

June 2014

Retail Statement Appendices

Peel Centre, Barnsley

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

Prepared for:

Peel Property (Investments) Limited

Prepared by:

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1. Pre-application scoping report

27 March 2014
L 140327 Jenkinson - Scoping Letter FINAL



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By Email

Dear Mr Jenkinson

Peel Property (Investments) Limited
Peel Centre, Dryden Road, Barnsley
Post Meeting Scoping Letter

Introduction

We write further to our meeting on 27 February 2014 in relation to the above site. The meeting was attended by:

- Gareth Finch (Peel)
- Roger Wheeldon (Peel)
- Jeremy Hinds (Savills)
- Trevor Adey (Savills)
- Heather Lindley (Savills)
- Joe Jenkinson (Barnsley MBC)
- James Hyde (Barnsley MBC)
- Rob Ellis (Barnsley MBC)
- Barbara Wilson (Barnsley MBC)

This letter summarises the discussions and sets out our proposed way forward for a planning submission at the site.

As explained at the meeting, Peel are concerned that the existing regime of planning conditions at the Peel Centre is such that the retail park simply cannot compete with the nearest similar facilities in surrounding areas and that this situation will now be worsened considerably by the further consented expansion of the retail warehousing at Cortonwood. Peel want to engage with the local planning authority to discuss how the existing condition restricting retail can be modified on the vacant units only, so as to allow Peel to compete on a level footing with other locations such as Cortonwood and Parkgate when marketing these units.

In Peel's view, it is better for Barnsley and its town centre if the Peel Centre, being located in relative close proximity to the town centre, is able to compete for tenants with retail parks such as Cortonwood. If it can secure tenants that otherwise would go to locations such as Cortonwood, then there will be increased prospects that it can meet the retail park requirements of shoppers living in Barnsley and result in spin-off trips into Barnsley town centre. Such spin-offs are highly unlikely in the event shoppers have instead driven out to more distant locations such as Cortonwood and Parkgate because of a restricted range of retailers at the Peel Centre.

Peel fully understand the issues such a request raises and want to explore with the local planning authority how they might be able to achieve their aim.

Peel hope to submit a planning application in the near future, and the main purpose of the discussions now is to both allow Peel to explain how their intentions are to work, and agree with the local planning authority the content of an application so as to reduce the time needed for a decision to be made once the application has been submitted.

The remainder of the letter is set out as follows:

1. The Proposal
2. Application Documents
3. The Planning Case
4. Retail Assessment
5. Next Steps

1. Proposal

The proposals relate to the three vacant units only, as follows:

- Unit 3C – vacant (former Dreams) 472 sq. m
- Unit 5 – vacant (former Storeys) 929 sq. m
- Unit 6 – vacant - 929 sq. m

The proposed format is a Section 73 application to amend the retail use condition that applies to these three units. We propose that the red line on the application site plan would include the whole retail park and that in the event the application were to succeed, a new condition would make it clear that the amendment to the condition would apply only to Units 3C, 5 and 6. The proposed application is therefore a Section 73 application to amend condition 1 (retail goods) of planning permission 05/1165/BA for vacant Units 3C, 5 and 6 only. The proposed new condition is:

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

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

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

2. Application documents

We propose to submit the following documents to comprise the planning application:

1. Application forms and certificates
2. Application fee of £195
3. Site Location Plan, outlining the application site in red
4. Retail Statement – the enclosed scoping report sets out the proposed content and methodology

Barbara Wilson indicated that a Transport Statement should be provided following a scoping exercise that examines the impact of any increase in traffic on key local junctions only. On reflection, as no additional floorspace is being proposed, the traffic impacts would be negligible. Dft document 'Guidance for Transport Assessments' states that a Transport Statement will normally only be required when more than 800 sq. m of retail floorspace is proposed. We would be grateful if you could review the need for a Transport Statement.

3. The Planning Case

Jeremy Hinds outlined the planning case, covering the following key points:

1. The Peel Centre is the closest Retail Park to Barnsley town centre.
2. That there is no real prospect in any reasonable period of the retailers hoped to be attracted to the retail park of opening stores in Barnsley town centre.
3. Barnsley experiences unusually high levels of leakage to nearby major retail centres and cannot now compete with those centres to reclaim lost trade.
4. Barnsley has a compact natural core shopping catchment area, that could be materially enlarged only by a significant and transformative investment in the town centre.
5. It is not realistic now to assume that Barnsley will be able to undertake such transformative changes.
6. The key to unlocking the potential of Barnsley is to improve the public realm, and create new attractions that will improve overall footfall, dwell time and create a new sense of purpose for the centre as a whole. Plans for the Market Place site are still fluid, but are likely to include a range of non-retail uses (such as education) that would be unaffected by the Peel proposals.
7. In that context, the changes to the retail park will not compete with the required likely changes to the town centre.
8. Further, the changes to the town centre will improve the status of Barnsley as a whole when measured by external factors, such as retail rankings. An improvement in the overall standing of the town will positively contribute to the longer term objective to rejuvenate the town as a whole.
9. Without the changes being sought by Peel, Barnsley will in any event continue to lose trade, increasingly so, to nearby out of centre locations, such as Cortonwood and Parkgate where substantial newly consented additional space on both parks is currently being marketed by developers, which has no knock-on benefits to Barnsley or its town centre. The longer those competing schemes go unchallenged, the more shopping patterns of increasing numbers of residents travelling out of Barnsley will become entrenched. It was noted that the Council withdrew its objection to the planning appeal to extend Cortonwood Retail Park. The scale and likely effect of those proposals is significantly greater than the proposal being considered by Peel. Some of the harmful effects of that scheme (i.e. drawing more trade away from Barnsley) can be countered by attracting additional retailers to the Peel Centre, especially if such retailers can be attracted to the Peel Centre instead of Cortonwood which can only happen with a retail consent on the Peel Centre which is similar and comparable to that at Cortonwood and Parkgate.
10. Barnsley would also benefit from improved employment opportunities by bringing into beneficial use the vacant retail warehouses at the retail park.
11. The change at the retail park would not offend established retail policy as it would have a minimal negative impact on the trading patterns in Barnsley itself, and for the reasons above, would not prevent the evolution of plans to regenerate the centre as a whole. Nor under the sequential test, are there alternative sites which would be able to deliver the aim of the proposed changes which is to enable the Peel Centre to better compete with other retail park schemes in order to achieve re-letting

of its vacant units, and provide Barnsley shoppers with a local alternative to the much broader retail park offer of those more distant schemes.

4. Retail Assessment

The intended scope of the Retail Assessment is set out in the enclosed scoping report. We would be grateful for your comments at the earliest opportunity.

5. Next steps

We trust that the above is useful in setting out our discussions at the pre-application meeting and the scope of the retail statement, our proposed methodology and the necessary application documents.

We would welcome your comments on the above approach and the proposed application documents ahead of an application being submitted during the first half of April 2014.

If you require any clarification or have any questions please do not hesitate to contact Jeremy Hinds, Trevor Adey or Heather Lindley at these offices.

Yours faithfully

A handwritten signature in dark ink, appearing to read "Savills", written in a cursive, stylized script.

Savills
Planning

Encs.

cc. G Finch - Peel
R Wheeldon - Peel

March 2014

Retail Scoping Report

Peel Centre, Barnsley

Prepared for:

Peel Property (Investments) Limited

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5. Retail Vision Shopping Patterns Plan and Summary Tables
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9. Appeal decision - Cortonwood
10. High Court in Zurich Assurance Limited vs North Lincolnshire and Simons Developments (2012)

1. Introduction

- 1.1** This report sets out the proposed scope for a Retail Assessment to be submitted in support of a planning application by Peel Property (Investments) Limited, to amend the retail goods restrictions that apply to three vacant units at the Peel Centre, Barnsley.
- 1.2** The purpose of the report is to seek to agree the scope of the retail assessment with the local planning authority in advance of submission, and follows a pre-application meeting with Council officers on 27 February 2014.
- 1.3** The main issues are:
1. The sequential test
 2. The impact test
 3. Economic benefits

2. The Site and Current Restrictions

- 2.1** The Peel Centre is located on Dryden Road to the south of Barnsley town centre. It is by some distance the closest Retail Park to the town centre in Barnsley. It is situated in a well established wider retail and commercial area, and forms an integral part of Barnsley's overall retail offer. It currently comprises approximately 13,350 sq. m of retail and leisure floorspace, arranged over 11 units. A plan of the site is included at **Appendix 1**.
- 2.2** Despite significant investment in the Park to update it from a first generation facility, there are units at the Park which have been vacant from between three months and three years. The current restrictions on use at the Park are causing significant difficulties in attracting retailers to the site. This is especially so when other retail park locations more distant from Barnsley town centre are either unrestricted or have lesser restrictions.
- 2.3** Peel wish to work with the Council to create a planning framework for the site that will enable Peel to fill the vacant space and enhance the overall retail offer within Barnsley. Any proposals to widen the use at the Peel Centre will not compete with the town centre but instead will complement the current and future offer, working in tandem with the town centre to improve Barnsley and compete with more distant out of town retail parks.
- 2.4** The relevant planning history is as follows:
1. Outline Permission was granted on 3 April 1999 for the refurbishment, redevelopment and extension of the Peel Centre (ref. B/98/0641/BA). The Permission was granted subject to 13 conditions, of which three (4, 5 and 11) controlled the use of the floorspace at the Park.
 2. On 11 March 2004, a permission was granted to vary Condition 5 (retail use) of the 1998 Outline Permission to 'reverse' the wording of the condition from what could be sold, to what could not (ref. B/03/2180/BA).
 3. This condition was then further varied on 5 August 2005 under permission reference 05/1165/BA to enable the sale of pet products. It is this condition that controls the use of the units the forthcoming applications will relate to, and states:

'(1) Other than Unit 7, no unit shall be used for the retail sale (other than related to the principal use of the premises) of food, alcoholic drink, tobacco, watches or clocks, books, newspapers or magazines, clothing or footwear, fashion accessories, jewellery, toys, perfume and toiletries, music, records, audio or video tapes, pharmaceutical goods or sports goods except where such goods are sold for use for animals'
- 2.5** Copies of the decisions are contained at **Appendices 2, 3 and 4**.

3. The Proposal

3.1 The proposals relate to three units only, as follows:

- Unit 3C – vacant (former Dreams) 472 sq. m
- Unit 5 – vacant (former Storeys) 929 sq. m
- Unit 6 – vacant - 929 sq. m

3.2 The proposal is to vary condition 1 of planning permission 05/1165/BA so that it continues to regulate the whole of the Peel Centre whilst relaxing its requirements in respect of the vacant units 3C, 5 and 6 as follows:

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

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

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

4. Barnsley's Retail Offer and Current Shopping Patterns

- 4.1** The current offer and trading characteristics of Barnsley town centre were discussed at the meeting.

Shopping Patterns

- 4.2** The level of expenditure leakage to other centres and retail parks from residents of Barnsley are unusually high, and the Council needs to work with landowners to ensure that the centre can compete with others to draw some of the expenditure back into Barnsley. Without any investment within Barnsley, there is little if any potential of expenditure leakage being clawed back. In short, as was agreed at the meeting, without the ability to secure investment and an improved retail offer within Barnsley, residents of the town will continue to shop elsewhere.

Retail Study

- 4.3** The Council's Retail Study is now dated, having been published in 2007. We understand that the Council has appointed England and Lyle to prepare an updated Study, and to undertake new household surveys. The timescales for the production of that report are likely to extend beyond the determination period for a planning application at the Peel Centre, and so alternative sources of data will be used.

Retail Vision

- 4.4** The plans and tables at **Appendix 5** illustrate the spending flows in the Barnsley catchment area, taken from Savills' Retail Vision Model.
- 4.5** Retail Vision is a widely used retail model within the sector, which models the flow of spend to retail centres and defines associated shopping catchments under a series of different scenarios. A summary of the Retail Vision methodology is included at **Appendix 6**.
- 4.6** The primary catchment (i.e. where Barnsley town centre draws 50% of its trade from) is relatively small and confined to the areas immediately surrounding Barnsley town centre.
- 4.7** The model divides the Barnsley District into three separate areas to enable it to estimate the inflows and outflows of expenditure: Barnsley town zone (i.e. town centre and immediately adjacent retail outlets, including the Peel Centre) , Barnsley District East and Barnsley District West. These areas are shown on the plan at **Appendix 5**. The model then splits the comparison goods inflows and outflows into three separate types of goods: fashion,

homeware/DIY and electrical. The key headlines in respect of the District (i.e. all three areas) as a whole, are:

1. For fashion retailing, the total retention of expenditure within the district is 49%, with 51% leaking to destinations such as Rotherham, Sheffield and Wakefield. 83% of the Barnsley town zone's turnover is from within Barnsley district. The overall inflow of 17% amounts to £17m.
2. Barnsley District is retaining just 40% of homeware and DIY expenditure, with 60% leaking outside. The main destinations to which expenditure is leaking are Rotherham, Sheffield and Wakefield. 64% of Barnsley town zone's turnover is from inside of the district. Inflow from outside is just 36% (£21.7m)
3. The outflow of expenditure for electrical goods is slightly less than fashion and homeware, at 47%, but this is still relatively high.. 72% of electrical turnover is from inside of the district. Inflow is very low at just 28% (£12.3m).

4.8 The clear evidence is that Barnsley is losing very high levels of spending to competitor towns.

Threats – Increasing Competition

4.9 The increasing threats to Barnsley from the recent Secretary of State approval for a 10,000 sq. m open A1 extension to the existing scheme at Cortonwood Retail Park was also discussed at length. Such a large expansion on the border of Barnsley and Rotherham, has the potential to increase yet further the level of expenditure leaking out of Barnsley, especially without any further intervention within Barnsley itself. The marketing particulars for the Cortonwood extension target an opening in Autumn 2015

4.10 The threat of Cortonwood alone is such that Barnsley needs to act quickly. However, since the 27th February meeting, it has also emerged that planning permission has recently been granted for a further 4,738 sq.m of retail warehouse space close to Parkgate retail world, also in Rotherham. This is already partly pre-let and is scheduled for completion Spring 2015, i.e. even more quickly than the Cortonwood expansion.

5. Sequential Test

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

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

‘The whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer... ‘But these (sequential assessment) criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.’

- 5.2** The court extract is included at **Appendix 8**.

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

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

- 5.4** A copy of the Cortonwood decision is included at **Appendix 9**.

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

- 5.6** Therefore in terms of flexibility, the applicant should not be expected to consider whether, in such an artificial world, the proposed development could theoretically be accommodated on an alternative site. As a result of that conclusion, we would welcome planning officer’s views on how the test should be applied in that context.

- 5.7** The High Court's decision in *Gunness* (Scunthorpe) confirms that *Dundee* applies in England. It also confirms, with the following wording, that if a decision maker is not convinced the sequential test has been satisfied, a balancing exercise is still required of positive and negative factors: *'The applicant having failed to persuade the officer that the sequential test is passed, the officer performs the exercise which he must perform to see whether the presumption of refusal....is outweighed by other material considerations'* and *'to determine whether the presumption is displaced, the extent and consequences of the breach of sequential provisions may be relevant.'* (see paragraph 46 of the judgment at **Appendix 10**).
- 5.8** Notwithstanding the above conclusions, for robustness, a proportionate sequential assessment will be undertaken, concentrated on Barnsley town centre. Allocated sites and vacant units/sites within the town centre will be considered. The sites to be included in the sequential assessment are set out below, together with our initial comments on each. A plan of the sites is included at **Appendix 7**. The references to each site are taken from Inset Map 4 of the Barnsley Town Centre Area Action Plan (2012).
- 5.9** Our initial conclusions for all of the sites are:
1. In the light of *Dundee*, none of the sites can be suitable for a proposal to meet a site specific need to amend conditions for vacant retail floorspace that already exists to enable it to be re-occupied.
 2. None of the sites are suitable or viable for retail warehouse development in any event, especially given the overall aim and objective of the proposal, which is to provide the residents of Barnsley with a retail park facility of a scale and with a sufficiently broad offer, to provide a local alternative to other retail parks outside the Barnsley area.

Sequential Test Sites

- **Development Site 2 – Town End/Race Street**

- a. The site is divorced from the town centre by West Way. It contains a part disused industrial building and is suitable for a mix of uses, as allocated within the Barnsley AAP.
- b. The site is relatively small in size and would be suitable only for a small scale mixed-use scheme.

- **Development Site 4 – Westgate/Shambles Street**

- a. The site is on the periphery of the town centre. It currently comprises car parking, vacant offices and vacant retail units. Any future redevelopment on the site should provide an active frontage.
- b. Site is allocated for a mix of uses within the Barnsley AAP, including offices, retail, leisure and residential

c. The site is relatively small in size and would be suitable only for a small scale mixed use scheme.

- **Development Site 8 – Gala Bingo/YEB Site**

a. 2.4 hectare edge of centre site and divorced from the town centre by the railway line

b. Partly cleared of the former Yorkshire Electricity Board (YEB) units and contains the Gala Bingo (still in use)

c. As outlined by the Inspector in the Cortonwood decision, despite being earmarked for retail development since the mid-1990s and benefitting from retail planning permission since 2005, development of the site has not proceeded. It is worth adding that this lack of progress is also despite the retail property boom of the late 1990s/early-mid 2000s.

d. There are significant difficulties and viability issues with relocating the substation, as recognised by the Council

- **Development Site 9 – Midland Street/Kendray Street/Eldon Street**

a. Allocated within the Barnsley AAP for a mix of uses, including retail, offices, leisure, hotel and residential.

b. Any development must retain active ground floor use and include the provision of public spaces

c. The site is triangular in nature, located on the periphery of the centre and contains an extensive range of existing buildings in active and beneficial use; it will not be available for redevelopment in the foreseeable future.

- **Development Site 10 – Marketplace**

a. Allocated within the Barnsley AAP for a mix of uses, including retail, offices, leisure and residential

b. Extant permission for the redevelopment of the Market site for a new town centre scheme

c. Anchor tenants pulled out of the development (Debenhams and H&M) and the Council is currently working up a revised scheme which is unlikely to include any substantial additional retail development.

d. The site was discounted as a sequentially preferable site within the Cortonwood Appeal Decision even before it was announced that the consented retail led redevelopment would not be proceeding.

- **Development Site 11 – Land south of Jumble Lane**

a. The site is divorced from the town centre by the railway line. The Council specifically allocates the site within the Barnsley AAP for a multi-storey car park, retail, leisure and other uses if they would support the liveliness and economic strength of the town centre

b. Site has a culverted dyke running through it, which may impact on the scale of the future development

- **Development Site 13 – Heelis Street/New Street**

a. 2.78 hectare site in an 'edge of centre' location

b. Currently used as a surface level car park and a mix of commercial uses

c. Outline permission granted in 2012 for the erection of a new 7,500 sq.m gross foodstore

d. Constraints (topography) of the site acknowledged by the Council when considering the scheme and notable has land ownership issues

e. The Cortonwood appeal Inspector confirmed there are significant doubts about its availability and viability for a retail warehouse scheme.

6. Impact

National Planning Policy Guidance on Impact

- 6.1** The NPPF sets a default threshold of 2,500 sq. m for developments that require impact assessments, where there are no locally set thresholds.
- 6.2** Given no new floorspace is proposed; and the total amount of floorspace affected of 2,330 sq. m, the scale of the proposal is below the NPPF threshold for when an impact assessment is required. It follows that the impact is very unlikely to be significantly adverse. Nevertheless, for completeness and robustness, we intend to provide a proportionate assessment of the main impact tests.
- 6.3** Paragraph 26 of the National Planning Policy Framework sets out two specific considerations:
- 1. *Existing, committed and planned public and private investment***
- 6.4** The principal scheme to be considered is the proposal for Barnsley Markets.
- 6.5** The future of the Marketplace scheme was also discussed in some detail at the meeting, as the permitted mixed-use development (ref. 2011/0714) will no longer be delivered.
- 6.6** It was discussed that the Council is currently working up revised plans for the scheme, which will be guided by a new Retail Study, due to be published within the next two months. Whilst no plans have been formalised, the Council is working behind the scenes to bring forward an alternative scheme. In any event, the proposals at the Peel Centre would not be of a scale to divert investment from the town centre.

Retail commitments

- 6.7** The principal comparison retail commitments to be considered are:
- Additional floorspace at Cortonwood (Rotherham ref. RB2012/1615)
 - Additional floorspace at Great Eastern Way, Parkgate
- 6.8** We are not aware of any other commitments for other retail schemes that would need to be taken into account.
- 2. *Impact on town centre trade***
- 6.9** The estimated change in the turnover at the site as a result of the proposal will be presented and an assessment of trade diversion will be undertaken.

6.10 An assessment of trade diversion will be undertaken. We will use the data from the latest retail commitments within Barnsley and Rotherham, for information on shopping patterns and the following technical details:

- a. Turnover of the Proposal - we will undertake an assessment based on the uplift in turnover resulting from the proposed change in the type of retailer that could be accommodated within units 3C, 5 and 6 at the site, and the potential impact this uplift could have on the overall turnover of Barnsley town centre. It was agreed at the meeting that this potential impact was not envisaged to be significant.
- b. Turnover of existing destinations - the performance of Barnsley town centre will be assessed having regard to Retail Vision data and household survey information held by the Council if available.
 - As discussed at the meeting, we also propose to present a retail model based on nation-wide retail shopping patterns, utilised to then focus specifically on Barnsley and the surrounding areas. This will demonstrate the overall inflows and outflows of expenditure to and from Barnsley. The model will then be re-created by including the additional retailers that would be permitted within parts of the Peel Centre, should the application be approved and demonstrate the positive impacts this could have in Barnsley and on the existing shopping habits of residents.
- c. Test year - In accordance with the NPPF the trade diversion impacts will be assessed five years ahead (i.e. 2019).

7. Economic Benefits

- 7.1** Paragraphs 18 and 19 of the NPPF set out how the Government is committed to ensuring the planning system does everything it can to support sustainable economic growth and create jobs and prosperity accordingly. It states that 'significant weight' should be placed on the need to support economic growth through the planning system.
- 7.2** An assessment of the economic impact of the proposal will therefore be provided. The proposal will:
- 1.** Facilitate inward investment at the Retail Park by investing in the three units (new fit out) to accommodate new retailers
 - 2.** Deliver new employment opportunities
 - 3.** Facilitate the reoccupation of vacant floorspace and bring the units back into economically productive use
 - 4.** Add to consumer choice by introducing new retailers to the local marketplace
 - 5.** Enhance competition and retention of local expenditure
- 7.3** Further details will be provided in the planning submission.

8. Summary

- 8.1** This report sets out the proposed scope for a Retail Assessment to be submitted in support of a planning application by Peel Property (Investments) Limited , to amend the retail goods restrictions that apply to three vacant units at the Peel Centre, Barnsley.
- 8.2** The Peel Centre is located on Dryden Road to the south of Barnsley town centre. It is the closest Retail Park to the town centre in Barnsley. It is situated in a well established wider retail and commercial area, and forms an integral part of Barnsley's overall retail offer.
- 8.3** The proposal is aimed to enable the reoccupation of the vacant Units 3C, 5 and 6 and is to vary condition 1 of planning permission 05/1165/BA to read as follows:

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

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

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

- 8.4** The planning submission will include a Retail Statement which will address the key policy tests of the sequential approach and impact. In the light of *Dundee*, sites in Barnsley town centre could not address the same requirement to enable existing vacant space at the Peel Centre to be re-occupied. Nevertheless, for completeness, a proportionate sequential assessment will be conducted, based on the local and national policy tests of availability, suitability and viability. This Scoping Report has listed the sites included within the Barnsley Town Centre Area Action Plan to be considered.
- 8.5** Given no new floorspace is proposed; and the total amount of floorspace affected of 2,330 sq. m, the scale of the proposal is below the NPPF threshold for when an impact assessment is required. It follows that the impact is very unlikely to be significantly adverse. Nevertheless,

for completeness and robustness we intend to provide a proportionate assessment of the main impact tests.

8.6 The Retail Statement will also provide an assessment of the other positive impacts that the proposal will have on Barnsley, including:

- Assisting in retaining expenditure within Barnsley instead of allowing the 'leakage' of expenditure to surrounding centres and retail destinations to continue unchecked
- Generating new employment opportunities at a range of skill levels and seniority
- Demonstrating investor confidence within Barnsley
- Generating additional local spending through increased wages

2. Pre-application scoping response from Barnsley Council, dated 23 April 2014

Heather Lindley

From: Jenkinson , Joe [JoeJenkinson@barnsley.gov.uk]
Sent: 23 April 2014 09:15
To: Heather Lindley
Cc: Trevor Adey; 'Gareth Finch'
Subject: RE: Peel Centre, Barnsley

Heather,

I refer to your letter and scoping report regarding the Peel Centre. The first thing to say is that given the scheme would be below the NPPF threshold for submission of an impact assessment, it is highly unlikely that the Council would seek to resist the proposal on the basis of potential retail impact but I welcome your suggested approach of undertaking an assessment for robustness. Given that it is being done for robustness, the Council is satisfied that it can be based on Savills' Retail Vision Model.

In terms of the sequential test, whilst I accept that your client's objective is to secure the re-letting of existing vacant retail warehousing space, because the scheme is proposed by a landowner rather than an operator, I don't consider that the Council would be entering into an 'artificial world' by expecting a sequential assessment to be undertaken including all vacant in centre and edge of centre sites. On this basis, the Council considers that it isn't merely a case of carrying out a sequential test for robustness and accordingly, we do not agree with the first conclusion in paragraph 5.9. However, if conclusion 2 is accepted then the Council would not look to resist the proposal on the basis of the sequential test. To form a definitive view on this, we will need to see your detailed sequential assessment. What I can say is that in appraising the sequential assessment, the Council will have due regard to relevant case law and the recent NPPG advice on the sequential test. In terms of the identified sites, I'm satisfied that you have included the main development sites (although your plan in appendix 7 excludes the YEB site). Given the scheme is for three separate units on the park, I think it is reasonable to look at each unit individually to establish whether what could go in each unit could be accommodated in vacant town centre units. Clearly many of the vacant town centre units identified on your plan will be too small but others may not and should be included.

With regard to the need for a Transport Statement, Highways are content for you not to provide a full statement as long as, somewhere in your submission, you can confirm that over and above the existing, your client's proposal would not generate 30 or more two-way vehicle movements in any hour and would not be likely to increase the risk of accidents. In addition, given the proximity to an AQMA, we would also need confirmation as to whether it would lead to an increase in HGV deliveries (these points are taken from appendix B of the DFT Guidance on Transport Assessments 2007).

Please note that these comments are provided on an informal basis without prejudice to the outcome of any subsequent application.

I hope this makes sense but if you need to discuss, I'll be around this afternoon.

Regards

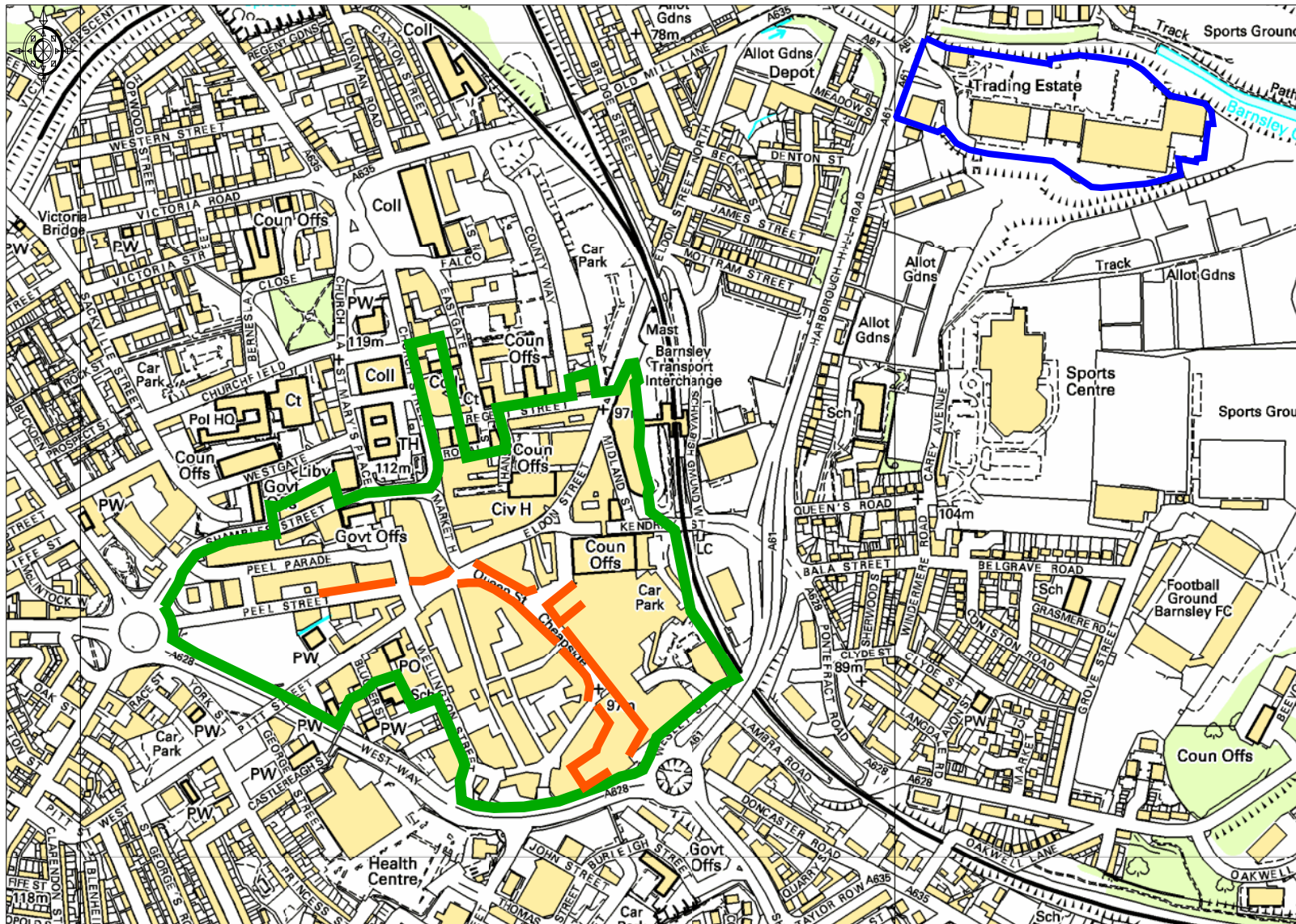
Joe Jenkinson
Group Leader (Inner Area)
Development Management
Development Service
Barnsley Metropolitan Borough Council
Westgate Plaza
PO Box 604
Barnsley
S70 9FE

Tel: 01226 772588
jojenkinson@barnsley.gov.uk

From: Heather Lindley [<mailto:HLindley@savills.com>]
Sent: 16 April 2014 17:21

3. Site context plan

Retail Park Context Plan



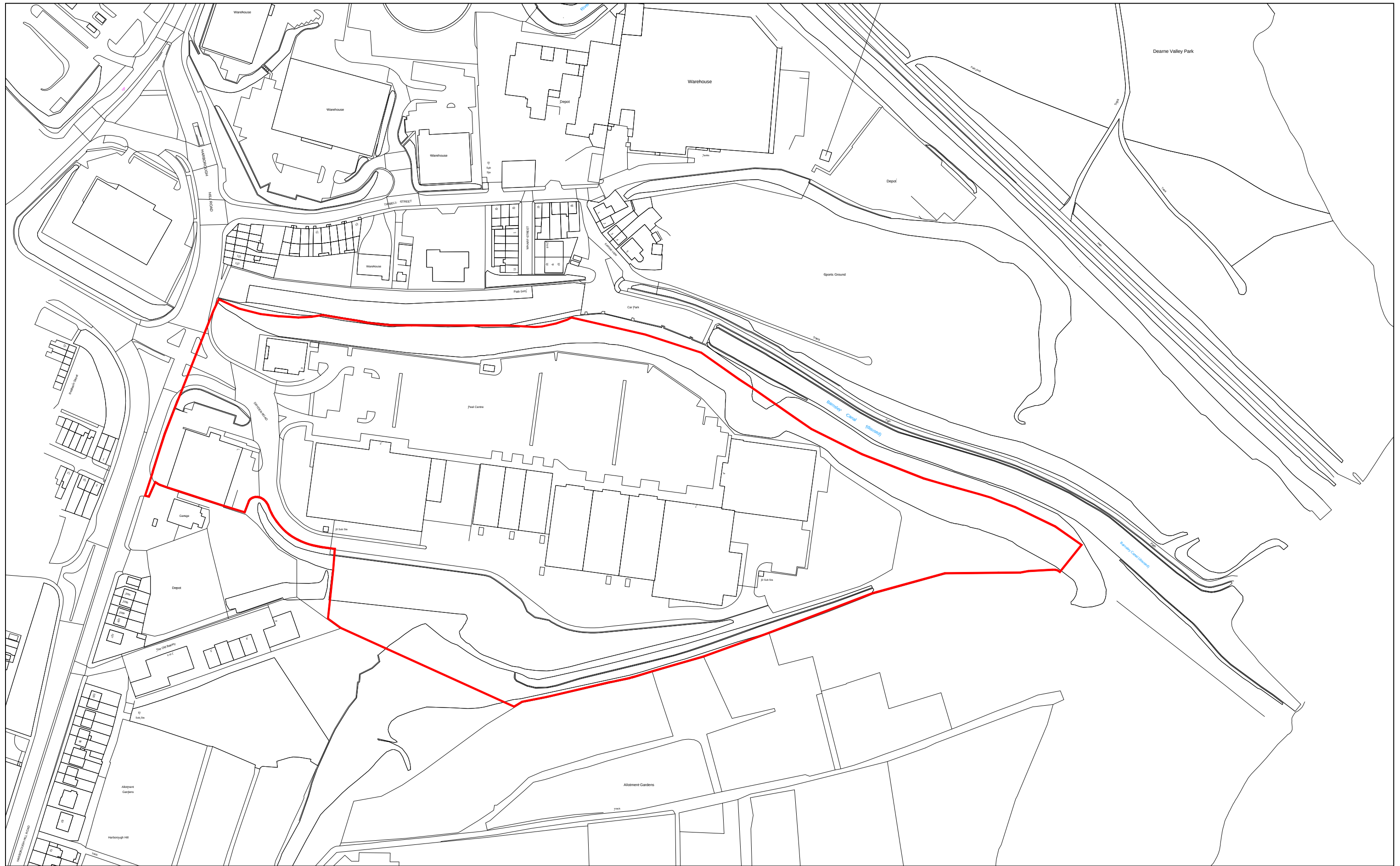
Legend

Town Centre Boundary

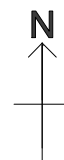
Primary Shopping Area

Peel Centre

4. Site plan



BAR102, Peel Centre, Barnsley



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BDS: Gareth / BAR102, Peel Centre, Barnsley

Ref: NT / GF

Date: 03:02:14

Scale: 1:2000
@ A3

5. Planning permission B/98/0641/BA



BARNSLEY

Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/98/0641/BA

To Peel Investments (north) Ltd.
Quay West
Trafford Wharf Road
Manchester
M17 1PL

Proposal The refurbishment, redevelopment & extension of the Peel Centre (Outline).
At The Peel Centre, Harborough Hill Road, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 1 June 1998 and described above.

The approval is subject on compliance with the following conditions:

1. Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun either:-

i) before the expiration of five years from the date of this permission, or

ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990

2. The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the siting of the proposed development.
- (b) the design of the proposed development.
- (c) the external appearance of the proposed development.
- (e) landscaping for the site.

In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

John Sanderson

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

Signed

Head of Planning

Dated 3 April 1999

Planning Services

Central Offices, Kendray Street, Barnsley. S70 2TN

Development Programme Area, Director: Rachel Heatley BA. MA. MBA

Telephone: 01226 - 772600

Fax: 01226 - 772599

3. The vehicular access to the site shall be constructed in accordance with the details as approved under application ref. no. B/97//1143/BA and in its entirety prior to the any of the buildings hereby approved being brought into use.

In the interests of highway safety.

4. Not more than one single unit of no more than 1,394 square metres gross internal area for the sale of sports goods, clothing and equipment will be permitted of which only 627 square metres (which shall include circulation space around the goods) will be used for the sale and display of non-bulky goods.

To safeguard the vitality and viability of the Town Centre.

5. Notwithstanding Condition 4 above the retail sale of goods within the Retail Park shall be restricted to the following goods categories: - DIY products and equipment; electrical goods (including computer hardware and software); car and motor bike parts and accessories; flat pack and ready assembled furniture; carpets and floor coverings; soft furnishings, household textiles, gardening tools and implements, seeds and plants..

To safeguard the vitality and viability of the Town Centre.

6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In the interests of the visual amenities of the locality.

7. No development shall take place unless and until full foul and surface water drainage details (including land drainage) with levels and cross sections, have been submitted to and approved in writing by the Local Planning Authority.

To ensure the proper drainage of the area.

8. Prior to the substantial completion of the development, the parking/manoeuvring area shown on the approved plan shall be surfaced, sealed and drained (and marked out), and shall thereafter be permanently retained for parking/manoeuvring solely in connection with the development hereby approved.

To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.

In the interests of the visual amenities of the locality

10 No development shall take place until there has been submitted to and **approved**, in writing, by the Local Planning Authority, full details of both hard and soft landscaping works, which shall include details of the species, positions and planted heights of all proposed trees and shrubs, and indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and details of any hard surfacing materials, any lighting and means of enclosure to the site.

In the interests of the visual amenities of the locality.

11 The Health and Fitness Club element of the proposal shall operate within a single unit. The area of the Health and Fitness Club shall not exceed 1860 sq. metres and for any part of this contained on the ground floor the footprint shall not be a greater area than 930 sq. metres and, other than the provision of entrance doors, it shall not present a **frontage** to the retail park. New retail floorspace of not less than 5,500 sq. metres will still be **accommodated** on the site. The Health and Fitness club area shall adjoin the area used for the sale of the goods referred to in Condition 4 and shall at no time be used, let, sold, **separated**, or otherwise severed from the remainder of the building without the prior written permission of the Local Planning Authority.

For the avoidance of doubt and to ensure the integrity of the unit as a primarily retail building is not prejudiced, in the interests of safeguarding the vitality and viability of the Town Centre.

12 The development hereby approved shall be carried out in strict accordance with the amended plans and specifications received on 15 July 1998 unless prior written **consent** has been given by the Local Planning Authority to any minor variation.

For the avoidance of doubt as amendments have been submitted during the course of processing the application.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.

To prevent damage to the existing [sewer, watercourse or culverted watercourse].

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 refused 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.

6. Planning permission B/03/2180/BA



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/03/2180/BA

To Peel South East Ltd
Peel Dome
The Trafford Centre
Manchester
M17 8PL

Proposal Variation of Condition 5 of Planning Permission B/98/0641/BA.

At The Peel Centre, Harborough Hill Road, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 December 2003 and described above.

The approval is subject on compliance with the following conditions:

1. Notwithstanding 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) other than Unit 7 [to be occupied as a leisure facility and sports goods retail premises] no unit shall be used for the retail sale [other than related to the principal use of the premises] of food [including pet food]; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority.

To ensure the use of the premises is in compliance with policy S3 of the Unitary Development Plan.

Informatives

The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations:

S3 - Retail proposals

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

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

Signed
Assistant Director, Planning and Transportation

Dated 11 March 2004

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, Transport, and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within three months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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, Transport and Regions 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.

7. Planning permission 05/1165/BA



BARNSELEY

Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/05/1165/BA

To Peel Developments Ltd.
c/o Savills Commercial Planning
Fountain Court
68 Fountain Street
Manchester
M2 2FE

Proposal Variation of Condition 1 of planning permission B/03/2180/BA to allow the sale of pet products

At The Peel Centre, Harborough Hill Road, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 20 June 2005 and described above.

The approval is subject on compliance with the following conditions:

1. Notwithstanding 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) other than Unit 7 [to be occupied as a leisure facility and sports goods retail premises] no unit shall be used for the retail sale [other than related to the principal use of the premises] of food; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority except where such goods are sold for use for animals.

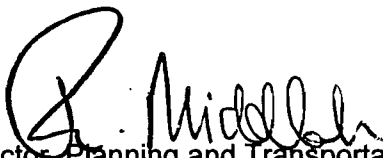
To ensure that the use of the premises is in compliance with policy S3 of the Council's adopted Unitary Development Plan.

Informatives

The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

S3 - Retail proposals

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

Signed 
Assistant Director, Planning and Transportation

Dated 5 August 2005

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226 - 772000
Fax: 01226 - 772591

This informative is only intended as a summary of the reason for granting planning permission.
For further details on the decision please refer to the application file, by contacting 01226 772593.

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, Transport, and Regions 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 Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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 refused 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, Transport and Regions 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.

8. Sub-regional competition plan

Competition Plan

