

SECTION 73 APPLICATION - PEEL CENTRE BARNSELEY

1.1 This Technical Note has been prepared by TTHC Ltd, on behalf of Peel Developments (UK) Ltd, in response to feedback received from Barnsley Metropolitan Borough Council (BMBC) in respect of a Section 73 application relating to Units 3C, 5 and 6.

1.2 The Section 73 application seeks to amend condition 1 of planning permission 05/1165/BA as follows:

Notwithstanding the Town & County 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.

1.3 In effect, the proposal seeks simply to relax the restrictive condition on the 3 units to increase the prospects of them being re-let. The relaxation seeks permission for the units to be used for the sale of any non-food goods and for not more than 30% of the sales area of any of the individual units to be used for the sale of food. Successful re-letting on this basis would be expected to do nothing more than restore the traffic generation of the site to its 'lawful' base position, in much the same way as for example when The Range took occupation of the Former Focus DIY unit, Pets at Home and Argos took occupation on the site, or when B&M Bargains occupied the former PC World unit on the Old Mill Lane Gyratory. None of these popular retail

park operators have resulted in any evidence of significant increases in traffic, or of traffic related problems on or off the highway.

- 1.4 The three units referred to (3C, 5 and 6) have gross floor areas of 473sqm, 929sqm and 929sqm with 378sqm, 743sqm and 743sqm of net sales area respectively. Therefore, the largest total floorspace in any one unit which could be used for food sales is 223sqm.
- 1.5 TTHC has been provided with pre-application exchanges in connection with the proposal. As a result of these exchanges, given that no new floorspace is proposed, it has been established that the BMBC do not require a Transport Statement to support the application.
- 1.6 However, a submission has been requested that confirms that the proposals would result in no more than an additional 30 two-way movements in any hour and that it would not be likely to increase accidents. Confirmation has also been sought as to whether the proposed change in condition would lead to an increase in HGV deliveries.
- 1.7 Firstly, it should be noted that the maximum potential effect of the proposals would relate to the **difference in trip generation** between Non-Food Retail floorspace (which is the 'Base' scenario) and Non-Food Retail floorspace with a limited proportion of food sales (which is the 'Development' scenario).
- 1.8 By way of background, Appendix B of the Guidance on Transport Assessment (GTA) provides suggested thresholds below which a formal assessment may not be needed. These are based on scenarios which would typically generate 30 two-way trips.
- 1.9 In this regard it is important to note that the proposed relaxation is being sought to increase the prospects of the existing floorspace being re-occupied, including by 'discount' operators, some of whom sell a small component of food. These operators tend not to carry multiple, or even regular, lines which can be relied upon for a primary or even top-up food shop. Food purchases are essentially ancillary or

incidental to the main established non-food shopping activity. A return to full occupation by non-food retailers would be expected to do nothing more than restore the traffic generation of the site to its lawful base position (again like other re-lettings such as The Range, Pets at Home, Argos and B&M Bargains).

- 1.10 The industry-standard TRICS database isn't able to sufficiently differentiate between non-food only retail and non-food retail with a small element of food. This in itself is in some way indicative of the lack of material difference in the traffic characteristics between these types of retailers – if there was any material difference between such stores, then one would expect there to be a different TRICS category for each, in much the same way as there are separate categories for others within the foodstore class (ie 'foodstores'/'discount foodstores'/'convenience stores').
- 1.11 In any event, a non-food retailer selling a small proportion of food under the proposed relaxation would not be expected to result in a materially different level of traffic activity to a non-food only operator and is certainly expected to be below the 30 additional trips per hour (remembering this is 30 in addition to the trips that would be generated in any event by a non-food only operator) as suggested in the GTA.
- 1.12 There would clearly be no bearing on any traffic safety issue and no measurable effect whatsoever in respect of accidents.
- 1.13 The indicative level of materiality of 30 trips per hour threshold is also used within the 'Initial Appraisal' in Appendix A of the GTA, along with a HGV threshold of 10 trips per day. Again, in terms of a difference between a Non-Food use and a Non-Food use with up to 30% Food, it would not be expected that any increase in servicing activity would be material (ie not more than 10 HGVs per day). In practice, we would expect no perceptible difference in servicing activity.