment</p> <p>The available space comprises approximately 2,252 sq ft of retail and office accommodation which is currently let out to Co-operative Food. The whole building is let to Co-operative Food on two standard 25 year FRI leases at a total passing rent of £17,000 p.a. both leases expire in June 2017. There is a rent review for the 1st floor offices due in 2016. The current rent for the ground floor was set in 2012 and not subject to another review before the expiration of the lease. Offers are invited in the region of £225,000 for the freehold interest</p>	<p>Location: High Street</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 22/06/2013</p>
<p>The Civic Hanson Street Barnsley S70 2HZ</p>	<p>Use: Retail Rent: Not Quoting</p> <p>Ground Floor sales Sq Ft Sq M Available 28,068 2,608</p> <p>TOTAL 28,068 2,608</p> <p>Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type: NEW LEASE</p> <p>The available space comprises retail space arranged over three floors. Floors can be taken collectively or as individual options. New leases are available, please contact the agent for further information. 01/05/2010 Vacant</p>	<p>Location: High Street</p> <p>Use Class: A1 (shops)</p> <p>Grade: New or Refurbished</p> <p>Last Update: 10/05/2013</p>
<p>28 - 30 High Street Barnsley S72 7LP</p>	<p>Use: Retail Rent: £6,500 pa Per Annum</p> <p>Ground Floor sales Sq Ft Sq M Available 940 87 Total Ancillary 711 66</p> <p>TOTAL 1,651 163</p> <p>Rates: £2,061 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type: NEW LEASE</p> <p>The available space comprises a ground floor retail unit with basement and first floor storage space. 01/01/2013 Vacant</p>	<p>Location: High Street</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 15/03/2013</p>

<p>The Metropolitan Centre 8 Kendray Street Barnsley S70 1DD</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>684</td> <td>64</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>636</td> <td>59</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,320</td> <td>123</td> <td></td> </tr> </table> <p>Rates: £3,188 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	684	64	Available	Total Ancillary	636	59		TOTAL	1,320	123		<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises 1,320 sq ft of retail accommodation arranged on the ground and basement floors. The property is available by way of a new lease. All new leases will be undertaken on a temporary basis, outside the provisions of the Landlord & Tenant Act 1954 and will incorporate landlord 's break options to ensure possession of units can be gained at the appropriate time 29/10/2011 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 08/05/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	684	64	Available																
Total Ancillary	636	59																	
TOTAL	1,320	123																	
<p>The Metropolitan Centre 12 - 14 Kendray Street Barnsley S70 1DD</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,485</td> <td>138</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>1,216</td> <td>113</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>2,701</td> <td>251</td> <td></td> </tr> </table> <p>Rates: £6,003 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,485	138	Available	Total Ancillary	1,216	113		TOTAL	2,701	251		<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises 2,701 sq ft of retail accommodation arranged on the ground and basement floorsThe property is available by way of a new lease. All new leases will be undertaken on a temporary basis, outside the provisions of the Landlord & Tenant Act 1954 and will incorporate landlord 's break options to ensure possession of units can be gained at the appropriate time 29/10/2011 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 08/05/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,485	138	Available																
Total Ancillary	1,216	113																	
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<p>The Mall Shopping Centre 28 King William Street Blackburn BB1 7DP</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,213</td> <td>113</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>430</td> <td>40</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,643</td> <td>163</td> <td></td> </tr> </table> <p>Rates: £30,615 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,213	113	Available	Total Ancillary	430	40		TOTAL	1,643	163		<p>Leasehold</p> <p>Lease Type:ASSIGNMENT Expiry Date:01/11/2022 Review Pattern:5 Years</p> <p>The available space comprises approximately 1,643 sq ft of retail accommodation arranged over basement and ground floors. The unit is held on an <i>effectively full repairing and insuring</i> lease (by way of service charge) for a term of 10 years from 5th November 2012 subject to a review after the 5th year. Consideration would be given to an assignment or the grant of a sublease subject to covenant status. RENTAL - Upon application. 01/04/2013 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 13/06/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,213	113	Available																
Total Ancillary	430	40																	
TOTAL	1,643	163																	

<p>The Mall Shopping Centre 24 King William Street Blackburn BB1 7DP</p>	<p>Use: Retail Rent: £90,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,972</td> <td>183</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>706</td> <td>66</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>2,678</td> <td>249</td> <td></td> </tr> </table> <p>Rates: £45,216 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,972	183	Available	Total Ancillary	706	66		TOTAL	2,678	249		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises a ground floor retail unit with basement ancillary space. The property is available by way of a new lease on terms to be agreed. 01/10/2012 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 28/06/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,972	183	Available																
Total Ancillary	706	66																	
TOTAL	2,678	249																	
<p>The Mall Shopping Centre 46 King William Street Blackburn BB1 7DP</p>	<p>Use: Retail Rent: £65,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,080</td> <td>100</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>450</td> <td>42</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,530</td> <td>142</td> <td></td> </tr> </table> <p>Rates: £34,148 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,080	100	Available	Total Ancillary	450	42		TOTAL	1,530	142		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises basement and ground floor retail accommodation. The premises front King William Street and are adjacent to Thomas Cook and Ann Summers, with Marks & Spencers, BHS, Body Shop and a host of other good quality retailers in close proximity. A new lease on terms to be agreed. 01/03/2012 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 28/06/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,080	100	Available																
Total Ancillary	450	42																	
TOTAL	1,530	142																	
<p>The Mall Shopping Centre 54 King William Street Blackburn BB1 7JG</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,077</td> <td>100</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>475</td> <td>44</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,552</td> <td>144</td> <td></td> </tr> </table> <p>Rates: £33,206 pa Service Charge: £10,831 pa</p>		Sq Ft	Sq M		Ground Floor sales	1,077	100	Available	Total Ancillary	475	44		TOTAL	1,552	144		<p>Leasehold Lease Type:NEW LEASE</p> <p>The premises comprises a retail unit arranged over ground floor and basement floors. The main sales area totals 1,077 sq ft with the basement space totalling 475 sq ft. The unit has a net frontage of 60 sq ft. The space is available for rent with terms to be agreed upon further contact with the agents. Negotiable</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 28/06/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,077	100	Available																
Total Ancillary	475	44																	
TOTAL	1,552	144																	
<p>The Mall Shopping Centre 40 King William Street Blackburn BB1 7DP</p>	<p>Use: Retail Rent: £130,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,755</td> <td>163</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>3,596</td> <td>334</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>5,351</td> <td>497</td> <td></td> </tr> </table> <p>Rates: £62,643 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,755	163	Available	Total Ancillary	3,596	334		TOTAL	5,351	497		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises retail space which is arranged over ground, first floor and basement levels. Available long term only. The premises are available by way of a new lease for a term of years to be agreed, service charge is payable. Available long term only. 01/05/2010 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 28/06/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,755	163	Available																
Total Ancillary	3,596	334																	
TOTAL	5,351	497																	

<p>11 Market Hill Barnsley S70 2PR</p>	<p>Use: Retail Rent: £25,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,496</td> <td>139</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>2,994</td> <td>278</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>4,490</td> <td>417</td> <td></td> </tr> </table> <p>Rates: Not Quoting Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,496	139	Available	Total Ancillary	2,994	278		TOTAL	4,490	417		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises retail accommodation arranged over ground and first floor. The unit is available for sale by way of a new 999 year long lease for a price of £250,000 exclusive. Alternatively, consideration will be given to a new full repairing and insuring lease for a term to be agreed at a commencing rental of £25,000 per annum exclusive of VAT and rates. 01/06/2012 Vacant</p>	<p>Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 03/07/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,496	139	Available																
Total Ancillary	2,994	278																	
TOTAL	4,490	417																	
<p>11 Market Hill Barnsley S70 2PR</p>	<p>Use: Retail</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>4,490</td> <td>417</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>4,490</td> <td>417</td> <td></td> </tr> </table> <p>Sale Price: £250,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	4,490	417	Available	TOTAL	4,490	417		<p>Freehold</p> <p>The available space comprises retail space arranged over ground and first floor levels. The unit is available for sale by way of a new 999 year long lease for a price of £250,000 exclusive. Alternatively, consideration will be given to a new full repairing and insuring lease for a term to be agreed at a commencing rental of £25,000 per annum exclusive of VAT and rates. 01/07/2013 Vacant</p>	<p>Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 03/07/2013</p>				
	Sq Ft	Sq M																	
Ground Floor sales	4,490	417	Available																
TOTAL	4,490	417																	
<p>The Metropolitan Centre 14 Market Parade Barnsley S70 1DE</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,482</td> <td>138</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>992</td> <td>92</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>2,474</td> <td>230</td> <td></td> </tr> </table> <p>Rates: £4,347 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,482	138	Available	Total Ancillary	992	92		TOTAL	2,474	230		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises 2,474 sq ft of retail accommodation arranged over the ground and basement floors. The property is available by way of a new lease. All new leases will be undertaken on a temporary basis, outside the provisions of the Landlord & Tenant Act 1954 and will incorporate landlord 's break options to ensure possession of units can be gained at the appropriate time 29/10/2011 Vacant</p>	<p>Location: Shopping Centre Use Class: Not Specified Grade: Second Hand Last Update: 08/05/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,482	138	Available																
Total Ancillary	992	92																	
TOTAL	2,474	230																	

<p>The Metropolitan Centre 12A Market Parade Barnsley S70 1DE</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,237</td> <td>115</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>1,237</td> <td>115</td> <td></td> </tr> </table> <p>Rates: £3,560 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,237	115	Available	TOTAL	1,237	115		<p>Leasehold</p> <p>Lease Type: NEW LEASE</p> <p>The available space comprises 1,237 sq ft of available retail accommodation arranged over the ground and basement floors. The property is available by way of a new lease. All new leases will be undertaken on a temporary basis, outside the provisions of the Landlord & Tenant Act 1954 and will incorporate landlord's break options to ensure possession of units can be gained at the appropriate time 29/10/2011 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 08/05/2013</p>				
	Sq Ft	Sq M																	
Ground Floor sales	1,237	115	Available																
TOTAL	1,237	115																	
<p>The Metropolitan Centre 12 Market Parade Barnsley S70 2TN</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,301</td> <td>121</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>259</td> <td>24</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,560</td> <td>145</td> <td></td> </tr> </table> <p>Rates: £4,450 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,301	121	Available	Total Ancillary	259	24		TOTAL	1,560	145		<p>Leasehold</p> <p>Lease Type: NEW LEASE</p> <p>The available space comprises 1,560 sq ft of retail high street accommodation arranged over the ground and basement floors. The property is available by way of a new lease. All new leases will be undertaken on a temporary basis, outside the provisions of the Landlord & Tenant Act 1954 and will incorporate landlord's break options to ensure possession of units can be gained at the appropriate time 29/10/2011 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 08/05/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,301	121	Available																
Total Ancillary	259	24																	
TOTAL	1,560	145																	
<p>Rock House Market Place Barnsley S72 8LX</p>	<p>Use: Retail</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>10,656</td> <td>990</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>10,656</td> <td>990</td> <td></td> </tr> </table> <p>Sale Price: £250,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	10,656	990	Available	TOTAL	10,656	990		<p>Freehold</p> <p>The available space comprises retail and warehouse space. Internal alterations and additions have brought the 1st floor into use for warehouse purposes. The site extends to approximately 0.2 acres (850 sqm). 01/11/2012 Vacant</p>	<p>Location: High Street</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 26/06/2013</p>				
	Sq Ft	Sq M																	
Ground Floor sales	10,656	990	Available																
TOTAL	10,656	990																	

<p>5 Market Street Barnsley S70 1SL</p>	<p>Use: Retail Rent: £19,500 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>451</td> <td>42</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>325</td> <td>30</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>776</td> <td>72</td> <td></td> </tr> </table> <p>Rates: £8,015 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	451	42	Available	Total Ancillary	325	30		TOTAL	776	72		<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises retail accommodation arranged over ground and first floors. The premises are available on a new full repairing and insuring lease for a term to be agreed, subject to five yearly upward only rent reviews. Negotiable</p>	<p>Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 28/06/2013</p>								
	Sq Ft	Sq M																									
Ground Floor sales	451	42	Available																								
Total Ancillary	325	30																									
TOTAL	776	72																									
<p>29 Market Street Barnsley S70 1SN</p>	<p>Use: Retail Rent: £26,250 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>15</td> <td>4</td> <td></td> </tr> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>417</td> <td>39</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>433</td> <td>40</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>850</td> <td>79</td> <td></td> </tr> </table> <p>Rates: £5,888 pa Service Charge: Not Quoting</p>		Ft	M		Interior Width	15	4			Sq Ft	Sq M		Ground Floor sales	417	39	Available	Total Ancillary	433	40		TOTAL	850	79		<p>Leasehold</p> <p>Lease Type:ASSIGNMENT Expiry Date:01/03/2018</p> <p>The premises are situated on Market Street close to the junction with Albert Street East. Surrounding retailers include 99p Stores, Brighthouse, Berry's Opticians and SF Shoes. Negotiable</p>	<p>Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 11/05/2013</p>
	Ft	M																									
Interior Width	15	4																									
	Sq Ft	Sq M																									
Ground Floor sales	417	39	Available																								
Total Ancillary	433	40																									
TOTAL	850	79																									
<p>32 Market Street Cudworth Barnsley S72 8LW</p>	<p>Use: Retail Rent: £29,500 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Ft</td> <td>M</td> <td></td> </tr> <tr> <td>Interior Width</td> <td>16</td> <td>5</td> <td></td> </tr> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>918</td> <td>85</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>441</td> <td>41</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,359</td> <td>126</td> <td></td> </tr> </table> <p>Rates: £13,894 pa Service Charge: Not Quoting</p>		Ft	M		Interior Width	16	5			Sq Ft	Sq M		Ground Floor sales	918	85	Available	Total Ancillary	441	41		TOTAL	1,359	126		<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises retail accommodation arranged on ground and first floors. The premises are available on a new effectively full repairing and insuring lease for a term to be agreed, subject to five yearly upward only rent reviews. 01/12/2011 Vacant</p>	<p>Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 09/05/2013</p>
	Ft	M																									
Interior Width	16	5																									
	Sq Ft	Sq M																									
Ground Floor sales	918	85	Available																								
Total Ancillary	441	41																									
TOTAL	1,359	126																									
<p>9 Market Street Barnsley S70 1SL</p>	<p>Use: Retail Rent: £45,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,350</td> <td>125</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>880</td> <td>82</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>2,230</td> <td>207</td> <td></td> </tr> </table> <p>Rates: £21,825 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,350	125	Available	Total Ancillary	880	82		TOTAL	2,230	207		<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises high street retail accommodation. The property is available on a new 15 year lease for a rent of £45,000 pa. 13/02/2010 Vacant</p>	<p>Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 28/05/2013</p>								
	Sq Ft	Sq M																									
Ground Floor sales	1,350	125	Available																								
Total Ancillary	880	82																									
TOTAL	2,230	207																									

<p>60 Market Street Barnsley S70 1SN</p>	<p>Use: Retail Rent: £16,500 pa Per Annum</p> <p>Sq Ft Sq M 771 72 Available Total Ancillary 442 41</p> <p>TOTAL 1,213 113</p> <p>Rates: £6,831 pa Service Charge: Not Quoting</p>	<p>Leasehold Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises ground floor retail accommodation with ancillary space on the floor above totalling 1,213 sq ft. The premises are available by way of a new full repairing and insuring lease for a term to be agreed and incorporating upward only rent reviews at 5 yearly intervals. The property is also available on a freehold basis. 01/06/2010 Vacant</p>	<p>Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 22/07/2010</p>
<p>3 Market Street Barnsley S70 1SL</p>	<p>Use: Retail Rent: £27,500 pa Per Annum</p> <p>Ft M Interior Width 17 5</p> <p>Sq Ft Sq M Ground Floor sales 806 56 Available Total Ancillary 275 26</p> <p>TOTAL 881 82</p> <p>Rates: £10,284 pa Service Charge: Not Quoting</p>	<p>Leasehold Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises retail accommodation to the ground floor with ancillary storage space to the first floor. The premises are available on a new effectively full repairing and insuring lease for a term to be agreed, subject to five yearly upward only rent reviews. 01/10/2011 Vacant</p>	<p>Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 28/06/2013</p>
<p>The Mall Shopping Centre 23 - 25 Market Way Blackburn BB1 7JF</p>	<p>Use: Retail Rent: £30,000 pa Per Annum</p> <p>Sq Ft Sq M Ground Floor sales 723 67 Available Total Ancillary 689 64</p> <p>TOTAL 1,412 131</p> <p>Rates: £19,076 pa Service Charge: Not Quoting</p>	<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises retail accommodation and arranged over ground and basement levels providing retail and ancillary accommodation. The premises are available by way of a new lease for a term of years to be agreed. A service charge is payable on the premises, further information available on request. 01/05/2010 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 28/06/2013</p>

<p>The Mall Shopping Centre 19 Market Way Blackburn BB1 7JQ</p>	<p>Use: Retail Rent: £22,500 pa Per Annum</p> <table border="0"> <thead> <tr> <th></th> <th>Sq Ft</th> <th>Sq M</th> <th>Available</th> </tr> </thead> <tbody> <tr> <td>Ground Floor sales</td> <td>646</td> <td>60</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>318</td> <td>30</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>964</td> <td>90</td> <td></td> </tr> </tbody> </table> <p>Rates: £10,009 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M	Available	Ground Floor sales	646	60	Available	Total Ancillary	318	30		TOTAL	964	90		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises ground floor sales accommodation with ancillary space in the basement. The premises are available by way of a new lease for a term of years to be agreed. A service charge is payable on the premises, further information available on request. 01/08/2012 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 28/06/2013</p>
	Sq Ft	Sq M	Available																
Ground Floor sales	646	60	Available																
Total Ancillary	318	30																	
TOTAL	964	90																	
<p>8 May Day Green Barnsley S70 1SH</p>	<p>Use: Retail Rent: £10,200 pa Per Annum</p> <table border="0"> <thead> <tr> <th></th> <th>Sq Ft</th> <th>Sq M</th> <th>Available</th> </tr> </thead> <tbody> <tr> <td>Ground Floor sales</td> <td>1,296</td> <td>120</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>244</td> <td>23</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,540</td> <td>143</td> <td></td> </tr> </tbody> </table> <p>Rates: £10,764 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M	Available	Ground Floor sales	1,296	120	Available	Total Ancillary	244	23		TOTAL	1,540	143		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises 1,540 sq ft of retail accommodation arranged over the ground floor. The property is available by way of a new lease. all new leases will be undertaken on a temporary basis, outside of the Landlord and Tenant Act 1954 and will incorporate landlords break options to ensure possession of units can be gained at the appropriate time. 01/10/2011 Vacant</p>	<p>Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 22/04/2013</p>
	Sq Ft	Sq M	Available																
Ground Floor sales	1,296	120	Available																
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<p>14 - 16 May Day Green Barnsley S70 1SH</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <thead> <tr> <th></th> <th>Sq Ft</th> <th>Sq M</th> <th>Available</th> </tr> </thead> <tbody> <tr> <td>Ground Floor sales</td> <td>1,919</td> <td>178</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>904</td> <td>84</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>2,823</td> <td>262</td> <td></td> </tr> </tbody> </table> <p>Rates: Not Quoting Service Charge: Not Quoting</p>		Sq Ft	Sq M	Available	Ground Floor sales	1,919	178	Available	Total Ancillary	904	84		TOTAL	2,823	262		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises retail accommodation set within a busy shopping precinct. The property is available by way of a new lease for a term of years to be agreed. 01/11/2006 Vacant</p>	<p>Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 22/04/2013</p>
	Sq Ft	Sq M	Available																
Ground Floor sales	1,919	178	Available																
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<p>The Metropolitan Centre 19 May Day Green Barnsley S70 1RH</p>	<p>Use: Retail Rent: £9,000 pa Per Annum</p> <table border="1"> <thead> <tr> <th></th> <th>Sq Ft</th> <th>Sq M</th> <th>Available</th> </tr> </thead> <tbody> <tr> <td>Ground Floor sales</td> <td>327</td> <td>30</td> <td></td> </tr> <tr> <td>Total Ancillary</td> <td>261</td> <td>24</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>688</td> <td>55</td> <td></td> </tr> </tbody> </table> <p>Rates: Not Quoting Service Charge: £1,418 pa</p>		Sq Ft	Sq M	Available	Ground Floor sales	327	30		Total Ancillary	261	24		TOTAL	688	55		<p>Leasehold Lease Type: NEW LEASE</p> <p>The available space comprises ground floor sales area of 327 sq.ft (30 sq.m) and basement storage area & WC of 261 sq.ft (24sq.m). Rent £9,000 per annum, Service charge £1,417.50 per annum, Insurance tbc. Immediately available. Please contact the agents for further details. Each property, if offered, is subject to a short term tenancy agreement. The tenancy agreement will be outside the provisions of the Landlord and Tenancy Act 1954, and will include a mutual 3-month option to break at 3 months' notice. All tenants will be responsible for the payment of all outgoings incurred through their occupation of the premises, including Rent, Service Charge, Buildings Insurance Premium, Rates and VAT (if applicable). Interested parties are invited to make enquiries with the Council's Non-Domestic Rating Section - (01226) 774764 with regards to the payment of rates. Interested parties are invited to make enquiries with Barnsley Council's Planning Department in respect of their proposed use. Service Charge figures are based on an on account charge. Figures are calculated for the period 1st April to 31st March annually. Subject to annual amendment. Insurance Premium figures are calculated for the period 1st October to 30th September annually. Subject to annual amendment. 01/11/2012 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 30/04/2013</p>
	Sq Ft	Sq M	Available																
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TOTAL	688	55																	

<p>The Metropolitan Centre 11 - 13 May Day Green Barnsley S70 1RQ</p>	<p>Use: Retail Rent: £20,000 pa Per Annum</p> <table border="0"> <thead> <tr> <th></th> <th>Sq Ft</th> <th>Sq M</th> <th>Available</th> </tr> </thead> <tbody> <tr> <td>Ground Floor sales</td> <td>668</td> <td>62</td> <td></td> </tr> <tr> <td>Total Ancillary</td> <td>573</td> <td>53</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,241</td> <td>115</td> <td></td> </tr> </tbody> </table> <p>Rates: Not Quoting Service Charge: £2,835 pa</p>		Sq Ft	Sq M	Available	Ground Floor sales	668	62		Total Ancillary	573	53		TOTAL	1,241	115		<p>Leasehold Lease Type: NEW LEASE</p> <p>The available space comprises ground floor sales area of 668 sq.ft (62 sq.m) and basement storage area & WC of 573 sq.ft (52sq.m). Rent £20,000 per annum, Service Charge £2,835, Insurance tbc. Immediately available. Please contact the agents for further details. Each property, if offered, is subject to a short term tenancy agreement. The tenancy agreement will be outside the provisions of the Landlord and Tenancy Act 1954, and will include a mutual 3-month option to break at 3 months' notice. All tenants will be responsible for the payment of all outgoings incurred through their <i>occupation of the premises</i>, including Rent, Service Charge, Buildings Insurance Premium, Rates and VAT (if applicable). Interested parties are invited to make enquiries with the Council's Non-Domestic Rating Section - (01226) 774764 with regards to the payment of rates. Interested parties are invited to make enquiries with Barnsley Council's Planning Department in respect of their proposed use. Service Charge figures are based on an on account charge. Figures are calculated for the period 1st April to 31st March annually. Subject to annual amendment. Insurance Premium figures are calculated for the period 1st October to 30th September annually. Subject to annual amendment. 01/11/2012 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 30/04/2013</p>
	Sq Ft	Sq M	Available																
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<p>The Metropolitan Centre 5 - 7 May Day Green Barnsley S70 1DE</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>4,530</td> <td>421</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>1,683</td> <td>156</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>6,213</td> <td>577</td> <td></td> </tr> </table> <p>Rates: £16,663 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	4,530	421	Available	Total Ancillary	1,683	156		TOTAL	6,213	577		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises 6,213 sq ft of retail accommodation arranged over the ground and basement levels. The property is available by way of a new lease. all new leases will be undertaken on a temporary basis, outside of the Landlord and Tenant Act 1954 and will incorporate landlords break options to ensure possession of units can be gained at the appropriate time. 29/10/2011 Vacant</p>	<p>Location: Shopping Centre Use Class: Not Specified Grade: Second Hand Last Update: 08/05/2013</p>
	Sq Ft	Sq M																	
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<p>The Metropolitan Centre 1 May Day Green Barnsley S70 1RH</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>2,875</td> <td>267</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>1,107</td> <td>103</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>3,982</td> <td>370</td> <td></td> </tr> </table> <p>Rates: £11,074 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	2,875	267	Available	Total Ancillary	1,107	103		TOTAL	3,982	370		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises 3,982 sq ft of retail accommodation arranged on the ground and basement levels. The property is available by way of a new lease. All new leases will be undertaken on a temporary basis, outside the provisions of the Landlord & Tenant Act 1954 and will incorporate landlord 's break options to ensure possession of units can be gained at the appropriate time 29/10/2011 Vacant</p>	<p>Location: Shopping Centre Use Class: Not Specified Grade: Second Hand Last Update: 08/05/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	2,875	267	Available																
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<p>The Metropolitan Centre 3 May Day Green Barnsley S70 1DD</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>1,675</td> <td>156</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>234</td> <td>22</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>1,909</td> <td>177</td> <td></td> </tr> </table> <p>Rates: £4,968 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,675	156	Available	Total Ancillary	234	22		TOTAL	1,909	177		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises 1,909 sq ft of retail accommodation arranged over the ground and basement levels. The property is available by way of a new lease. All new leases will be undertaken on a temporary basis, outside the provisions of the Landlord & Tenant Act 1954 and will incorporate landlord 's break options to ensure possession of units can be gained at the appropriate time 29/10/2011 Vacant</p>	<p>Location: Shopping Centre Use Class: Not Specified Grade: Second Hand Last Update: 08/05/2013</p>
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Former Pub/club Premises Neville Avenue Barnsley S70 3HF	Use: Retail Rent: £17,500 pa Per Annum Sq Ft Sq M Ground Floor sales 6,470 601 Available TOTAL 6,470 601 Sale Price: £250,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting	Freehold The available space comprises a former pub/club on a 0.38 acre site. 01/11/2012 Vacant	Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 21/05/2013
1 New Street Barnsley S71 5AJ	Use: Retail Rent: £17,500 pa Per Annum Sq Ft Sq M Ground Floor sales 494 46 Available Total Ancillary 341 32 TOTAL 835 78 Rates: £5,071 pa Service Charge: Not Quoting	Leasehold Lease Type: NEW LEASE The available space comprises a ground floor retail unit. The property is offered for a term to be negotiated on a full repairing and insuring lease at a rental of £17,500 per annum, exclusive of business rates, payable quarterly in advance by standing order. The ingoing tenants are to bear the landlord's reasonable legal costs in the transaction. 19/11/2011 Vacant	Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 20/06/2013
29 - 31 New Street Barnsley S70 1RX	Use: Retail Rent: £42,000 pa Per Annum Ft M Interior Width 37 11 Sq Ft Sq M Ground Floor sales 1,209 112 Available Total Ancillary 1,974 183 TOTAL 3,183 296 Rates: £6,641 pa Service Charge: Not Quoting	Leasehold Lease Type: NEW LEASE Review Pattern: 5 Years The available space comprises a retail sales shop arranged on the ground floor with further sales/storage accommodation to the first floor and storage to the basement. The premises are available by way of a new FRI lease upon terms to be agreed but incorporating 5 yearly rent reviews. The property has a Rateable Value of £14,250. VIEWING OF THE PROPERTY BY APPOINTMENT WITH THE AGENT AS THE STAFF ARE UNAWARE OF THE DISPOSAL. 09/01/2009 Vacant	Location: High Street Use Class: A1 (shops) Grade: Second Hand Last Update: 21/05/2013

<p>14 Peel Square Barnsley S70 1YA</p>	<p>Use: Retail Rent: £25,000 pa Per Annum</p> <p>Sq Ft Sq M Ground Floor sales 895 83 Available Total Ancillary 530 49</p> <p>TOTAL 1,425 132</p> <p>Rates: £9,389 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises ground floor sale area with first floor storage. 01/11/2012 Vacant</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: Second Hand Last Update: 04/06/2013</p>
<p>Peel Street Arcade 23 - 29 Peel Street Barnsley S70 2RA</p>	<p>Use: Retail Rent: £77,250 pa Per Annum</p> <p>Sq Ft Sq M Ground Floor sales 4,028 374 Available Total Ancillary 4,434 412</p> <p>TOTAL 8,462 786</p> <p>Rates: £34,207 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type:ASSIGNMENT Expiry Date:01/02/2016</p> <p>The available space comprises a High Street retail unit. The entire premises are available by way of an assignation of a 10 year full repairing and insuring lease from 24th February 2006 at a passing rental of £77,250 per annum exclusive. The lease expires on 23rd February 2016. Negotiable</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: Second Hand Last Update: 19/06/2013</p>
<p>3 - 11 Peel Street Barnsley S70 2RA</p>	<p>Use: Retail Rent: £70,000 pa Per Annum</p> <p>Sq Ft Sq M Ground Floor sales 6,605 614 Available Total Ancillary 5,253 488</p> <p>TOTAL 11,858 1,102</p> <p>Rates: £37,098 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type:SUBLEASE</p> <p>The available space comprises ground floor retail accommodation with first floor ancillary space. The premises are available by way of a full repairing and insuring new sub-lease for a term of years to be agreed, subject to five yearly upward only rent reviews. 01/03/2013 Vacant</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: Second Hand Last Update: 25/02/2013</p>
<p>21 Peel Street Barnsley S70 2RA</p>	<p>Use: Retail Rent: £27,500 pa Per Annum</p> <p>Ft M Interior Width 18 6</p> <p>Sq Ft Sq M Ground Floor sales 1,727 160 Available Total Ancillary 1,680 156</p> <p>TOTAL 3,407 317</p> <p>Rates: £10,717 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises retail accommodation to the ground floor and storage space above. The premises are available on a new effectively full repairing and insuring lease for a term to be agreed, subject to five yearly upward only rent reviews. 01/01/2012 Vacant</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: Second Hand Last Update: 28/06/2013</p>

<p>222 Pontefract Road Barnsley S71 5PN</p>	<p>Use: Retail Rent: £7,000 pa Per Annum</p> <p>Sq Ft Sq M Available 595 55</p> <p>TOTAL 695 55</p> <p>Rates: £1,648 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type: ASSIGNMENT</p> <p>The available space comprises ground floor retail space, A5 accommodation. The space is available by way of assignment of a full repairing and insuring lease for a term expiring on 27 November 2015. The current rent passing is £7,000 p.a. subject to review on 27th November 2012. 01/07/2012 Vacant</p>	<p>Location: High Street Use Class: A5 (hot Food Takeaway)</p> <p>Grade: Second Hand Last Update: 21/05/2013</p>
<p>2A Rotherham Road Barnsley S71 5QR</p>	<p>Use: Retail</p> <p>Sq Ft Sq M Available 1,681 156</p> <p>TOTAL 1,681 156</p> <p>Sale Price: £210,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Freehold</p> <p>The available space comprises a very attractive, two storey, stone built Office/Retail block (or other various uses, subject to planning consents being granted) located in a good position, fronting the main A628 Pontefract Road and also the A633 Rotherham Road, with more than ample parking inclusive. The property is available on a freehold basis.</p>	<p>Location: High Street Use Class: Not Specified</p> <p>Grade: Second Hand Last Update: 22/06/2013</p>
<p>50 Sackville Street Barnsley S70 2DB</p>	<p>Use: Retail</p> <p>Sq Ft Sq M Available 880 82</p> <p>TOTAL 880 82</p> <p>Sale Price: £99,950 Guide Price Rates: Not Quoting</p>	<p>Freehold Investment</p> <p>Vacant former '5 STAR SANDWICH BAR' with 1st and 2nd floor accommodation and basement store, positioned within only a few hundred yards of Barnsley Town Centre. The property is sold with the benefit of planning approval for the erection of a four storey extension and creation of two light wells to form five residential units and a new shop front to the existing retail unit under application No: 2011/1013. Freehold price £99,950 Vacant</p>	<p>Location: High Street Use Class: Not Specified</p> <p>Grade: Second Hand Last Update: 19/04/2013</p>

<p>Gateway Plaza Shambles Street Barnsley S70 2NL</p>	<p>Use: Retail Rent: £312,500 pa Per Annum</p> <p>Ground Floor sales Sq Ft Sq M Available 25,000 2,323</p> <p>TOTAL 25,000 2,323</p> <p>Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type: NEW LEASE</p> <p>The available space comprises retail accommodation which surrounds a central plaza and is capable of subdivision to suit an occupiers needs and is available to let immediately on terms to be agreed. Units available from 500 sq ft. A lease on terms to be agreed with offers invited for the rent. 01/01/2008 Vacant</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: New or Refurbished Last Update: 17/06/2013</p>
<p>Peel Parade Retail/leisure Opportunity Shambles Street Barnsley S70 2RN</p>	<p>Use: Retail Rent: Not Quoting</p> <p>Ground Floor sales Sq Ft Sq M Available 13,853 1,287 Other Sales 8,000 743</p> <p>TOTAL 21,853 2,030</p> <p>Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type: NEW LEASE</p> <p>The available space comprises retail accommodation arranged over lower ground plus additional space on upper ground and mezzanine levels. Available on new lease with terms to be agreed and can let into smaller units. Rent on application. 06/01/2011 Vacant</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: Second Hand Last Update: 21/06/2013</p>
<p>116 Sheffield Road Barnsley S70 1JB</p>	<p>Use: Retail Rent: £4,800 pa Per Annum</p> <p>Ground Floor sales Sq Ft Sq M Available 154 14 Other Sales 64 6 Total Ancillary 164 15</p> <p>TOTAL 382 36</p> <p>Rates: £149 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type: NEW LEASE</p> <p>The available space comprises ground and first floor retail accommodation also suitable for offices. The property is offered on the basis of a minimum three year full repairing and insuring lease. The ingoing tenant to bear the landlord's reasonable legal costs in the transaction. 07/03/2012 Vacant</p>	<p>Location: High Street Use Class: Not Specified</p> <p>Grade: Second Hand Last Update: 22/05/2013</p>
<p>70 Sheffield Road Barnsley S70 1HS</p>	<p>Use: Retail</p> <p>Ground Floor sales Sq Ft Sq M Available 987 92</p> <p>TOTAL 987 92</p> <p>Sale Price: £90,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting</p>	<p>Freehold</p> <p>The available space comprises a retail unit with offices above of 987 sq ft in total, with a large display window and fascia board. A new FRI lease upon terms to be agreed. Vacant</p>	<p>Location: High Street Use Class: Not Specified</p> <p>Grade: Second Hand Last Update: 21/05/2013</p>

<p>2 - 4 The Arcade Barnsley S70 2QN</p>	<p>Use: Retail Rent: £29,000 pa Per Annum</p> <p>Interior Width Ft M 11 3</p> <p> Sq Ft Sq M Ground Floor sales 1,345 125 Available Total Ancillary 747 69</p> <p>TOTAL 2,092 194</p> <p>Rates: £13,460 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises a ground floor retail unit with storage to the floor above. The premises are available by way of a new lease on terms to be agreed and incorporating 5 yearly rent reviews. Negotiable</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: Second Hand Last Update: 28/02/2013</p>
<p>9 The Arcade Barnsley S70 2QP</p>	<p>Use: Retail Rent: £8,000 pa Per Annum</p> <p> Sq Ft Sq M Ground Floor sales 315 29 Available Total Ancillary 181 17</p> <p>TOTAL 496 46</p> <p>Rates: £3,375 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises a ground floor retail unit with storage to the floor above. The premises are available by way of a new lease on terms to be agreed and incorporating 5 yearly rent reviews. Negotiable</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: Second Hand Last Update: 28/02/2013</p>
<p>31 The Arcade Barnsley S70 2QP</p>	<p>Use: Retail Rent: £8,500 pa Per Annum</p> <p> Sq Ft Sq M Ground Floor sales 335 31 Available</p> <p>TOTAL 335 31</p> <p>Rates: £3,801 pa Service Charge: Not Quoting</p>	<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises retail accommodation arranged over ground and first floors with storage. The property stands in a popular and busy pedestrianized thoroughfare known as The Arcade which links Market Hill and Eldon Street. There is also a secondary link to Hanson Street, George Yard and The Civic. 01/11/2012 Vacant</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: Second Hand Last Update: 16/03/2013</p>
<p>9 The Arcade Barnsley S70 2QP</p>	<p>Use: Retail Rent: £8,000 pa Per Annum</p> <p>Interior Width Ft M 11 3</p> <p> Sq Ft Sq M Ground Floor sales 315 29 Available Other Sales 181 17</p> <p>TOTAL 496 46</p> <p>Rates: £3,375 pa Service Charge: £71 pa Total Outgoings: £23.08 psf</p>	<p>Leasehold</p> <p>Lease Type:NEW LEASE Review Pattern:5 Years</p> <p>The available space comprises a ground floor retail shop and first floor offices 496 sq ft. A service charge is levied in respect of the general maintenance and upkeep of The Arcade. 01/01/2010 Vacant</p>	<p>Location: High Street Use Class: A1 (shops)</p> <p>Grade: Second Hand Last Update: 25/02/2013</p>

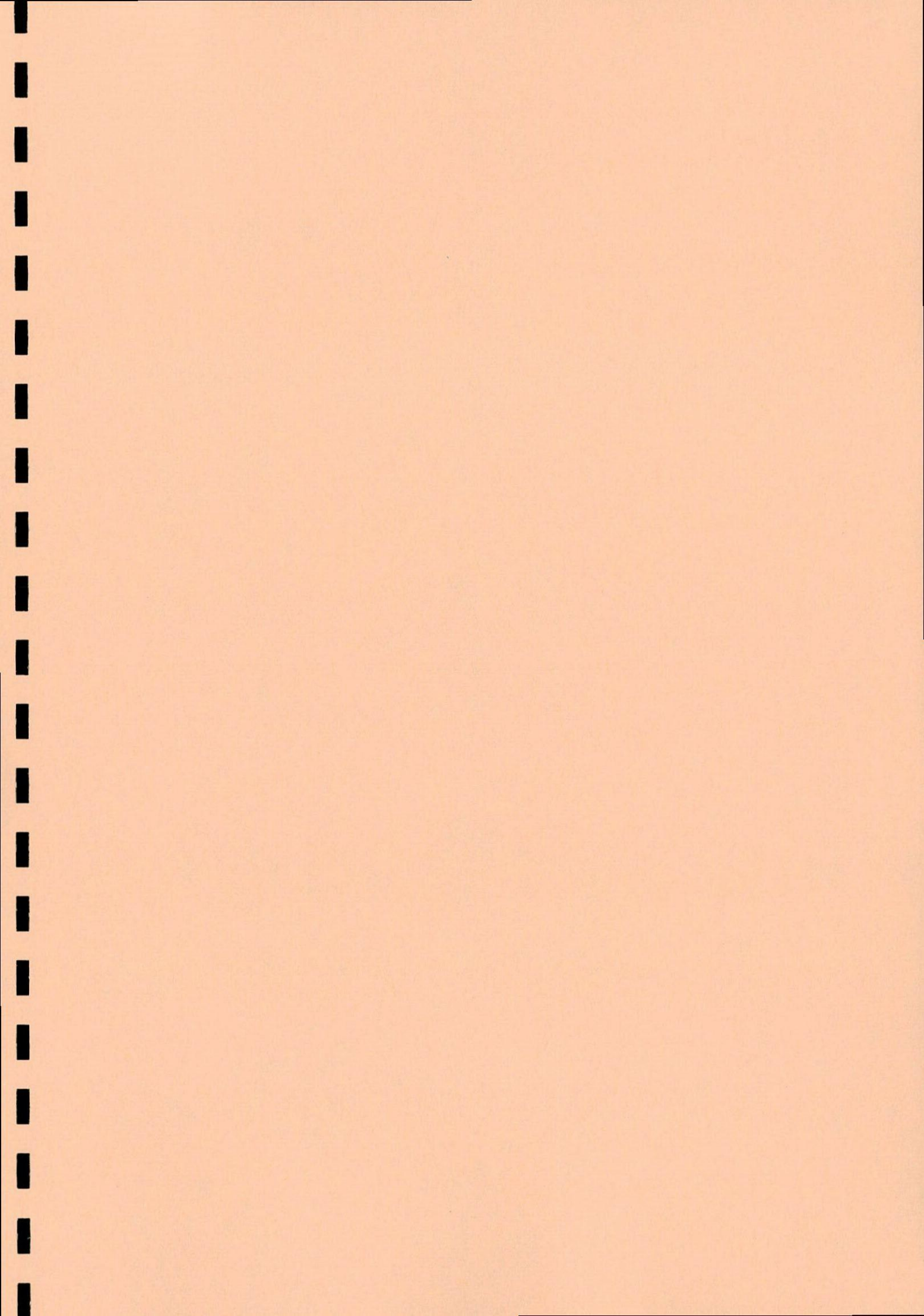
<p>The Metropolitan Centre 19 - 21 Upper Charter Arcade Barnsley S70 1RF</p>	<p>Use: Rent:</p> <p>Ground Floor sales</p> <p>TOTAL</p> <p>Rates: Service Charge:</p> <p>Retail Not Quoting Sq Ft Sq M 449 42 Available</p> <p>449 42</p> <p>Not Quoting Not Quoting</p>	<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises 2,279 sq ft of retail accommodation arranged on the first and second floors. The property is available by way of a new lease. All new leases will be undertaken on a temporary basis, outside the provisions of the Landlord & Tenant Act 1954 and will incorporate landlord 's break options to ensure possession of units can be gained at the appropriate time 01/10/2011 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 30/04/2013</p>
<p>The Metropolitan Centre 16 - 17 Upper Charter Arcade Barnsley S70 1RF</p>	<p>Use: Rent:</p> <p>Ground Floor sales</p> <p>TOTAL</p> <p>Rates: Service Charge:</p> <p>Retail Not Quoting Sq Ft Sq M 1,592 148 Available</p> <p>1,592 148</p> <p>£4,140 pa Not Quoting</p>	<p>Leasehold</p> <p>Lease Type:NEW LEASE</p> <p>The available space comprises 1,592 sq ft of retail accommodation arranged on the first floor. The property is available by way of a new lease. All new leases will be undertaken on a temporary basis, outside the provisions of the Landlord & Tenant Act 1954 and will incorporate landlord 's break options to ensure possession of units can be gained at the appropriate time 01/10/2011 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: Not Specified</p> <p>Grade: Second Hand</p> <p>Last Update: 30/04/2013</p>

The Metropolitan Centre 8 - 10 Upper May Day Green Arcade Barnsley S70 1SY	Use:	Retail		Leasehold	Location: Shopping Centre
	Rent:	£11,200 pa Per Annum			
		Sq Ft	Sq M	Lease Type: NEW LEASE	Use Class: A1 (shops)
Ground Floor sales		560	52		
Total Ancillary		79	7	Last Update: 30/04/2013	
TOTAL		639	59		
Rates:		Not Quoting			
Service Charge:		£1,544 pa			
				01/11/2012 Vacant	

<p>The Metropolitan Centre 14 Upper May Day Green Arcade Barnsley S70 1SY</p>	<p>Use: Retail Rent: £3,000 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>147</td> <td>14</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>147</td> <td>14</td> <td></td> </tr> </table> <p>Rates: Not Quoting Service Charge: £476 pa</p>		Sq Ft	Sq M		Ground Floor sales	147	14	Available	TOTAL	147	14		<p>Leasehold</p> <p>Lease Type: NEW LEASE</p> <p>The available space comprises first floor sales area of 147 sq.ft (514sq.m). Rent £3,000 per annum, Service Charge £476.13 per annum, Insurance tbc. Immediately available. Please contact the agents for further details. Each property, if offered, is subject to a short <i>term tenancy agreement</i>. The tenancy agreement will be outside the provisions of the Landlord and Tenancy Act 1954, and will include a mutual 3-month option to break at 3 months ' notice. All tenants will be responsible for the payment of all outgoing incurred through their occupation of the premises, including Rent, Service Charge, Buildings Insurance Premium, Rates and VAT (if applicable). Interested parties are invited to make enquiries with the Council 's Non-Domestic Rating Section - (01226) 774764 with regards to the payment of rates. Interested parties are invited to make enquiries with Barnsley Council 's Planning Department in respect of their proposed use. Service Charge figures are based on an on account charge. Figures are calculated for the period 1st April to 31st March annually. Subject to annual amendment. Insurance Premium figures are calculated for the period 1st October to 30th September annually. Subject to annual amendment.</p> <p>01/11/2012 Vacant</p>	<p>Location: Shopping Centre</p> <p>Use Class: A1 (shops)</p> <p>Grade: Second Hand</p> <p>Last Update: 30/04/2013</p>
	Sq Ft	Sq M													
Ground Floor sales	147	14	Available												
TOTAL	147	14													

<p>The Metropolitan Centre 6 Upper May Day Green Arcade Barnsley S70 1SY</p>	<p>Use: Retail Rent: £6,200 pa Per Annum</p> <table border="0"> <tr> <td></td> <td>Sq Ft</td> <td>Sq M</td> <td></td> </tr> <tr> <td>Ground Floor sales</td> <td>311</td> <td>29</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>311</td> <td>29</td> <td></td> </tr> </table> <p>Rates: Not Quoting Service Charge: £758 pa</p>		Sq Ft	Sq M		Ground Floor sales	311	29	Available	TOTAL	311	29		<p>Leasehold Lease Type:NEW LEASE</p> <p>The available space comprises first floor sales area of 311 sq.ft (29 sq.m). Rent £6,200 per annum, Service Charge £757.69 per annum, Insurance tbc. Immediately available. Please contact the agent for further details. Each property, if offered, is subject to a short term tenancy agreement. The tenancy agreement will be outside the provisions of the Landlord and Tenancy Act 1954, and will include a mutual 3-month option to break at 3 months' notice. All tenants will be responsible for the payment of all outgoings incurred through their occupation of the premises, including Rent, Service Charge, Buildings Insurance Premium, Rates and VAT (if applicable). Interested parties are invited to make enquiries with the Council's Non-Domestic Rating Section - (01226) 774764 with regards to the payment of rates. Interested parties are invited to make enquiries with Barnsley Council's Planning Department in respect of their proposed use. Service Charge figures are based on an on account charge. Figures are calculated for the period 1st April to 31st March annually. Subject to annual amendment. Insurance Premium figures are calculated for the period 1st October to 30th September annually. Subject to annual amendment. 01/11/2012 Vacant</p>	<p>Location: Shopping Centre Use Class: A1 (shops) Grade: Second Hand Last Update: 30/04/2013</p>
	Sq Ft	Sq M													
Ground Floor sales	311	29	Available												
TOTAL	311	29													

<p>The Mall Shopping Centre 5 Victoria Court Barnsley BB1 7JE</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <thead> <tr> <th></th> <th>Sq Ft</th> <th>Sq M</th> <th></th> </tr> </thead> <tbody> <tr> <td>Ground Floor sales</td> <td>1,200</td> <td>111</td> <td>Available</td> </tr> <tr> <td>Total Ancillary</td> <td>1,000</td> <td>93</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>2,200</td> <td>204</td> <td></td> </tr> </tbody> </table> <p>Rates: £42,218 pa Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	1,200	111	Available	Total Ancillary	1,000	93		TOTAL	2,200	204		<p>Leasehold Lease Type:NEW LEASE Expiry Date:01/02/2016</p> <p>The available space comprises a fully fitted ground floor cafe with all fixtures and fittings, catering equipment, display units etc, with feature laminate flooring and suspended ceiling Security grille to the mall frontage. The unit is currently held on a 25 year lease from 1st March 1991, ending in 2016, with rent reviews at five yearly intervals. A sub lease is available for a term of years to be agreed. 30 Days</p>	<p>Location: Shopping Centre Use Class: A3 (restaurants & Cafes) Grade: Second Hand Last Update: 29/05/2013</p>
	Sq Ft	Sq M																	
Ground Floor sales	1,200	111	Available																
Total Ancillary	1,000	93																	
TOTAL	2,200	204																	
<p>The Former Salvation Army Citadel 28 Wellington Street Barnsley S70 1SW</p>	<p>Use: Retail Rent: Not Quoting</p> <table border="0"> <thead> <tr> <th></th> <th>Sq Ft</th> <th>Sq M</th> <th></th> </tr> </thead> <tbody> <tr> <td>Ground Floor sales</td> <td>2,792</td> <td>259</td> <td>Available</td> </tr> <tr> <td>TOTAL</td> <td>2,792</td> <td>259</td> <td></td> </tr> </tbody> </table> <p>Sale Price: £300,000 Guide Price Rates: Not Quoting Service Charge: Not Quoting</p>		Sq Ft	Sq M		Ground Floor sales	2,792	259	Available	TOTAL	2,792	259		<p>Freehold/Long Leasehold</p> <p>The available space comprises retail accommodation. Freehold Sale or new Fri lease, please contact the agents for further information. Vacant</p>	<p>Location: High Street Use Class: Not Specified Grade: Second Hand Last Update: 21/05/2013</p>				
	Sq Ft	Sq M																	
Ground Floor sales	2,792	259	Available																
TOTAL	2,792	259																	



Appendix [5] Appeal decisions relating to the threshold for an Impact Assessment.



Appeal Decisions

Inquiry held on 24 to 27 July and 31 July to 1 August 2012

Site visit made on 1 August 2012

by **K Sheffield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2012

Appeal A: APP/Z1510/A/12/2171723

Former Fleetshields Site, 66 East Street, Coggeshall, Essex, CO6 1SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by East of England Cooperative Society against the decision of Braintree District Council.
 - The application Ref 11/00157/FUL, dated 7 February 2011, was refused by notice dated 2 November 2011.
 - The development proposed is the demolition of existing commercial workshop buildings and redevelopment for retail store, car parking and new access.
-

Appeal B: APP/Z1510/E/12/2171727

Former Fleetshields Site, 66 East Street, Coggeshall, Essex, CO6 1SW

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by East of England Cooperative Society against the decision of Braintree District Council.
 - The application Ref 11/00158/CON, dated 7 February 2011, was refused by notice dated 31 October 2011.
 - The demolition proposed is of existing commercial workshop buildings.
-

Decisions

1. Appeal A and Appeal B are both dismissed.

Application for costs

2. At the Inquiry an application for a partial award of costs was made by the appellant against the Council. The application is the subject of a separate Decision.

Procedural matter

3. In refusing planning permission the Council relied on policies of the Braintree District Local Plan Review, 2005 (LP), Planning Policy Statements *Delivering Sustainable Development* (PPS1), *Planning for Sustainable Economic Growth* (PPS4) and *Planning for the Historic Environment* (PPS5). However in September 2011 the Council adopted the Braintree District Council Local Development Framework Core Strategy (CS) and whilst most of the policies of the LP cited by the Council remain in force, Policies RLP 78, RLP79 and RLP111 have been superseded by Policies CS5, CS8 and CS6 of the CS respectively. Policy CS9 of the CS is also relevant to the appeal. In addition PPS1, PPS4 and PPS5 were superseded by the publication of the National Planning Policy Framework (the Framework) in March 2012, although the Practice Guide to

PPS4: *Planning for Town Centres* is not listed in Annex 3 to the Framework as being replaced and is therefore extant.

4. The Framework reaffirms the statutory duty to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise. Whilst the CS was adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 the LP was not and therefore the weight which can be attributed to them in determining the appeals differs. Whilst, in accordance with paragraph 214 of the Framework, full weight can presently be given to the policies of the CS even if there is a limited degree of conflict with the Framework, in respect of policies of the LP paragraph 215 indicates that due weight should be given according to their degree of consistency with the Framework. In determining the appeal appropriate weight has been accorded to the policies of the development plan in line with this guidance.

Main Issues

Appeal A

5. The main issues in respect of Appeal A are:
 - (a) The effect of the development on the vitality and viability of the retail centre of Coggeshall;
 - (b) Whether the development would preserve or enhance the character or appearance of the Coggeshall Conservation Area and the setting of nearby listed buildings;
 - (c) The effect of the development on the open countryside in view of its location in relation to the boundary of the village envelope;
 - (d) The effect of the development on the living conditions of residents of nearby dwellings by reason of noise and disturbance from vehicle movements and the operation of plant and equipment and from light spillage from external lighting;
 - (e) The level of traffic generated by the development and whether the proposed parking provision would be sufficient; and
 - (f) The effect of the development on flood risk with regard to surface water drainage.

Appeal B

6. The main issue in respect of Appeal B is whether, in the absence of an acceptable scheme for their replacement, the demolition of the existing buildings would preserve or enhance the character or appearance of the Coggeshall Conservation Area.

Reasons

The site and its surroundings

7. The appeal site, which lies within the Coggeshall Conservation Area, is located on East Street, one of the main routes into the settlement. The site is currently occupied by a range of buildings whose design is typical of their previous commercial use as workshops for the repair, servicing and upgrading of commercial vehicles.

8. To the east of the site lies a modern single storey telephone exchange and further east there are detached dwellings of varying sizes, designs and ages, some of which are set close to the road. Abutting the western boundary of the site is a track which provides access via a field gate to the water meadows at the rear of the site. Beyond the access track there are three modern dwellings set back from the road and to the west of them are terraces of significantly older properties of varying sizes which front directly onto the footway.
9. Opposite the site and elevated above the level of East Street is a recreation ground within which a War Memorial is located. To the west of the recreation ground and set back from the road is a modern detached property. Beyond it is an outbuilding with a gable end facing the road and a terrace of older predominantly two storey properties which mainly front directly onto the road, there being no footway on this side of East Street.

Appeal A

Retail vitality and viability – the sequential test

10. Coggeshall is recognised in the CS as a local centre which Policy CS6 seeks to protect and enhance in order to provide small scale shops, services and community facilities for local residents. The proposed retail store would replace the existing Co-Op shop which forms part of a small parade of commercial units at Doubleday Corner at the junction of East Street and Market Hill. It is within the core retail area which contains a variety of shops and businesses as well as hosting a weekly street market. Whilst a number of businesses have closed over the last ten years and some of the vacated units have been converted to residential use, the centre is nevertheless active with very few vacant units.
11. The Co-Op is considered by the main parties to be the anchor store of the town, its main competitors being Spar, Martin's and Buntings, an independent food retailer. All these shops are small, the existing Co-Op having a floorspace of 195 sq. m gross (125 sq m. net retail). Although the evidence suggests that some residents carry out their main shop at the Co-Op, its primary function is top up shopping with the larger supermarkets in Braintree and Colchester being used for main food shopping. Nevertheless, it was accepted by all the parties that the existing shop is overtrading, its turnover being significantly above the company average and the shop often being overcrowded and congested. The need for a larger store in Coggeshall was not disputed.
12. In seeking to ensure the protection and enhancement of the retail centre of Coggeshall Policy CS6 of the CS requires retail proposals to be based on the sequential approach in accordance with the Framework. This requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
13. The appeal site is not within the retail centre of Coggeshall and although it lies within 200 metres of its boundary, the pattern of the intervening residential development prevents any visual link between the two. Nevertheless the site is only a few minutes walk from the centre and its car park and bus stops and whilst there is only a footway on the southern side of East Street, the appeal site is easily accessible on foot or by bicycle or car. The site can also be accessed via a footpath from Church Street and across the recreation ground

and although, due to its narrow alignment, surface treatment and lack of lighting this route is currently not accessible or attractive to all, it provides an *alternative pedestrian route from the residential areas within the north eastern part of Coggeshall*. The site therefore accords with the definition in the Framework of an edge of centre site as it is well connected and within 300 metres of the primary shopping area. It also accords with the CS which defines an accessible location as *being within 30 minutes walking time*.

14. The Council confirmed that it is content that there are no sequentially preferable sites which are suitable and available to accommodate the type and scale of development proposed. However, local residents and shopkeepers who make up the Rule 6 Party (the Coggeshall Group) contend that the site of the existing Co-Op at Doubleday Corner would be sequentially preferable to the appeal site and it could be successfully redeveloped as demonstrated by the recent works to the Co-Op store in Earls Colne.
15. The existing building at Doubleday Corner and the small car park to the rear are owned by the appellant and although it is acknowledged that the site could be redeveloped, the evidence indicates that the resultant store would be significantly smaller than the 760 sq. m gross (492 sq. m net) floorspace currently proposed. Planning permission¹ has previously been granted by the Council for works to create a store of 256 sq m net retail floorspace at Doubleday Corner. Whilst the permission has lapsed, the appellant did not consider the scheme to be suitable or viable as it did not provide the amount of floorspace identified as necessary to satisfy demand nor did it address matters of servicing. Although the Coggeshall Group disagreed with this conclusion, there is no conclusive evidence that the deficiencies of the existing shop and delivery arrangements could be satisfactorily overcome through the redevelopment of Doubleday Corner.
16. The parade of shops is a relatively modern design which is considered to be out of keeping with other buildings within the centre of Coggeshall which has medieval origins. The redevelopment of the site would provide an opportunity to ensure that any replacement buildings would enhance the character of the conservation area. However, this does not outweigh the conclusion drawn from the evidence that although the existing site may be available it would not be suitable or viable for the proposed development.
17. Whilst the Coggeshall Group identified in excess of twenty possible alternative sites for the development, it only relied on two as potentially being sequentially preferable to the appeal site. The first is a greenfield site on Colne Road which is in the ownership of the appellant but outside the village envelope and it is understood that there are access problems. The second is the Anglia Cargo Terminal which is a vacant industrial site within the settlement boundary but allocated for employment purposes.
18. Whilst both sites are relatively close to residential areas and within 30 minutes walking time of most of Coggeshall, they are in excess of 300 metres from the retail centre. For the purposes of the sequential test they are classed as being out of centre and therefore neither could be considered to be sequentially preferable to the appeal site. In the absence of any suitable or viable sites for the development within the retail centre and no suitable or viable alternatives

¹ Application Ref 06/00134/FUL extensions and alterations to provide new Co-Op store, granted 27/06/2006

in an edge of centre location, it is concluded that the appeal site satisfies the sequential test.

Retail vitality and viability – the need for a retail impact assessment

19. A retail impact assessment did not form part of the planning application and although the appellant contends that there is no policy requirement for the submission of such an assessment for the scale of the development proposed, one was submitted in support of the appeal.
20. Policy CS6 of the CS does not set out the circumstances in which a retail impact assessment is required but defers them to a subsequent Development Plan Document (DPD). The Council had sought to set a local threshold of 200 sq m as part of the CS. However, the Inspector, in examining the plan, concluded that the proposed figure was significantly lower than the figure in national policy and the evidence base was insufficiently detailed to be confident that the particular threshold chosen and the circumstances in which it would be applied had been justified. The wording of the policy was therefore amended in order to enable further work on the threshold to be undertaken in the context of a DPD. In the meantime, the Inspector indicated that the default threshold of 2,500 sq m gross floorspace as set out in PPS4 would form the basis for determining the need for impact assessments.
21. PPS4 has now been replaced by the Framework which states that, in the absence of a locally set threshold, applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, and which would exceed the default threshold of 2,500 sq m will require an impact assessment. Whilst it is not clear from the Framework whether the default threshold applies to gross or net floorspace, the proposed floorspace of 760 sq. m gross (492 sq. m net) falls well within it.
22. Although the Council considers that its intention to impose a locally set threshold which would be significantly below the default threshold set out in the Framework is well known, there is no current policy support for its stance, even in draft form. Whilst the Council has indicated that retail impact assessments have been submitted in support of other retail applications of a comparable size to the appeal proposal, detailed reasons for doing so have not been given. Notwithstanding this, under the terms of Policy CS6 of the CS and the Framework, the submission of a retail impact assessment for the scale of the development proposed is not required.
23. In any event the submitted evidence, although indicating that existing patterns of trade would change, does not conclusively demonstrate that the relocation of the Co-Op from Doubleday Corner to the appeal site would clearly lead to a significant adverse impact on the vitality and viability of the retail centre of Coggeshall. Whilst the proposed retail store would increase the range of goods available to the local population it is noted that no part of the unit would be used as a delicatessen, pharmacy or post office and that the area for the display of comparison goods would be restricted in size. These restrictions, which could be controlled by condition, would help protect the trade of existing shops within the centre and although the development might affect those providing a similar range of goods, this could equally apply to the provision of a larger Co-Op at Doubleday Corner. In addition the proximity of the appeal site to the centre would not prohibit linked trips and the development would

therefore be unlikely to divert trade away from specialist shops within the centre.

24. The increased range of goods on offer would reduce the reliance of residents on larger stores outside of Coggeshall, reducing the need to travel in accordance with the core objectives of the CS and the Framework. Whilst it is recognised that some residents may choose to continue to travel to larger stores in other locations, the option of reduced travel would be available and would benefit some residents, particularly the elderly or those reliant on public transport. The development would therefore make a positive contribution to the local economy by improving local shopping facilities, retaining expenditure within the settlement and creating an additional 4 full and 15 part time jobs.
25. The evidence therefore leads me to conclude that the development would not be detrimental to the vitality and viability of the retail centre of Coggeshall in accordance with Policy CS6 of the CS, to which full weight can be attributed, and the guidance in the Framework which supports sustainable economic development.

Effect on the Conservation Area and Listed Buildings

26. The site lies within the Coggeshall Conservation Area where there are several listed buildings, in particular the group comprising 39 to 59 East Street to the north west of the site. In refusing planning permission the Council was concerned that the form and design of the building was inappropriate in the context of the terraces to the north and west of the site and that the expanse of hard surfacing and lack of soft landscaping would present a harsh setting which would detract from the character of the conservation area.
27. Whilst no specific reference was made in the reason for refusal to the effect of the development on the listed buildings, cited Policies RLP90 and RLP95 of the LP state a need to have regard to local features of architectural and historic importance and reflect the guidance in the Framework in this respect. In addition Policy CS9 of the CS seeks the highest possible standards of design and layout in all new development in response to the local context especially where development affects the setting of historic buildings and conservation areas. It is therefore necessary and appropriate to consider the effect of the development on the setting of the listed buildings as well as on the character and appearance of the conservation area.
28. The design of the building takes reference from several older buildings in parts of Coggeshall with a history of industrial or commercial use. It is understood that this approach was supported by officers of the Council and relevant experts from Essex County Council and English Heritage with whom the scheme was discussed in detail. However, it is noted that the consultation response from Essex County Council makes no reference to the effect it considers the development would have on the conservation area, and English Heritage, in its response, makes the assumption that the Council has taken into account the requirement of Policy HE 7.2 of PPS5. Whilst PPS5 has been cancelled, the Framework contains similar requirements, namely the need to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and take account of that when considering the impact of a proposal on a heritage asset in order to avoid or minimise conflict between its conservation and any aspect of the proposal.

29. Although it is not disputed that the result is a well designed building fit for its intended purpose, the impact of the scale, design and landscaping on the character and appearance of the conservation area and the setting of the listed buildings has to be weighed in the balance.
30. Approaching the site from either direction along East Street and in views from the recreational ground the site is in a prominent position and at a point where the character of the street scene begins to change. The development to the east of the site is generally large detached properties and although some are built close to the roadside, they are set in spacious plots which, together with the tree lined frontage to the recreation ground, give this section of East Street a relatively open setting softened by planting.
31. To the west of the appeal site is the access to the water meadows which is marked by a field gate. Adjacent to this is the pair of semi-detached properties, 60 and 58 East Street, and the detached property to the west which are all of relatively modern appearance. These properties are set back from the road in landscaped plots, and although their proximity to each other reduces the appearance of spaciousness, their landscaped frontages make a significant contribution to softening the street scene. Beyond these properties the character changes to a much tighter form of development. The dwellings are predominantly terraced and whilst on the southern side the properties are set at the back of a narrow footway, on the northern side there is no defined footway and many properties open straight onto the road or have narrow frontages which are hard landscaped. This section of East Street is devoid of any frontage planting which is in direct contrast with the area within which the appeal site is set.
32. The variation in the size of the existing properties, which is readily apparent in the street scene, adds to the character of the area and although the proposed building would be significantly larger than many of the neighbouring dwellings, its scale would be reflective of the buildings currently on the site. In addition, the site has been in commercial use for a considerable length of time and from the submitted photographic evidence the scale of the buildings which preceded the current ones was reflective of their use with little reference to nearby residential properties. The occupation of the site by a building larger than its residential neighbours is therefore established and would not necessarily harm the character or appearance of the conservation area.
33. Although the size of the building would be greater than neighbouring domestic properties, its height would be only slightly in excess of the telephone exchange and 60 East Street to either side and would be comparable with 66a East Street to the east of the telephone exchange. However, this would be achieved by inserting a section of flat roof along the length of the building between the front and rear planes of the roof but set below the ridge creating a wide channel which would be visible in the side elevations. In addition the ridge of the roof to the front gable would be slightly above that to the front plane. Whilst it would create an interesting roofscape, it would be out of character with the relative simplicity of the design of the roofs in the immediate area.
34. The roofscape of the dwellings in the vicinity of the site is punctuated by chimneys and there are dormers to some properties. Although the dormer and chimney style features which would puncture the roof of the proposed building draw reference from similar features found on buildings in other parts of

Coggeshall, their number and scale would be out of keeping with those in the vicinity of the site. It is accepted that visually a building of the size proposed could accommodate larger scale structures on the roof than a domestic dwelling and it is noted that these features would form part of the ventilation system and allow the installation of photovoltaic panels. However, the scale and number of the features increase the complexity of the roof design to the detriment of the character of the conservation area.

35. In the vicinity of the appeal site the predominant material, particularly on the residential properties, is render and the variety of colours in which it is finished makes a significant contribution to the character of the conservation area. However, there is evidence of the use of brick on the modern dwellings to the west of the site and the telephone exchange and in the boundary wall to the recreation ground and the outbuildings opposite the site. Although the use of brick for the external elevations of the proposed building would be in contrast to the render of the residential properties, given its proposed use and scale and the use of brick in other larger buildings in commercial use within Coggeshall, it is considered that the use of brick in this part of the conservation area would not be inappropriate.
36. The open areas of the site which would surround the proposed building would be predominantly used for access and car parking with very little space remaining for soft landscaping. It is accepted that soft landscaping is not a characteristic of East Street further west of the site where interest is created in the hard landscaping by the variety of materials and textures used and that similar interest could be created in the appeal scheme by the choice of appropriate materials for the building and the hard landscaping.
37. Although it is accepted that there is little planting on the site at present, it lies within a part of East Street where there is frontage planting. Whilst hedge and tree planting is proposed to the side boundaries and some ground cover planting to the rear boundary, the hard surfaced frontage of the site, which would demarcated from the footway by a line of bollards, would only be broken by the planting of three trees.
38. Whilst the proposed tree planting to the front of the site and to a lesser extent the planting to the other boundaries would be visible within the street scene, it would not be sufficient to overcome the harsh setting which would be created by the predominance of the hard landscaping and would be insufficient to create a soft setting for the building and would not reflect the character of the immediate vicinity of the site.
39. The water meadows to the rear of the site also fall within the conservation area and although views of this area can be glimpsed from East Street, they are presently restricted by the existing buildings on the site. Whilst the position of the proposed building and the use of railings and low level planting to the rear boundary would open up views from East Street and the recreation ground through to the water meadows, the proposed access and car park would form the foreground to this view. The limited planting both within the car park and on the rear boundary of the site would fail to soften the foreground to the views through to the open land beyond and would create a harsh contrast between the two land uses which would fail to enhance the character of the conservation area. Although this is reflective of the current situation, the views are presently more restricted and the site is not accessible to the public as it would be as part of the car park to a retail store.

40. It is acknowledged that the Framework does not wish to prevent or discourage appropriate innovation but it requires development to respond to local character and reflect the identity of local surroundings and materials. It also seeks to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping. Although there are many features of the proposed building which have been found to be acceptable, overall they do not outweigh the concerns identified regarding the roof and its impact on the street scene or those regarding the preponderance of hard landscaping in the open areas of the site and the consequent lack of planting to soften the appearance of the building in the street scene. Whilst landscaping is a matter which can be addressed by condition, in this instance any increase in the areas of planting could have repercussions for other aspects of the development, namely the amount of space for parking and turning and general circulation around the building. It is therefore considered that the matter could not be satisfactorily addressed by condition in this instance.
41. Although views of the proposed retail store in the context of the listed buildings to the north west of the site would be limited, the appeal site does play a role in their setting, particularly in views from the east. In view of the concerns raised with regard to the conservation area a similar conclusion is reached in respect of the setting of the listed buildings.
42. On balance, it is therefore concluded that the development would neither preserve nor enhance the character or appearance of the Coggeshall Conservation Area or the setting of nearby listed buildings, contrary to Policies RLP90 and RLP95 of the LP and Policy CS9 of the CS to which significant weight has been attached in determining the appeal.

Open countryside

43. Whilst the majority of the appeal site lies within the settlement boundary, an area in the south eastern corner falls outside of it and is classed as being within open countryside and a Special Landscape Area. The part of the site in question is currently overgrown but it was evident during the site visit that it formed part of the operational area of the previous commercial use of the site. In the appeal scheme it would lie within the car park and the boundary with the adjacent water meadows would be marked by railings and a narrow belt of planting. Views towards this area of the site and the water meadow beyond would be possible from East Street and the recreation ground as already described.
44. Given the size of the area in question and its status as previously developed land, it is considered that its proposed use as part of the car park, which would ensure it would remain open, would be appropriate. It is therefore concluded that the development would not be detrimental to the open countryside and would comply with Policies CS5 and CS8 of the CS which seek to protect the countryside and the Special Landscape Area from inappropriate development, in accordance with the Framework.

Noise and disturbance

45. There is no dispute that the development would generate noise and as the site is currently vacant any noise generated would alter the present acoustic character of the area. However the matter which needs to be addressed is not whether the development would generate noise which would be audible but

whether it would be sufficient to harm the living conditions of local residents. The properties which would be most directly affected by the development by reason of noise and disturbance would be 54, 60 and 66a East Street.

46. It is proposed that the retail store would open between 07.00 and 22.00 hours on Mondays to Saturdays and 10.00 and 16.00 on Sundays, Bank and Public Holidays. The main sources of noise which might cause nuisance to residents would be from an increase in road traffic noise, the parking and manoeuvring of delivery vehicles and the transfer of goods into the store, noise generated by customers and the operation of plant and equipment, including air conditioning and refrigeration units, both in relation to the building and delivery vehicles. It is noted that, in assessing the planning application, officers of the Council recommended that the issue of noise could be addressed by conditions requiring the submission of a detailed noise assessment and attenuation measures and restricting deliveries to 08.00 and 18.00 hours on Monday to Saturday and none on Sundays or Bank or Public Holidays.

Noise and disturbance – volume of traffic

47. There was dispute as to the level of existing traffic using East Street. The Council assessed it as a quiet location with occasional passing traffic, few commercial vehicles and no heavy goods vehicles (HGV) following two half hour periods of observation. In contrast the automated traffic count undertaken by the appellant recorded a traffic flow approximately double the Council's figures and HGV movements accounted for approximately 12%. In view of my own observations over the course of the Inquiry of the level and nature of the traffic at various times during the day and into the late evening and the sound base from which the appellant's figures were derived in comparison with the short duration of the Council's survey, it is considered that the results of the survey conducted by the appellant give a more accurate representation of the traffic situation in the area of the site.
48. The appellant estimated that the development would generate an additional 135 vehicle movements per day on East Street of which 20 would be delivery vehicles. On the basis of these figures the appellant has calculated that the overall road traffic noise would increase by 0.2 dB (LA_{10,18hrs}) on an average weekday and 0.6 dB (LA_{10,18hrs}) on Saturdays. These changes would be hardly perceptible and although there are no figures to confirm the anticipated change on a Sunday, it is considered that the overall change in daily traffic noise on East Street attributable to the development would not be intrusive.

Noise and disturbance – vehicle movements

49. Of particular concern to the Council and the Coggeshall Group was the noise which would be generated from deliveries and in particular the operation of the tailgate on delivery vehicles and the movement of crates both within and from the vehicles into the building. The Coggeshall Group illustrated the scale of the nuisance it considered could be caused by reference to the experiences of residents living adjacent to existing Co-Op stores and in particular to the one in Kelvedon where a dwelling directly abuts the store and the delivery area. My visit to the Kelvedon store coincided with a delivery and it is acknowledged that the noise which emanated from the operation of the tailgate and from the movement of the cage trolleys was clearly audible within the car park. However, the distance between the loading bay and nearby residential

properties is significantly greater in the appeal case than at Kelvedon and the consequences in respect of noise would therefore not be directly comparable.

50. No deliveries would take place to the site before 05.30 or after 18.00 hours on Monday to Saturday and before 05.30 or after 12.00 on Sundays or Bank or Public Holidays. In addition no deliveries by vehicles exceeding 7.5 tonnes would take place before 08.00 hours on any day and all deliveries would be made via the delivery area at the rear of the store. However, deliveries made before 07.00 hours are considered to be during unsocial hours and the schedule submitted in evidence indicates that deliveries of newspapers and cash would take place before that time.
51. Whilst the Council accepted the source noise levels and distance corrections employed by the appellant in the submitted noise level assessments, it contended that the peaks generated in noise levels, particularly from delivery vehicles, resulted in the potential for background noise levels to be exceeded sufficiently for residents to be disturbed.
52. The evidence submitted by the appellant indicates that the noise generated by the newspaper and cash deliveries scheduled to take place before 07.00 hours would be up to 33 dB LAeq,1hr or 54 dB LAmax which would be within the 42 dB LAeq,8hr or 57 dB LAmax threshold value representing an acceptable external sound level outside residential bedrooms at night cited by the World Health Organisation (WHO)² and in British Standard BS 8233³.
53. The submitted schedule indicates that the majority of deliveries would occur between 08.30 and 13.30 hours and up to 11.00 hours on Sundays. Some of the deliveries would be made by refrigerated vehicles a number of which would be articulated. Deliveries by this type and size of vehicle would have greater potential to disturb the occupants of nearby properties, particularly in the use of their private gardens. The Coggeshall Group contend that delivery vehicles arriving at the site and off loading goods in cage trolleys could generate noise levels of 80 dB LAmax and 64 dB LAmax respectively. Although this level of noise might be found in some large scale retail developments, they are not supported in the evidence of the expert witnesses in respect of the appeal.
54. The Council raised concerns regarding the potential peak noise levels likely to be generated by the day time deliveries both in the arrival and departure of the vehicles and the off loading of goods. The Council calculated that the noise generated during deliveries had the potential to exceed the background noise level of 43.5 dB(A) which it had recorded on East Street by a maximum of 18.5 dB(A). It was stated that this level of noise above background was likely to cause harm by reference to BS 4142:1997⁴ which considers that a difference of 10dB is deemed to indicate a significant likelihood of complaint.
55. However BS 4142 was developed to assess steady and continuous noise and is intended to apply to noise from factories, industrial premises and other fixed installations. The WHO and BS 8233 standards provide a more realistic indication of people's response to the level of noise arising from vehicular activity and deliveries and it is noted that BS 8233 has been used by the Council in its assessment of other retail developments within its area.

² World Health Organisation Guidelines for Community Noise, 1999, Table at page XV

³ BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice Section 7

⁴ BS 4142: 1997 *Method for rating industrial noise affecting mixed residential and industrial areas*

56. The appellant has used BS 8233 and has calculated that the noise level from daytime deliveries would reach a maximum of 49 dB $L_{Aeq,1hr}$ which is within the 50 to 55 dB $L_{Aeq,16hr}$ threshold value of WHO and BS 8233. Although the Council's calculations may have introduced some uncertainty regarding the level of noise likely to be generated by the development it is clear from the appellant's evidence that the levels would fall within acceptable recognised standards for this type of noise.
57. Concerns were expressed by the Coggeshall Group regarding noise which would arise from customers and staff in accessing the store and in their use of the car park, including the use of the pathway between the western elevation of the building and the site boundary with the access to the water meadows and 60 East Street beyond. There is no dispute that an element of noise would be generated and which would extend to 22.00 hours, a time when children resident in nearby dwellings would be asleep.
58. Whilst the evidence confirms that the noise generated from cars within the car park would fall within the acceptable threshold values set out in BS 8233, the Council has expressed concern regarding the effects of peak noise on local residents. In response the appellant has calculated that the peak level of noise from a car in the car park would be between 50 and 55 dB L_{Amax} attenuated to the nearest dwelling. These noise levels fall below the 57 dB L_{Amax} threshold value representing an acceptable external sound level outside residential bedrooms at night cited by the WHO and in BS 8233. On this basis it is considered that there would be no detriment to the living conditions of nearby residents from noise generated in the use of the car park.
59. Concern was also raised in respect of customers who might choose to park on East Street in preference to the car park or who walk from the centre. However, it is not anticipated that the noise generated would differ from that generated by anyone parking or walking along the street.

Noise and disturbance –plant and equipment

60. Whilst it was generally accepted between the parties that the level of noise which would be generated by plant associated with the air conditioning, ventilation and refrigeration would be relatively low, there was concern from the Council that if the noise was continuous it could result in a creeping up of the background level or that the intermittent use of equipment such as cooling fans could become a source of complaint. This could be particularly relevant at night when background noise levels usually fall to their lowest. Although the Council has questioned whether the background noise levels recorded reflect the lowest possible, no substantive evidence in support of this contention has been submitted and the levels provided in evidence have been relied on.
61. The appellant has calculated that the level of noise likely to arise from plant and equipment allowing for any tonal variations and the lowest background noise level overnight would be below that defined in BS 4142 as being very low. However, the plant and equipment which would be installed has not been confirmed and would be subject to change over time and there is a possibility that the recorded noise level readings are not completely representative. Therefore, although the noise from plant and equipment is calculated to fall within acceptable recognised standards, it would be appropriate for the level to be controlled against current background levels in order to ensure no detriment would be caused to the living conditions of local residents in this respect.

62. The Framework recognises that development will often create noise and states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum any adverse impact through the use of conditions. At present the local residents do not experience noise from regular activity on the site and therefore the introduction of any use would cause a change to their quality of life. Whilst the evidence does not demonstrate that the level of noise that would be generated by the proposed retail store would be sufficient to cause detriment to the living conditions of residents, it would nevertheless be important to control noise levels and opening hours by condition.
63. *On balance, it is concluded that the development would not cause detriment to the living conditions of the occupiers of nearby residential properties by reason of noise and would accord with Policies RLP90 and RLP62, in compliance with the Framework, which seek to protect residents from undue or unacceptable impact from noise.*

External lighting

64. Whilst little detail in respect of external lighting was submitted as part of the application, a detailed scheme formed part of the appeal and as the Council found the scheme to be acceptable it did not present any evidence on this matter. However the submitted scheme did not overcome the concerns of the Coggeshall Group that the living conditions of residents, particularly those of 60 East Street, would be affected by light spillage as experienced by residents living opposite the Co-Op store in Hatfield Peverel.
65. At present the main light sources in the proximity of the appeal site are the street lights and light emanating from residential properties. The proposed supermarket would require external lighting to its car park and rear loading bay as well as the entrance and the pedestrian walkway along the western boundary of the site. Whilst lighting of the site would not be required during all hours of darkness it would be required whilst the store was open and to the delivery area to allow early morning deliveries outside of opening times.
66. It is acknowledged that the level of external lighting required would be in excess of the existing external lighting levels presently found in the area and might exceed that which would be required if commercial operations were resumed on the site. However, the submitted lighting scheme indicates no light spillage would reach the boundary of 60 East Street. In addition the use of the lighting would be limited by condition to the store opening times and a maximum of 30 minutes at the end of each trading day. To facilitate deliveries outside of these times illumination of the delivery area only would be allowed.
67. *Although the proposed external lighting as part of the development would increase the level of illumination currently experienced in the area, the evidence leads me to conclude that there would be no light spillage which would cause harm to the living conditions of residents of nearby properties. In this respect the development accords with Policy RLP65 of the LP and the Council's Supplementary Planning Document: *External Artificial Lighting Sustainability Appraisal*, 2009 which seek to minimise the level of illumination in the interests of highway safety and residential amenity and reflects one of the core principles of the Framework to always seek a good standard of amenity for all existing and future occupants of land and buildings.*

Parking provision

68. In refusing permission on the grounds that the proposed parking provision would not meet the demands of the retail store and therefore would cause a significant increase in on-street parking, the Council relied on Policies RLP56 and RLP111 of the LP. Although Policy RLP111 has been superseded by Policy CS6 of the CS, Policy RLP56 remains extant and requires parking to be provided in accordance with the Council's adopted standards. Whereas Policy RLP111 reflected Policy RLP56 in requiring the provision of car parking in accordance with the adopted standard, Policy CS6 is silent on this matter, although Policy CS7 requires traffic and car parking to be carefully managed to encourage sustainable travel. The car parking standards adopted by the Council are the Essex County Council *Parking Standards Design and Good Practice*, 2009.
69. The proposed development would provide 31 car and 10 cycle parking spaces. Whilst the Highway Authority raised no objection to this number of spaces, it calculated a need for 35 spaces based on net retail floorspace. However, the standards state that the calculation should be based on gross floorspace which would give rise to a requirement for a maximum of 55 spaces. Nevertheless, it is noted that the standards indicate that a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and existing car parking facilities.
70. In order to ascertain the likely level of demand for parking spaces at various times of the day, the appellant undertook a survey of the use of the car park at a Co-Op store in Elmswell, Suffolk. Elmswell was selected as the size of the settlement, the store and its car park and the location of the store within the settlement bear close similarities to Coggeshall and the proposed retail store. The survey, which was undertaken over a full week, confirmed that out of a total of 29 spaces the minimum number available at any one time was 3 and the average available was 12. The results were submitted in support of the planning application and accepted by the Highway Authority and during an unaccompanied visit to Elmswell I was satisfied with the similarities between the two schemes and found that the number of empty spaces in the car park corresponded with the survey.
71. It has already been established that the site, being within 200 metres of and only a few minutes walk from the centre of Coggeshall and its bus stops and car park, is accessible on foot and that linked trips with the centre would be possible. However, it is possible that customers may park at the appeal site and walk into the centre for linked trips, as might equally happen at Elmswell. Whilst this might give rise to cars being parked at the appeal site for longer periods, there is no evidence that it would result in insufficient parking being available.
72. The survey demonstrates that the level of parking proposed would be sufficient to serve the development and it is therefore considered that, in this instance, a level of car parking below the Council's standards would be appropriate.
73. The submitted HGV swept path analysis drawing indicates that drivers, in manoeuvring articulated vehicles within the site, would need to encroach onto a limited number of parking spaces to reverse into the delivery area. It was also suggested that the parking of delivery vehicles in the designated area would restrict the space available for customers to manoeuvre into and out of

nearby spaces during a delivery. The manoeuvring of an articulated vehicle into the delivery area would only take a few minutes and would be at a time when shopping patterns predict the number of customers would not be high. In any event it was suggested that a slight re-arrangement of the parking layout would facilitate sufficient space for the manoeuvring of the articulated vehicles without encroachment onto parking spaces. In addition the drawings indicate sufficient space would be available for drivers of vehicles to enter and leave parking spaces whilst a delivery took place. The manoeuvring of articulated vehicles within the site would therefore be unlikely to result in any reduction in the number of parking spaces available to customers.

74. Nevertheless there will always be customers who choose to park on the road rather than use the parking provided within the site. Although some of the residential properties in the vicinity of the appeal site have off-street parking, the majority of residents rely on on-street parking. On-street parking is restricted along parts of East Street and demand for spaces by residents in the vicinity of the site is high and is increased by visitors to the recreation ground. The evidence of the Coggeshall Group clearly identifies the problems residents encounter when unable to park outside their properties and their concerns that these difficulties would be exacerbated by the proposed development, particularly in the light of the evidence of residents who live close to the store at Hatfield Peverel.
75. In order to ascertain the demand for on-street parking in the vicinity of the appeal site the appellant undertook a survey. Although the length of time over which the survey was conducted was limited, it did cover the times of the day and days of the week when demand could be expected to be high. I also visited the site at various times of the day and into the later evening and my observations did not conflict with the results of the survey which confirmed that at any one time spaces were available in the vicinity of the appeal site and at times in excess of 20 spaces were available.
76. The installation of a pedestrian crossing as part of the development and the possible future need for parking restrictions if on-street parking interferes with delivery vehicles would reduce the available space for on-street parking. However, on the basis of the submitted parking survey, it is anticipated that adequate on-street capacity would still remain.
77. It is accepted that customers wishing to make a quick visit to the store or use the ATM might, on occasion, stop on East Street in preference to using the car park. It is apparent from the evidence that such parking causes problems at Hatfield Peverel where residents contend private driveways are blocked by customers' vehicles, private property has been damaged and confronting drivers has resulted in verbal and physical abuse. However, at Hatfield Peverel on-site parking is severely restricted with only a few spaces to the front of the shop which is also used by delivery vehicles. In addition there is limited space within the site frontage for drivers to manoeuvre vehicles and as a result drivers reverse in the road. This is in direct contrast to the appeal proposal where parking to the front of the site is and would continue to be restricted, the car park would be easily accessible and separate parking for delivery vehicles would be provided.
78. The evidence therefore leads me to conclude that the parking proposed would be appropriate to serve the needs of the development without causing detriment to the living conditions of residents in their reliance on on-street

parking, in accordance with Policies RLP56 and RLP90 of the LP and Policy CS7 of the CS which accord with the guidance in the Framework.

Flood Risk

79. Whilst flood risk does not form part of the Council's reasons for refusing planning permission, the Coggeshall Group raised concerns in this respect and provided evidence of several instances of flooding in the area. It is understood that although improvements were made following an incident in 2001 when East Street in the vicinity of the site was flooded, standing water on the land to the rear of the site and the rear garden to 60 East Street has been recorded by residents as recently as May 2012.
80. The site lies within Flood Zones 2 and 3 where less vulnerable uses, which include the proposed use, are appropriate. The building would be located within the area of the site which is in Flood Zone 2, with the car park occupying the land classed as Flood Zone 3. The Flood Risk Assessment and subsequent Addendum report submitted as part of the planning application concluded that the development would ensure that flood risk was not increased elsewhere. Nevertheless, the Coggeshall Group contended that the drainage measures proposed would result in additional surface water being deposited on the water meadows and the gardens of nearby residential properties.
81. The proposed sustainable drainage measures include the provision of a short drainage ditch and underground tanks to store surface water run-off prior to its controlled discharge from the site towards the water meadow at a rate equal to that which would occur if the site was greenfield. Although details of the scheme have not been finalised, no objection to the submitted proposals has been raised by the Environment Agency and no definitive evidence that it would result in additional surface water discharge from the site onto the water meadows or increase flood risk elsewhere has been forthcoming. The appellant has also confirmed that the identified flood compensatory measures would be contained within the site and would not encroach onto land beyond its boundary. On this basis the provision of an acceptable drainage scheme could be satisfactorily controlled by condition.
82. The Coggeshall Group also contended that there were other sites which were sequentially preferable to the appeal site in terms of flooding. However, my attention has only been drawn to the Colne Road site already referred to in terms of the retail sequential test. Whilst it is accepted that this site would be sequentially preferable to the appeal site in respect of flooding, the test set out in the Technical Guidance to the Framework requires the site to be reasonably available. In view of the conclusions reached regarding the unsuitability of the Colne Road site in comparison with the appeal site for the development *proposed it is concluded that the site is not reasonably available.*
83. The evidence therefore leads me to conclude that the proposed development would constitute an appropriate use of the site and would ensure that flood risk is not increased elsewhere, in accordance with Policy CS8 of the CS and the Framework.

Other material considerations

84. The appeal site has remained vacant since the previous use ceased in 2007 when the company operating from the site relocated to larger premises. However, permission for the use of the site for industrial purposes remains

extant and whilst the previous occupant did not operate during the evenings or at weekends and Bank or Public Holidays it is understood that there are no conditions restricting the hours of operation. Whilst several of the residents giving evidence had moved to their properties after the previous use had ceased, one resident who had been living in his property at the time the company was trading did indicate that noise from operations on the site could be heard in the rear garden of his property located on the northern side of East Street.

85. The appellant indicated that, should the appeal be unsuccessful, the building would be let for commercial use, although the Coggeshall Group questioned whether there would be any demand particularly given the state of the site and the buildings. Whilst the buildings and the site generally are in need of repair and attention, there is no evidence that the work required would prevent them being brought back into use.
86. There is therefore the potential for the commercial use of the site to be resurrected and if it operated under the terms of the extant permission there would be no restriction on the hours of operation. The effect of a commercial use on the character and appearance of the area and the living conditions of residents could be as significant as the proposed supermarket. Therefore some weight needs to be attached to the potential fall back position in the determination of the appeal.
87. The Coggeshall Group referred to problems arising from the anti-social behaviour of youths congregating in the recreation ground and their concerns that these would increase as a result of the proximity of the recreation ground to the proposed supermarket and the ability of the youths to purchase alcohol from it. It was also contended that the open areas of the appeal site would be available and attractive to the youths to congregate. Whilst the anti-social behaviour of youths can be detrimental to the living conditions of local residents, there is no evidence that a retail store on the appeal site rather than in the centre of Coggeshall would directly cause an increase in the problem.
88. There was also concern amongst residents that the retail store and the resultant increase in activity in the area could lead to an increase in criminal activity and in particular theft. In support of this contention reference was made to the application for the renovation of the Co-Op store in Earls Colne which stated that the number of break-ins was high. Whilst increased activity may result in a perceived increase in crime, there is no evidence to support these claims and as it is recognised that appropriate external lighting in association with increased activity can act as a deterrent, little weight can be attributed to fear of crime in the determination of the appeal.
89. Concerns were also expressed by residents that the location of many of the properties close to or at the back of the footway allowed passing pedestrians views into their homes and any increase in footfall would increase the effect on the privacy of occupants. Whilst the concerns of residents are recognised, the harm to privacy caused by passing pedestrians already exists and any additional harm which might be caused by an increase in the number of pedestrians passing residential properties would not be sufficient to justify dismissing the appeal.
90. Finally the Coggeshall Group contended that there is a reasonable possibility that protected species may be present on or immediately adjacent to the site.

No evidence in support of this contention was submitted whereas the Phase 1 Habitats Survey identified the site to be of low ecological value and concluded that the development could proceed subject to precautionary measures being undertaken. There is therefore insufficient evidence to dismiss the appeal on these grounds.

Unilateral Undertaking

91. At the Inquiry the appellant submitted a signed Section 106⁵ Unilateral Undertaking (UU) regarding the provision of a pedestrian crossing on East Street and to ensure that the units which would be vacated at Doubleday Corner would remain in retail use and the building would be renovated and upgraded. The Council confirmed it found the contents of the UU to be satisfactory and that it would meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. Whilst I agree with the Council, the provisions of the UU do not outweigh the concerns identified in respect of the proposed development.

Conclusions on Appeal A

92. It has been concluded that the development would not harm the retail vitality or viability of Coggeshall, the living conditions of local residents or the character of the open countryside and the Special Landscape Area; that adequate on-site parking would be provided and there would be no increased risk of flooding. However, the weight these carry in favour of the appeal do not outweigh the harm which it has been concluded the development would cause in neither preserving nor enhancing the character or appearance of the Coggeshall Conservation Area or the setting of nearby listed buildings.

Appeal B

93. Whilst there was no dispute between the parties that the site and the existing buildings in their existing state of repair detract from the street scene, the visual gap which would be created by their demolition would not necessarily be an improvement. It is therefore concluded that in the absence of an acceptable scheme for the replacement of the existing buildings their demolition would neither preserve nor enhance the character or appearance of the Coggeshall Conservation Area, contrary to Policy RLP96 of the LP.

Conclusions

94. For the reasons already given, and having had regard to all other matters raised, both Appeal A and Appeal B are dismissed.

K. Sheffield

Inspector

⁵ Section 106 of the Town and County Planning Act 1990.

APPEARANCES

Some witnesses for the Rule 6 Party were not formally called but their statements were taken as read.

FOR THE LOCAL PLANNING AUTHORITY:

David Whipps LARTPI	Solicitor Partner, Holmes & Hills LLP
He called	
Andrew Claiborne Dipl Arch	Partner, Plater Claiborne Architecture and Design
(Hons) MaPS FFB RIBA	Environmental Health Officer, Braintree District Council
Pamela Sharp CIEH	Principal Planner, Capita Symonds
Olivier Spencer BA(Hons) MSc	Planning Consultant
MRTPI	
Clive Tokely MRTPI	

FOR THE APPELLANT:

Tom Cosgrove	Counsel for the appellant
He called	
Dean Barke MSc MIOA	Director, Sharps Redmore Partnership
Mark Geddes IENG AMICE	Director, Richard Jackson Limited
Mark Potter BSc Dip Arch RIBA	Director, Hurley Porte and Duell
ARB	
Ray Ricks DipTP MRTPI	Director, Boyer Planning
Mark Wood BA(Hons) BTP MSc	MWA Planning and Development
MRTPI MCIT MILT	Consultancy

FOR THE RULE 6 PARTY (THE COGGESHALL GROUP):

Janick Fielding	Counsel for the Coggeshall Group
He called	
Don Proctor DipTP MRTPI	Director of Planning, RPS Group
Russell Johnston	Resident of Coggeshall
Neil Spragg	Resident of Coggeshall
Elizabeth Barnett	Resident of Coggeshall
Lisa Waller	Resident of Hatfield Peverel
Hubert Gaitskell Ashton	Resident of Coggeshall
Paul Woolston	Shopkeeper in Coggeshall
Bill Potter	Resident of Coggeshall
Louise Wade	Past resident of Coggeshall and owner of land to south of the site

INTERESTED PERSONS:

Brian Spraggon	Chair of Planning, Coggeshall Parish Council
John Reed	Local Resident

DOCUMENTS

- 1 Opening submissions on behalf of the appellant.
- 2 Opening submissions on behalf of the Council.
- 3 Signed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 submitted by the appellant.
- 4 Proposed lighting scheme submitted by the appellant.
- 5 Statement of Coggeshall Parish Council and draft minute confirming the agreement of the Council to its content, submitted by Brian Spraggon on behalf of the Parish Council.
- 6 Retail Planning Assessment for Co-Op store in Wimpole Road, Colchester, submitted by the appellant.
- 7 Noise level readings which had formed the basis of the evidence of Neil Spragg.
- 8 UK Retail Rankings 2011 submitted by the Rule 6 Party.
- 9 List of former shops in Coggeshall now in residential use, submitted by the Rule 6 Party.
- 10 List of suggested conditions submitted by the Council.
- 11 Policy RLP 126 of Braintree District Local Plan Review, 2005 submitted by the Rule 6 Party.
- 12 Suggested condition in respect of shop display windows, submitted by the Council.
- 13 Closing submissions for the Rule 6 Party.
- 14 Closing submissions for the Council.
- 15 Closing submissions for the appellant.
- 16 Costs application on behalf of the appellant.
- 17 Response to the costs application by the Council.

PLANS

- A Drawing Nos. 11/227-03 and JBA 11/227-02 Rev A of revised car parking layout and landscaping scheme, submitted by the appellant.
- B Drawing No. JT71 01N revised site plan correcting line of footway to north east of the appeal site and the footprint to 60 East Street, submitted by the appellant.
- C Drawing indicating the position and height that 3D images submitted as part of the application were taken from, submitted by the appellant.
- D Drawing Nos. JT34 02 C and JT34 03 D of alterations and extensions to existing Co-op in Coggeshall submitted by the appellant.



Costs Decision

Inquiry held on 24 to 27 July and 31 July to 1 August 2012

Site visit made on 1 August 2012

by **K Sheffield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2012

Costs application in relation to Appeal Ref: APP/Z1510/A/12/2171723 Former Fleetshields Site, 66 East Street, Coggeshall, Essex, CO6 1SW

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by East of England Co-operative Society for a partial award of costs against Braintree District Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for the demolition of existing commercial workshop buildings and redevelopment for retail store, car parking and new access.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for the East of England Co-Operative Society

2. The costs application was submitted in writing for a partial award and prior notice of the application was given to the Council. In addition to the written submission the appellant indicated verbally at the Inquiry that a retail impact assessment had not been required by the Council at the pre-application stage.
3. In respect of listed buildings the appellant stated that the Council's expert witness had accepted the reason for refusal did not make reference to listed buildings as an issue. The appellant contended that any concerns regarding the effect of the development on listed buildings should be made clear in the reason for refusal and the Council should not just rely on statutory duty.
4. With regard to noise the appellant contended that it was clear from the evidence that the Council's expert witness in the initial consultation response did not seek refusal of the application but conditions in respect of noise. It was also confirmed in the Council's committee report that planning officers were in agreement.

The response by Braintree District Council

5. Whilst the Council submitted a written response to the application, it revised its submission in respect of noise which was made orally. The Council stated that it was clear from the decision notice that noise and disturbance was a reason for refusal and it was a conclusion that Council members were entitled to reach. The issue in respect of costs was therefore principally whether the decision had been justified with evidence.
6. The Council considered that its position had been made clear in the initial response on the application from its expert witness which indicated that a noise

assessment was required and that there should be no deliveries outside normal hours. This was acknowledged in the report to committee.

7. The expert witness had considered the noise assessment when it was received in June 2012 and felt unable to agree with its contents. The Council contended that the evidence given to the Inquiry by the expert witness had supported the concerns of members, was totally professional and fair, drew attention to the consequences of averaging noise level readings, and demonstrated that when looking at maxima figures there was cause for concern.
8. No unreasonable behaviour on the part of the Council had been demonstrated. Appropriate noise evidence had been produced and the noise expert for the appellant had agreed that a planning condition could only control noise to a practical extent but could not necessarily make unacceptable noise acceptable.

Reasons

9. Circular 03/2009¹, advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
10. Although the written submission for an award of costs by the appellant was only presented to the Council a short time before the application was heard, it was confirmed that the Council had been notified of a possible claim in advance of the Inquiry. In addition the grounds on which the application was to be made had been confirmed verbally to the Council the day before the application was heard. It is therefore considered that the appellant made a timely application for an award of costs.
11. The Council and the Rule 6 Party (the Coggeshall Group) were both concerned that the size of the proposed retail unit and its location on an edge of centre site would have an effect on the vitality and viability of the retail centre of Coggeshall. Whilst a retail impact assessment is a tool which is used to assess the effect a development might have on existing retail centres, it is not an automatic requirement for all planning applications for retail development.
12. The National Planning Policy Framework (the Framework) indicates that when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date development plan, an impact assessment is required if the development is over a locally set floorspace threshold. Although the Council intends to impose a locally set threshold for the submission of a retail impact assessment in a Development Plan Document, no document or draft currently exists and there is therefore no locally set threshold. In these circumstances the Framework states that the default threshold of 2,500 sq m applies. The size of the proposed development is significantly below the default threshold and there is therefore no policy requirement for the submission of a retail impact assessment.
13. The need for a retail impact assessment was not identified by officers of the Council in assessing the planning application and whilst planning authorities are not bound to accept the recommendations of officers, if the advice given is not followed, authorities need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the

¹ Communities and Local Government Circular 03/2009 *Costs Awards in Appeals and Other Planning Proceedings*

decision in all respects. The Council failed to provide substantive evidence as part of the appeal to justify the alleged need for an impact assessment as required by paragraphs B16 and B20 of the Circular.

14. The Council suggested that the appellant could have relied on the retail information on which the Council had reached its decision. However, in order to respond fully to the refusal of the application on the grounds of vitality and viability, it was not unreasonable of the appellant to instruct a retail expert.
15. Although the Council's second reason for refusal does not make specific reference to listed buildings, it does identify concern regarding the form and context of the historic terraces to the north and west of the site, which include listed buildings. In addition cited Policies RLP90 and RLP95 of the Braintree District Local Plan Review, 2005 make reference to the need to preserve local features of historic importance.
16. The reason for refusal could have been more clearly drafted by making specific reference to listed buildings. However, planning legislation places a statutory duty on the need to have regard to listed buildings. Consideration of the effect of the development on the setting of the listed buildings as well as the conservation area was therefore warranted as part of the appeal. In its appeal submission the Council identified the heritage assets, assessed their significance and analysed the design of the building and its consequences for the conservation area and the setting of the listed buildings.
17. In assessing the planning application with regard to noise, officers of the Council considered it was a matter which could be addressed by conditions. However, the conditions considered necessary required the submission of a detailed noise assessment and attenuation measures and the restriction of deliveries to between 08.00 and 18.00 hours on Monday to Saturday and none on Sundays or Bank or Public Holidays. Therefore the Council's concerns regarding noise had not been fully resolved as part of the application and would have required the submission of further detailed information before the development could proceed if the Council had granted permission.
18. Whilst it is possible to control noise by condition there is sometimes a lack of certainty in the absence of a detailed noise assessment that the level of noise generated would be acceptable or could be controlled to an acceptable level. In view of the concerns of local residents regarding noise and the officer recommendation of the need for a condition requiring a detailed noise assessment and the restriction of deliveries to a shorter time period than proposed the caution expressed by the Council in refusing the application was not unreasonable.

Conclusion

19. Whilst the Council's conduct in most respects was neither unreasonable nor contrary to the advice in Circular 03/2009, the Council failed to satisfactorily justify the need for a retail impact assessment. I therefore find that unreasonable behaviour resulting in unnecessary expense has been demonstrated and a partial award of costs is justified.

Formal decision

20. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended,

and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Braintree District Council shall pay to East of England Co-Operative Society, the costs of the appeal proceedings described in the heading of this decision limited to the production of the retail impact assessment and the consequent submission of evidence in this respect.

21. The applicant is now invited to submit to Braintree District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

K. Sheffield

INSPECTOR