CHAPTER 4: PLANNING POLICY CONTEXT

Introduction

4.1 The purpose of this chapter is to set out the planning policy background to the site, and the constraints and opportunities associated within the proposals for its redevelopment and use. The proposed development is assessed against this policy background, and any other material planning considerations.

4.2 The proposed development must be assessed against the provisions of the Development Plan. The application site lies within the Metropolitan Borough of Barnsley, which is a Unitary Authority within South Yorkshire and the Development Plan comprises the 2008 Yorkshire & Humber Plan Regional Spatial Strategy (2008) and the "saved" policies of the 2000 Barnsley Unitary Development Plan (UDP), with national planning policy guidance also being considered where appropriate.

4.3 The UDP is currently in the process of being replaced by the Local Development Framework (LDF) in line with the Planning and Compulsory Purchase Act (2004), with the Core Strategy DPD being at an advanced stage, having been the subject of an Examination in Public in March 2011. The draft Core Strategy DPD is therefore afforded an appropriate weighting.

Methodology

4.4 The DETR publication of 2000 entitled "Environmental Impact Assessment: Guide to Procedures" suggests that the policy framework to a site, or (by implication) that relating to the proposed form of development, should be described, and the proposed development assessed against this framework. The following chapter therefore undertakes this assessment.

The Policy Framework

4.5 The policy framework for this site and its surroundings is set out in the following documents:

- The saved policies of the Barnsley Unitary Development Plan, adopted December 2000;
- The Yorkshire and Humber Regional Plan published May 2008;
- Government Guidance, in the form of Planning Policy Guidance (PPG) or Planning Policy Statements (PPS).

4.6 In accordance with the requirements of the Planning and Compulsory Purchase Act 2004, Barnsley Council has commenced with the production of the Local Development Framework for the area. The draft Barnsley Core Strategy has been the subject of an Examination in Public in March 2011 and given its advanced status, it is afforded appropriate weight in the consideration of the proposals and its pertinent policies are therefore outlined later in this chapter.

Planning History

4.7 When assessing a proposal's relationship with planning policy, it is often helpful to consider the planning history for the site, as the interpretation of previous decisions can assist when considering appropriate uses for a site and the form that the development can take.

4.8 Whilst there is a significant amount of history associated with the site, that pertinent to the current application revolves around its promotion by Barnsley Metropolitan Borough Council and Yorkshire Forward for regeneration under the heading "The Barnsley Markets Project". The Council has identified the site as having potential for comprehensive redevelopment since 2003, and sought expressions of interest that year from developers. This culminated in "The 1249 Regeneration Partnership" being the preferred developer, and the submission of an application in June 2006 for a mixed-use leisure, retail and residential scheme, which was granted planning permission in

November 2006. Subsequent applications on the site include a Section 73 application to amend the wording of condition 39 of the 2006 permission, with that being granted consent in April 2007; and an application to extend the lifetime of the 2007 permission, which was granted consent in June 2010.

4.9 The site has, therefore, already been the subject of a process of scrutinisation by the Council in relation to the principle of a more intensive form of redevelopment, and the proposals considered by several Council departments and the public. As referred to in chapter 3, the scheme now proposed is scaled down from that previously granted permission and includes no residential element.

Method of Reporting

4.10 Planning guidance and policy relevant to the site and proposals is described within the next section of this chapter, which deals with the baseline situation. This principally comprises a list of those policies considered pertinent to the assessment of the proposals, as the subsequent section assesses the relationship of proposals with policy. For clarity this assessment is entitled "Relationship of the Proposed Development with Planning Policy".

4.11 The analysis undertaken in respect of the following chapters is reported where appropriate within this chapter, in order to determine the compliance or otherwise of the proposals with policy. The interactions between policy areas and an assessment of indirect and cumulative effects are the subject of the final chapter of this Statement.

4.12 It is appropriate to note that the other chapters of this Statement also refer to relevant policies or guidance, where considered necessary. Each chapter also considers the new potential effects associated with other topic areas, where there is a potential implication for the subject matter. As far as reasonably possible any adverse cumulative effect has been either designed out or is the subject of appropriate mitigation, and therefore reported within the relevant section of the appropriate chapter.

Assessment Criteria

4.13 The assessment criteria will be the same as those used within the other chapters of this Statement, in order to ensure that there is a comprehensive approach to the Environmental Statement as a whole.

Existing Situation

4.14 The guidance and planning policy considered pertinent to the proposed development is set out below and the relationship of the proposed development with it assessed within the following section of this chapter.

Government Guidance

4.15 Government Guidance considered when assessing the proposals includes the following planning policy guidance notes (PPG) or planning policy statements (PPS's)

- PPS1: Delivering Sustainable Development – published January 2005
- PPS1: Supplement to PPS1 – Planning and Climate Change – published Dec 2007
- PPS4: Planning for Sustainable Economic Growth – published December 2009
- PPS5: Planning for the Historic Environment – published March 2010
- PPS9: Biodiversity and Geological Conservation – published August 2005
- PPG13: Transport – published April 2001
- PPG14: Development on Unstable Land – published in 1990
- PPS23: Planning and Pollution Control – published November 2004
- PPG24: Planning & Noise – published October 1994
- PPS25: Development and Flood Risk – published March 2010
- Good Practice Guide on Planning for Tourism – published May 2006.

The Yorkshire and Humber Regional Plan RSS (2008)

4.16 The Yorkshire and Humber Plan was published in May 2008, replacing RSS12, and provides the broad development strategy for the Yorkshire and Humber Region up to 2026. On 6 July 2010, the Coalition Government revoked all Regional Strategies under Section 79(6) of the Local Democracy, Economic Development and Construction Act

(2009). This action was subsequently challenged in the High Court and the decision concluded that Section 79 powers could not be used to revoke all Regional Strategies in their entirety. Therefore, for the time being, RSS policy remains part of the development plan. It should be noted, however, that the Government's Chief Planner has confirmed to all local authorities that the Government's intention is to abolish the RSS in the forthcoming Localism Bill.

4.17 The requirements of the Regional Spatial Strategy, and the manner in which proposals relate to them, are set out later in this chapter. Those policies which are considered pertinent to the consideration of the proposals are located below:

- YH1: Overall approach and key spatial priorities
- YH2: Climate change and resource use
- YH4: Regional cities and sub-regional cities and towns
- YH7: Location of development
- SY1: South Yorkshire sub area policy
- ENV1: Development and flood risk
- ENV3: Water quality
- ENV5: Energy
- ENV8: Biodiversity
- ENV9: Historic environment
- ENV11: Health and recreation
- E1: Creating a successful and competitive regional economy
- E2: Town centres and major facilities
- E3: Land and premises for economic development
- E6: Sustainable tourism
- T1: Personal travel reduction and modal shift

<u>The Adopted Barnsley Metropolitan Borough Council Unitary Development Plan (2000)</u>

4.18 The adopted UDP covers the period 1986-2001 and sets out the policies and proposals relating to a range of economic, social, environmental and housing matters. A number of the UDP's policies were 'saved' beyond September 2007 by way of Direction from the

Secretary of State. The 'saved' policies of relevance are referred to below. The plan provides the strategic policies as well as the more detailed proposals for each of the plan area.

4.19 Within the adopted UDP the majority of the application site falls within the designated Central Shopping Area, with the remaining part lying within the Eastern Development Area. Furthermore, the retail frontages along May Day Green, Queens Street and Cheapside are designated as Principal Shopping Frontages. Part of the site is identified as a public car park, whilst the areas lying within the Eastern Development Area are identified as development sites Queens Road (TC58-7) and Lambra Road (TC58/16). The site lies on the southern side of the city centre Conservation Area and also adjacent to two Areas of Comprehensive Retail Refurbishment, one which lies to the north of Eldon Street and one due west of Cheapside. Also of relevance to the proposals is the site proximity to the Barnsley transport interchange (rail and bus station), which lies on the northern side of Kendray Street which has been recently refurbished.

4.20 Policies TC1, TC2, TC5, TC46, TC51(1), TC58/7 and TC58/16 form the basis for consideration of the proposed new development, though reference is also made to the following policies:

<u>Volume 1 Policies</u> (Strategy, Policy & Justification)

- GS39 Indoor Recreation & Leisure Facilities
- GS40 Indoor Recreation & Leisure Facilities
- BE1 Conservation Areas
- BE5 Improving Existing Areas with Poorer Quality Built Environment
- BE6 Design Standards
- BE7 Public Art
- ES1 Pollution
- S1 Shopping/Commercial centres
- S2 Shopping/Commercial centres
- T1 Highway Construction and Improvement
- T2 Development and the Highway Network

- T9 Public Transport Development
- T14 Public Transport Access to Development
- T17 Car Parking
- T18 Car Parking in Barnsley Town Centre
- T19 Car Parking in Principal Shopping/Commercial Centres
- T22 Car Parking Standards and Contributions
- T26 Facilities for Cyclists
- T27 Walking

Volume 3 Policies (Barnsley Town Centre)

- TC1 General
- TC2 Additional Shopping Floor Space
- TC3 Areas for Comprehensive Shopping Refurbishment
- TC5 Principal Shopping Frontages
- TC8 Non-Retail Uses
- TC9 Shopping Frontages
- TC10 Service Area and Streets
- TC17 Townscape
- TC20 Design of New Development
- TC21 External Landscaping
- TC22 Shop Fronts
- TC25 Public Space
- TC26 Design Guidance for Environmental Improvement
- TC27 Disabled Access
- TC31 Pedestrian Facilities
- TC33 Public Transport
- TC35 Cyclists
- TC38 Additional Parking Provision
- TC39 Car Parking
- TC46 Leisure & Entertainment Uses
- TC50 Arts Performance Facilities
- TC51 Policy Areas

Emerging Barnsley Local Development Framework

4.21 In accordance with the Planning & Compulsory Purchase Act 2004, Barnsley Council has commenced the preparation of its Local Development Framework having "saved" a number of the policies of the Unitary Development Plan in 2007. The new development plan for Barnsley will consist of a number of documents, the most pertinent to the application being the Core Strategy Development Plan Document, which was the subject of an Examination in Public in March 2011 and which is therefore at an advanced stage of preparation.

4.22 The draft Core Strategy particularly supports major redevelopment in the town centre, in order to create a **"21st Century market town"**, and sets out specific objectives and policies in respect of it.

Relationship of the Proposed Development with Planning Policy

Government Guidance

PPS1: Delivering Sustainable Development (2005)

4.23 PPS1 sets out the Government's objectives for the planning system and states at paragraph 1 that:

"Planning shapes the places where people live and work and the country we live in. Good planning ensures that we get the right development, in the right place and at the right time. It makes a positive difference to people's lives and helps to deliver homes, jobs, and better opportunities for all, whilst protecting and enhancing the natural and historic environment, and conserving the countryside and open spaces that are vital resources for everyone."

4.24 The core principle underpinning these objectives is sustainable development, the general approach for which is set out in Paragraph 27, and advocates the following:

- **"Promote urban and rural regeneration to improve the well-being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mixed use developments for locations that allow the creation of linkages between different uses and can thereby create more vibrant places.**
- **Bring forward sufficient land of suitable quality in appropriate locations to meet the expected needs for housing, for industrial development, or for the exploitation of raw materials such as minerals, for retail and commercial development and for leisure and recreation – taking into account issues such as accessibility and sustainable transport needs, the provision of essential infrastructure, including sustainable waste management and the need to avoid flood risk and other natural hazards.**
- **Provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car, whilst recognising that this may be more difficult in rural areas.**
- **Focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.**
- **Reduce the need to travel and encourage accessible public transport provision to secure more sustainable patterns of transport development. Planning should actively manage patterns of urban growth to make the fullest use of public transport and focus development in existing centres and near to public transport interchanges.**
- **Promote the more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. Planning should seek actively to bring vacant and under-used previously developed land and buildings back into beneficial use to**

achieve the targets the Government has set for development of previously developed land."

4.25 The proposals comprise previously developed land within the town centre, which will be regenerated and redeveloped for a mixed-use scheme, including retail and leisure uses. The site's location adjacent to Barnsley's transport interchange will also promote accessing the facilities by foot and public transport although provision will be made for a public car park to maintain the overall level of parking in the town centre. The overarching aims of the Government guidance and subsequent objectives are evident in the proposals for the application site.

4.26 The scheme is therefore considered to comply with the main objectives and requirements of PPS1. The application site comprises previously developed land within Barnsley's town centre and all the opportunities available therein, including various public transport links. As such this site should be developed in the most efficient manner, and the visual impact assessment considers whether the proposed form of development can be assimilated into the townscape.

PPS1: Supplement – Planning and Climate Change (2007)

4.27 The PPS Supplement sets out Government advice on how planning should contribute to reducing emissions and stabilising climate change. The proposed development addresses these key criteria. The application is accompanied by a sustainability statement prepared by Hulley & Kirkwood, which deals with the major areas of sustainability and, inter alia, compares the development with a number of criteria and tests.

PPS4: Planning for Sustainable Economic Growth (2009)

4.28 PPS4 sets out the Government's planning policy for economic development. For the purposes of the policies in the PPS, 'economic development' includes development within the 'B' Use Classes, public and community uses and main town centre uses including retail development, leisure and recreation uses, including cinemas and restaurants.

4.29 PPS4 aims to achieve sustainable economic growth and build prosperous communities by improving economic performance. It also promotes the vitality and viability of town and other centres as important places for communities.

4.30 Policy EC10 (determining planning applications for economic development) advises that local planning authorities should adopt a positive and constructive approach towards planning publications for economic development. Planning applications for economic development should be assessed against the range of impact considerations which are, inter alia:

a) The proposal has been planned over the lifetime of the development – to limit carbon dioxide emissions;
b) The accessibility of the proposals by a choice of means of travel;
c) The proposals achieve high quality and inclusive design which improve the character and quality of the area;
d) The impact on economic and physical regeneration;
e) The impact upon local employment.

4.31 The proposals incorporate measures to limit the amount of carbon dioxide emissions, as set out in the accompanying Sustainability Statement prepared by Hulley & Kirkwood.

4.32 Being located in Barnsley town centre, the site benefits from a wide range of transport linkages, including the presence of the adjacent and newly refurbished public transport interchange. The site also benefits from good walking and cycling linkages to other town centre facilities and services.

4.33 With respect to the visual aspects of the proposals, these are the subject of chapter 5 of this Statement, which considers landscape and visual impact.

4.34 The relationship of the proposals with the current role of the town centre, the activities, land uses within it and the need for the development has been the subject of the planning statement. This concludes that there is a need for further retail and leisure

opportunities of the type proposed, and a town centre site is the most appropriate location to meet this. In light of this, the provision of an appropriate retail element as part of this mixed-use scheme is consistent with the objectives set out within PPS4, particularly given the accessibility of the site within the town centre.

PPS5: Planning for the Historic Environment (2010)

4.35 PPS5 sets out the Government's planning policies on the conservation of the historic environment and replaces the former PPG15 and PPS16. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government's objective for planning for the historic environment include, inter alia:

- To deliver sustainable development by ensuring that policies and decisions concerning the historic environment take account of the wider social, cultural, economic and environmental benefits of heritage conservation and recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term;

- To conserve England's heritage assets in a manner appropriate to their significance by ensuring that, inter alia, decisions are based on the nature, extent and level of that significance, investigated to be proportionate to the importance of the heritage asset;

- That, wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation;

- That the positive contribution of such heritage assets to local character and a sense of place is recognised and valued.

4.36 Policy HE10 of PPS5 provides additional policy principles for guiding the consideration of applications for development affecting the setting of a designated heritage asset and states that, when considering applications that affect the setting of a heritage asset,

local authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to the significance of the asset and, when considering application that do not do this, local planning authorities should weigh such harm against the wider benefits of the application.

4.37 The relationship of PPS5 to the development proposals is discussed in detail within chapter 6 of the Environmental Statement which deals with cultural heritage. As confirmed in that chapter there are not considered to be any buildings of architectural or particular historic merit on the site, and the setting of adjacent listed buildings as well as the nearby conservation area has been considered in the design of the scheme, and there is not considered to be any detrimental effects for them.

4.38 The relationship of archaeological considerations the development proposals is also discussed in detail within the cultural heritage chapter. Due to the previous development on the site it is likely that any potential archaeological remains have already been affected by previous works. For the sake of expediency a watching brief is, however, proposed during the undertaking of any ground works. There is not, therefore, considered to be any conflict with PPS5.

PPS9: Biodiversity and Geological Conservation (2005)

4.39 PPS 9 sets out planning policies on protection of biodiversity (and geological conservation) through the planning system. The objectives of PPS9 are to guide the local planning process towards the aims of:

- promoting sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development, so that policies and decisions about the development and use of land integrate biodiversity and geological diversity with other considerations.

- conserving, enhancing and restoring the diversity of England's wildlife and geology by sustaining, and where possible improving, the quality and extent of natural habitat and geological and geo-morphological sites.

- contributing to rural renewal and urban renaissance by: enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people. Recognising that healthy functional ecosystems can contribute to a better quality of life and to people's sense of well-being; ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.

4.40 PPS 9 establishes amongst other things that reference should be made to the species and habitats of key importance for England as listed under Section 74 of the Countryside and Rights of Way Act (2000). This makes it clear that the UK Biodiversity Action Plan must be considered by local Planning Authorities during the planning process. The assessment made and presented in chapter 12 pays consideration to the local and national Biodiversity Action Plan.

4.41 The proposals for the site involve the loss of current urban and derelict areas to create a new market development in the centre of Barnsley. The site has been found to represent poor habitats with little ecological value and the proposals do not present risks of impacts on protected or otherwise important species or habitats. The proposals are therefore considered to be compliant with PPS9.

PPG13: Transport (2001)

4.42 The emphasis in PPG13, as set out in the introduction to that guidance, is to see the integration of transport and land use planning. The objectives of the guidance, as set out in paragraph 4, are to:

- **"Promote more sustainable transport choices for both people and moving freight;**

- **Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;**
- **Reduce the need to travel, especially by car."**

4.43 Paragraph 6 lists those matters that authorities should take into account when considering planning applications. The application proposals would appear to comply with these in that they:

- Make the fullest use of public transport opportunities by proposing development within a town centre, adjacent to the recently refurbished Barnsley Interchange which incorporates mainline train and bus stations;
- Are readily accessible by walking and cycling, as well as being close to the existing facilities within the town centre, including employment opportunities, which are accessible to residents and users by foot;
- Increase the intensity of development, including retail within the town centre location which is highly accessible by modes of transport other than the private car;
- Give priority to people over the ease of traffic movement, whilst making specific considerations for pedestrians and cyclists, including the incorporation into the existing pedestrian and cycle network;
- Meets the needs of disabled people, either visiting or residing at the site;
- Reducing crime through design.

4.44 Paragraphs 12 to 17 of PPG13 gives encouragement to the more efficient use of land at paragraph 16, whilst paragraph 21 states:

"Local authorities should seek to make maximum use of the most accessible sites, such as those in town centres and others which are, or will be, close to major transport interchanges. These opportunities may be scarce. They [the local authority] should be proactive in promoting intensive development in these areas and on such sites."

4.45 Paragraph 30 also recognises that mixed use development can provide very significant benefits, in terms of promoting **"vitality and diversity and promoting walking as a primary mode of transport"**. It is recognised that the juxtaposition of different uses will not automatically lead to less car dependency, but the application site's location within Barnsley centre, and its proximity to employment, retail and leisure uses, particularly those within the proposed scheme, available therein will inevitably lead to significant benefits, particularly as most are more readily accessed by foot or cycle.

4.46 Proposals for the site are therefore consistent with the objectives of PPG13. Further detail is, however, provided in respect of this aspect of the proposals within chapter 8 (Transport) of this Statement.

PPG14: Development on Unstable Land (1990)

4.47 National Policy on the impact of ground instability is effectively encompassed within PPG14. The Guidance contains a main statement and two annexes.

4.48 Annex 1 relates to landslides and unstable slopes, which owing to the nature of the development site and known land use history requires no further consideration in this assessment. Annex 2 (revised 2002) is entitled 'Subsidence and Planning' with a focus on mined ground, subsidence potential and mitigation and is of significant relevance to the proposals.

4.49 Annex 2 **"....advises local planning authorities, landowners, and developers on the exercise of planning controls over land use and development on land liable to subsidence"**. The Government looks to all parties to the development process to:

- recognise the occurrence and potential for subsidence at the earliest possible stage in preparing development plans and in considering proposals for development;

- take appropriate action in accordance with good practice to assess the risks of subsidence and, where practicable, to deal with them by ground treatment or by designing new buildings and structures to withstand the subsidence expected;

- take due account of the constraints imposed by ground subsidence at all stages of the development process; and

- ensure that new development is suitable for the ground conditions at its location and will not be threatened by subsidence in the future.

4.50 PPG14, the aim of which **"....is not to prevent the development of such (unstable) land...."**, introduces the concept by stating that **".....difficulties have been experienced in developing land in areas of past and present mining and in other areas where land is unstable or potentially unstable....Given proper safeguards, however, land which has been damaged by mining or other industrial activities or which is naturally unstable can often be put to appropriate use"**.

4.51 The application site, as described in more detail in chapter 7 (Ground Conditions and Contamination) is located within a district of past mining. The existing use and other nearby developments that are already in place or under construction demonstrate the potential for the current proposals to be an appropriate use of the land.

PPS23: Pollution Control (2004)

4.52 The relationship of the proposals to pollution control is set out in chapter 7 (Ground Conditions and Contamination) of this Statement. It is apparent that planning and pollution control legislation are complimentary, with the objective being to control potential polluting activities and protecting future occupiers. With particular relevance to this scheme, there is potential for land contamination to exist on the site due to its past uses. It is considered, however, that appropriate measures can be undertaken to prevent any adverse impact on future occupiers of the building. All construction and demolition activities on the site will be undertaken in accordance with best practice

measures and pollution control legislation, and will ensure a level of remediation appropriate to the proposed uses. This is the subject of chapter 15 of this Statement.

PPG24: Planning and Noise (1994)

4.53 PPG24 considers the potential effect from a variety of environmental noise sources and identifies threshold day and night levels below which the particular noise under consideration would not be deemed to have any consequence for noise sensitive developments. The 'mixed sources' category identified in PPG24 is defined as comprising any combination of road, rail, air and industrial noise, and so is considered to fairly apply to certain aspects of the noise emissions expected from the completed development as a whole. Further technical commentary on PPG24 is included in chapter 9 of this statement.

4.54 In summary, the residual noise effects associated with the proposed development are considered to be negligible and, as such, the proposals are in accordance with PPG24.

PPS25: Development and Flood Risk (2010)

4.55 The Government has placed increasing priority on the need to take full account of the risk associated with flooding and all stages of the planning and development process, to reduce future damage to property and loss of life. PPS25 identifies how the issue of flooding is dealt with in the drafting of planning policy and the consideration of planning applications.

4.56 PPS25 aims to strengthen the co-ordination between land use and development planning and the operational delivery of flood defence strategy. It also aims to strengthen the links considering land use planning, land management and the building regulations. It advises local planning authorities to use their existing powers to guide, regulate and control development in accordance with the guidance set out and to consider the issues raised by flooding on the wider scale (eg of the river catchment) and the need to work with natural processes in planning future development. This is consistent with the requirements of Directive 2000/60/EC (The EU Water Framework

Directive) in respect of river based management plans.

4.57 It is necessary to consider the impact of any development on the wider catchment in order to determine there is both a reduction in flood risk within the site and also downstream of the development boundaries. The flood risk element can be split into two main parts. Firstly, this concerns the existing flood risks to the development site and includes sources such as fluvial, tidal, groundwater and existing infrastructure. The second element is the impact of the development upon the existing local hydrology. It is often the case that the run-off profile of the site will be significantly impacted by development and it is therefore necessary to ascertain and assess the interaction of the new development with the existing.

4.58 The site is located in flood zone 1 and it is therefore concluded that it is at low risk of fluvial flooding and, in accordance with the requirements of the sequential test in PPS25, the site is suitable for proposed development. The site's sensitivity to other sources of flooding including overland flow, sewers and groundwater has been considered and its sensitivity to flooding from combined sewers and Sough Dyke is considered significant and the sensitivity to overland flooding is considered moderate. The impact of the proposed development on the level of flood risk in the surrounding area has been assessed being neutral in respect to overland flooding, flooding from sewers and groundwater flooding and, furthermore, it is considered that the proposed development will have a moderate beneficial impact on the receiving watercourse as a consequence of the proposed 30% reduction in off-site flow rates.

4.59 In summary, the residual flood risk to the site is considered neutral when the proposed mitigation measures are taken into account, as is the impact of the development on flood risk within the surrounding area. As such, the proposals accord with PPS25.

Good Practice Guide on Planning for Tourism (May 2006)

4.60 The Good Practice Guidance is intended to be read in the context of current PPS's and PPG with PPG21 on Tourism having been cancelled from September 2006. The Good

Practice Guidance, inter alia:

- Adopts the World Tourism Organisation definition of tourism, which includes business tourists and day visitors as well as overseas and domestic tourists;
- Recognises the crucial importance of tourism to the UK;
- Addresses the promotion of more sustainable transport;
- Acknowledges that tourism can bring broad benefits as the focus of regeneration in urban and rural areas and that it can make a significant social and economic contribution, bring derelict land and buildings back into use.

4.61 Clearly, the proposals will result in a significantly improved and more attractive retail and leisure offer than exists at present, which will help to increase tourism in the town centre and further afield. As such, the proposals are considered compliant with the Good Practice Guide.

The Yorkshire and Humber Plan (2008)

4.62 The Yorkshire and Humber Plan sets the overall spatial strategy for Yorkshire and Humber region, and the main areas and objectives for policy. The guidance sets out proposals for the sustainable development of the region's economy, infrastructure, housing and other land uses, and recognises that they need to be advanced together. The guiding principles are of sustainable development and the sequential approach to finding land for most kinds of development. This means that most development is focused in the major urban areas, including Barnsley, and that previously developed land within such areas should be considered first, particularly those within town centres.

4.63 Policy YH1 sets out the Regional Plan's overall approach and key spatial priorities and seeks to achieve sustainable development and improve economic, environmental and social conditions.

4.64 Policy YH2 relates to climate change and resource use and seeks to address these matters through, inter alia, increasing development and activity in cities and towns and encouraging redevelopment of previously developed land.

4.65 Policy YH4 establishes that regional cities and sub-regional cities and towns are identified as the prime focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities in the region and that these should be attractive places to live and work and that accessibility by public transport and other modes of transport is important.

4.66 Policy YH7, relating to the location of development, states that first priority should be for the re-use of previously developed land and buildings.

4.67 Policy SY1, relating to the South Yorkshire Sub Area, states that most development should be focused on Sheffield and the sub-regional towns, including Barnsley.

4.68 Policy ENV1, relating to development and flood risk, seeks to reduce the courses of flooding to existing and future development.

4.69 Policy ENV3 relates to water quality and seeks to prevent development that could pollute surface and underground water resources and seeks to encourage the provision of adequate sewerage infrastructure.

4.70 Policy ENV5, relating to energy, seeks to maximise improvements to energy efficiency and increases in renewable energy capacity through orientation and layout of development; maximising the use of combined heat and power, community heating opportunities, supporting the use of clean coal technologies and abatement measures.

4.71 Policy ENV8 seeks to safeguard and enhance biodiversity and geological heritage to ensure that the natural environment functions as an integrated network of habitats. The policy also seeks to retain and incorporate biodiversity in development.

4.72 Policy ENV9, relating to the historic environment, seeks to ensure that historical context informs decisions about development and regeneration and relates to industrial landscapes in South Yorkshire.

4.73 Policy ENV11 seeks to help improve the health of residents by supporting economic development in and around regional and sub-regional cities and towns, especially, inter alia, in South Yorkshire.

4.74 Policy E1, relating to the creation of a successful and competitive regional economy, seeks to create a successful and competitive regional economy by encouraging economic growth, particularly of the knowledge driven economy.

4.75 Policy E2, relating to town centre and major facilities, seeks to strengthen the role and performance of existing city and town centres and emphasises that they should be the focus for leisure and more intensive sport and recreation opportunities.

4.76 Policy E3, relating to land and premises for economic development, seeks to locate economic development opportunities on previously developed land and current land allocations.

4.77 Policy E6, relating to sustainable tourism, seeks to promote, support and encourage tourism opportunities.

4.78 Policy T1, relating to personal travel reduction and modal shift, seeks to reduce travel demand, traffic growth and congestion, shift to modes with lower environmental impact and improve journey time reliability.

4.79 In terms of meeting the objectives of the Regional Plan it is considered that the application proposals perform well, both in terms of sustainable development, providing investment in a regeneration priority area and through assisting with the urban renaissance of Barnsley town centre. The development of the application site not only complies with sustainable development principles but also respects the character and landscape setting of the town.

4.80 The application proposals fully comply with the sustainable transport objectives, due to the town centre location and its proximity to the Barnsley interchange which provides excellent public transport connections on both the mainline railway and the local bus network. The scheme also incorporates provision for pedestrians and cyclists to aid ease of movement through the site and encourage connections with existing networks. Whilst provision is made for the public car it is considered this will not comprise the overall objectives of the site.

4.81 The proposals to redevelop the Barnsley Markets area, for mixed-use leisure and retail development therefore fully comply with the requirements of the aforementioned policies of the Yorkshire and Humber Plan.

Barnsley Metropolitan Borough Council Unitary Development Plan (2000)

4.82 The adopted UDP sets out the strategic and local plan policies and proposals for the Barnsley area, taking into account the advice provided at a national and regional level. The most pertinent planning policies relevant to the application site are those found within the Barnsley Town Centre volume of the UDP (Volume 3). These policies are therefore concentrated upon, though reference is also made to any other policies within Volume 1 of the UDP, upon which Volume 3 is based. The following assessment therefore initially considers those policies of Volume 3 of the UDP most pertinent to the consideration of the proposals, before considering any other general Volume 3 policies, and finally any outstanding Volume 1 (Strategy, Policy and Justification) policies.

Volume 3 – Barnsley Town Centre Policies

4.83 Policy TC1 reads as follows:

"In accordance with Policy S1, retail development will be permitted only within the defined central shopping area in the defined fringe areas of Doncaster Road/Sheffield Road and Wellington Street subject to specific area policies and on sites TC58/20 and TC58/21."

4.84 Given that the application site lies within the defined central shopping area the redevelopment of the Barnsley Markets area of the town centre is wholly in accordance with this plan policy. That section of the application site to the immediate west and east of the railway line falls outside the central shopping area, but will not compromise the objectives of Policy TC1 as these parts of the site will provide facilities which will support the retail facilities on site. Indeed the area to the east of the railway line is proposed for a public car park which will serve not just the new retail centre but also the town centre as a whole.

4.85 Policy TC2 states that:

"Sites for development of additional shopping floor space are set out in Policy TC58. These sites will be subject to requirements consistent with their integration within the central shopping area."

4.86 Policy TC58 then goes on to identify a number of sites, including two within the application site, namely land at Queens Road and Lambra Road. Whilst the proposals clearly go beyond the level of development initially envisaged, the Planning Statement accompanying the application demonstrates that there is a need for the scale of development proposed, and that this will not utilise all of the available future capacity for the town. Furthermore this town centre site represents one of the preferred locations, under Government guidance, for this type of development, and Policy TC5 defines May Day Green, Cheapside and Queen Street as the Principal Shopping Frontages. The proposed development will, therefore, reinforce the established pattern of development, whilst improving the opportunities available to existing and future residents.

4.87 Policy TC46 reads as follows:

"Leisure and entertainment uses should normally be located in the core of the centre and particularly the central shopping and Wellington Street policy

area, subject to policies TC5, TC6 and TC7. Other locations will be considered on their merits particularly with reference to accessibility".

4.88 The provision of the proposed cinema within the application site is wholly consistent with the requirements of Policy TC46, as well as general objectives for the town and its centre.

4.89 Policy TC51 identifies a number of policy areas within the town centre, including the Central Shopping Area and the transition into the Eastern Development, which comprise the eastern section of the site which lies outside of the central shopping area. In terms of the policy approach to the Central Shopping Area, paragraph 8.4 confirms this area's role not only as a retail area but also as a focus for professional and financial services sector and a wider range of leisure orientated functions. It also confirms that additional retail development is likely to be concentrated within this area, although the development envisaged by that policy was probably consolidation and a selective refurbishment rather than the whole-scale redevelopment proposed.

4.90 The proposals for a mix of retail and leisure on this site are, therefore, wholly compatible with the general policy area approach for this part of the town centre.

4.91 In terms of the Eastern Development Area identified by the Proposals Map, Policy TC51 (4) is identified as being suitable primarily for employment and commercial use. Policy TC52 seeks to restrict development within this area to those sites defined on the proposals map, which includes land to the immediate east and west of the railway line, subject to other planning policies. It is clear, however, from previous planning decisions, that this site should be considered as part of the town centre, and that the proposals for this site should be considered as part of the overall development. Indeed, this has been accepted by the Council, and is the approach taken within the emerging LDF.

Other Volume 3 – Barnsley Town Centre Policies

4.92 Other town centre policies pertinent to the consideration of proposals include those set out at paragraph 4.18. Of these Policy TC1 qualifies that:

"In accordance with Policy S1, retail development will be permitted only within the defined central shopping area in the defined fringe areas of Doncaster Road/Sheffield Road and Wellington Street subject to specific area policies and sites TC58/20 and TC58/21".

4.93 The proposals relate to retail development within the central shopping area, and will enhance the principle shopping frontages therein. Whilst the proposals go above and beyond the scale of development envisaged for the town centre, the planning statement accompanying the application demonstrates that there is a need for development of the type proposed, and that this will not utilise all of the capacity for the town. Indeed, the requirements for the town centre are better defined within the emerging Local Development Framework, which is considered later within this chapter. In this manner, Policy TC3, which relates to areas considered suitable for comprehensive shopping refurbishment, is also addressed.

4.94 Within the central shopping area, Policy TC8 makes reference to Policies TC5 and TC6, which seek to limit the loss of retail floorspace to 10% within the combined frontage length of the defined principal frontages. As the proposals relate to a redevelopment wherein the proportion of principle retail frontage will not only be increased but also improved, the introduction of A3 uses is considered to complement the overall experience available with the town centre and therefore to accord with objectives for it without conflict with this objective.

4.95 In a similar fashion the objectives of Policy TC9, seeks to provide and maintain a satisfactory area of window display at ground floor level, will also be addressed, though the precise details of these will be reserved by condition. The same can also be said in respect of the extent of shopping frontages, and their servicing requirements, which are

the consideration of Policy TC10.

4.96 With respect to the townscape, Policy TC17 seeks:

"In accordance with Policy BE1 development will only be approved if it enhances or preserves the character or appearance of conservation areas".

4.97 In a similar fashion for Policy TC10 the objectives of Policy TC20, which requires **"a high standard of design and materials … for town centre development"** will be achieved.

4.98 The Environmental Statement considers the details, scale, layout and appearance of the proposals, which have also been the subject of public scrutiny and discussions with various Council departments. In the light of this the general format and layout of proposals is considered to be acceptable, as they integrate into the townscape whilst providing a focal point built to modern standards therein. This is, however, the subject of further in-depth analysis within chapter 5 (Landscape and Visual Impact Assessment) of this Statement and the accompanying design and access statement.

4.99 Policy TC21 considers the need to achieve good standards of both hard and soft landscaping. The application proposals include a landscaping masterplan, which demonstrates the manner in which it combines with built form and street morphology. This is considered in more detail within chapters 13 (Public Realm and Permeability) and 14 (Landscape Character and Landscape Elements) of this Statement. This concludes that the proposed development would lead to significant improvements to the public realm of Barnsley Town Centre, as sought by Policies TC21, TC25 and TC26. Specific provision will also be made to the needs of those people who may have impaired mobility, as required by Policy TC27.

4.100 Policy TC31 requires that:

"Within the defined pedestrian zone, development will be required to maximise the precedence given to pedestrians and reduce conflicts arising from vehicular traffic, having regard to the requirements of the public transport system. Only in very exceptional circumstances will developments be allowed to make on-site car parking provision. Parking provision requirements will be assessed in the context of Policy TC39".

4.101 As set out within the Transport Assessment forming part of the submission, the transportation implications of the proposals have been the subject of extensive discussions with the Council, and the appropriate approach agreed with them. In the light of this the requirements of this Policy, and those relating to pedestrian facilities (TC31), public transport (TC33), and cycling (TC35) are addressed, as are those relating to car parking (TC38 and TC39).

Volume 1 Policies (Strategy, Policy and Justification)

4.102 As those policies relating to Barnsley Town Centre represent the specific interpretation of the Volume 1 Policies, it is not proposed to consider each Volume 1 policy here. It is appropriate, however, to note that the objectives of specific policies are adhered to.

4.103 The proposals make specific provision for indoor recreation/leisure facilities in a primary sustainable location adjacent to the town's transport interchange. In this manner the objectives of Policies GS39 and GS40 are met.

4.104 With respect to design, shopping, and highway and public transport considerations, the relationship with policy has already been considered and is the subject of the following chapters. It is clear, however, that appropriate consideration has been made to all of these factors, and that the pertinent policies are adhered to. In this manner, the objectives of the UDP are considered to be enshrined within the proposals the subject of this Statement.

The Emerging Local Development Framework

4.105 The emerging Local Development Framework comprises a number of documents, with the most pertinent to the application being the Core Strategy which was the subject of an Examination in Public in March 2011. The Council also produced a Preferred Options document for the Town Centre Action Plan in 2005, although this has less weight than the draft Core Strategy.

4.106 The Core Strategy sets out the key elements of the planning framework for Barnsley and the approach to its long term physical development to achieve the Council's vision of what sort of place Barnsley wants to become.

4.107 A key challenge of the Core Strategy is sustainability and climate change, with the promotion of sustainable development and the reduction of the Borough's impact on climate change being an overarching principle of the Core Strategy. The use and development of land will be assessed against the objective of securing sustainable development within Barnsley to meet its environmental, economic and social needs. Proposals will be supported where they deliver, inter alia:

- Efficient use of land and infrastructure, particularly by utilising previously developed brownfield land and promoting appropriate mixed land uses integrated with the existing built form;
- Economic and social wellbeing;
- Protection or enhancement of the quality of natural assets;
- Vibrant and viable town centres;
- High quality, well designed development, taking into account local distinctiveness;
- Preservation or enhancement of the historic and cultural features of acknowledged importance;
- Convenient and integrated accessibility by public transport, cycle and foot;
- Development located to reduce the need to travel.

4.108 A key way in which the Core Strategy seeks to reduce the Borough's impact on climate change is through prioritising development within Urban Barnsley and the principal towns which are well served by sustainable modes of transport.

4.109 The draft Core Strategy advocates that most redevelopment should take place in the Urban Barnsley area in order to enhance Barnsley's role as a sub-regional town, with this affording the greatest opportunities to make the best of previously developed land which is accessible by public transport. The Core Strategy defines the Urban Barnsley area as the most accessible place in the Borough in terms of public transport, benefiting from the new Barnsley interchange as a hub for bus, rail and taxi services, and with the town centre being the main focus for new retail, leisure, cultural and office development to create a uniquely distinctive 21st Century market town.

4.110 Strategic Objective 1 of the draft Core Strategy is for Barnsley to be the spatial interpretation of the Sustainable Community Strategy by, inter alia:

- Fostering the 'remaking' of Barnsley town centre and promoting it as the main place for shopping, indoor leisure, culture and business and creating a 21st Century market town.
- Focusing development and growth on Urban Barnsley and the principal towns.
- Ensuring new development is in places where it will be accessible and inclusive.

4.111 Strategic Objective 2 of the draft Core Strategy is to improve access, movement and connectivity with sustainable travel by, inter alia:

- Reducing the reliance on the private car and encouraging walking and cycling.

4.112 Strategic Objective 3 of the draft Core Strategy is to secure safe, healthy and inclusive communities and to promote wellbeing by, inter alia:

- Making sure development takes place in settlements and helping to create places where people want to live with convenient access to good quality local services (including shops, open space and leisure).

4.113 Strategic Objective 4 of the draft Core Strategy is to make efficient use of land and infrastructure by, inter alia:

- Utilising previously developed land and reusing existing buildings where possible in sustainable locations.
- Making the best use of existing and proposed infrastructure.

4.114 Strategic Objective 5 of the draft Core Strategy is to accelerate economic growth by, inter alia:

- Directing retail development to the most appropriate town centre location.

4.115 Strategic Objective 6 of the draft Core Strategy is to ensure all new development is sustainably designed and built to the highest standards by, inter alia:

- Embracing the principles of sustainable design including measures to prepare for, adapt to and reduce impact on climate change and mitigate flood risk.
- Insisting on development that contributes to and enhances local distinctiveness and is built in appropriate materials.
- Protecting and improving the heritage of the Borough.

4.116 The draft Core Strategy is explicit in its support for development in the town centre in order to create a '21st Century market town'. It states that Barnsley town centre will be the prime focus for growth of retail and town centre uses. Barnsley town centre has an important role to play in serving the needs of local residents and also in the context of the region. The aim is to transform Barnsley town centre into a 21st Century market town, with a unique offer based on individual retail development supported by good

quality leisure and cultural facilities. The aim is to attract visitors to Barnsley and improve the Borough as a place to live, encouraging investment in the town centre.

4.117 The proposals are considered to be fully compliant with the objectives and policies of the draft Core Strategy.

4.118 The Barnsley Markets Project is therefore referred to as being key to achieving many of the aims of the draft Core Strategy. The scheme's value is further underlined by its designation as a specific development site in the Town Centre Action Plan (Preferred Options) 2005. Identified as "Policy AAP10: The Barnsley Market Project", it states that:

"The area identified on the Proposals Map will be redeveloped to create a new retail and leisure centre for Barnsley. The development will include a retail market, shops, a cinema, other leisure uses, offices, homes, food and drink outlets, public spaces and a car park".

4.119 The emerging LDF will seek to change the mix and range of uses within the town centre over the life of the Plan in order to meet the needs of Barnsley's residents, extend the town's economic base and attract new visitors. The Town Centre Action Plan (Preferred Options) 2005 identifies the Barnsley Markets Project as the main driver of many of these changes and in particular, those changes relating to shops and services; the market; pubs, cafes, nightclubs and restaurants; hotels; and cultural and leisure facilities.

4.120 The written justification for the Barnsley Markets Project is presented in a single sentence which summarises how important the scheme is to safeguarding the town's future health and vibrancy in the face of intense competition from other centres and retail facilities in the Yorkshire region:

"The Barnsley Markets Project is a major part of the town centre's redevelopment".

4.121 The draft Town Centre Action Plan also refers to the importance of its parks, squares and other public open spaces to the people who live in the town, work there or are visiting. Policy AAP17 refers to the method of providing public spaces, and states that:

"Proposals which include new public space or relate to an area of existing public space must consider the design and appearance of the pubic space, in line with the approved public realm strategy. Proposals must:

- **create a good relationship between public space and nearby buildings;**
- **provide for pedestrians through the site;**
- **include full details of materials to be used, which should generally be in our approved list of materials;**
- **include details of a lighting scheme; and**
- **include details of appropriate public art to be provided as part of the scheme."**

4.122 The proposals specifically address the need for public open space, and include it as an integral part of the development. Specific consideration has been given to public access into the site, and routes through it and beyond as explained in more detail in chapter 13 (Public Realm). In this manner these objectives of the emerging LDF are met.

4.123 The proposals therefore not only adhere to the objectives of the adopted UDP, which was originally envisaged to extend up to 2001, but also the emerging LDF, particularly those elements relating to the Town Centre and, specifically, this site.

Mitigation Measures

4.124 The proposals, the subject of this Statement have evolved through extensive consultation with the Council and therefore incorporate mitigation at the design stage. The process of environmental impact assessment has also led to the scheme being amended further, particularly with respect to its relationship with its surroundings and the residents there-in.

4.125 Specific mitigation measures are proposed for the topic areas considered by each chapter and set out within them. It is not, therefore, proposed to reiterate those findings here, particularly without the appropriate explanation.

Monitoring Programme

4.126 Suitable controls in respect of the development can be provided, where necessary, through the imposition of appropriate conditions.

4.127 Any conditions imposed in respect of the use of the various components of the site will be the subject of scrutiny by adjoining uses, as a result of the mixed use nature of the proposals. This provides in-built monitoring of the site.

Alternative Scenarios

4.128 Best practice in respect of the undertaking of an environmental impact assessment requires that reference be made to any alternative forms of development considered for an application site. Best practice also requires that proposals for the redevelopment of a site evolve through extensive consultation with statutory consultees and local groups.

4.129 Whilst emerging LDF policy prescribes the aspirations for this site, the form and layout of the development proposed have evolved through numerous meetings of the applicant's specialist consultants with the Council, and relevant parties, which includes an extensive consultation with retailers and other concerned parties, in association with the Council.

4.130 The scheme has, therefore, been amended as a result of the input of each topic area considered by this Statement, with alternative layouts being considered as part of the design process. This has culminated in the application scheme the subject of this Statement.

Robustness of Analysis

4.131 The assessment of the existing situation in the area, as well as the potential impact of the proposed development upon it, is based upon pertinent planning policy and on site data. This assessment has been made by suitably qualified individuals, and is, therefore, considered to be robust. Particular problems encountered in respect of each topic area will, however, be reported within the relevant chapter.

Summary and Conclusions

4.132 This chapter has considered the relationship of the proposals with the development plan, comprising Regional and Local Planning Policy, as well as national planning guidance and emerging local policy aspirations. It is considered that the proposals perform well with respect to the overarching objectives and requirements of all elements of policy and guidance.