



# BARNLSLEY

Metropolitan Borough Council

## GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0549

**To** IBI Group  
Chadsworth House  
Wilmslow Road  
Handforth  
Cheshire  
SK9 3HP

**DESCRIPTION** 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.


**LOCATION** Barnsley Markets and adjoining land at Cheapside, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 12 May 2015 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.**

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

Signed   
Head of Planning and Building Control

Dated 08 July 2015

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) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) 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.**

3 No phase of development shall take place, until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for that phase. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Phasing of the development
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- 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

The works shall be completed in accordance with the approved details and a timetable shall be submitted and approved in writing by the Local Planning Authority.

**Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**

4 No development shall take place of any phase of the development until full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation of that phase, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

**Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

5 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.

**Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

- 6 Details shall accompany each phase of the reserved matters of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.  
**Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.**
- 7 All buildings within the proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.  
**Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.**
- 8 Notwithstanding the details submitted within the ecological assessment detailed plans shall be submitted with the Reserved Matters application indicating biodiversity mitigation and enhancement measures. Thereafter the development shall proceed in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 9 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all buildings 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 in accordance with Core Strategy Policy CSP 29, Design.**
- 10 Prior to commencement of development full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 11 Unless agreed through the detailed submission of Reserved Matters, no building or other obstruction shall be located over or within:
- 3.0 (three) metres either side of the centre line of the 150mm, 225mm and 375mm public sewers, which cross the site
  - 4.0 (four) metres either side of the centre line of the 300mm, 450mm and 600mm combined sewers, which cross the site.
  - 5.0 (five) metres either side of the centre line of the 900mm, 1050mm and 1200mm combined sewers, which cross the site,
  - 6.0 (six) metres either side of the centre line of the 525mm and 675mm combined sewers, which cross the site or
  - 6.5 (six point five) metres either side of the centre line of the 750mm and 1000mm combined sewers, which cross the site.
  - 6.0 (six) metres of the of the culverted watercourse (Sough Dyke), which crosses the site,
- Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 12 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 Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 13 No development shall take place until an Detailed Risk Assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.**

- 14 No development shall take place of any phase of the development until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures relevant to that phase of the development. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.**
- 15 No development shall take place on any phase of the development until the applicant, their agent, or their successor in title, has secured the implementation of an archaeological watching brief in accordance with a scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. In the event that archaeological features are disturbed during the proposed development, mitigation measures should be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall proceed thereafter in accordance with the approved mitigation measures.  
**Reason: To ensure that arrangements are made to record, or preserve in situ, considerable archaeological remains in accordance with Core Strategy policy CSP 30.**
- 16 Prior to commencement of development, an air quality assessment, including details of proposals to mitigate the air quality impact of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.  
**Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Core Strategy policy CSP 40.**
- 17 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.**

- 18 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- a) provision of a signal controlled junction at the Wesley Road/Lambra Road
  - b) provision of a signal controlled junction at Lambra Road/Pontefract Road;
  - c) provision of VMS at various locations throughout the town centre;
  - d) any necessary changes to street lighting;
  - e) any necessary changes to drainage;
  - f) provision of and any necessary changes to Traffic Regulation Orders;
  - g) carriageway/footway resurfacing/reconstruction on all affected highways;
  - h) any necessary signing/lining;
  - i) provision of signal engineer parking bay at the signal controlled junctions;
  - j) provision of motorcycle/cycle parking
  - k) provision of coach parking facilities
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**
- 19 Prior to the construction of the bridge full details including structural calculations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans and details.
- Reason: In the interests of pedestrian and railway safety.**
- 20 Prior to the occupation of the buildings of each phase of the development a 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: To encourage use of non-car transport, in the interests of sustainable development and in accordance with policy CSP25.**

## Informative(s)

*Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.*

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals in the adopted Core Strategy and saved policies of the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

### Core Strategy Polices

CSP 1 Climate Change  
CSP 3 Sustainable Drainage Systems  
CSP4 Flood Risk  
CSP5 Including Renewable Energy in Developments  
CSP8 The Location of Growth  
CSP25 New Development and Sustainable Travel  
CSP26 New Development and Highway Improvement  
CSP 27 Parking Strategy  
CSP29 Design  
CSP30 The Historic Environment  
CSP31 Town Centres  
CSP39 Contaminated Land  
CSP40 Pollution Control and Protection

### Saved UDP Policies

S1 'Shopping/Commercial Centres'  
TC1 - 'Development of the Defined Central Shopping Area'  
TC20 - Design and Materials'  
SPDs/SPGs

### Emerging Local Plan

Proposed allocation: Town Centre  
Town centre area action plan policies:  
BT13  
AAP3 - Public Spaces

### NPPF

Chapter 1 Building a strong, competitive economy  
Chapter 2 Ensuring the vitality of town centres  
Chapter 4 Promoting sustainable travel  
Chapter 7 Requiring good design  
Chapter 10 Meeting the challenge of climate change  
Chapter 12 Conserving and enhancing the historic environment

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

- 2 Please see attached copies of consultation responses from Yorkshire Water, The Coal Authority and Network Rail, which set out their requirements over and above those contained with the planning conditions.

- 3 Actions to be considered in relation to condition 16 may include membership of the ECO Stars fleet recognition scheme for all HDV operators delivering to and collecting from the proposed development (during construction and operational phases); exclusion of older (actual specification to agreed) EURO specification HDV vehicles delivering to and collecting from the proposed development (during construction and operational phases); rerouting of HDVs delivering to and collecting from the proposed development away from particularly sensitive poor air quality areas (during construction and operational phases); delivery and collection of goods (during construction and operational phases) outside of peak congestion hours by HDVs delivering to and collecting from the proposed development; provision of an agreed number of cycle storage facilities for users of the completed development; provision of an agreed number of electric charging points for cars using the public car parks; signage of bus timetable information at the development.
- 4 The granting of planning permission does not effect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from [www.naturalengland.org.uk](http://www.naturalengland.org.uk)
- 5 Under the terms of the Land Drainage Act 1991, the prior written consent of the Environment Agency is required for any proposal to divert, culvert or otherwise obstruct the flow in any watercourse (including the provision of a connection to a culvert).

## **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.