



Planning and Transportation Service
Barnsley MBC
Westgate Plaza Level 1
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Barnsley Metropolitan
Borough Council
06 FEB 2009
Corporate Mail Room

6 February 2009

Dear Sirs

**PLANNING APPLICATION FOR EXTERNAL ALTERATIONS TO FACILITATE
CONVERSION OF EXISTING RETAIL WAREHOUSE UNIT INTO FOUR UNITS.
UNIT 2 THE PEEL CENTRE, HARBOROUGH HILL ROAD, BARNSELY.
RESUBMISSION OF APPLICATION 2008/1810**

I enclose the above resubmission which is being lodged following discussions with Keiron Dunn, the case officer for the original application. As a resubmission of a recently refused application, no fee is payable.

Please find enclosed 4 copies of each of the following:

- completed application form;
- red line site location plan (drawing no MH521-00);
- drawing nos MH521-01A *Existing general arrangements*, and 02A *Proposed general arrangements*;
- design and access statement;
- service traffic and servicing arrangements note.

The original application was refused for two reasons, as follows:

1. *The proposed subdivision of the existing large retail unit would result in four small retail units of a size that should normally be located within the Barnsley town centre and an external sales area that would no longer be ancillary. If allowed in this out of centre location, the proposal would be prejudicial to the viability and vitality of the town centre contrary to policies S3 and S5 of the Barnsley Unitary Development Plan and Planning Policy Statement 6: Planning for Town Centres. No evidence has been submitted to show that the retail units will not prejudice the overall objectives of these policies and maintain the character and function of the retail park.*
2. *The proposal would result in access arrangements for deliveries/servicing at the rear of the building that would not be suitable for 4 separate retail units and would be detrimental highway safety.*



Second reason for refusal

The second reason has been the subject of direct discussions between Peels Transport Consultants TTHC and Bob Knell of Barnsley MBC Highways. These discussions have resulted in the provision of additional information via email about the proposed servicing arrangements and the level of service traffic generated by the site. This information is now provided as part of this application in the form of the enclosed '*service traffic and servicing arrangements note*'

First reason for refusal

The following information is intended to provide clarification and to deal with the first reason for refusal.

The first point is that some clarification of the planning history of the park seems to be needed.

The unit now occupied by Halfords and Bathstore was originally built as a single unit and occupied by Halfords under planning permission ref 88/0294. It has subsequently been converted into 3 units under planning consent 2006/0481.

In discussions with Keiron Dunn following refusal of 2008/1810, mention was made of an old permission for the remainder of the original retail park going back to the mid 1980s. I understand this was 86/1148/BA. Specific reference was made to a condition, number 5, which meant that planning permission would be required for sub-division of units.

When the park was first built it consisted of 4 units, the Halfords unit, the Focus unit, a unit occupied by Dixons/Currys and a fourth unit occupied by a former DIY/furniture retailer ELS. It was built pursuant to planning permissions 88/0294 and 86/1148/BA.

However, outline planning permission was given under 98/0641 for the refurbishment, redevelopment and extension of the retail park. Consistent with the original application in 1986, the red line application site included all units except the one then occupied by Halfords. A new set of planning conditions were imposed to cover the whole of the site (excluding of course Halfords which was outside the red line)

Reserved Matters were then approved in 2002 (ref B/02/1350/BA) for redevelopment and refurbishment, including 5 new units. The site was redeveloped and refurbished pursuant to these consents. The Focus unit was completely refurbished and reclad, the adjacent unit which had been occupied by Currys was refurbished, reclad and converted into 3 units, each of 5,000 sqft (465 sqm), the ELS unit was demolished completely and 5 additional units were created as new build (a terrace of 3 no 10,000 sqft/929 sqm units and the larger units occupied by Currys and JJB).

Subsequently an application for relaxation of condition 5 (goods restrictions) of 98/0641 was approved. This consent was issued under ref 03/02180. Once again the red line was around the site of all units except the Halfords/Bathstore building.



It is clear that implementation of the outline permission (98/0641) and reserved matters approval (B/02/1350/BA) for refurbishment, redevelopment and extension, followed by the relaxation of condition 5 of the outline permission under ref 03/02180, set a new controlling regime for the whole park with the exception of Halfords.

From discussions over the first reason for refusal, there appeared to be some uncertainty over the creation of four units within the existing Focus unit, reference being made by Keiron Dunn to condition 5 of 86/1148/BA. It is clear from the planning history from 1998 onwards that this original permission has been superseded by a sequence of more recent comprehensive consents for the whole park.

Whether or not planning permission would technically be needed for the internal sub division by virtue of a specific planning condition (it is of course established in planning law that sub division of retail or indeed other commercial property does not itself need planning permission), the fact is that the aim of such conditions if and when they are in force, is to maintain a minimum unit size.

In the case of the Peel Centre, not only has the Halfords/Bathstore unit conversion resulted in 3 units, one of which is less than 2,000 sqft in area, but in the course of approving the comprehensive refurbishment and redevelopment of the rest of the park between 1998 and 2002, the Council fully considered UDP and National retail policies and strategies. Having done so it was determined that units of 5,000 sqft and over in this location are fully appropriate and acceptable in policy terms.

All the units which would be created under the scheme recently refused under 2008/1810 will be over 5,000 sqft, three of them significantly so. Given that the Council has clearly determined that units of 5,000 sqft and over are appropriate on this site, the first reason for refusal is surprising and inconsistent with previous decisions based on the same policy regime.

The proposals are simply for the re working of existing, operational retail floor space, in a manner that is completely consistent with the long established strategies of both Peel and the Council with regard to this location. In different circumstances where for example the units to be created were all say 1,000 sqft and there was control over sub division, then this may not have been the case.

On the final issue of the garden centre area, the proposal is quite clear. This would be retained as an available external sales display area to the end unit. This could be used for external display of for example gardening or building products.

I trust this information is of assistance in clarifying the planning history and extant permissions for the site and in demonstrating compliance with the well established policy and strategy for this retail park.

I look forward to receiving confirmation that the application has been validated.

Yours faithfully


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