
2022/0069

Applicant: BMBC - Tegwen Roberts (Heritage Action Zone Project Officer)

Installation of neon artwork and coloured lighting (Retrospective)

Alley and Courtyard to the side and rear of 58, 60 and 62-69 Eldon Street, Adjacent to the Civic Centre, Barnsley Town Centre.

No representations from any members of the public.

Site Description

The application site is in relation to the alleyway connecting Eldon Street in Barnsley Town Centre to Mandela Gardens with two pieces of development proposed to the Southern-facing elevations of the Parkway Cinema, Eldon Street, and no. 60 Eldon Street – currently occupied by Globe Holidays. The alleyway runs from Eldon Street (East) to Mandela Gardens and the main entrance to the Civic Centre to the West, running parallel to the Northern elevation of the Civic Centre. The alleyway is not a defined public right of way but the continuation of the path through Mandela Gardens is a public footpath.

The site is located within Barnsley Town Centre, within the Town Centre Boundary as designated by the Local Plan Maps. Eldon Street is part of the main shopping frontage of Barnsley Town Centre and is part of the main highway network connecting the Northern gateway and interchange into the Town Centre itself. Given the central location, Eldon Street makes up a diverse array of different use types and services and is currently part of the major regeneration of the Town Centre with construction work ongoing on parts of Eldon Street. The site is located within the Regent Street/Church Street/Market Hill Conservation Area and is directly adjacent to the grade-II listed Civic Centre to the South and South-West.

The application site is part of the Eldon Street High Street Heritage Action Zone (HSHAZ) which is a four-year partnership project between Barnsley Council and Historic England.

Alleyway from Eldon Street to Mandala Gardens (West-facing and East-facing):



Rear of parkway cinema and existing neon writing:



Planning History

B/81/1203/AD/BA – (60 Eldon Street, Barnsley) – Illuminated fascia and box sign (Historic)

B/82/1301/BA – (60 Eldon Street, Barnsley) – Change of use from restaurant to shop for sale of hot food and ancillary restaurant (Historic)

B/85/1593/BA – (60 Eldon Street, Barnsley) – Change of use of first floor storeroom into restaurant and alterations to shop front (Historic)

B/88/1234/BA – (60 Eldon Street, Barnsley) – Installation of new shop front (Historic)

B/01/1210/BA/AD – (Odeon Cinema, 62-68 Eldon Street) - Display of Illuminated and non-illuminated fascia signs (Approved)

B/02/0474/BA – (Odeon Cinema, 62-68 Eldon Street) – Formation of ticket office to front elevation (Historic)

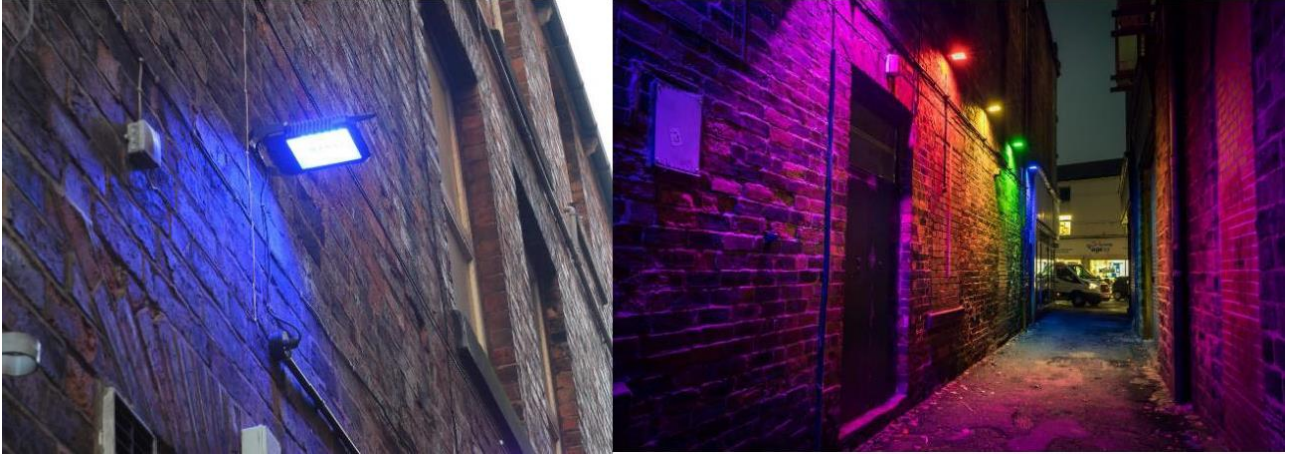
Proposed Development

The applicant is seeking retrospective/permanent planning permission for the installation of the following:

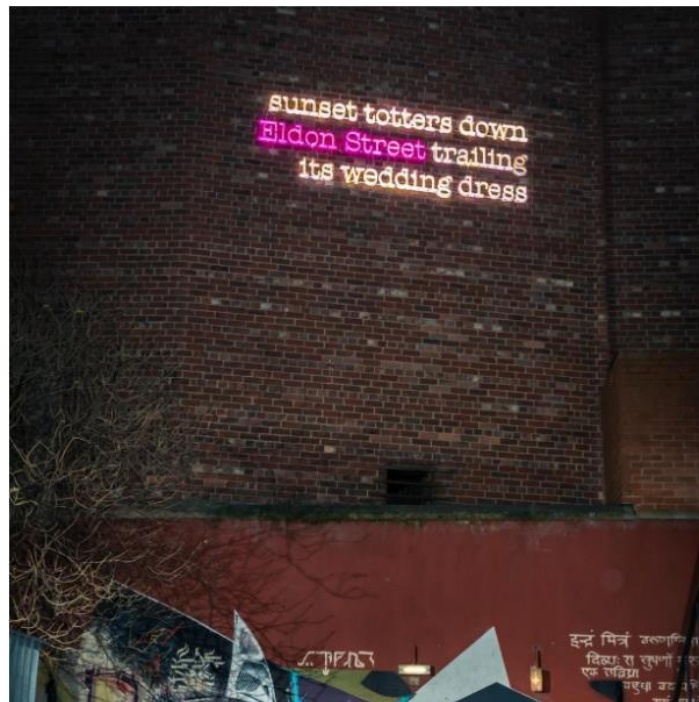
1. 6 x LED coloured lights attached to the Southern-facing side elevation of no. 60 Eldon Street. The lights themselves are rectangular-shaped lamps mounted at around 3m from ground floor level, which face down onto the façade of the building in different colours. They are equally spaced out over approximately two-thirds of the elevation.
2. The installation of a high (approximately 20m from ground level) neon light featuring wording of a poem (find).

The installation was originally placed on site by colleagues who are working in relation to Eldon High Street Heritage Action Zone (HSHAZ) and was initially intended as being a temporary installation, benefitting from the 28 day rule for temporary permitted development as covered in Part 4 of the Town and Country Planning Act. However, given positive feedback and a decrease in anti-social behaviour in the area, the application now seeks to make the installation permanent.

Neon lights in alleyway and photographed at night time:



Neon artwork/writing at night time:



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. The development plan consists of the adopted Local Plan and Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Documents, which are other material considerations.

Local Plan

Policy TC1: Town Centres - Support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre which is the dominant town Centre in the Borough of Barnsley. To ensure it continues to fulfill its sub regional role, the majority of new retail and Town Centre development will be directed to Barnsley Town Centre.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

Policy D1: High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy HE1: The Historic Environment – We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk.

Policy HE2: Heritage Statements – Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting.

Policy HE3: Developments affecting historic buildings – Proposals involving additions or alterations to listed buildings should seek to conserve and where appropriate, enhance that building's significance.

Policy T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

In relation to proposals affecting heritage assets, the following paragraphs are of particular relevance:

Paragraph 94 – In determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 97 - In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 101 - Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 102 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

SPDs/SPGs

SPD 'Parking' provides parking requirements for all types of development.

Consultations

Conservation Officer – Had some involvement before it was installed and is supportive. It lifts the alleyway at the rear and contributes positively both to the setting of the Civic Centre and the wider Conservation Area, and it works well.

Ward Councillors – No comments

Public Rights of Way – The passageway between no. 60 and 58a Eldon Street is not a recorded public right of way, although the continuation through Mandela Gardens is public footpath. However, this is a well-used route and the applicant should be aware that, if any unrecorded routes have been used unchallenged by the public for 20+ years, or for a lesser period under common law, those routes may have acquired public access rights. Members of the public may apply to have such rights formally recorded and if an application is made, the Council has a legal duty to research the claimed rights and reached a decision based exclusively on the available evidence about the status of the claimed routes. If the applicant has questions about this route, or if the landowners wish to formalise the link, they should contact the Council to discuss. Safe access on the path should be maintained throughout the period that the lighting is in place and when they are dismantled. If safe access is not possible on the public footpath at any time, a temporary closure order should be applied for, at cost. If the application is accepted, an informative covering the above comments should be attached.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice placed nearby; no comments were received.

Assessment

Principle of development

The site is centrally located within the Barnsley Town Centre Boundary. Local Plan Policy TC1 is relevant which states that support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre which is the dominant town Centre in the Borough of Barnsley. To ensure it continues to fulfill its sub regional role, the majority of new retail and Town Centre development will be directed to Barnsley Town Centre. The proposed development is located on the site elevations Parkway Cinema and 60 Eldon Street (Retail – Globe Holidays), but it has no direct impact on the function of these buildings or how they

operate within the area and Town Centre as a whole. That being said, the photographs enclosed within the Design and Access Statement clearly show that the alley way is lit up by the 6 x LED lights on the side of no. 60, which will potentially have an indirect impact on this area as it will aid visibility and navigation for users in the nighttime. The proposal is therefore argued to bring public health and safety benefits, and will make an area previously suffering with decay and anti-social behaviour, more useable during the evening. The proposed development is therefore in compliance with Local Plan Policy TC1: Town Centres as it does not disrupt the functionality of the area and will perhaps have an indirect positive impact on its vitality and useability.

Visual Amenity and Impact on Historic Environment

The site is located within the Conservation Area, directly adjacent to a Listed Building (The Civic Centre), which places a further emphasis on high quality design, in accordance with Local Plan Policies D1, HE1 and HE3. The application is retrospective following on from its temporary installation in accordance with part 4 of the Town and Country Planning Act which allows for a maximum of 28 days use without planning permission. The fact that the application is retrospective allows for the site visit to visually show what the development looks like on the building and in the area. During the site visit, the lighting is considered to be a fairly small scale and modest addition to both the cinema and the side of no. 60 Eldon Street. The lighting is considered to have a positive impact on what were previously fairly bland, undetailed and secondary facades but nonetheless were visible to the public given the close proximity to Mandala Gardens and the alleyway leading to Eldon Street. The Conservation Officer has been consulted on the proposal and stated that he had some involvement with the scheme prior to the lighting being placed on site and is supportive of the application. It is considered that the lighting has a positive impact on the alley way to the rear and contributes positively to the setting of the Civic Centre and the Conservation Area to the rear.

More generally, the presence of neon lighting has historically not been a very common feature in the Town Centre but there is an abundance of illuminated signage in the surrounding area for hot food takeaways, etc. The Town Centre is also currently undertaking a major transformation in which increased lighting and illumination is becoming more engrained within and on Town Centre Buildings. A key example is the Glass Works development which is around 100m to the South of the Eldon Street entrance to the alleyway. More notably, the lightbox/Barnsley Library has neon lighting to the Eastern-facing elevation similar in appearance to the proposed neon writing. In this overall context, it is not considered that the proposed development is out of character with the area and by all accounts has a positive impact on visual amenity in the area, somewhat complementing the major Glass Works development. The Design and Access Statement also includes photographs of the development at night and the lighting is not overly intrusive or bright, and aids visibility in the alleyway.

All in all, the proposal is in a fairly sensitive area in the Conservation Area and directly adjacent to a listed building, but it is not a large-scale development and both neon lighting proposals are fairly modest additions to the respective Facades of the Cinema and no. 60 Eldon Street. The Conservation Officer has stated his support of the proposal as it makes a positive contribution to the setting of the Civic Centre and the wider conservation Area. Neon lighting is featured on the nearby Glassworks development and illumination is common in what is a centrally located site. With all of this considered, the Local Planning Authority does not consider that the proposal has a harmful impact of the visual amenity of the buildings or area, and it does not have a harmful impact on the Conservation Area or the setting of the adjacent listed building. The proposed development is therefore considered to be in compliance with Local Plan Policies D1, HE1 and HE3 and is acceptable in terms of visual amenity and its impact on the Historic Environment.

Impact on Residential Amenity:

The site is centrally located and the Council's mapping system does not indicate that there are any residential properties in the immediately surrounding area, however, some properties on Eldon Street are three-stories+ so there is potential for flats being located in the second and third floors of these buildings. There is also an extant planning permission on the Civic Centre (2021/1045 and 2021/1048) which includes the changing of use of the building to a mixed use development including 7 no. residential properties. However, the approved plans show that the majority of the flats are situated to the West of the Civic building with windows facing onto Eldon Street. No residential windows appear to face onto the proposed development. In any case, the neon lighting is not particularly bright and the 6 x LEDs are at ground floor level with the flats at the second floor and above. The neon writing is high level and is a fairly significant distance away from the Northern elevation of the Civic and to further clarify, this does not face directly onto any residential properties.

Overall, the proposed development will have a very minor impact on residential amenity and is in accordance with Local Plan Policy GD1: General Development.

Impact on Highways Safety:

No impact on highway safety.

Conclusion

The application site is in reference to a site in Barnsley Town Centre, specifically the alleyway connecting Eldon Street to Mandela Gardens and is in relation to the retrospective/permanent approval for the installation of neon writing to the Southern-side facing elevation of the Parkway Cinema and 6 x LED neon lights to the Southern-side elevation of no. 60 Eldon Street. The application has been submitted and fulfilled by colleagues at BMBC in relation to the Eldon Street High Street Heritage Action Zone (HSHAZ). The project was initially intended as a temporary installation but following positive anecdotal feedback from surrounding properties and a reduction in anti-social behaviour in the area, it is proposed to make the installation a permanent feature.

The application site is located within the Conservation Area and directly adjacent to the grade-II listed Civic Centre, but both elements of the proposal are fairly modest in size and scale. They help to modernise what was previously a fairly dated and rundown area in the Town Centre and are considered to have a positive impact on the setting of the Listed Building, aid visibility in the alleyway and are similar in appearance to other neon light examples nearby – notably the Lightbox c.100m to the South. In this context, the proposed development relates well to the backdrop of the Town Centre regeneration and helps to complement the redevelopment of the area. There is no direct detrimental impact on nearby residential dwellings or commercial neighbours, or on highway safety. The proposed development is therefore considered to be in compliance with Local Plan Policies TC1, D1, HE1, HE3, GD1 and T4 and is recommended for retrospective/permanent approval with conditions.

Recommendation

Approve subject to conditions