
2019/1192

Applicant: BMBC

Proposal: Variation of condition 2 (approved plans) of planning permission 2018/0989 to enable changes to the parapet height and lift and pylon base - Erection of new pedestrian footbridge and associated works and structures including alterations to public realm.

Address: Jumble Lane Level Crossing, Kendray Street/Midland Street/Market Gate, Barnsley Town Centre

No representations have been received to this application.

Site Description

The application concerns the recently closed railway line level crossing that is located on Kendray Street in Barnsley Town Centre adjacent the junction with Schwabish Gmund Way and the adjacent land that surrounds either side of the proposed bridge landings. That includes the existing road surfaces and footpaths, areas of pedestrianised public realm located to the south of the Transport Interchange, Midland Street and a section of the Market Gate car park.

Prior to the closure the level crossing was served by barriers that closed when trains were approaching causing an obstruction to all forms of traffic. This posed a safety risk in case of people deliberately attempting to beat the barrier or accidentally getting stuck inside. A temporary footbridge is currently in place located immediately to the north of the old level crossing connecting Kendray Street/Interchange Square with Schwabish Gmund Way.

Proposed Development

Planning permission was granted for the previous version of the proposed development on 24th October 2018. This application seeks approval for a number of design changes which are summarised as follows:-

- Parapet - Increase in the bridge parapet height from 1.2m to 1.4m and change from it being solid steel to glass to allow for increased visibility.
- Cable support structure connecting to the bridge pylons - 1no. cable omitted in line with the revised parapet design and wind modelling analysis.
- Replacement of inclined lift with vertical lift - The original proposal for inclined lifts was not deliverable within the budget available for the project. The proposed redesign incorporates 2no. oversized 26 person lifts capable of taking bicycles, wheelchairs, mobility scooters and pushchairs. The lifts would be glazed to improve visual permeability and natural surveillance.
- Pylon base - This is proposed to be elevated above ground level and fixed onto concrete pile cap clad in precast concrete. The base detail draws reference from the adjacent Glassworks development.

The western bridge landing would be constructed in the existing pedestrianised area located to the south of the Transport Interchange (Interchange Square) which is proposed to see its layout and surface materials reconfigured in the same way as the new areas of public realm being created as part of the Glassworks development. The bridge would then cross over the railway line to the eastern landing point which would be on the southern side of Kendray Street on land forming part of the existing Market Gate car park.

The bridge structure would be approximately 105m long in length when taking into account the steps and lifts with the deck itself being just over 60m in length. There would be the option of accessing the bridge deck via stairs or a vertical lift that would be fully enclosed. Its width varies from a maximum of 8.8m at the bottom of the steps to 5m along the deck.

The pylon structure would serve to identify the bridge as a local landmark. The pylon is proposed to be 36m tall above the existing ground level, which would make the bridge the tallest structure in this part of the town centre, including the new buildings that are to be built as part of the Glassworks development, where it would be 8m higher than the new cinema. The bridge deck and steps would be in anti-slip resin whilst the stairs handrail is proposed in hard wood.

The reconfigured area of public realm to the south of the Interchange/North and East of the Glassworks would include a mixture of replacement block paving, turfing, outdoor seating, bollards and tree planting. Changes on the ground would see the removal and realignment of existing kerbs, street trees and the statue that is a monument to the coal mining history.

History

There are a number of planning applications that are relevant to the Glassworks development. However the list of the applications that are most closely located to the bridge includes:-

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 granted 20th April 2017 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 2017 under planning application 2017/0586.

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

2018/0279 - Erection of permanent structures and associated public realm works.
Approved 25/07/2018.

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.

Policy Context

Planning decisions 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.

Planning decisions 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 new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan Allocation – The Markets Area/Proposed Cycle Route/Jumble Lane Gateway/Priority site for Public Improvements/Better Barnsley Development Site

Relevant Local Plan Policies are:-

TC1 'Town Centres'

Policy BTC3 – Public Spaces

Policy BTC5 – Landmark Buildings

Policy BTC6 – Building Heights

Policy BTC7 – Gateways

Policy BTC9 – Cycling

Policy BTC12 – The Markets Area District

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

Policy BTC23 – Eastern Gateway

Policy GD 1 – General Development

Policy T4 – New Development and Transport Safety

Policy D1 – High Quality Design and Place Making

Policy CC3 – Flood Risk

Policy Poll1 – Pollution Control and Protection

Revised NPPF

The revised 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

Biodiversity – No comments on this occasion but previously expressed a desire to see a net gain of tree planting and a commitment to native species.

Coal Authority – No objections to the proposed amendments.

Drainage – No objections have been received on this occasion. Previously they identified that the site is crossed by a combined public sewer owned by Yorkshire Water making it necessary to obtain their comments.

Highways – No objections to the proposed changes. Previous conditions should be re-imposed.

Network Rail – No objections to the proposed amendments. They acknowledge that the Council is engaged with their Asset Protection Team and expect that this dialogue continues as required during the development and delivery of the new structure.

Pollution Control – No objections.

SYMAS – No objections to the proposed amendments.

SY Police ALO – No comments have been received on this occasion. Previously they considered the bridge design to be sufficiently open and well lit.

Yorkshire Water – Confirm that the development would be sited over the public sewerage and water supply networks located within the site. However they are content not to object subject to the imposition of a suitable condition ensuring that measures are in place to protect the pipes particularly during the construction phase, or arrangements are in place for a diversion.

Representations

The application was advertised by neighbour notification (27 properties) and by site and press notices. No representations have been received.

Although no comments have been received to this application, comments were received from Gala Bingo and Birdwell Wheelers Cycle Club to the previous application (2018/0989). In summary the main concerns expressed at that time were that:-

The location of the eastern bridge landing would make it more difficult for existing customers to access Gala Bingo.

Birdwell Wheelers Cycle Club raised concerns that the bridge should have been designed with ramps to enable cyclists to ride over it freely without having to dismount. They considered that contrary to the aims of encouraging sustainable travel.

Assessment

Principle of development

The principle of granting planning permission for the development has already been established by the decision to allow the previous planning application. Clearly a new permanent crossing over the railway is needed following the closure of the level crossing and to enable pedestrian access between the Markets District of the Town Centre/the New Glassworks development/the Transport Interchange and the areas to the east of the railway line where residential areas, Oakwell Stadium and the Metrodome are all located. In this respect the proposal would deliver one of the main aims of Local Plan policy BTC13 'Development site 1 – Better Barnsley including the former TEC site'.

Visual amenity

The site is also identified as an important gateway site and a priority site for public improvements in the Local Plan. The relevant policies seek to create distinctive new landmarks, high quality design, the best quality building materials, a strong sense of arrival, improvements to public spaces and linkages to adjacent areas.

The plans have been through a design evolution process prior to the application being submitted with the range of consultations carried out listed in the Design and Access Statement. The proposal aims to deliver on the project brief of becoming a distinctive new landmark through a combination of the substantial size of the bridge structures, its architectural design features, including the pylon structure which would become the tallest features in the area at 36m tall, the facing materials, the vertical lifts, the after dark lighting strategy and through the uplift/modernisation of interchange square. In addition the development would not harm the views of any of the landmark buildings listed within relevant policy BTC5. The bridge would not be a building as such. However the site is located in an area that is identified to be suitable to accommodate tall buildings within the 2009 Building Heights Study. As such there is no conflict with policy BTC6 'Building Heights'. For these reasons the amended bridge design is still considered to satisfy the range of relevant policies that includes BTC7 'Gateways' and CSP29 'Design'.

The development would also deliver other public realm improvements including an extension and reconfiguring interchange square. This will include changes to the surface paving materials and soft landscaping. These are considered to satisfy the objectives of policies BTC7 'Gateways' and CSP29 'Design'.

Residential Amenity

The previous assessment concluded that the development would not give rise to harm affecting residential amenity and this remains the case.

The nearest dwellings are located sufficiently far away from the site and are screened off from it by Harborough Hill Road so as to not be affected by the proposal from an over dominance or overshadowing perspective.

The development is aimed at maintaining and improving linkages between the town centre and the Metrodome and Oakwell. However any increase in pedestrian journeys would not generate concerns from a noise and disturbance perspective, particularly given the high existing background levels.

Noise and disturbance has the potential to cause disturbance during the construction phase. Therefore it would be necessary to impose a condition requiring an appropriate method statement, including the need to agree the route to be used by construction traffic.

Given the height of the pylons light nuisance is one area where there is the potential for an amenity issue to be caused. For this reason imposing a condition is prudent although it is expected that the risk is low because the lighting scheme has to be sufficiently subdued so as to not cause a railway safety issue.

Highway safety

The changes do not introduce any new issues from a highway safety perspective. The previous proposal was assessed to be acceptable in highway safety terms and this remains the case.

As has already been stated a means of crossing the railway on foot in this location is needed in order to allow a direct connection between the Markets District of the Town Centre/the New Glassworks development/the Transport Interchange and the areas to the east of the railway line where Oakwell Stadium and the Metrodome are both located.

The closing of the previous level crossing has already achieved a railway safety benefit. Alongside this there is the removal of vehicular traffic from Kendray Street, and the stopping off of Midland Street. In addition the extension of Interchange Square further south shall create a larger area of public realm that shall be free from interference from vehicles. Pedestrian safety shall be significantly improved for pedestrians on the western side of the bridge landing therefore.

The concerns expressed by Gala Bingo and Birdwell Wheelers Cycle Club formed part of the previous assessment. No comments have been received from either party on this occasion. In summary both user groups would experience a benefit compared with the existing situation now that the old level crossing has been closed. In addition the plans include provision for cycle parking.

The development may require abnormal loads to deliver the structures to the site. This is an issue that can be dealt with through a construction method statement condition.

Others

Flood Risk and Drainage

The site is located in an area of low flood risk and so this is not an issue affecting the proposal. However a condition would need to be imposed requiring a surface water management system. Yorkshire Water have raised an issue that the development is proposed to be built over public sewerage and water supply networks. However they are content not to object subject to the imposition of a suitable condition ensuring that measures are in place to protect the pipes (particularly during the construction phase) or to ensure that arrangements are in place for a diversion/s. This is reflected in the recommendation.

Ground conditions

The site is in a Coal Mining Referral Area. However intrusive investigation work has determined that there is no evidence of any shallow coal workings which would pose a risk to the stability of the land. Both SYMAS and the Coal Authority don't object.

Biodiversity

The previous decision included a landscaping condition to ensure that the development delivers a net biodiversity gain with regards to increasing the number of trees on the site and ensuring that native specimens are used at the request of the Biodiversity Officer.

Conclusion

In summary the proposals constitute minor changes to a much needed development that is required in order to enable continued pedestrian access between this part of the town centre and the areas to the east of Kendray Street and Pontefract Road including the Metrodome and Oakwell. This is following the recent closure of the old level crossing and the limitations of the temporary bridge which cannot be used on Barnsley FC match days. As such the proposal would deliver an important aim of Local plan policy BTC13 Development site 1 – The Glassworks including former TEC building and CEAG site.

The site is also identified as a gateway site and a priority site for improvements to the public realm. The combination of the stature of the design of the bridge, its design features most notably the pylons, its facing materials and other enhancements to the surrounding area of public realm including the reconfigured and extended Interchange Square would ensure that the development would become a landmark feature as per the aims of proposed Local Plan policies BTC7 'Gateways' and D1 'Design'. In addition the development would not harm the views of any of the landmark buildings listed within relevant policy BTC5, or conflict with BTC6 'Building Heights'.

The development is supported by Network Rail as the plans represent a safer way to cross the railway than the old level crossing. In addition the closing off of Kendray Street and stopping up of Midland Street and creation of an enlarged pedestrianised area at Interchange Square has removed conflicts between vehicular and pedestrian traffic on the western side of the bridge landing. To the east the road configuration would remain much the same as the existing. As such there would be no deterioration in highway safety on that side of the bridge.

The concerns expressed by Gala Bingo and Birdwell Wheelers Cycle Club formed part of the previous assessment. No comments have been received from either party on this occasion. In summary both user groups would experience a benefit compared with the existing situation now that the old level crossing has been closed.

The development is likely to require abnormal loads to be delivered to the site for the bridge structures and could involve night time working to avoid minimising disruption on the railway network. Therefore a construction method statement condition is required. Apart from during the construction phase the development is not envisaged to lead to any impacts harming the residential amenity of the nearest properties because of the distance and because of views being blocked off by Harborough Hill Road.

The other main issue of significance is that the development has the potential to impact on sub terrain public sewer and water supply infrastructure. However Yorkshire Water are content that the matter can be adequately covered by a pre-commencement condition to require the necessary investigation work to inform protection measures and if a diversion/s are required.

Overall the application is assessed to be acceptable subject to the conditions listed in the recommendation and is recommended for approval accordingly.

Recommendation

Grant variation of condition 2 of planning permission 2018/0989 subject to conditions:

- 1 The development hereby permitted shall be begun before 24th October 2021.
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 following plans and specifications as approved unless required by any other conditions in this permission:-

BGW2-IBI-XX-PN-A-F100-0011 rev P02; Site Location Plan;
BGW2-IBI-PB-XX-PN-A-F100-0015 rev 3; Proposed Site Plan;
BGW2-IBI-PB-XX-PN-L-G700-001 rev P03 Public Realm GA Plan;
BGW2-IBI-XX-EL-A F100-0017 rev P02 Proposed elevations - sheet 1 of 2;
BGW2-IBI-XX-EL-A F100-0018 rev P03 Proposed elevations - sheet 2 of 2

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 High Quality Design and Place Making.

- 3 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 Local Plan Policies T4 New development and Transport Safety and GD1 General Development and GD1 'General Development'.**
- 4 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 Local Plan policy T4 New development and Transport Safety.**
- 5 No development shall take place until full foul and surface water drainage details, including a scheme to limit surface water run off has been submitted to and approved in writing with the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
- Reason: To ensure proper drainage of the area, in accordance with Local Plan Policy CC3 - Flood Risk.**

- 6 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. The approved hard landscaping details shall be implemented prior to the development being brought into use.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policy D1 High Quality Design and Place Making.
- 7 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 Local Plan policy D1 High Quality Design and Place Making.
- 8 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 development being brought into use. 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 Local Plan policy D1 High Quality Design and Place Making.
- 9 Upon commencement of development a scheme for the provision of lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to the development being brought into use and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Local Plan policy Poll1 Pollution Control and Protection.

10 No construction works in the relevant area (s) of the site shall commence until measures to protect the public sewerage and clean water infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority in consultation with the relevant statutory undertaker. The details shall include but not be exclusive to the means of ensuring that access to the pipes for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand -off or protection measures are to be achieved via diversion or closure of the infrastructure, the developer shall submit evidence to the Local Planning Authority that the diversion/closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area (s), the approved works have been undertaken.
Reason: In order to allow sufficient access for maintenance and repair work at all times in accordance with Local Plan Policy CC3.

11 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
Reason: in the interests of road safety in accordance with Local Plan Policy CSP26

12 Prior to the 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:

- Provision of pedestrian crossing facilities on Kendray Street/Pontefract Road to the east of the railway line;
- Measures to prevent vehicular/pedestrian movement at the level crossing;
- Provision of/amendments to Traffic Regulation Orders;
- Removal of redundant signal infrastructure to the west of the railway including the interface into the railway signal box;
- Changes to signal configurations;
- Provision of LED traffic signals with nearside/on crossing detection;
- Any necessary signing/lining;
- Provision of/any necessary alterations to street lighting;
- Provision of/any necessary alterations to highway drainage;
- 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 Local Plan policy T4 New development and Transport Safety.

- 13 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. 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 Local Plan policy T4 New development and Transport Safety.
- 14 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: To ensure a safe and adequate highway network, in accordance with Local Plan policy T4 New development and Transport Safety.

