
2015/1028

Peel Property (Investments) Limited

Erection of a retail unit on the existing site of The Range store.

Unit 2A, The Peel Centre, Dryden Road, Barnsley, South Yorkshire, S71 1JE

One objection received.

Site Description

The Peel Centre is located on Dryden Road to the east of and close to, Barnsley town centre. It is a retail park with the units arranged in an 'L' shape with a central, hard surfaced car park. It is situated in a well-established wider retail and commercial area, and forms part of Barnsley's overall retail offer. It is by some distance the closest retail park to the town centre.

At ground floor level, it currently comprises approximately 12,399sq. m of retail and leisure floorspace, arranged over 11 units. There are a mixture of occupants within the site including national names such as Halfords, Bathstore, The Range, Pets at Home, Maplins, Argos, DW Sports, Currys and Pizza Hut.

This application specifically relates to the area between units 2 and 3a which is currently used as an outdoor sales/garden centre area for The Range. The Range was recently granted permission to move the sales/garden centre from the East side of the Building to the West which freed up the application site.

The Retail Park is accessed via a signalised gyratory junction with Harborough Hill Road (the A61). From the Gyratory, routes such as Old Mill Lane connect the town centre with the site. The site lies approximately 0.5km from Barnsley railway station.

To the north of the site is partly vacant retail warehousing, which along with other adjoining land, is currently subject to an application, also by Peel, for a new foodstore development. To the North West, on the island created by the gyratory, is a B&M Bargains store, surrounded by Old Mill Lane and Harborough Hill Road and to the north west of this is the Asda Superstore.

To the west beyond Harborough Hill Road is a large residential area and to the south and east are large areas of open space and agricultural land.

Planning History

The most relevant planning history is outlined below:

2015/0552 – Creation of outside display/sales area including alterations to the buildings existing gables, erection of replacement canopy and new boundary fences/walls to perimeter – Approved

Proposed Development

The applicant seeks permission to provide a new retail unit circa 930m² GIFA, following the relocation of Unit 2's external display and sales area to the Western elevation of unit 2. The unit would provide unrestricted retail sales.

This new unit would be accessed by customers from the existing car park and would be serviced from the rear of the property off Dryden Road, as per the arrangements of existing units.

The elevation treatment and materials would match the site's existing units and consist of flat composite cladding, colour Sirius to the front and profiled cladding to the gable and rear elevations, colour Albatross, all above a facing brick plinth.

The front elevation would also incorporate the Unit's glazed entrance feature in addition to glazed side panels surrounded by terracotta feature tile surrounds. The glazing would be green within silver aluminium frames and the tiles powder blue to match existing.

The form of the roof would be hipped and dual pitch, hidden behind a relatively tall parapet to lessen its impact to match existing.

The gap between this new unit and its neighbour, the existing Unit 3a, would be closed off to the front elevation by paladin fencing and gated to the rear to allow maintenance access. This would match the details of other units.

The external lighting arrangements to the car park and service road would remain as existing, generally lit from lighting columns at the same level of luminance as the existing provision.

It should be noted that this application is being considered concurrently with 2no. further applications for the site. These are;

2015/0987 – Variation of condition 1 of 05/1165 to allow a wider range of goods to be sold. This application relates to units 2, 3a, 3b, 4 and 8.

2015/0988 – Variation of condition 7 of B/88/0294/BA (Erection of car accessories store, including MOT testing, repairs, cleaning etc.) to allow a wider range of goods to be sold.

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

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Saved UDP Policies

S3 (Retail Development outside Defined Shopping Centres) directs retail development towards the defined centres followed by edge of centre then out of centre sites that are suitable, viable and available.

S5 (Retail Development Outside Defined Shopping Centres) outlines that all retail development which would create a new shopping unit or units in excess of 930 m² outside of the central and principle shopping centres will be subject to planning conditions which control the range and type of goods to be sold and the maximum or minimum unit size as measures by the gross floor area.

Core Strategy

Policy CSP8 'The Location of Growth' relates to the preferred locations for growth and states:

'Priority will be given to development in the following locations:

- Urban Barnsley*
- Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (Dearne Towns), Penistone and Royston*

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town to accord with its place in the settlement hierarchy...'

Policy CSP 29 'Design' – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley.

Policy CSP 26 'New Development & Highway Improvement' – New development will be expected to be designed and built to provide safe, secure and convenient access to all road users.

Policy CSP31 'Town Centres' relates to centres. It states:

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

The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres. The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

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

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of [CSP 40].

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, relevant paragraphs include:

Paragraph 7 – 12 Core Planning Principles

Paragraph 19 - Significant weight should be placed on the need to support economic growth.

Paragraph 24 – Sequential test

Paragraph 26 – Impact Assessment

Paragraph 32 - Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 72 - The Government's objectives include to promote the vitality and viability of town centres and meet the needs of consumers for high quality and accessible retail services.

Paragraph 77 - Local planning authorities should apply a sequential approach to planning applications for retail and leisure uses that are not in an existing centre and are not in accordance with an up to date Local Plan.

Paragraph 78 - Local planning authorities should prefer applications for retail and leisure uses to be located in town centres where practical, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Paragraphs 95 -99 – Low carbon future, adaptation to climate change.

National Planning Practice Guidance – 'Ensuring the Vitality of Town Centres'

This provides guidance in relation to the sequential test and in respect of assessing the retail impact. It also provides guidance on how to consider impact on planned investment, which is a significant consideration in this instance given the Better Barnsley scheme. It states that:

Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

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

In assessing retail impact, a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.

Consultations

Highways – No objections

SYMAS – Require condition for investigations

Design – No objection

The Coal Authority – recommend further investigations undertaken

Ecology – No objections

Waste Management – No Objections

Drainage – No objection subject to conditions

England & Lyle – Were appointed as an independent consultant to review the application, they raised no objections within their assessment.

Representations

One representation has been received. This was from BMO Real Estate Partners, who own the Alhambra Centre. The issues raised are as follows:

Sequential Assessment

BMO consider that the sequential test has not been passed. They base this on the same availability argument as Queensbury and reiterate the point that granting permission would conflict with the town centre first policies in both the NPPF and the adopted development plan.

Retail Impact

BMO suggest that the current health of the town centre can be considered vulnerable to negative impacts from new or amended out-of-town retail provision such as that proposed. Accordingly they consider that any increase in town centre vacancy rates would have a significantly detrimental impact on the vibrancy and vitality of the town centre.

They also consider that existing linked trips between the Peel Centre and the Town Centre only existing because of the bulky goods restrictions placed on the Peel Centre and that there is a realistic prospect that linked trips would cease if there was a sufficient critical mass of unrestricted A1 uses with a diminished town centre offer. Should this happen they suggest that the impact on the town centre would be greater than currently forecast.

They then argue that there are serious shortcomings in the methodology used by the applicant in calculating turnover and resulting trade impact so as to dilute the magnitude of the impact on the town centre. Furthermore, they argue that due consideration has not been given to the cumulative impact of these proposals and the previously allowed relaxation that Peel secured (2014/0663).

Queensbury

Queensbury, who are the Council's appointed Retail & Leisure Development Management Organisation in relation to Better Barnsley Phase 2 scheme, initially had reservations in relation to the potential impact of the application on the delivery of Better Barnsley. However, following additional information from the applicant and advice from England and Lyle they are satisfied that the applications would not have a significantly adverse impact, subject to conditions restricting the timescale of delivery.

A summary of Queensbury's initial concerns are outlined below for information;

Sequential Assessment

Raise significant concerns regarding the sequential assessment and argue that the sequential test is not passed because the Better Barnsley site is available within a reasonable timescale and is sequential preferable. They therefore consider that circumstances are materially different to when the Cortonwood appeal was allowed.

Ultimately they argue that the variations seek to allow traditional high street retail on a bulky goods retail warehouse site. They therefore consider that the applicant should demonstrate more flexibility over car parking provision because traditional high street retail has less need for proximity parking as it doesn't require bulky goods to be carried long distances. They therefore consider that some sequentially preferable sites should not have been discounted on the grounds of suitability.

New Build Unit

Queensbury consider that the new build unit should be assessed separately to the relaxations because it is a proposal for unrestricted A1 and not commercial asset management of the retail park.

Impact on Planned Investment

Queensbury point out that the Better Barnsley scheme is more advanced than when the Cortonwood appeal was allowed and a number of significant milestones have been passed. The scheme is now at its most critical stage when it is necessary to secure pre-lets, particularly for the large A1 units, which the Peel Centre site would compete with.

Economic Benefits of the Peel Scheme

Queensbury contend that the economic benefits associated with the Peel scheme are deadweight given that existing units are already occupied and could readily be re-occupied.

Assessment

Principle of Development

Saved Policy S5 stipulates that all retail development which would create a new shopping unit or units in excess of 930 sq. m outside of the central and principal shopping centres will be subject to planning conditions which control the range and type of goods to be sold, and the maximum or minimum unit size as measured by the gross floor area.

Policy S3 is also saved, and relates to retail development outside the Central Shopping Area of Barnsley town centre and the defined Principal Shopping and Commercial Centres. It states that all new retail development outside of the centres will only be permitted:

- On a site allocated for that purpose in the plan
- Where there is not a suitable site available within the defined centre or where there is no available allocated site, then on a site at the edge of a defined centre; or
- Where there is no suitable site available either within any of the centres defined above or in accordance with the requirements of (a) or (b), then an out-of-centre site in a location accessible by a choice of means of transport.

In relation to the first criterion, the site is allocated for large scale retailing of comparison goods (rather than an allocation for unrestricted retail) so the proposals for a new unrestricted unit represent a departure from policy S3. However, it is now necessary to assess the proposal against the more recent Core Strategy policy CSP31 and national policies and guidance.

In order to enable a robust assessment to be carried out, the application has been supported by a Retail Impact Assessment and Transport Assessment. The Council has commissioned independent experts in these fields, namely England and Lyle and AECOM, to assess the information submitted and provide technical advice and recommendations. The findings and conclusions are explored under the headings below;

Sequential Test

Paragraphs 24 and 26 of the NPPF explain that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and are not in accordance with an up-to-date Local Plan.

The sequential test undertaken concluded that none of the units identified as being available are suitable and viable for the proposed development. The majority of the units are located within

wider sites allocated for either mixed-use or retail development are insufficient in size to accommodate the proposal or would be economically unviable to undertake the required alterations to ensure the units are suitable for retail purposes. These findings are consistent with those of the Planning Inspector who allowed the appeal at Cortonwood. Accordingly, on the face of it, none of the units are available, suitable and viable for the proposed development and Officers are content that the sequential test has been passed.

However, the unrestricted retail element of the proposed new unit cannot be implemented straight away. If it could, the application would almost certainly have been recommended for refusal on the basis of the impact on the Planned Investment in the Better Barnsley scheme. For the reasons explained under the heading 'Impact on Planned Investment', the unrestricted element of the unit will only become available gradually and it is therefore reasonable to assume that circumstances will change over this period. As such, there is a prospect that large units will become available through the delivery of the Better Barnsley scheme and that the positive impact this has on the viability of the town centre could help to bring forward proposals on currently unviable edge of centre sites.

In response to this point, the applicant has cited a decision referred to in their planning statement known as the "Rushden Lakes decision", This was made by the Secretary of State (SoS) after endorsing a Planning Inspector's report, confirmed how the sequential test should be applied. The Inspectors Report for that decision states at paragraph 8.55 that:

'In terms of availability, NPPF [24] simply asks whether town centre or edge of centre sites are "available". It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years.'

The applicant therefore argues that 'The SoS states at paragraph 15 agrees with the Inspectors overall conclusion on the sequential approach. It follows that the SoS endorses the specific individual conclusions drawn by the Inspector on the matters i.e. the way in which the test of 'availability' is applied as described above. Rushden Lakes is clear that for a site to be considered sequentially preferable it must be available. It is important to note that the scheme under consideration in Rushden Lakes was large scale and that it is the nature of such large schemes that they can only be delivered over a number of years, or what could alternatively be described a prolonged period. There is no suggestion in the Rushden Lakes decision that where a scheme would take a number of years to deliver, the sequential test should be applied on any basis other than that alternative sites should be available. This is all completely consistent with the confirmation by the Secretary of State (para 16 of the decision letter) in the same decision that disaggregation is no longer any part of policy'.

This has been referred back to our appointed retail consultant (England & Lyle), who confirm that they are in agreement with the applicant's commentary in relation to the application of the sequential test. Accordingly, in view of recent case law, they remain of the opinion that it would be very difficult to sustain a reason for refusal on sequential grounds.

As explained under the heading 'Impact on Planned Investment', a condition has been offered by Peel which is felt would ensure that the unit is only occupied for unrestricted A1 if 5 out of the 6 largest units in the Better Barnsley scheme have been pre-let (in which case they wouldn't be available for the purpose of the sequential test) or if insufficient progress has been made securing pre-lets (again meaning units would not be available). Accordingly, whilst there is some logic in saying that the sequential test shouldn't be on the basis of availability now, the condition does provide some comfort that sequentially preferable units in the Better Barnsley scheme would also be unavailable in the future. The condition doesn't cover the point that during this period other in centre or edge of centre sites might become available and be both suitable and viable but unlike the Better Barnsley scheme, they are not currently being brought forward for development. Consequently, given current case law, it is not considered that we can substantiate a reason for refusal on sequential grounds.

Retail Impact

As outlined above there are currently 2no. applications being considered concurrently (2015/0987 & 2015/0988) with this application, where conditions restricting goods to be sold would be amended. The applicants require this unit to operate with the same freedom, as such; potential retail impact is a consideration, both in terms of the application itself and the overall cumulative impact.

The impact of the proposal on Barnsley Town Centre and particularly the Better Barnsley scheme is a key consideration and has resulted in officers insisting on additional information being requested from the applicant in order to substantiate their claims that the proposal will not have a significant adverse impact on either the town centre or on planned investment.

Before assessing this in detail it is important to recognise that there is a significant leakage of expenditure from Barnsley to retail destinations outside the borough. The applicant asserts, that because of the proximity of the Peel Centre to the Town Centre and associated evidence on linked trips between the two, relaxing restrictions on the type of good that can be sold will help clawback a significant level of existing comparison goods expenditure leakage. This is fully acknowledged by England & Lyle and helps to partly offset trade draw on the town centre as and when each of the units becomes occupied by an alternative tenant.

Notwithstanding the evidence of a significant outflow of comparison expenditure, the NPPF advocates a *'town centres first'* policy and, as acknowledged by Savills, the first choice location for development that improves the town's retail offer should be the town centre.

It is suggested that the connectivity between the Peel Centre and Barnsley town centre means that the proposals could help support town centre vitality and viability through the retention of retail spending in Barnsley and, as a consequence, help the Barnsley Markets scheme to be developed.

Impact on Planned Investment

Planning permission was granted for the Better Barnsley scheme in July 2015. The redevelopment of the town centre and associated markets has been a long term objective of the Council, it being a critical scheme from a Barnsley economic and regeneration perspective. Accordingly, when assessing the impact on planned investment against the first criterion in the NPPG (policy status of the investment), it is clear that there is compelling support, both corporately and in respect of planning policies, for the proposal.

There has also been good progress made towards securing the investment, £50 million already committed, and works are currently being undertaken on site (demolition of central offices and creation of the surface car park on the former CEAG site). Milestones have also been established for submission of the reserved matters application and for the finalising of the terms of the remaining investment. The resultant timetable therefore envisages completion of the scheme in April 2019.

In this regard, given that the scheme is progressing and that the Council is committed to funding approximately half of its total cost, it could be argued that the proposals at the Peel Centre pose little threat to the delivery of the Better Barnsley scheme.

However, when assessing the extent to which an application is likely to undermine planned developments or investments (based on the effects on current/ forecast turnovers, operator demand and investor confidence), it is important to note that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact. Given that the Better Barnsley scheme has been in the offing for over a decade it is reasonable to be cautious about the

impact of these proposals on the ability to secure the additional investment necessary to complete the Better Barnsley scheme.

England and Lyle identified that there would be some overlap in the type of goods to be sold from the existing and proposed units at the Peel Centre and the type of goods that would be sold from the consented retail floorspace within the Better Barnsley scheme. The expansion of the comparison goods offer at the application site therefore theoretically increases competition which could potentially make it more difficult to secure sufficient tenants for the Better Barnsley scheme.

Despite the above, England & Lyle consider that it would be difficult to sustain a reason for refusal citing a significant adverse impact on planned investment in the town centre, particularly in view of the conclusions drawn in the Cortonwood appeal and the need to stem the leakage of comparison goods expenditure to destinations outside the Borough.

To further safeguard the Better Barnsley scheme, Peel have offered a condition which would prevent the proposed unit being occupied for unrestricted A1 for a period of five years. This is something that officers have pushed for because a shorter period of say three years would mean the proposed units would be available at roughly the same time as the Better Barnsley scheme is scheduled for completion.

In a scenario where the condition only applied for three years, retailers would have the choice between being guaranteed a unit on an existing retail park or agreeing a pre-let within a town centre scheme which is still to be delivered. The latter therefore represents a greater risk and could detract some retailers who are looking for a new unit within the next 3-4 years. The condition would therefore force some retailers to wait longer for a unit at the Peel Centre, which would give the Council more time to secure pre-lets and offer greater certainty to retailers who might otherwise consider taking the proposed unit at the Peel Centre.

In agreeing to five years Peel have suggested that there should be break clauses so that the condition no longer applies once Queensbury have secured pre-lets of 5 out of the 6 largest A1 retail units. The rationale for this is that it is only the larger units that Peel would compete with because their planning permission prevents units being sub-divided. Moreover, the success of phase 2 of the Better Barnsley scheme mainly hinges on securing tenants for the larger A1 units as experience shows that smaller units will be taken up once tenants have been secured for the larger units.

Peel have also requested that the condition ceases to apply if Queensbury fail to make reasonable progress securing pre-lets for the larger units. They base this on what happened with the previous 1249 scheme, which wasn't delivered and so Peel argue that they should not be prevented from implementing their proposals if the planned investment isn't forthcoming.

Having considered the matter in detail, officers consider that the suggested condition is sufficient to address concerns regarding impact on planned investment and whilst Queensbury would rather the application be refused; they have reviewed the terms of the condition and also accept that it represents a reasonable compromise given the independent advice from England & Lyle. The condition means the unit can be built and occupied for certain/restricted A1 sales, including bulky goods, prior to the restrictions being removed in line with trigger points.

Residential Amenity

The proposed unit would be located between two existing units and within an existing retail park, as such; the proposed retail use would be compatible with the neighbouring uses and the park as a whole.

The closest residential properties to the site are a significant 60m away with no significant impact expected, especially, given the opening hours of the store.

Visual Amenity

The proposed unit would be located in between two existing units on an area currently used as an external display/sales area. The elevation treatment and materials will match the site's existing units and will consist of flat composite cladding, colour Sirius to the front and profiled cladding to the gable and rear elevations, colour Albatross, all above a facing brick plinth.

The front elevation also incorporates the Unit's glazed entrance feature in addition to glazed side panels surrounded by terracotta feature tile surrounds. The glazing is green within silver aluminium frames and the tiles are powder blue to all to match existing.

The form of the roof is hipped and dual pitch, hidden behind a relatively tall parapet to lessen its impact and form a secret gutter and to match existing.

As such, the proposed unit would harmonise with the adjoining units and the retail park as a whole, therefore, retaining visual amenity to a reasonable degree, in accordance with CSP 29.

Highways

This new unit will be accessed by customers from the existing car park and will be serviced from the rear of the property off Dryden Road.

The Peel Centre is accessed via a signalised junction onto Harborough Hill Road, which, in this locality, is of dual carriageway standard. The access road is called Dryden Road providing access to the retail park car parks and beyond to the service yards.

The Peel Centre junction sits at the southern corner of Harborough Hill gyratory, which provides a junction between the A61 and A635, before the A61 crosses over the River Dearne at Old Mill Lane.

The gyratory is a multiple lane arrangement with three signalised entries for A61 and A635 approaches. The A61 approach from the south incorporates Dryden Road (access to Peel Centre) into the signals arrangement. The A61 signals arrangement from the north incorporates a bus gate. There are a number of priority controlled access points within the gyratory, namely Twibell Street, Meadow Street, Canal Way, and lastly access to B&M Bargains on the island in the centre of the gyratory. There are several controlled pedestrian crossing points, including at the Peel Centre Dryden Road junction.

There are currently 524 standard spaces (including parent & child) within Peel Centre. This equates to 1 space per 23.7 m² GFA at present and 1 per 25.6 m² with the proposals both of which complies with the maximum permitted (1 space per 20m²) through Barnsley's Local Development Framework Supplementary Planning Document on Parking (adopted March 2012).

The location of the site is considered to have a good level of non-car accessibility, particularly given its location near a major bus corridor and within acceptable walking distance of Barnsley Interchange. This is borne out by the evidence provided by the exit survey, which shows that approximately one in six visitors to the park travel by non-car modes.

As part of a previous application in connection with the Twibell Street retail site, Peel instructed full traffic counts at the gyratory which tracked movements around the whole gyratory (June 2014).

The peak periods for consideration in respect of highway impact are the weekday PM and Saturday afternoon periods. The peak hours for the retail park and the gyratory as a whole coincide. They are 1600 – 1700 hours on the Friday and 1345 to 1445 hours on the Saturday.

The supporting assessments demonstrate that the worst case development impact is clearly the Saturday peak as tested. This Saturday peak hour impact is just 113 additional movements (this accounts for the 2no. applications which are running concurrently with this one) on the gyratory (an average of less than one in/out per minute), and which incidentally is less than the background traffic growth considered.

The impact of development cannot reasonably or credibly be considered to have a 'severe' impact on the operation of the highway. Therefore, the proposal is in accordance with the NPPF which states in Paragraph 32 that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Furthermore, the Transport Assessment and additional requested technical notes have been fully assessed by the Councils Highways Officers along with independent assessments from AECOM. Following on from these assessments they concluded that the impact would not be severe and have raised no objections.

Summary

The applicant has demonstrated that there are no sequentially preferable sites currently available to accommodate the proposed development and that subject to the suggested condition, the proposal will not have a significant adverse impact on the Town Centre or the planned investment in the Better Barnsley scheme. Accordingly, the application is recommended for approval.

Recommendation

Grant planning permission subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The external materials shall match those used in the neighbouring units as set out in the Design and Access Statement.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 3 The development hereby approved shall be carried out strictly in accordance with the plans (Nos. MH877-04 - Rev. A & MH-877-05 - Rev. A) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 No development shall take place until:
 - (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 5 Prior to the commencement of development a site investigation must be undertaken to fully investigate potential mining legacy risks. The investigation should be carried out in compliance with CIRIA publication 32 'Construction Over Abandoned Mine Workings', a report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details.

Reason: In the interest of land stability and in accordance with NPPF paragraphs 120 & 121.

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

- 7 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.

- 8 Prior to commencement of development, details of proposals to mitigate the air quality impact of the development shall be submitted to and approved in writing to the Local Planning Authority. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. These proposals are currently detailed within paragraph 7.5 of the air quality assessment, submitted in support of the planning application. Specifically, these are the preparation and implementation of a Travel Plan to reduce the reliance on the private car and improve awareness and usage of alternative travel; the installation of two electric vehicle charging points; and, the installation of at least five new cycle parking spaces.

Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Core Strategy policies CSP 40 and CSP 41.

- 9 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or any equivalent provisions in any statutory instrument amending revoking and/or re-enacting either or both of those Orders:

Until the earlier of (a) the expiry of a period of 5 years from the date of this permission or (b) the date of the occurrence of that one of the circumstances mentioned in (A)(1) and (2) below as is first to occur Unit 2A may be used for non-food retail purpose, with the exception of; any alcoholic drink (unless as part of the food and drink allowance below); 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) (in the case of fashion retail - clothes, shoes & jewellery, a maximum of 10% of the net sales area of the unit will be permitted).

Not more than 1,394 sq.m. of net sales area in total, across all of Units 1A, 1B, and 1 C, 2, 2A, 3A, 3B and 3C, 4, 5, 6 and 8, may be used for the retail sale of food and drink (in relation to Units 3C, 5 and 6 that being (if applicable) in addition to the 30% of the net sales area of the individual units previously approved, which shall not be taken into account in calculating the net sales area permitted by this paragraph)

(A)

The circumstances referred to above are:

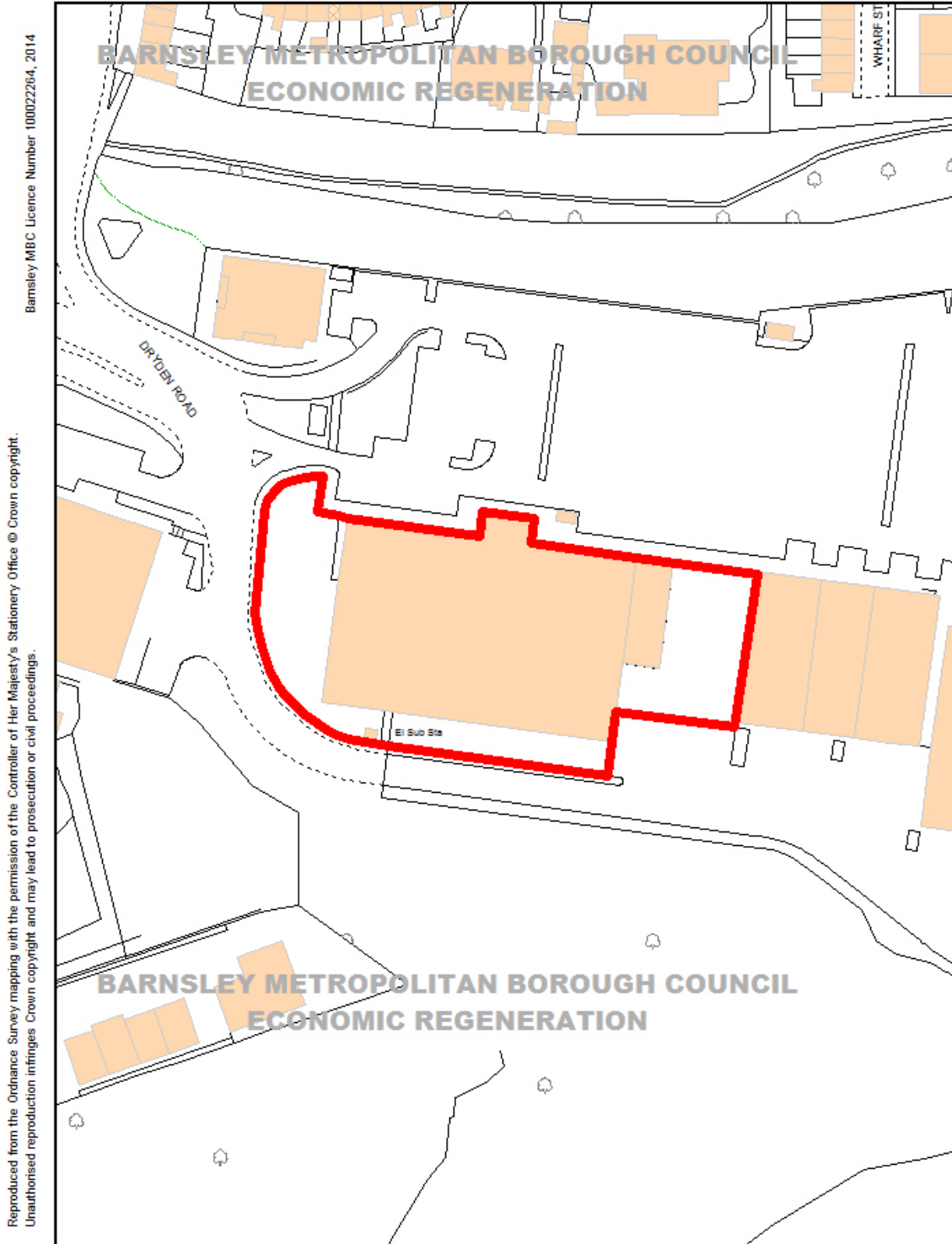
(1) an agreement for lease or leases have been entered into in relation to five of the six anchor / MSU retail units on the proposed Better Barnsley redevelopment scheme (unit references A1, MSU 1, 2, 4, 5 and SU16 as shown on IBI drawing reference SP_00_001); or

(2) a period of 2 years having expired since the date of this permission, without agreements for lease have been exchanged, or leases entered into, relating to two or more of those six units referred to in C(1) above.

Reason: In order to offer protection to the Better Barnsley Scheme and in accordance with saved UDP Policy S3.


PA reference :-

2015/1028



BARNESLEY MBC - Economic Regeneration

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Scale 1:1250