BARNSLEY
Metropolitan Borough Council

Growth and Sustainability
Regeneration and Culture
Planning, Policy and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2024/0048

To HLM Architects
The Ruskin Building
2nd Floor
Tudor Square
Sheffield
S1 2LA

DESCRIPTION Variation of condition 2 of planning application 2022/0521 : (Refurbishment of existing building to create new multi-purpose units at ground and first floor available for retail, consumption of food mostly on the premises and drinking establishment or offices purposes (Use Classes E (a), E (b) E (g) (iii) and Sui Generis), refurbished office space on second floor, creation space on third floor and associated external alterations including new shop fronts and theatre access on Eldon Street frontage, reconfiguration of lift and toilet facilities) to make a minor amendment to the third floor plans and shop front details

LOCATION The Civic, Barnsley Civic Enterprise, Hanson Street, Barnsley, S70 2HZ

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 25/01/2024 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby approved shall be carried out strictly in accordance with the amended plans:

BC-HLM-01-XX-DR-A-00001-P01
BCE-HLM-01-ZZ-DR-A-00621-P01
BCE-HLM-01-ZZ-DR-A-00600-P01
BCE-HLM-01-01-DR-A-00601-P01
BCE-HLM-01-02-DR-A-00602-P01
BCE-HLM-01-03-DR-A-00154-C03
BCE-HLM-01-B1-DR-A-00605-P01
BCE-HLM-01-ZZ-DR-A-00631-P01
BCE-HLM-01-00-DR-A-25002-C02
Design and Access Statement (April 2022 Revision P02)
Revised Travel Statement (Received 19 07 2022)
Heritage Impact Statement (Rev. 04)
Noise Impact Assessment (Produced by Hepworth Acoustics Ltd. Report no. P19-389-R05v2 Dated May 2022)

Lighting Report (Produced by BDP. Document no. BC-BDP-XX-XX-RP-YX-70-8002)

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

2 Prior to the commencement of development, the following heritage and conservation details shall be submitted to and approved in writing by the LPA:

(Parts a - d previously discharged)

e) Details of the conservation approach to the tiles in the ground floor entrance corridor (1910) and the earlier (1878) encaustic tiles in ground floor lobby areas. In particular, the level of intactness of the encaustic tiles needs to be understood to expose and conserve these features.

f) Further details within the lighting strategy in terms of fixing locations and methods upon the Eldon Street façade and the effect on the overall elevation at night.

Reason: To protect the historic fabric of the Listed Building, in accordance with Local Plan Policy HE3.

3 The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within six months of occupation, evidence of the implementation of measures set out in the Travel Plan shall be prepared, submitted to and agreed in writing with the LPA.

Reason: To support sustainable transport objectives, in accordance with Local Plan Policy T4: Sustainable Travel.

4 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:

- 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
- Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of highway safety.

5 The external materials shall match those used in the existing building in every respect unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policies D1 - High Quality Design and Placemaking and HE3 - Development affecting Historic Buildings.

6 The proposed external lighting units shall be adequately shielded to ensure that no light is directly transmitted toward the highway.

Reason: To prevent light causing a distraction to highway users in the interests of highway safety.

7 The noise mitigation measures described in The Planning Noise Assessment produced by Hepworth Acoustics dated May 2022 ref:P19-389-R05v2, shall be implemented. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

8 Any sound from fixed plant, when considering the cumulative impact of all sources, shall not exceed 47 dB LA,r for plant operating at any time throughout a 24h period and 53 dB LA,r for plant operating between 07:00 and 23:00 at the closest receptors, so as not to exceed the typical background sound level, after accounting for any acoustic feature corrections.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2 The granting of planning permission does not affect 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.

3 You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), or to place any equipment, materials in , on, above or abutting a highway requires you to have a licence. Further details are available on the BMBC website at: https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/ or by contacting Streetworks@barnsley.gov.uk
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4 No hoarding shall be erected on or within the extent of the public highway without the prior approval of the Local Highway Authority and the necessary licencing being obtained. Applications for licences can be made via: https://www.barnsley.gov.uk/services/roads-traveland-parking/road-licences/licences-for-scaffolding-and-hoardings/.

5 It is an offence under the Highways Act 1980 for anyone to deposit anything on the highway which may cause a nuisance or possible danger to road users.

6 Section 153 of the Highways Act 1980 requires that doors, gates and windows do not open outwards over the public highway. The risk to users of an outward opening ground floor door, window or other obstruction must always be avoided.

7 A public right of way runs alongside the proposed development site. Safe public access on the right of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the path and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time then a temporary closure must be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information contact publicrightsofway@barnsley.gov.uk
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8 Any new signage will require submission of an advertisement consent application in addition to a parallel listed building consent application. Such applications can be submitted via planningportal.co.uk.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed: Dated: 13 March 2024



Garry Hildersley
Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

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

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.