BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0714

To Signet Planning Limited
Signet Planning Limited
The Hamlet Hornbeam Park
Harrogate
North Yorkshire
HG2 8RE

DESCRIPTION Mixed-use redevelopment, comprising demolition of existing buildings on application site and replacement with retail and leisure elements, including new market, multi-storey car park and surface-level car park, new pedestrian routes, public realm, means of access and landscaping.

LOCATION The Barnsley Market Site and Former CEAG site, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 21 June 2011 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications:

AL (00) 000, SK 700, AL (00) 008, AL (00) 009, AL (00) 010, AL (00) 011, AL (00) 012, AL (00) 013, AL (01) 001, AL (01) 002, AL (01) 003, AL (01) 004, AL (01) 100, AL (01) 101, AL (01) 102, AL (02) 001, AL (02) 002, AL (90) 002,
Phasing Plans in Chapter 15 of the ES
The various mitigation measures indentified in the ES
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

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 07 September 2011

Planning and Transportation Service **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

4 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/multi storey junction;

b) provision of signal controlled junction at the service egress/Kendray Street junction including the provision of a "green wave" for service vehicles over the level crossing;

c) provision of signal controlled junction at the junction of the surface car park/Interchange Way/Pontefract Road;

d) provision of VMS at various locations throughout the town centre;

e) any necessary changes to street lighting;

f) any necessary changes to drainage;

g) provision of and any necessary changes to Traffic Regulation Orders;

h) carriageway/footway resurfacing/reconstruction on all affected highways;

i) any necessary signing/lining;

j) provision of signal engineer parking bay at all three signal controlled junctions;

k) reinstatement of all redundant vehicular footway crossings as kerb and footway

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.

5 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 unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:
-The phasing of works within each phase
-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 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
-Temporary pedestrian routes throughout the construction phases, including surfacing and signage
-Temporary relocation of CCTV equipment where necessary throughout the construction phase
-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.

6 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.

7 No development shall take place 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 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 UDP policy BE4 and Core Strategy policy CSP 30.

8 No development shall take place 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 shall 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. The scheme shall 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. The remediation scheme shall be implemented in accordance with the approved timetable of works, unless otherwise approved in writing by the Local Planning Authority. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Planning Authority.
Reason - to protect the environment and ensure the site is suitable for the proposed use.

9 Prior to commencement of development 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 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Core Strategy policy CSP 40.

10 No development shall take place until full foul and surface water drainage details, including a scheme for the provision and implementation of surface water run-off limitation to reduce the discharge from the site by 30% have been submitted to and approved in writing by the Local Planning Authority. For surface water draining from areas of hard-standing, details shall include a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer which shall be designed and constructed to have a capacity compatible with the area being drained

Thereafter each phase of the development shall not be occupied or brought into use until the approved drainage scheme for that phase has been fully implemented. 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 in accordance with Core Strategy policies CSP1, CSP 3 and CSP 4.

11 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.

12 Prior to commencement of development, details of an easement on which no buildings or other permanent obstruction shall be placed to allow maintenance and future works on Sough Dyke, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details and the easement shall be retained free from buildings or permanent obstructions thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of ensuring Sough Dyke can be adequately maintained.

13 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.

14 Prior to commencement of development full details of the proposals identified to be provided during the build in Section 9 (Conclusion) of the Outline Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided during the build in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Prior to occupation of the buildings/commencement of use, full details of the proposals identified to be provided on occupation/opening in Section 9 (Conclusion) of the Outline Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided on occupation/opening in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Within six months of the site becoming operational, full details of the proposals identified to be provided within 6 months of occupation in Section 9 (Conclusion) of the Outline Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided within 6 months of occupation in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of sustainable transport, in accordance with UDP policies T14, T26 & T27 and Core Strategy policy CSP 25.

15 Prior to commencement of development full details of the service yard ramps (access and egress) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. Elsewhere, vehicular and pedestrian gradients within the site shall not exceed 1:12, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of road safety.

16 Upon commencement of construction of phase 1, full details of the market stall design shall be submitted to and approved in writing by the Local Planning Authority. The stalls shall be installed in accordance with the approved details prior to occupation of the buildings/commencement of uses in phase 1and retained as such thereafter.
Reason: In the interest of visual amenity and public safety, in accordance with UDP policies BE6 and BE6A and Core Strategy Policy CSP 29.

17 Upon commencement of construction of phase 1, full details of the rendering, including texture and colour, of the rear wall (back) of Burlington Arcade shall be submitted to and approved in writing by the Local Planning Authority. The wall shall be rendered in accordance with the approved details prior to occupation of phase 1 and maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of visual amenity, in accordance with UDP policy BE6 and Core Strategy policy CSP 29.

18 Prior to occupation of the building/commencement of the use of each phase, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, or 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 of each phase 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

19 Prior to occupation of the building/commencement of the use of each phase, 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 of each phase, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of encouraging recycling and visual amenity.

20 Prior to commencement of development a shop front design guide setting design parameters for the shop fronts throughout the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of each shop, details of the shop front, which shall be in accordance with the parameters set in the design guide, shall be submitted to and approved in writing by the Local Planning Authority. The shop front shall be installed in accordance with the approved details.
Reason: In the interest of visual amenity in accordance with UDP policy BE6 and Core Strategy policy CSP 29.

21 Upon commencement of development details of a disabled adult changing facility to be provided within the development shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be provided prior to occupation of the development/commencement of the use and shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To meet the needs of disabled people in accordance with Core Strategy policy CSP 29.

22 Upon commencement of development full details of remedial work to the building on the north side of Kendray Street following demolition of the link bridge shall be submitted to and approved in writing by the Local Planning Authority. The work shall be implemented in accordance with the approved details prior to occupation of phase 1, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity

23 Prior to commencement of phase 2, details of off street parking provision for upto 4 coaches within the town centre shall be submitted to and approved in writing by the Local Planning Authority. The approved coach parking provision shall be made available following commencement of phase 2 and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety.

24 Prior to commencement of phase 2, full details of public realm/landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include proposed materials, all street furniture, balustrades, all external lighting, location of CCTV equipment species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees to be retained. The approved hard landscaping/public realm details shall be implemented prior to the occupation of the building(s) within phase 2 of the development unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the locality.

25 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings in phase 2 or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality.

26 A management plan for all landscaped areas and common parts, including management responsibilities and maintenance schedules, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the locality.

27 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, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of sustainable development in accordance with Core Strategy policy CSP 2.

28 The development's carbon dioxide emissions shall be reduced by at least 15% by incorporating the measures identified on pages 16-18 of the Barnsley Markets Sustainable Design and Renewable Energy Report - Revision E. 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, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

29 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 unless otherwise agreed in writing by the Local Planning Authority..
Reason: In the interest of road safety.

30 Unless otherwise agreed in writing by the Local Planning Authority, construction or remediation work comprising the use of plant, machinery or equipment, 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 and Core Strategy policy CSP 40.

31 Unless otherwise agreed in writing by the Local Planning Authority, the car parks shall be used for public short stay parking only.
Reason: In accordance with the town centre car parking strategy and Core Strategy policy CSP 25.

Reason(s) for Granting Permission

1 Unique The proposal for a mixed-use town centre redevelopment is consistent with the aims and objectives of Planning Policy Statement 1 - Delivering Sustainable Development, 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 TC17, TC20, TC21, TC22, TC25, TC27, TC35, TC38, TC 39, BE6, BE6A, BE6B, BE6C, ES1, ES7, ES8, T2, T14, T17, T18, T22, T26 and T27 as well as policies CSP 1, CSP 2, CSP 3 SuDs, CSP 4, CSP 5, CSP 8, CSP 25, CSP 26, CSP 29, CSP 31, CSP 39 & CSP 40. In addition, subject to the condition imposed, it is not considered that the proposed development would cause unacceptably adverse environmental impacts.

Informative(s)

1 Details submitted in relation to condition 3 should include sqm panels of the various external materials showing how the tiles are fixed to the building and how tiles at lower level (i.e. below 2.4m in height) will be reinforced to ensure they are sufficiently robust. Other details shall include exact type of tile and the supplier and exact details of the steel structure around openings.

2 Actions to be considered in relation to condition 9 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.

3 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.

4 Under the terms of the Water Resources Act 1991, and the Land Drainage Act 1991, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Sough Dyke, designated a 'main river'.

5 It is recommended that all buildings conform to the specifications found in the Secured by Design guidelines at www.securedbydesign.com, including the inclusion of shop windows with laminated glazing (minimum BS EN 356 Class P3A) and that both car parks meet the 'Park Mark' standard.

6 The details submitted in relation to condition 23 shall reflect the Council's adopted Public Spaces Strategy.

7 It is recommended that the developer works closely with Barnsley Metropolitan Borough Council on ensuring the construction contract secures maximum benefit to the local economy by ensuring the opportunities for the procurement of local contractors and the recruitment and training of local residents is built into the Invitation to Tender (ITT) documents. In preparing the ITT, the developer is requested to work closely with the Council's nominated officer, ensuring appropriate obligations are contained for the appointed contractor to recruit and train employees from the community and subsequently supply the required information for monitoring purposes.

Furthermore, it is recommended that the developer uses reasonable endeavours to encourage perspective retailers to adopt a similar recruitment and training approach to the construction contract, ensuring that during the recruitment phase retailers work closely with the Council's nominated officer to maximise training and employment opportunities for local people.

8 It is recommended the Developer works closely with Barnsley Metropolitan Borough Council to make full use of the town centre wide WiFi initiative providing free public access for a period of three years initially. Developers are encouraged to work closely with the Council's nominated officer to include this service within the Barnsley Markets development and explore continuation beyond the trial period. Across the South Yorkshire region, there is a roll out of Digital Region high speed broadband services plus ancillary projects and programmes at Sheffield City Region Local Enterprise Partnership level to get the population online and encourage greater provision of public services digitally. Developers are encouraged to work closely with the with BMBC teams and through these the regional projects and programmes to ensure the markets are connected with the potential additional trading and learning opportunities that arise as a result of Wifi network in the town centre.

Planning and Transportation Service **Telephone: 01226 - 772600**
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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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