
2016/1504

Applicant: Mr Jeremy Sykes, C/o IBI Group

Description: Variation of condition 2 of previously approved 2016/0924 to allow refinements to design of the public library and change the mezzanine into a full floor.

Site Address: Barnsley Markets and Adjoining Land, Cheapside, Barnsley, South Yorkshire

No representations have been received from members of the public, or any of the Ward Councillors.

Site Location and Description

The site fronts onto May Day Green at the heart of the retail core of the Town Centre. Eldon Street is located to the north and Cheapside to the south; it backs onto Burlington Arcade to the rear. The new temporary market structure is located directly opposite, beyond which is the transport interchange.

The site was occupied by a series of shop units which comprise of retail at ground floor with storage above. They were flat roofed structures clad in brown brush hammered concrete which is identical to that of the Metropolitan Centre.

Proposed Development

The application has been submitted under the minor material amendment procedure following changes that have been made to the design of the building subsequent to reserved matters application 2016/0924 being determined 27th October last year.

Previously 142m² of the first floor of the building was going to be constructed as a mezzanine floor. It is now proposed to construct a full first floor within the building which would provide a larger space of 315m². The area would be made available for A1, A3, or A4 uses which is the same as the existing approval. As a result of this change it is proposed to amend the external elevations of the building by inserting glazing in place of aluminium cladding in the affected area of the building in a form which would be identical that used elsewhere in the design.

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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Core Strategy

CSP29 Design
 CSP30 The Historic Environment
 CSP31 Town Centres
 CSP39 Contaminated Land
 CSP40 Pollution Control and Protection
 CSP43 Educational Facilities and Community Uses

Saved UDP Policies

S1 'Shopping/Commercial Centres'
 TC1 – 'Development of the Defined Central Shopping Area'
 TC20 – Design and Materials'
 SPDs/SPGs

Emerging Local Plan

Proposed allocation: Town Centre
 Town centre area action plan policies:
 BT13
 AAP3 – Public Spaces

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.

Planning Practice Guidance - Flexible options for planning permissions:-

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Consultations

Civic Trust – Support the proposal on the grounds that change from a mezzanine to a full first floor is an improvement on the original. It will be a better use of the available space, be better lit and give patrons an improved view over the new town centre square.

Design officer – No objections to the proposed amendments.

Drainage – No objection to the proposed amendments.

Environmental Health – No objections to the proposed amendments.

Highways – No objections, the site is located in a highly sustainable central location that is readily accessible to public transport.

Ward Councillors – No comments have been received.

Representations

The application has been publicised via notification letters, site and press notices. No representations have been received.

Assessment

Principle of Development

Planning permission for the new central library exists under a combination of outline planning permission 2015/0549 and approval of reserved matters application 2016/0924. The proposed changes would not alter the majority of construction and usage details previously approved. The size of the first floor would increase by 173m². However this increase is considered to be very modest in the context of the size of the overall building (gross internal floor area 2,831m²). In addition the proposed range of flexible uses is the same as those already approved.

Visual Amenity

The effect of the internal changes would be a need to remove a section of aluminium cladding which was proposed at first floor and replace it with glazing to match the same style of glazing used elsewhere in the building. The effect of the changes on the design already approved would again be modest. Indeed, visually the changes would serve to benefit the appearance of the building through increasing permeability and interaction between the first floor of the library and the new areas public realm which are to be formed outside of the building.

Others

I am content that the proposed changes do not raise any further new issues that were not captured by the original decision. However it would be necessary to impose the same conditions that were imposed on the previous decision. Specifically the conditions relate to samples of the proposed building materials being submitted for approval prior to the commencement of development, details of external lighting being agreed and details of the servicing arrangements.

Conclusion

The National Planning Practice Guidance states that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. Given the modest changes proposed and the positive effects the changes would have on the external appearance of the building I am entirely content that the changes proposed fall within this definition. In addition the proposed range of flexible uses is the same as those already approved to take place within the same part of the building.

Accordingly the application is judged acceptable and is recommended for approval to Councillors.

Recommendation

Grant variation of condition 2 of application 2016/0924 (minor material amendments)

1 The development hereby permitted shall be begun before 27th October 2018
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby approved shall be carried out strictly in accordance with the plans

BBTC_IBI_LR_A_F100_EL_001 rev 3. Front and Rear Elevation
BBTC_IBI_LR_A_F100_EL_002 rev 3. Side Elevations
BBTC_IBI_LR_A_F100_EX_EL_00 P1 Existing Elevations
BBTC_IBI_LR_A_F100_EX_PL_00 P1 Existing Ground Floor Plan
BBTC_IBI_LR_A_F100_EX_PL_01 P1 Existing First Floor Plan
BBTC_IBI_LR_A_F100_EX_SE_00 P1 Existing Sections
BBTC_IBI_LR_A_F100_EX_SP_00 1 Existing Site Plan
BBTC_IBI_LR_A_F100_PL_00 1 GF Plan
BBTC_IBI_LR_A_F100_PL_01 rev 2 FF Plan
BBTC_IBI_LR_A_F100_PL_02 1 2F Plan
BBTC_IBI_LR_A_F100_PL_03 1 3F Plan
BBTC_IBI_LR_A_F100_PL_RF 1 RF Plan
BBTC_IBI_LR_A_F100_SE_001 1 Section AA
BBTC_IBI_LR_A_F100_SE_002 1 Section BB
BBTC_IBI_LR_A_F100_SE_004 1 Section EE
BBTC_IBI_LR_A_F100_SP_00 1 Site Plan
BBTC_IBI_LR_A_F100_SP_XX_00 - Location Plan
BBTC_IBI_XX_A_F100_PL_00_02 1 BBTC Site Phasing Plan
BBTC_IBI_LR_A_F100_EL_003 1 West Elevation - Site Context to Eldon Street

and specifications within the Design & Access Statement (July 2016) 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.

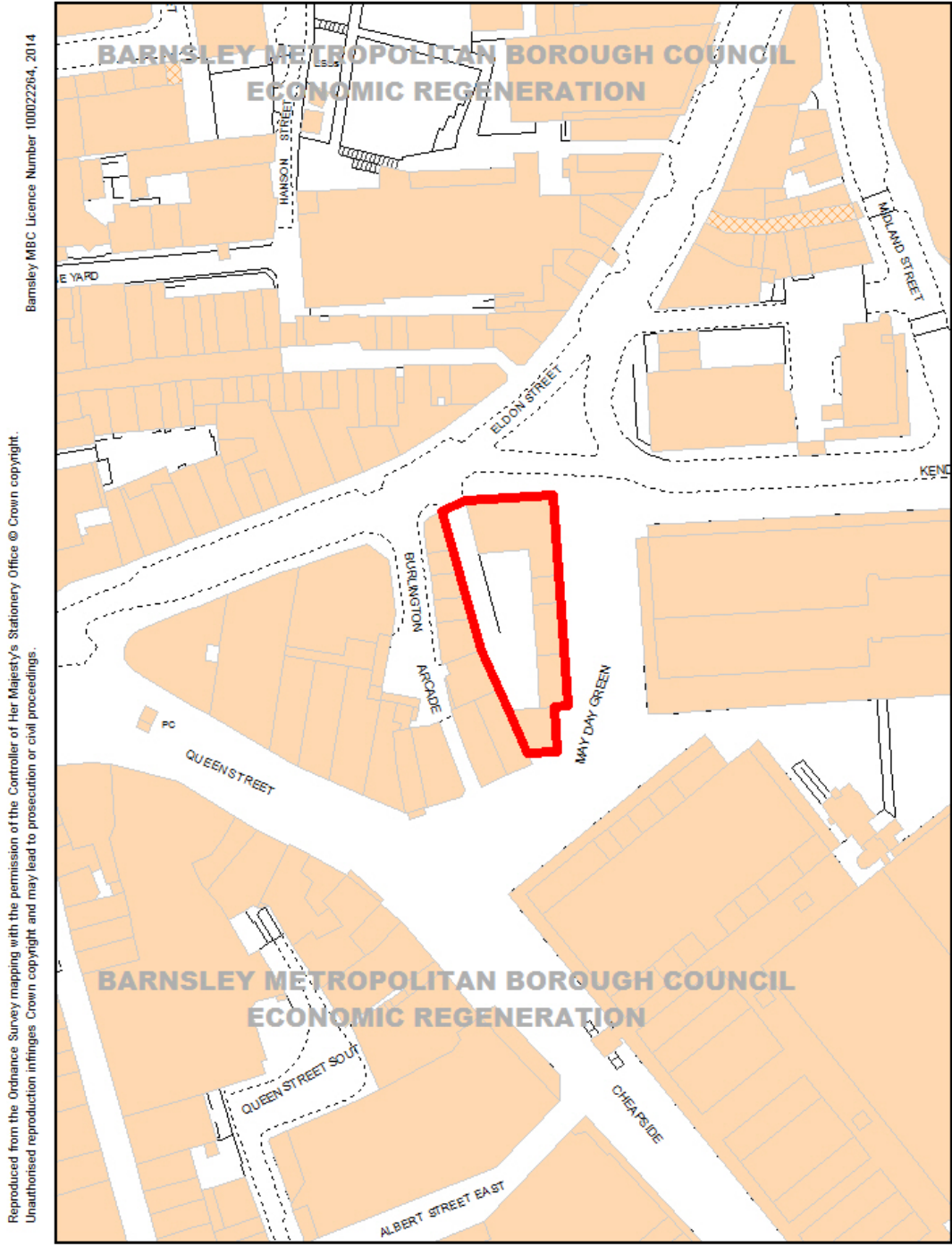
3 Notwithstanding the submitted plans, no construction shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The construction of the building shall only take place after a sample panel of all external materials has been constructed on site and the details approved in writing by the Local Planning Authority. The approved panel shall be retained on site until construction of the building has been completed. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 4 The development hereby approved shall not commence unless and until a servicing strategy, including a schedule of loading and unloading locations and times, has been submitted to and agreed in writing by Local Planning Authority. Servicing to the building shall thereafter take place in strict accordance with the approved strategy.
Reason: In the interests of public and highway safety in accordance with policy Core Strategy Policy CSP26.
- 5 Upon commencement of development full details of an external lighting strategy for building shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the specification, location, orientation, angle and luminance of the proposed lighting. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.
Reason: To promote the appearance of the building in the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 6 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA reference :-

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