



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/0279

To HOW Planning LLP
40 Peter Street
Manchester
M2 5GP

DESCRIPTION Erection of permanent structures and associated public realm works.
LOCATION Land at: Cheapside, Eldon Street, Midland Street, Kendray Street, May Day Green, Queen Street, Peel Square, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 14 March 2018 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 plans and specifications as approved unless required by any other conditions in this permission:-

Ref. BBTC_IBI_XX_G700_SP_00_09_2 - Boundary Plan;
Ref. BBTC_IBI_XX_G700_PL_00_03 - Existing Site Plan;
Ref. BBTC_IBI_XX_G700_PL_00_02_D - GA Plan Whole Site;
Ref. BBTC_IBI_XX_G700_PL_00_01_2 - Combined Rendered Plan;
Ref. BBTC_IBI_N4_G700_SE_00_01_A - Sections A-C Midland Street;
Ref. BBTC_IBI_N4_G700_PL_00_15 - GA Plan Midland Street;
Ref. BBTC_IBI_N4_G700_PL_00_02_A - Levels Plan Midland Street;
Ref. BBTC_IBI_N4_G700_PL_00_01 - GA Plan Phase C;
Ref. BBTC_IBI_N3_G700_SE_00_01_A - Sections A-F;
Ref. BBTC_IBI_N3_G700_PL_00_19_B - GA Plan Peel Square;
Ref. BBTC_IBI_N3_G700_PL_00_18 rev A - GA Plan Cheapside and Queen Street;
Ref. BBTC_IBI_N3_G700_PL_00_17 rev A - GA Plan Cheapside;
Ref. BBTC_IBI_N3_G700_PL_00_04_A - Levels Plan - Peel Square;
Ref. BBTC_IBI_N3_G700_PL_00_03_A - Levels Plan - Cheapside and Queen Street;
Ref. BBTC_IBI_N3_G700_PL_00_02_A - Levels Plan - Cheapside;
Ref. BBTC_IBI_N3_G700_PL_00_01_B - Public Realm Phase 3;
Ref. BBTC_IBI_N1_G700_SP_00_07_3 - Public Realm Phasing;
Ref. BBTC_IBI_N1_G700_SE_00_01_A - Sections Main Square;
Ref. BBTC_IBI_N1_G700_PL_00_22 - Level Plan Arcade;
Ref. BBTC_IBI_N1_G700_PL_00_21 - GA Plan Arcade;
Ref. BBTC_IBI_N1_G700_PL_00_20_A - Levels Plan Main Square;

Ref. BBTC_IBI_N1_G700_PL_00_16_B - GA Plan Main Square; and,
Ref. BBTC_IBI_N1_G700_PL_00_01 - General Arrangement Plan Phase B.
Ref BBTC-IBI-N3-L-G700-PL-00-01 rev C - Public Realm General Arrangement Plan - Phase A

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 Upon commencement full details of the proposed external materials 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.

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 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
- 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

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

- 5 Vehicular and pedestrian gradients within the site shall not exceed 1:12.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 6 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be 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 developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 7 Upon commencement 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, 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.

Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

- 8 Upon commencement of development full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved hard landscaping details shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

- 9 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 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 others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the completion of the development. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 11 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.
- 12 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings 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;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
The development shall be carried out in accordance with the approved report including any remedial options.
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.
- 13 Prior to the erection of any market stalls or pods full design details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 14 Upon 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:
 - Definition of highway boundary;
 - Provision of bollards to control vehicular movement;
 - Provision of street furniture;

- Relocation of CCTV camera on Lambra Road;
- Measures to control parking both during construction and for the final scheme;
- Measures to control loading both during construction and for the final scheme;
- Relocation of taxi rank;
- Provision of/ relocation of street lighting;
- Provision of/ relocation of highway drainage
- Any necessary signing/lining;
- Provision of 10% of each specialist material for future maintenance;
- Any necessary resurfacing/reconstruction

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.

- 15 Vehicular and pedestrian gradients within the site shall not exceed 1:12.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 16 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Phasing details shall include interim arrangements during the construction of each phase. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.

- 17 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.

- 18 Development shall not commence until an interim servicing strategy for each phase of development has been submitted to and approved in writing by the Local Planning Authority, once approved it shall be strictly adhered to at all times. The plan shall include for the management of all delivery vehicles, pedestrians, the number of vehicles permitted at any one time, the use of banksmen, a highway cleansing strategy, a waste strategy and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 19 Each phase of development shall not be brought into use until a servicing strategy for the permanent market stalls has been submitted to and approved in writing by the Local Planning Authority. Once approved it shall be strictly adhered to at all times. The plan shall include for the management of delivery vehicles, pedestrians, the use of banksmen and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery,

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

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.

Please be aware that the Council monitors construction sites and open land within the vicinity 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 the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated: 25 July 2018

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.