
2018/0279

Applicant: Barnsley MBC, c/o HOW Planning LLP

Description: Erection of permanent structures and associated public realm works.

Site Address: Land at: Cheapside, Eldon Street, Midland Street, Kendray Street, May Day Green, Queen Street and Peel Square, Barnsley

1 representation raising concerns. The Civic Trust is supportive of the application.

Site Description

The application site covers many of the existing pedestrianised streets and squares within the Town Centre, including Cheapside, Eldon Street, Midland Street, Kendray Street, May Day Green, Queen Street and Peel Square. The overall amount of land included in the application is 2.38ha.

These areas constitute the retail heart of the Town Centre that is currently undergoing re-development as part of the Better Barnsley project. The application site is therefore a mixture of existing streets and spaces and the new areas that are due to be provided as part of the Better Barnsley/Glassworks project.

Numerous listed buildings and the Regent Street/Church Street/Market Hill Conservation Area are located adjacent to some of the areas included within the application site.

Proposed Development

The proposals represent a combination of refurbishment of existing areas and the formation of a new main square for the Town Centre. This is proposed to be created in the May Day Green/Kendray Street area in front of the entrances to the Glassworks and cinema, the new library and the new building intended for leisure and food and drink uses. In addition the application includes a new covered arcade that is to be created in between the refurbished Met Centre and new multipurpose building that is to include shops and the cinema. Furthermore Midland Street would be changed to only allow for one way vehicle access south for service and emergency vehicles and a widened footpath being created on the east side to create improved pedestrian access to the Transport Interchange and new service vehicle laybys in the western part. The existing taxi rank would be relocated onto Eldon Street. An enlarged gateway area would be created at the junction of Eldon and Midland Street.

The development would consist of the provision of replacement of block paving of different colours and types in the majority of areas included within the application, the provision of new street furniture, market stalls and pods, outdoor seating areas, walling, terraces, tree planting and lighting. In addition the new main square shall include turf and stone terraces to create an amphitheatre and a cascading water pool and rill that would be set within the ground.

History

Outline planning application 2015/0549 was approved 08/07/2015 with all matters reserved. This approved a *mixed use development of Barnsley Markets and adjoining land following demolition of existing offices, bridge, part of existing market hall and multi-storey car park to provide a replacement refurbished retail / market floorspace, new retail / food and drink (Use classes A1, A3, A4), a cinema (Use Class D2), a library (Use Class D1), and new public open space, access road and associated servicing arrangements, car parking and a pedestrian footbridge across the adjacent railway to the site of the former CEAG building.*

Reserved matters approval of access, appearance, layout and scale of the refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1, A3, A4), and leisure (D2) uses was given 20th April last year under application 2017/0135, i.e. phase 1 of the Glassworks.

Permission was granted for phase 2 of the Glassworks comprising a mixed use development to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road In September last year under planning application 2017/0586.

Prior to that approval of the reserved matters for the new central library was approved 27/10/2016 under applications 2016/0924 and 22/02/2017 (amended plans -ref 2016/1504).

Application 2015/0730 determined that Permitted Development Prior approval was not required for the Demolition of Council Offices (Kendray Street) / TEC Centre & Retail Units (Eldon St / Kendray St) / Multistorey Car Park & associated structures / Zero Ice (Alhambra Road) on 23rd September 2016.

Preceding those were a number of applications for versions of the development that were not initiated including-

2006/1082 - Mixed use redevelopment comprising retail, leisure and residential, including new market hall, public amphitheatre/ outdoor market, multi storey car park with pedestrian link bridge over railway, new pedestrian routes and means of access (Outline) – Approved with conditions 10/10/2006.

2007/1573 - Mixed use redevelopment comprising retail, leisure and residential, including new market hall, public amphitheatre/ outdoor market, multi storey car park with pedestrian link bridge over railway, new pedestrian routes (Reserved Matters) – Approved with conditions 06/12/2007.

2010/0293 - Variation of condition 39 of planning consent 2006/1082. (2007/0271 Extension of time limit). Approved with conditions 03/06/2010.

2011/0714 - Mixed-use redevelopment, comprising demolition of existing buildings on application site and replacement with retail and leisure elements, including new market, multi-storey car park and surface-level car park, new pedestrian routes, public realm, means of access. Approved 07/09/2011.

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 the 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 emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean 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).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Saved UDP Policies

UDP notation: Principal Shopping Frontage

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP20 'Promoting Tourism and encouraging cultural provision'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP31 'Town Centres'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

Publication version of the Draft Local Plan

Proposed designations: The Markets Area/Better Barnsley Development Area/Primary and Secondary Shopping Frontages/Priority and Gateway Sites for Public Improvements/Proposed Cycle Routes

BTC3 Public Spaces – New development must make a positive contribution to public space through its design, siting and use of materials.

BTC7 Gateways – Development must:-

- create a strong distinctive visual gateway to the town centre and a sense of arrival
- be of high quality design and use the best quality materials
- include good pedestrian links through the site and the town centre
- improve public spaces in accordance with the Town Centre Public Spaces Strategy
- creating linkages to other areas adjacent to the town centre

BTC12 The Markets Area District – We will allow shops, offices, leisure developments, and food and drink uses within the Markets District. Other uses will only be supported where they contribute to the vitality and viability of the town centre.

BTC13 Development Site 1 – The Glassworks including former TEC building and CEAG site

We will allow the following types of development:-

- Retail, including a department store
- Offices
- Leisure
- Food and drink: and
- Car Parking

Development will be expected to:-

- Create new links to and within the town centre and other areas adjacent to the Town Centre such as the Metrodome and Oakwell

TC2 Primary and Secondary Frontages – Proposals for retail (A1-A5) uses will be allowed on primary and Secondary Shopping frontages in Barnsley Town Centre and the District Centres provided that:

- Within each primary shopping frontage in Barnsley Town Centre and the District Centres, ground floor uses are predominantly retail (Class A) in nature.
- Other uses may be acceptable, especially where they diversity and improve provision in a centre, providing that it can be demonstrated that the vitality and viability of the primary shopping area is concerned is not negatively affected and that ground floor uses on the Primary Shopping Frontages remain predominantly retail (Class A1) in nature.

BTC4, Improving Public Spaces – New developments above set thresholds must include proposals to enhance public spaces.

Other

Barnsley Town Centre Public Spaces Strategy

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.

Consultations

Air Quality – No objections have been received.

Biodiversity Officer – No objections have been received.

Coal Authority – No objections have been received.

Conservation Officer – No objections have been received.

Contaminated Land – No objections received.

Civic Trust – Support the application for the following summary of reasons:-

- Pedestrianisation has remained a priority.
- The crossing to the Eldon arcade is welcomed.
- The re-siting of the taxi ranks and drop-off bays for businesses along with disabled parking on Eldon Street keeps vehicular traffic on the periphery.
- The removal of the disabled toilets from Queen Street will improve the appearance of that area.
- The opening up of Peel Square is supported.
- The raised grass areas and the linear water features will soften the appearance of the development.
- The arrangement of the external market stalls is much improved.
- The proposed Glassworks square will provide a much needed centralised feature that will be attractive, functional and pleasant public space that will open up the views to the surrounding buildings and provide a focal point for the buildings themselves.
- The street furniture is of high quality and the clean lines are attractive to the eye.

Drainage – Are content to agree details via a condition.

Highways – Are content with the proposals subject to the imposition of conditions.

Historic England - No objections to the proposals which they believe will have minimal impact on the character and appearance of the conservation area

Pollution Control – No objections are raised. However a construction management plan condition is required.

Tree Officer – No objections subject to the provision of a landscaping scheme to agree planting specifications.

SYMAS – No objections on the basis that a suitable ground investigation report has been provided. The report has identified that mining legacy risks are low. However suitable foundations are required as there is some potential for the ground to be affected by shallow coal workings.

SY Police ALO – No comments have been received.

Urban Design Officer – Supports the application.

Yorkshire Water – No comments have been received.

Representations

The application was advertised by neighbour notification letters, site and press notices. A representation has been received from a member of the public expressing concerns with the proposed fan pattern brick setts in Peel Square with regards to their ability to reflect sunlight and cause glare. In addition it is stated that that particular surfacing causes ease of movement problems for shopping trolleys, pushchairs and wheelchairs.

Assessment

Principle of development

The application is not about changing the use of the majority of the existing land or constructing new buildings (with the exception of the market stalls and pods). This means that there are few land use planning policy considerations to take into account of as such. However the proposal would deliver one of the aims within the subtext of proposed policy BTC12 'The Markets Area District' through the creation of a new public square to accommodate a new open market area and town centre events. In addition the proposals are aimed at enhancing the vitality and viability of the Town Centre in accordance with CSP31 and the aims of the NPPF.

Visual amenity

The Design and Access Statement explains that the proposals have been the subject of community engagement through events during the weeks of 15th and 22nd January. In addition the scheme architects have met with a visually impaired group.

The plans have been presented at the Barnsley Design Review Panel and were positively received. As a result the plans are supported by our Urban Design and Conservation Officers.

Ultimately the proposals represent a significant investment in the town centre which are aimed at enhancing its appearance, place making and creating focal points. This is from the perspectives of regenerating and modernising the town centre for the benefit of existing residents and businesses and making it more appealing to visitors.

Overall the proposals are supported from the necessary urban design specialists that include Council Officers and the Design Review Panel as being sufficient to achieve high standards of appearance as per the aims of policy CSP 29 'Design'. However conditions are required to agree elevational details of the market stall and pod structures.

Residential Amenity

There are few residential properties in the areas of the town centre covered by this application. Notwithstanding this, there is a need for a construction method statement to be secured by condition to limit the effects of noise and dust on users of the town centre.

Highway Safety

This application is about the upgrade and provision of pedestrianised spaces and as such there are few highway safety considerations to consider once the development is operational. The plans achieve all of the policy aims of creating good pedestrian links through the town centre. However the project represents a significant challenge from a construction perspective and as such conditions are required to cover phasing, means of

access for construction traffic, the storage of materials, workers parking and the location of site compounds etc. Service arrangements would be another post construction issue, as is the formal process for relocating the existing Midland Road taxi rank to Eldon Street. Those considerations are reflected in the proposed conditions. In addition conditions are proposed with regards to the details of street furniture, lighting columns, signage and trees etc.

Others

Flood Risk and Drainage

The FRA has established that the site falls in Flood Zone 1 (low flood risk) and the proposals are considered to be 'Less Vulnerable'. The main risk to the development is a culverted watercourse Sough Dyke that passes through the town centre. However surface water attenuation is proposed to ensure that surface water run-off during extreme rainfall events is collected and discharged into the drainage network without presenting a flood risk to the buildings. Highways Drainage are content to agree detailed specifications via a pre-commencement.

Ground conditions

SYMAS are content that the risks to the development associated with the potential for land to be unstable within parts of the site have been understood and are able to be mitigated. This is also the case for contaminated land.

Conclusion

In summary this application follows on from the recent planning permissions for the refurbishment of the met centre, the Glassworks development and the new library. The provision of the public realm works proposed and associated permanent structures would represent a significant investment of the town centre resulting in regeneration, modernisation and improvements. It would enhance its visual appeal for all existing users of the town centre and increase its appeal to visitors. The application is therefore supported as it complies with a range of national and local planning policy perspectives including existing adopted policies CSP29 Design and CSP31 Town Centres and proposed policies BTC3 Public Spaces, BTC7 Gateways and BTC12 The Markets Area District, BTC13 Development Site 1.

Recommendation

Grant planning permission with 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 development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:-

Ref. BBTC_IBI_XX_G700_SP_00_09_2 - Boundary Plan;
Ref. BBTC_IBI_XX_G700_PL_00_03 - Existing Site Plan;
Ref. BBTC_IBI_XX_G700_PL_00_02_D - GA Plan Whole Site;
Ref. BBTC_IBI_XX_G700_PL_00_01_2 - Combined Rendered Plan;
Ref. BBTC_IBI_N4_G700_SE_00_01_A - Sections A-C Midland Street;
Ref. BBTC_IBI_N4_G700_PL_00_15 - GA Plan Midland Street;
Ref. BBTC_IBI_N4_G700_PL_00_02_A - Levels Plan Midland Street;
Ref. BBTC_IBI_N4_G700_PL_00_01 - GA Plan Phase C;
Ref. BBTC_IBI_N3_G700_SE_00_01_A - Sections A-F;
Ref. BBTC_IBI_N3_G700_PL_00_19_B - GA Plan Peel Square;
Ref. BBTC_IBI_N3_G700_PL_00_18 rev A - GA Plan Cheapside and Queen Street;
Ref. BBTC_IBI_N3_G700_PL_00_17 rev A - GA Plan Cheapside;
Ref. BBTC_IBI_N3_G700_PL_00_04_A - Levels Plan - Peel Square;
Ref. BBTC_IBI_N3_G700_PL_00_03_A - Levels Plan - Cheapside and Queen Street;
Ref. BBTC_IBI_N3_G700_PL_00_02_A - Levels Plan - Cheapside;
Ref. BBTC_IBI_N3_G700_PL_00_01_B - Public Realm Phase 3;
Ref. BBTC_IBI_N1_G700_SP_00_07_3 - Public Realm Phasing;
Ref. BBTC_IBI_N1_G700_SE_00_01_A - Sections Main Square;
Ref. BBTC_IBI_N1_G700_PL_00_22 - Level Plan Arcade;
Ref. BBTC_IBI_N1_G700_PL_00_21 - GA Plan Arcade;
Ref. BBTC_IBI_N1_G700_PL_00_20_A - Levels Plan Main Square;
Ref. BBTC_IBI_N1_G700_PL_00_16_B - GA Plan Main Square; and,
Ref. BBTC_IBI_N1_G700_PL_00_01 - General Arrangement Plan Phase B.
Ref BBTC-IBI-N3-L-G700-PL-00-01 rev C - Public Realm General Arrangement Plan - Phase A

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

- 3 Upon commencement full details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The 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 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, in accordance with Core Strategy Policies CSP 26 and CSP 40.

5 Vehicular and pedestrian gradients within the site shall not exceed 1:12.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

6 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

7 Upon commencement 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, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

8 Upon commencement of development full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved hard landscaping details shall be implemented in accordance with the approved details.

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

- 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 die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the completion of the development. The landscape management plan shall be carried out in accordance with the approved plan.

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

- 11 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

- 12 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The development shall be carried out in accordance with the approved report including any remedial options.

Reason: To ensure that risks from land contamination to the future users

of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.

- 13 Prior to the erection of any market stalls or pods full design details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

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

- 14 Upon commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- o Definition of highway boundary;
- o Provision of bollards to control vehicular movement;
- o Provision of street furniture;
- o Relocation of CCTV camera on Lambra Road;
- o Measures to control parking both during construction and for the final scheme;
- o Measures to control loading both during construction and for the final scheme;
- o Relocation of taxi rank;
- o Provision of/ relocation of street lighting;
- o Provision of/ relocation of highway drainage
- o Any necessary signing/lining;
- o Provision of 10% of each specialist material for future maintenance;
- o Any necessary resurfacing/reconstruction

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

- 15 Vehicular and pedestrian gradients within the site shall not exceed 1:12.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 16 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Phasing details shall include interim arrangements during the construction of each phase. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.

- 17 Prior to commencement of development full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 18 Development shall not commence until an interim servicing strategy for each phase of development has been submitted to and approved in writing by the Local Planning Authority, once approved it shall be strictly adhered to at all times. The plan shall include for the management of all delivery vehicles, pedestrians, the number of vehicles permitted at any one time, the use of banksmen, a highway cleansing strategy, a waste strategy and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery.

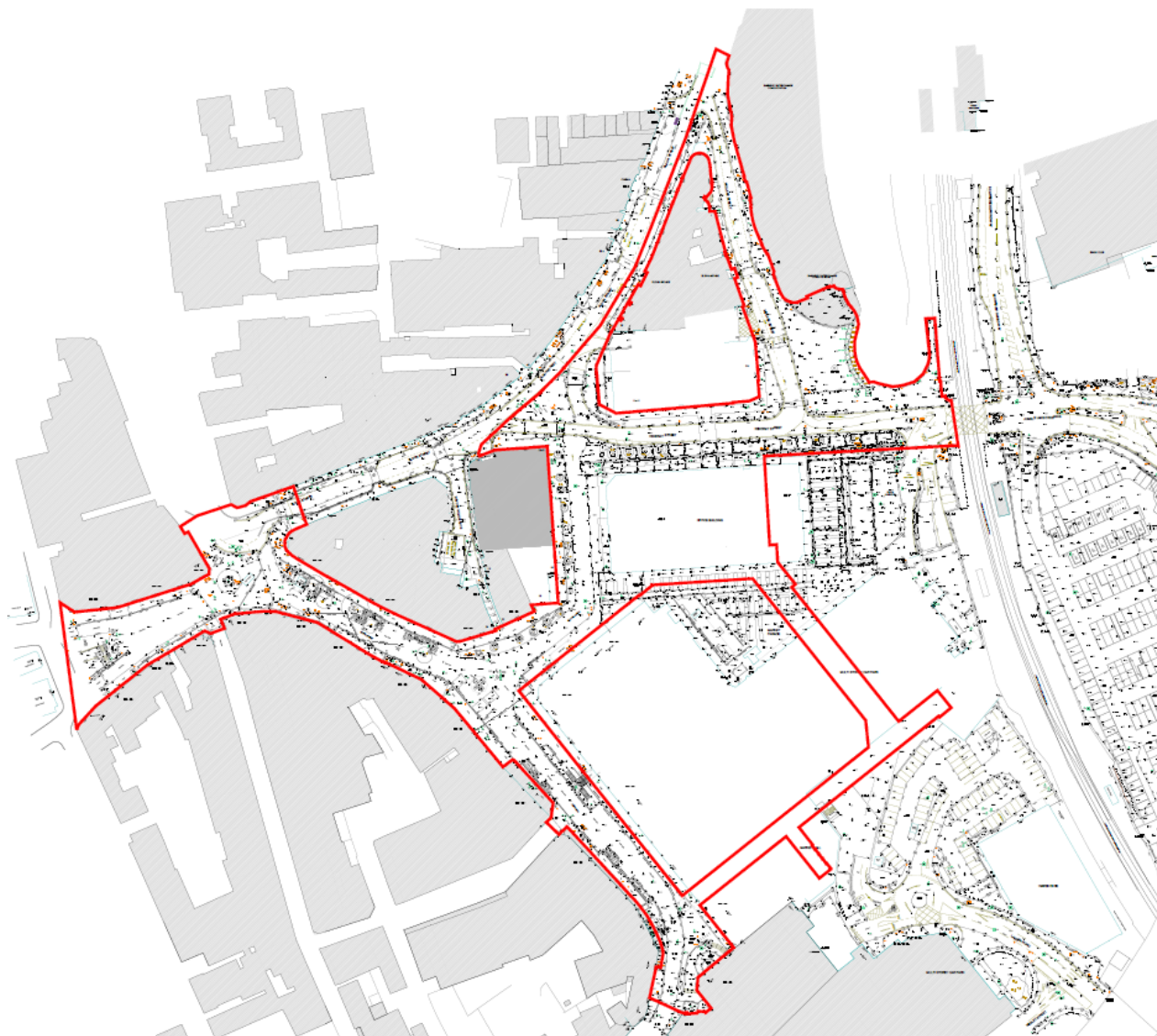
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26

- 19 Each phase of development shall not be brought into use until a servicing strategy for the permanent market stalls has been submitted to and approved in writing by the Local Planning Authority. Once approved it shall be strictly adhered to at all times. The plan shall include for the management of delivery vehicles, pedestrians, the use of banksmen and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery,

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26

PA Reference:-

2018/0279



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