BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1504

To Mr Nigel Cusson
Development Planning Partnership LLP
Apsley House
78 Wellington Street
Leeds
LS1 2EQ

DESCRIPTION Variation of Condition 1 of Planning Consent 2007/0854 - changes to car park layout, loss of fur and feather market building and landscaped/seating area, amendment to sub-station location, creation of entrance lobby, and alterations to site level of store.

LOCATION Penistone Market Area, St. Mary's Street/ Market Street, Penistone, Sheffield

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 01 December 2009 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby approved shall be carried out in strict accordance with the amended plans and specifications received on 23rd February 2010 (Drawing No. 4592 P10f, 4592 P28e, and 4592 P13d), unless prior written consent has been given by the Local Planning Authority to any minor variation.
Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy BE6, Design Standards.

2 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.
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 10 March 2010

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3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, 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. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality.

4 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 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.

5 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works for the demolition, development stage and completed project has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. The FRA identifies existing drainage problems on this sloping site, a temporary drainage scheme should be put in place to ensure that surface water run-off does not cause flooding to third parties during the construction of this development.

6 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
Reason: To prevent the increased risk of flooding.

7 No development shall take place unless and until full foul and surface water drainage details (including land drainage) with levels and cross sections, have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the proper drainage of the area.

8 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water mains, which cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.

9 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers, which cross the site
Reason: In order to allow sufficient access for maintenance and repair work at all times.

10 The site shall be developed with separate systems of drainage for foul and surface water on and off the site.
Reason: In the interests of satisfactory and sustainable drainage.

11 Unless otherwise approved in writing by the Local Planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

12 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: In order to protect any archaeological remains present on the site.

13 Any visibly contaminated, noxious or odorous material encountered onsite during the development work must be excavated and stockpiled at the site. The Local Planning Authority must be informed immediately, and information on the nature and degree of contamination of this material will be required. Details of the appropriate measures to prevent any pollution shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved measures.
Reason: To protect the environment and ensure the site is suitable for the proposed use.

14 Details of any lighting, especially on the car parking area, shall be submitted to and approved in writing by the Local Planning Authority before the retail store commences operating. Development shall be carried out in accordance with the approved details.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property.

15 Prior to commencement of use of the store details of the public art scheme to be erected shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the retail store commences operating.
Reason: In the interests of the visual amenities of the area.

16 The developer/contractor shall provide:
- A wheel wash bath/jet wash. All site vehicles to clean their wheels before accessing the highway.
- Regular street cleaning on the entrance road/s a minimum of 100m around the site entrance/s. Patch cleaning of sizable spills should also be undertaken as required throughout the day.
- All vehicle loads carrying loose loads of construction materials shall enter and leave the site effectively covered.
Reason: To maintain highway safety, protect local air quality and prevent nuisance due to dust.

17 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 8am to 6pm Monday to Friday and 9am to 2pm 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.

18 No deliveries to or collections from the completed development shall take place before 7am or after 10pm on weekdays and Saturdays; before 8am or after 6pm on Sundays and Bank Holidays.
Reason: To protect the amenity of the occupiers of neighbouring land from excessive noise during deliveries and collections.

19 Recommendations for noise attenuation works as detailed in paragraphs 4.4, 5.5, 6.4, 7.8, 7.9, 7.10, 7.11 and 8.5 of the Sharps Redmore Partnerships report dated 21st November 2006 shall be undertaken and installed as described. Following completion and commissioning of the development the effectiveness of the noise attenuation measures shall be checked by noise measurements undertaken by an appropriately qualified person using a calibrated sound level meter of Type 2 or better. These results shall be provided in a report to the LPA within 3 months of the commissioning of the store and associated development.
Reason: To protect the amenity of the occupiers of neighbouring land from excessive noise.

20 When providing the development with security measures (e.g. external PA s systems/bells, traffic calming measures, gates, etc.) the noise impact of such measures shall be considered to ensure the conclusions of the Sharps Redmore Partnership report dated 21st November 2006 are not compromised.
Reason: To protect the amenity of the occupiers of neighbouring land from excessive noise.

21 Prior to the commencement of use of the store a scheme shall have been submitted to and approved in writing by the Local Planning Authority detailing the use, operation, and management of the 202 space car park. This shall include details that the parking area shall be open to public use during opening hours i.e not only for Tesco users.
The development shall then proceed in accordance with the approved details.
Reason: In the interest of parking management of the site.

22 The retail sales area shall not exceed 2296 square metres unless otherwise agreed with the Local Planning Authority.
Reason: In the interest of the vitality and viability of the town centre.

23 The use of the store shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the commencement of use of the store. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with U.D.P. Policy BE6, Design Standards.

Reason(s) for Granting Permission

1 Unique The proposed re-development of the site is considered to be in accordance with the relevant policies of the development plan and with the approved Penistone Markets Area Planning Brief. It is considered that the proposal would not have a significant detrimental impact on highway safety or neighbouring amenities and that the benefits accrued through the regeneration of this area for a much needed supermarket facility outweighs the disbenefits through the loss of greenspace.

Informative(s)

1 The developer contractor shall ensure:
- Materials being moved or handled should be approached using a methodology to minimize noise and dust disruption.
- Drop heights from any tipping bucket should be minimized at all time.
- Dry material shall not be tipped or handled in dry or breezy conditions.
- Any unmade area of site and haulage routes within the site shall be dampened using bowsers/sprinkers/hoses in dry/windy weather. The frequency and method of dampening will depend on the weather conditions but should be adequate to prevent significant wind entrained dust.

2 Activities that produce large quantities of dust e.g. kerb cutting, shall be undertaken in a designated area. All cutting equipment etc. shall be fitted with functioning dust arrestment and this shall be used when appropriate. If necessary this area should be temporarily screened/sheltered to minimize the wind entrainment of dust.

3 When providing the development with security measures (e.g. external PA systems/bells, traffic calming measures, gates, etc.) the noise impact of such measures shall be considered to ensure the conclusions of the Sharps Redmore Partnership report dated 21st November 2006 are not compromised.

4 Any external lighting on the proposed site during and post construction shall be so arranged as to comply with the Institute of Lighting Engineers 'Guidance notes for the reduction of light pollution': 1994) and BS 5489 Road Lighting, Part 9 Code of Practice for lighting urban areas and public amenity areas: 1996.

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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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