
2025/0021

Barnsley MBC

Removal of condition 6 (Use Class restrictions) of application B/87/1497/BA: Erection of shopping development and multi-storey car park, land bounded by New Street, Lambra Road and Eastern and Western relief Roads, Barnsley.

Alhambra Shopping Centre, Cheapside, Barnsley, S70 1SB

Introduction

The application is being presented to Members due to the applicant being a Council department.

Site Location & Description

The application relates to the existing Alhambra Shopping Centre in Barnsley Town Centre. The shopping centre opened in 1991 and is prominent when entering the Town Centre from the south. The centre has two floors, with the main pedestrian entrance via Cheapside with secondary entrances on New Street and Wesley Street and the car park entrance via Lambra Street.

Whilst a number of national retailers continue to occupy units within the centre, in recent years a number of units have become vacant either due to relocation into the newly developed Glassworks centre or simply as a result of the ongoing challenges in the retail sector. The Council recognise that the centre has experienced in a reduction in footfall associated with the increase in vacancy rates.

The surrounding area is characterised by shops, food outlets and pedestrianised streets. The NHS occupy one unit within the adjacent Glassworks centre which is known as the Community Diagnostic Centre (CDC).

Condition 6 of the original planning permission for the Alhambra Shopping Centre (reference: 87/1497/BA) restricts the use of Units 1-32 and K1-9 to uses within former Use Class A1 and A2 only (since been superseded by Class E). The units specified are located on the ground and first floor.

In order to support the repurposing and regeneration of the shopping centre, the permanent removal of this planning condition is hereby proposed. This is expanded upon further below.

The site is in a high risk development area as defined by the Mining Remediation Authority mapping, and within Flood Zone 1 meaning low risk of flooding.

Site History

The shopping centre has a complex planning history. Relevant applications include:

2024/0837- Proposed cladding on existing gables, new UPVC fascia covers and replacement rainwater gutters and downpipes, GRANTED, 18/11/2024

2017/0281 - Minor material amendment to the plans approved under condition 2 of planning permission 2014/0960 (Erection of extension to existing shopping centre to provide new 9 screen cinema and restaurants at Gallery level including new personnel entrance on New Street level, alterations to existing parking layout and associated alterations at Retail Mall levels) GRANTED, 12/6/2017

2017/0536 - Proposed alterations to profile and external facing materials of the existing rooftop atrium/rooflight, GRANTED, 15/6/2017

2014/0960 - Erection of extension to existing shopping centre to provide new 9 screen cinema and restaurants at Gallery level including new personnel entrance on New Street level, alterations to existing parking layout and associated alterations at Retail Mall level, GRANTED, 19/11/2014

2014/0307 – New entrance screen to shopping centre entrance and replacement of rooflight to mall, GRANTED, 4/6/2014

B/01/0252/BA - Erection of store room extension on roof-level carpark, GRANTED, 28/3/2001

B/98/0769/BA - Alteration to existing mall entrance/exit to form new store entrance/ exit, GRANTED, 7/8/1998

B/98/0375/BA - Erection of extension to retail unit, new fire escape and internal alterations, GRANTED, 7/5/1998

B/95/1435/BA - Change of use of shop to (Class A3) Sandwich Bar and installation of new shop front, GRANTED, 8/2/1996

B/87/1497/BA - Erection of shopping development and multi-storey car park, GRANTED, 26/2/1988

Proposed Development

Condition 6 of the original planning permission (ref: B/87/1497/BA) reads as follows:

Shop units Nos. 1 to 32 and K1 to K9 shall be used solely for purposes within Classes A1 and A2 of the Schedule to the Town and Country Planning (Use Classes) order 1987 and for no other purposes except with the express consent of the Local Planning Authority.

Reason: In the interests of the amenities of the locality.

In order to reduce vacancy rates within the town centre and increase footfall, Barnsley Council is working with partners including the NHS on an initiative known as 'Health on the High Street'. The project is split into 2 phases and aims to reduce NHS waiting times by providing additional health services as well as generate economic growth within the town centre as a result of more visitors associated with the health uses. Phase 1 included the opening the Community Diagnostic Centre (CDC) at the adjacent Glassworks centre. Services at the CDC include ultrasounds, X-rays, blood test and breast screening.

Given the success of the CDC, Phase 2 of the initiative looks to repurpose vacant retail units within the Alhambra centre to provide additional healthcare facilities, expanding upon the services already offered at the CDC. The project (which has already been approved by the Council's Cabinet) looks to consolidate the retail uses at the ground floor of the shopping centre and redevelop the first floor to provide a health and wellbeing hub. This will include a new outpatient centre associated with Barnsley Hospital.

Healthcare uses fall under Use Class E(e) as defined by The Town and Country Planning (Use Classes) Order 1987(as amended). Given the restrictions set out in condition 6, healthcare uses cannot occupy the units specified. On this basis, the Council are seeking the removal of this condition to allow the existing units to be used flexibly and support the development of the health and wellbeing hub.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed use sites).

In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Allocation/Designations

The site lies within the Primary Shopping Area and within the Town Centre boundary as defined in adopted Barnsley Local Plan. The units within the centre are primary shopping frontages whilst those facing onto Cheapside are secondary shopping frontages.

The site falls within the Town Centre District 9: Market Area as defined by the Local Plan.

National Planning Policy Framework – December 2024

The National Planning Policy Framework (NPPF) was revised in December 2024, replacing the previous versions. The NPPF is a material consideration when assessing planning applications. The following sections are relevant to this application proposal:

Section 7 – Ensuring the Vitality of Town Centres
Section 8- Promoting Healthy and Safe Communities
Section 11- Making Effective Use of Land
Section 12- Achieving Well-designed Places

Barnsley Local Plan 2019

The following Local Plan policies are relevant:

Policy GD1: General Development
Policy TC1: Town Centres
Policy TC2: Primary and Secondary Shopping Frontages
Policy BTC12: The Markets Area District

Supplementary Planning Documents

The Council have adopted SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

Shop Front Designs, May 2019

Consultations

Local Ward Councillors- No response.

Regeneration- No response.

Representations

This application has been advertised in accordance with the Development Management Procedure Order (DMPO) 2015, as follows:

- Neighbour notification letters sent to adjoining properties- consultation expiry date: 4/2/2025
- Site Notice (major application) displayed adjacent to the site- consultation expiry date: 4/2/2024
- Advert in local press (major application) - consultation expiry date: 7/2/2025

No representations were received in response to the above publicity.

Assessment

Principle of Development/Removal of Condition

NPPF Paragraph 90 states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. This includes allowing town centres to diversify in a way that can respond to rapid changes in the retail and leisure industries and allows a suitable mix of uses.

Paragraph 96 states that planning decisions should aim to achieve healthy places which enable and support healthy lives through promoting good health, especially where this would address identified local health and wellbeing needs.

Paragraph 101 states that to ensure faster delivery of public service infrastructure such as health, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure.

Local Plan Policy TC1 states that Barnsley Town Centre is the dominant town centre in the borough and should continue to fulfil its sub regional role in the majority of new retail and development.

Local Plan Policy TC2: Primary and Secondary Shopping Frontages states that uses other than retail may be acceptable where they diversify and improve provision in a centre provided that it can be demonstrated that the vitality and viability of the primary shopping area would not be negatively affected and that ground floor uses remain predominantly retail.

The application site falls within the primary shopping area, with the frontages constituting as primary and secondary shopping frontages. The proposal looks to remove the condition which restricts the use of particular units for retail and financial/professional services only, with the aspiration for upper floor of the centre to be redeveloped as a 'health and wellbeing hub.'

The updated Use Class Order (updated in September 2020) consolidated a number of uses to Class E which is described as 'commercial, business and service.' Typically any of the uses within Class E would be suitable within a town centre setting.

This application looks to remove the restrictive condition and therefore support the flexibility of Class E. Whilst it is recognised that the original condition was attached to ensure that only retail and/or professional uses could occupy the units specified, given the shift in shopping habits and the character of town centres, the removal of this condition is considered to be acceptable. It is important to note that the lower ground floor of the shopping centre will predominantly be retained as retail uses, thus accord with the requirements of the Local Plan Policy TC2.

The Local Planning Authority recognise the ambitions of the Council in regard to developing the proposed healthcare hub. The increased footfall and positive reception of the Phase 1/CDC site within the town centre demonstrates that the initiative is successful in terms of regenerating otherwise underutilised retail units. This is therefore afforded significant weight.

Whilst the introduction of healthcare uses may alter the character and appearance of the shopping centre, this is considered to be acceptable in terms of retaining active frontages and the vitality of the town centre. By allowing flexible use of the units, this will generate footfall and in turn have a positive impact upon other businesses within the locality. On this basis, the principle of removing the condition is acceptable.

Conclusion

The removal of the restrictive condition will allow uses/operations which fall within Class E, as defined in the Use Class order, to occupy all units within the Alhambra Shopping centre. The removal of condition 6 reflects the recent changes in the character and nature of town centres, with the introduction of leisure and health uses becoming more common in centres, rather than solely retail.

The CDC unit at the Glassworks is a successful example and demonstrates how redirecting healthcare uses to the town centre can have a positive impact in terms of occupancy rates and local footfall. The Phase 2 'Healthcare to High Street' project will support the regeneration of the Alhambra shopping centre and ensure that the centre has an active frontage.

Overall, the removal of the condition will not impact the operation of the existing retail uses. Current occupiers will be able to continue operating, with the development looking to increase flexibility rather than replace current retail tenants.

The positive economic impacts associated with increased footfall and dwell time within the town centre is welcomed and is afforded significant weight. The development is therefore acceptable subject to the remainder of the original conditions being attached to this permission.

Recommendation

Removal of Condition Granted subject to conditions