BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0293

To Signet Planning Ltd.
12B Hornbeam Park Oval
Hornbeam Park
Harrogate
HG2 8RB

DESCRIPTION Variation of condition 39 of planning consent 2006/1082. (2007/0271 Extension of time limit)

LOCATION Land between Cheapside/May Day Green/ Kendray Street/ Lambra Road east of rail way line/ The Barnsley Markets site/ and the land west of railway line, formerly the CEAG site between Kendray Street and Harborough Hill Road, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 18 March 2010 and described above.

The approval is subject on compliance with the following conditions:

1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

(a) scale of buildings
(b) the design and external appearance of the proposed development.
(c) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

Stephen Moralee

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Assistant Director, Planning and Transportation

Dated 03 June 2010

Planning and Transportation Service **Telephone: 01226 - 772000**
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3 The development hereby approved shall be carried out strictly in accordance with the Environmental Statement, prepared by Signet Planning, dated June 2006, and the submitted plans, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with UDP Policy BE6, Design Standards.

5 Detailed plans shall accompany the reserved matters submission indicating full foul and surface water drainage details, including a scheme for surface water run-off limitation and a programme of works for implementation. Where soakaways are proposed, porosity tests shall be carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and calculations based on the results of these porosity tests shall be submitted to prove that adequate land area is available for the construction of the soakaways. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been fully implemented and the scheme shall be retained throughout the life of the development, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure proper drainage of the area

6 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of sustainable development and in accordance with RSS policy ENV 5.

7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- Phasing of the development
-The parking of vehicles of site operatives and visitors
-Means of access for construction traffic
-Loading and unloading of plant and materials
-Storage of plant and materials used in constructing the development
- Full traffic management measures and proposed pedestrian routes throughout all stages of the development
- Full demolition proposals including measures to protect the existing highway network
-The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
-Wheel washing facilities
-Measures to control the emission of dust and dirt during construction
-Measures to control noise levels during construction
-A scheme for recycling/disposing of waste resulting from demolition and construction works
Reason: In the interests of highway safety, residential amenity and visual amenity.

8 No development shall take place until the applicant, their agent, or their successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that arrangements are made to record, or preserve in situ, considerable archaeological remains present on a development site, as mitigation.

9 No development shall take place until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority which shall specify the measures and provisions to be made to protect the residential development against vibration from the adjacent railway line. Thereafter the development shall be carried out in accordance with the approved scheme.
Reason: To ensure protection of the residential properties form vibration from the railway line.

10 No development shall take place until a scheme for the protection of Sough Dyke has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.
Reason: In order to protect the dyke that crosses the site.

11 No development shall take place until arrangements have been entered into to secure highway works to mitigate the effect of the development, and such works shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority prior to commencement of development. Such works shall comprise of: -
a) Signal controlled junction at the service entrance/ Wesley Road/ Lambra Road junction.
b) Signal controlled junction at the service egress / Kendray street junction, including provision of "green wave" for service vehicles over the level crossing.
c) Signal controlled junction at multi storey car park entrance/ Interchange Way/ Pontefract Road
d) Provision of VMS at various locations throughout the town centre.
e) New street lighting, highway drainage, road signage/lining
g) Provision of traffic regulation orders:
h) Carriageway/ footway resurfacing/reconstruction on all affected highways.
i) Provision of signal engineer parking bay at all three signal controlled junctions.
j) Details of all highway retaining structures
k) Coach drop off/pick up areas
l) Reinstatement of all redundant vehicular access points to kerbs and footways

The development shall be carried out in accordance with the approved details.
Reason: In the interests of highway safety.

12 No development shall take place on-site until a condition survey (including structural integrity) of the highways to be used by construction traffic has been carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developers expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of road safety.

13 No development shall take place until a scheme for attenuation measures to be incorporated into the design of the residential development, (including a detailed assessment of noise from the proposed development on the facade facing the development) such as to achieve a "good" standard inside residential properties, as specified by BS 8233, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
Reason: In the interests of residential amenity

14 Prior to occupation of the building/commencement of the use, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building/commencement of the use and, once installed, such plant or equipment should not be altered without prior written approval of the Local Planning Authority.
Reason: In the interest of visual and residential amenity

15 Prior to occupation of the building/commencement of the use, full details of the proposed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arisings. Prior to the occupation of the building/commencement of the use, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.
Reason: In the interests of encouraging recycling and visual amenity.

16 Prior to the occupation of the building a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.
Reason: In the interests of sustainable development.

17 The parking/manoeuvring facilities, indicated on the approved plan shall be provided prior to the development is brought into use, and thereafter shall be retained for that sole purpose at all times.
Reason: In the interest of road safety.

18 Unless otherwise agreed in writing by the Local Planning Authority and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or other obstruction shall be located over or within:
a) 3.0 (three) metres either side of the centre line of the water mains, which cross the site
b) 5.0 (five) metres either side of the centre line of the 900mm, 1050mm and 1200mm combined sewers, which cross the site.
C) 6.5 (six point five) metres either side of the centre line of the 750mm and 1000mm combined sewers, which cross the site.
d) 6.0 (six) metres either side of the centre line of the 525mm and 675mm combined sewers, which cross the site.
e) 4.0 (four) metres either side of the centre line of the 300mm, 450mm and 600mm combined sewers, which cross the site
f) 6.5 (six point five) metres either side of the centre line of the 1200mm surface water sewer, which crosses the site
g) 3.0 (three) metres either side of the centre line of the 150mm, 225mm and 375mm public sewers, which cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.

19 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interests of road safety.

20 With the exception of the multi-story car park, the development shall not be brought into use until the pedestrian link bridge is available for use, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of road safety.

21 The multi storey car park shall be used for the purpose of public short stay and residential parking only.
Reason: In the interests of sustainable development.

22 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.

Reason(s) for Granting Permission

1 Unique The proposal for a mixed-use town centre redevelopment remains consistent with the aims and objectives of Planning Poilcy Statement 1 - Delivering Sustainable Development, Planning Policy Statement 3 - Housing, Planning Policy Statement 4 - Planning for Sustainable Economic Growth, Yorkshire and Humber Regional Spatial Strategy policy YH4 and the requirements of Barnsley Unitary Development Plan saved policies TC1, TC5, TC20, TC25, TC37, TC41 and T2 as well as the emerging Town Centre Area Action Plan and Local Development Framework. In addition, it is considered that the environmental impacts set out in the Environmental Statement have not significantly changed since the original permission was granted and as such, subject to the condition imposed, it is considered that the proposed development would not cause unacceptably adverse environmental impacts.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

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