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| Application Reference Number: | 2025/0937 |
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| Application Type: | Variation/Removal of Condition |
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| Proposal Description: | Removal of condition 7 (maximum food retailing floorspace) on application ref: 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. |
| Location: | The Alhambra Shopping Centre, Cheapside, Barnsley, S70 1SB |

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| Applicant: | Ben Taylor - BMBC |
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| Third-party representations: | None. | Parish: | None. |
| | | Ward: | Central Ward |

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| Summary: |
| <p>This application has been submitted to seek the removal of a condition attached to the original planning permission for the Alhambra Shopping Centre. The application seeks to remove Condition 7 from planning permission ref: B/87/1497/BA, which restricts the amount of food retailing floorspace. This condition is replicated on the recent S73 permission (ref: 2025/0021) at Condition 1. The Applicant wishes to remove the condition to enable the amalgamation of two units to create a single large retail unit, suitable for a food retailer.</p> <p>A separate application has been submitted in relation to the amalgamation works (ref: 2025/0936).</p> <p>There are no outstanding consultee objections.</p> <p>Recommendation: Removal of Condition GRANTED subject to conditions:</p> |

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. In response to that, BMBC have recently undertaken works to facilitate the 'Health on the High Street' project which supports health uses at the upper floor of the centre. This means the centre itself offers a mixture of uses for visitors rather than a traditional retail shopping centre.

The surrounding area is characterised by shops, food outlets and pedestrianised streets.

Condition 7 of the original planning permission for the Alhambra Shopping Centre (reference: 87/1497/BA), and Condition 1 of the recent permission (reference: 2025/0021) restricts the amount of food retailing and reads as follows:

Within the development, no single large scale food retailing in excess of 10,000 sq ft gross leasable retail area will be permitted.

Reason: To accord with the Council's Food Shopping Policy

In order to support the regeneration of the shopping centre and enable the expansion of current occupiers, 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:

2025/0936 - Amalgamation of two existing retail units (Use Class E) to a single retail unit (Use Class E) with alterations to frontages, PENDING CONSIDERATION

2025/0021 - 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, GRANTED, 4/3/2025

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 7 of the original planning permission (ref: B/87/1497/BA)/ Condition 1 of recent planning permission (ref: 2025/0021) reads as follows:

Within the development, no single large scale food retailing in excess of 10,000 sq ft gross leasable retail area will be permitted.

Reason: To accord with the Council's Food Shopping Policy

The Applicant is looking to introduce a single large retail store at the ground floor which would be suitable for a food retailer as identified in the retail strategy for the centre. However amalgamating Units 8 & 9 (as proposed by application ref: 2025/0936) would exceed the maximum retail floorspace specified in the above condition.

Removing the condition would enable food/supermarket retailers to occupy the proposed units, and increase occupancy within the centre. It would also increase choice for shoppers and visitors. On this basis, the Council are seeking the removal of this condition.

Works to amalgamate the retail units is sought via a separate full planning application (ref: 2025/0936).

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.

Planning Policy – The current national or local planning policies do not justify the attached condition. No objection to its removal.

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: 11/11/2025
- Site Notice (major application) displayed adjacent to the site- consultation expiry date: 2/1/2026
- Advert in local press (major application) - consultation expiry date: 26/12/2025

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.

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 in the centre constituting as primary and secondary shopping frontages. The proposal looks to remove the condition which restricts the size of food retail units to less than 10,000 sqft. The reason for this condition is described as '*To accord with the Council's Food Shopping Policy.*'

The LPA no longer has a Food Shopping Policy, with the only relevant policies being those quoted above. Typically, all retail uses are directed to the town centre, irrelevant of whether this constitutes as food retailing or not. The LPA therefore consider that there are no current national or local planning policies to justify the attached condition and therefore have no objection to its removal. The introduction of large food retailing uses would not significantly alter the character or appearance of the shopping centre. On this basis, the principle of removing the condition is acceptable.

Conclusion

The removal of the restrictive condition will allow food retailing units to exceed 10,000sqft at all units within the Alhambra Shopping centre. The removal of the condition reflects current national and local planning policies, which directs all retail uses to the town centre. 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:

1. No outside storage shall at any time take place on the site within the Lambra Road service bay area.

Reason: To ensure the proper functioning of the service area.

2. Concurrently with the development hereby approved, the parking/manoeuvring areas shown shall be drained, provided with an impermeable hard surface and marked out to the satisfaction of the local planning authority and shall thereafter be permanently set aside and reserved for that purpose.

Reason: To ensure proper parking facilities are provided from the outset, in the interest of highway safety.