



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0912

To DPP LLP
Apsley House
78 Wellington Street
Leeds
LS1 2EQ

DESCRIPTION Change to opening hours from 08:00 - 20:00 to 07:00 - 22:00.
(2011/0390 Minor Material Amendment).

LOCATION Former Market Street School, Market Street, Hoyland, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 29 July 2011 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development shall commence on or before 11th July 2014.
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 or if prior written consent is given by the Local Planning Authority to any variation. The approved plans are:
Site Plan 10842-20
Proposed Site Plan 10842-14RevE
Elevations 10842-10RevK
Proposed GA Layout 10842-16RevA
Proposed Roof Layout 10842-17Rev A
Existing Site Sections 10842-18 1 & 2
Proposed Tree Removal Plan 10842-22
Tree Survey
Electrical Services Proposed External Lighting Layouts 40179-E-01
Proposed Site Sections 10842-09RevE
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.
- 3 The parking/manoeuvring facilities indicated on the approved plan shall be hard surfaced and provided prior to the development being brought into use, and shall be retained for that

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 31 August 2011

sole purpose at all times.

Reason: In the interests of road safety

- 4 Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of: -
- a) provision of a right turn lane at the access to the site, including central island capable of accommodating pedestrians;
 - b) provision of a mini roundabout at the Wombwell Road/Market Street/Hawshaw Lane junction including any necessary high friction surfacing;
 - c) measures to prevent parking on Wombwell Road/Market Street/Hawshaw Lane/Kingswood Crescent as necessary;
 - d) any necessary signing/ lining;
 - e) any necessary alterations to/ provision of street lighting;
 - f) any necessary alterations to/provision of highway drainage
 - g) resurfacing/reconstruction of Wombwell Road/Market Street/ Hawshaw Lane as necessary
 - h) A signalised pedestrian crossing to Wombwell Road

Reason: In the interests of highway safety

- 5 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 interests of highway safety.

- 6 The gradient of vehicular and pedestrian accesses and car parking shall not exceed 1:12.
Reason: To ensure safe and adequate access.

- 7 Development shall not commence until details of all highway retaining structures, including specification and calculations, have been submitted to and approved in writing by the Local Planning Authority, and the development shall then be carried out in strict accordance with the approved details.

Reason: In the interests of highway safety.

- 8 Within 6 months of the development being brought into use 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. Once approved the Travel Plan shall be fully implemented
Reason: In the interests of sustainable development.
- 9 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.
 - Measures to control dust, mud and dirt during construction.
 - Measures to control noise levels during construction.
- Reason: In the interest of highway safety.**
- 10 Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until a scheme for disposing of surface water by means of a sustainable drainage system is approved by the Local Planning Authority. The scheme shall include the following details:
- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - A timetable for its implementation; and
 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.
- The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.
- Reason: To ensure proper, sustainable drainage of the area.**
- 11 There shall be no external storage within the service yard that would by virtue of its size and location prevent an articulated vehicle undertaking any manoeuvre within the service yard to allow it enter and leave in a forward gear.
Reason: In the interests of public safety.
- 12 No building or structure shall be placed or erected within 3 metres, measured horizontally from the outside edge of the pipe or culvert, of any sewer or culverted watercourse, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To prevent damage to the existing sewer or watercourse and to allow sufficient access for maintenance and repair work at all times.
- 13 Development shall not commence until details of parking for cycles/motorcycles have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be provided before the use commences and thereafter retained.
Reason: In the interests of sustainable development.

- 14 No development shall take place until full foul drainage details, 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, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure proper drainage of the area.
- 15 No development or other operations being undertaken on site shall take place until the following document has been submitted to and approved in writing by the Local Planning Authority:
- Tree protective fencing
Tree protection plan (TPP)
Arboricultural method statement (AMS)
- No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.
- 16 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.
- 17 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.
- 18 No hedges or trees on the site (either shown to be retained or proposed as part of an approved landscaping scheme) or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.
- 19 Prior to occupation of the building/commencement of the use, full details of security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light.

- 20 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,
 - archeological 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'.
- 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.**
- 21 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.**
- 22 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 15 years, 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.
- Reason: In the interests of the visual amenities of the locality.**
- 23 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 UDP Policy ES1, Pollution.**
- 24 Deliveries shall be only take place between the hours of 0700 & 2200 Monday to Saturday and between 0800 & 1800 on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.**
- 25 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating revised details of an acoustic barrier to the service yard. The development shall be carried out in accordance with the approved details before the use commences 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.**

- 26 The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority .
Reason: In the interest of sustainable development.
- 27 No vehicle mounted refrigeration units and audible reversing alarms shall operate outside the hours of 0700 & 2200 Monday to Saturday and between 0800 & 1800 on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.
- 28 Before the development is brought into use full details of the proposed footpath links into the site from Market Street and Wombwell Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and the footpath links shall thereafter be retained for public use.
Reason: In the interests of promoting convenient, safe and secure pedestrian accessibility.
- 29 Unless otherwise agreed in writing by the Local Planning Authority, the store shall only be open to the public between the hours of 07.00 - 22.00 hours on Monday - Saturday and between the hours of 08.00 - 20.00 on a Sunday.
Reason: In the interests of residential amenity.

Reason(s) for Granting Permission

- 1 Unique The proposed development makes use of a vacant and derelict brownfield site. The applicant has adequately demonstrated that the proposal would not lead to any significantly adverse impacts on Hoyland and Wombwell town centres and would retain a suitable level of open space. The proposal would lead to important employment generation and the revised opening hours would not have a significant detrimental impact on nearby residents in accordance with UDP policy ES1 and Core Strategy policy CSP 40.

Informative(s)

- 1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:
 - Collapse of shallow coal mine workings;
 - Collapse of, or risk of entry into, mine entries (shafts and adits);
 - Gas emissions from coal mines including methane and carbon dioxide;
 - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
 - Transmission of gases into adjacent properties from underground sources through ground fractures;
 - Coal mining subsidence
 - Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 2 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.

- 3 The applicant is advised that a Traffic Regulation Order and S278 Agreement will be required to facilitate the highway works specified in Condition 4.

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.