
2024/0641

Tipi Events Yorkshire Ltd

Temporary change of use of land for the siting of a commercial tipi associated with public events and markets for maximum period of 24 weeks/ 168 days per calendar year

The Glass Works Square, The Glass Works, Barnsley, S70 1GW

Site Location & Description

The application site consists of small part of the existing Glassworks Square within Barnsley Town Centre. The site is located adjacent to recently constructed Market Gate Bridge (which provides pedestrian access across the railway line), and to the north of Botanist restaurant within the Glassworks shopping centre. The site is currently open in nature with hard surfacing. The site is currently a pedestrianised area though does form part of the adopted highway (albeit is not for vehicular use).

Relevant Site History

The Glassworks area has a complex planning history, relevant applications include:

2021/0131 - Variation of condition 2 (approved plans) of planning permission 2019/1192 (Erection of new pedestrian footbridge and associated works and structures including alterations to public realm) to enable the extension of Midland Street and the provision of a turning circle for vehicles within Interchange Square, GRANTED, 9/9/2021

2019/1192 - 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, GRANTED, 20/11/2019

2018/0989 - Erection of new pedestrian footbridge and associated works and structures including alterations to public realm, GRANTED, 24/10/2018

2017/0135 - Proposed refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1 ,A3, A4), and leisure (D2) uses - Reserved matters of outline planning permission 2015/0549 (access, appearance, layout and scale, excluding landscaping) GRANTED, 20/4/2017

2015/0549 - Outline application with all matters reserved comprising of 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, GRANTED, 8/7/2015

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 and landscaping, GRANTED, 7/9/2011

Proposed Development

This application seeks full planning permission for the change of use of land for a temporary period in relation to the siting of a commercial tipi. The tipi will be used during the Christmas market as well as during other commercial and local events.

The application has been submitted by Tipi Events Yorkshire. This company work closely with Council in terms of facilitating community/seasonal events, though is external from BMBC. The siting of temporary structures is permitted with Schedule 2, Part 4, Class B – Temporary use of land of the GPDO for a maximum of 28 days a year. Due to the Christmas market period extending this length of time, full permission is sought.

The description of the development has been amended to reference the maximum timeframe which the tipi can be erected each calendar year. This has been stated as 24 weeks/168 days per year.

The proposed structure consists of 2x tipis which are internally linked. The structure has a maximum height of 6.5m (measured from ground level) and with each tipi having a diameter of 13m. The structure will be tipi/pyramid like shape with brown coloured covering. Associated temporary signage/decorations are also proposed as indicated on the submitted photographs.

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.

Site Allocation/Designation

The application site lies within the primary shopping area as defined in the adopted Barnsley Local Plan. The site also falls within the Town Centre Development Site: 1 and a Priority Site – Public Open Space.

The site is in Town Centre District 9 and a Strategic Area of Opportunity for Tall Buildings.

The site is in a high risk development area as per the Coal Authority maps. The site is in Flood Zone 1 thus low risk of flooding.

National Planning Policy Framework – December 2023

The National Planning Policy Framework (NPPF) was revised in December 2023, 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 11- Making Effective Use of Land

Section 12- Achieving Well-designed and Beautiful Places

Section 15 – Conserving and Enhancing the Natural Environment

Barnsley Local Plan 2019

The following Local Plan policies are relevant:

Policy GD1: General Development

Policy D1: High Quality Design and Place Making

Policy SD1: Presumption in favour of Sustainable Development

Policy T4: New Development and Transport Safety

Policy POLL1: Pollution Control and Protection

Policy TC1: Town Centres

Policy LC1: Landscape Character

Policy GS1: Green Space

Policy BIO1: Biodiversity & Geodiversity

Policy CL1: Contaminated and Unstable Land

Policy BTC1: The Daytime and Evening Economies

Policy BTC2: Late Night Uses

Policy BTC3: Public Spaces

Policy BTC4: Improving Public Spaces

Policy BTC6: Building Heights

Policy BTC8: Temporary Uses and Phased Development

Policy BTC12: The Markets Area District

Policy BTC13: Development Site 1: Glassworks including former TEC Building and CEAG Site

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. No SPDs are relevant to this proposal.

Consultations

Local Ward Cllrs– No response.

Coal Authority – The nature of the development is exempt, no objection on this basis.

Drainage – No objection.

Highways DC – Concerns regarding the absence of necessary streetworks license. This is addressed further below and an informative attached.

Regeneration Town Centre – No response.

South Yorkshire Mining Advisory Service – No objections.

South Yorkshire Police – No response.

Waste Management - No response.

Pollution Control – No objection.

Representations

The application has been publicised twice, following amendments to the application site boundary and the description. This application has been advertised in accordance with the Development Management Procedure Order 2015 as follows:

First Round- Original Proposal

- Site Notice displayed (public interest), consultation expiry: 18/10/2024

Second Round – Amended red line/description

- Site Notice displayed (public interest), consultation expiry: 27/11/2024

No neighbour representations have been received in response to the above publicity.

Assessment

Principle of Development

The application site lies within Development Site 1 which is covered by Policy BTC13. Within this area development of the following uses are supported:

- Retail, including a department store;
- Offices;
- Leisure;
- Food and drink;
- Car parking.

The site is in the Primary Shopping Area and is within a sensitive area for tall buildings.

The development relates to a proposed leisure/food and drink use associated with commercial events, albeit would only be erected for a temporary period each year. The proposed use accords with those stated in the Policy TC13 and will complement the range of uses within the town centre and therefore encourage footfall within the area. The principle of the development is therefore acceptable subject to the considerations below.

Design, Appearance and Amenity

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design and should respect and reinforce the distinctive, local character and features. Development should contribute to place making and make the best use of materials.

The proposal includes a temporary tipi structure. The appearance of the structure is similar to typical tipi style huts in various towns/cities across the UK. The applicant has confirmed that the tipi will be the 'giant size' as shown on the proposed plans, with 2x separate tipis internally connected. Internally the tipi will provide food and drink facilities.

The position of the tipi is somewhat hidden from direct view, positioned to the side of the Glassworks building. The development will therefore not directly impinge upon the appearance of the Glassworks area. Taken all this into consideration, the design and appearance is considered to be acceptable.

Impact Upon Amenity

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land.

Local Plan Policy POLL1 states that development will be expected to demonstrate that there would be no unacceptable affect or cause a nuisance to the natural and built environment or to people.

The tipi will be located in a commercial, town centre location whereby residential properties are not within close proximity. Leisure uses surround the application site, with the Botanist restaurant and bowling alley both situated adjacent. In terms of noise/disturbance the proposal is not expected to be harmful. Whilst the use will generate comings and goings, this is welcomed in the town centre. The Environmental Health Officer has no objection to the development. Nevertheless, appropriate alcohol/food and drink licenses will need to be sought.

Highways Considerations

NPPF Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Local Plan Policy T4 states that 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.

The Highways DC Officer has reviewed the application and has raised some concerns regarding the fact that the tipi is already erected in preparation for the 2024 Christmas market and the absence of the necessary Section 177 licence. It is recognised that the applicant is required to obtain the license in order to erect the structure on the highway. However, the requirement of the license does not fall within the planning remit and delaying the planning decision on this basis is unreasonable. As mentioned above, temporary structures can be erected for up to 28 days a year without planning permission and therefore the erection of the tipi is not a breach of planning control. On this basis, an informative is attached in relation to the appropriate streetworks license needing to be sought.

Conclusion

The site is within a town centre location where food and drink uses should be directed. The tipi use will complement the range of amenities within the town centre, and therefore encourage footfall and spending. However, given the temporary appearance of the tipi, permanent siting would not be appropriate. On this basis, the development description has been amended to restrict the number of days/weeks in which the tipi can be erected. The applicant has agreed that the days/weeks stated is acceptable and allows for the tipi to be erected during the appropriate Christmas and summer markets.

It is noted that the applicant must obtain the relevant Section 177 licence due to the siting upon the adopted pedestrianised area. An informative is attached on this basis.

The development is therefore acceptable subject to strict accordance with the temporary timeframe. Whilst granting permission for up to 24 weeks per year is acceptable, it is considered that limiting the permission to a period of 5 years would allow reassessment of the continuing suitability of the development in the long term as the town centre continues to develop and a renewal of the temporary permission where appropriate.

Recommendation

Approve with conditions