BARNSLEY
Metropolitan Borough Council

Place Directorate
Economic Regeneration
Planning and Building Control
Head of Service: Joe Jenkinson

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0987

To Savills (UK) Limited
Belvedere, 12 Booth Street
Manchester
Greater Manchester (Met County)
M2 4AW
United Kingdom

DESCRIPTION Variation of Condition 1 of planning permission B/05/1165/BA (which was previously varied by planning permission 2014/0663 to allow non-food retail use with upto 30% food retail use, of units 3C, 5 and 6) to allow additional retail goods to be sold.

LOCATION Units 2, 3a, 3b, 3c, 4, 5, 6, 7 and 8, The Peel Centre, Dryden Road, Barnsley, South Yorkshire, S71 1JE

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 12 October 2015 and described above.

The approval is subject on compliance with the following conditions:

1 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or any equivalent provisions in any statutory instrument amending revoking and/or re-enacting either or both of those Orders:

- Unit 7 shall be occupied as a leisure facility and sports good retail premises.

(A) Until the earlier of (a) the expiry of a period of 5 years from the date of this permission or (b) the date of the occurrence of that one of the circumstances mentioned in (C)(1) and (2) below as is first to occur:

(1) Unit 4 shall only be used by a catalogue showroom retailer for sale and display of items listed within their catalogue. The following exceptions to the items that can be sold from the catalogue shall apply: pharmaceuticals, hot or cold food, groceries, sweets, alcoholic and non- alcoholic drinks, tobacco, magazines and newspapers, for which there shall be no sales permitted whatsoever (for the avoidance of doubt, after the earlier of the events referred to in (A) above has occured, Unit 4 may be used for any non-food retail purpose and for the sale of food and drink subject to the limitations within (A) (3) below;

(2) Units 3C, 5 and 6 may be used for any non-food retail purpose and for the sale of food from a maximum of 30% of the net sales area of any of these individual units (except where (A) (3) below permits a greater area to be used for the sale of food and drink);

(3) Not more than 1,394 sq.m. of net sales area in total, across all of Units 1A, 1B and 1C, 2, 2A, 3A, 3B and 3C, 4, 5, 6 and 8, may be used for the retail sale of food and drink (in relation to Units 3C, 5 and 6 that being (if applicable) in addition to any area permitted by A(2) above, which shall not be taken into account in calculating the net sales area permitted by this paragraph).

(B)
Until the earlier of (a) the expiry of a period of 5 years from the date of this permission or (b) the date of the occurrence of that one of the circumstances mentioned in (C)(1) and (2) below as is first to occur, after which any non-food retail purpose is permitted together with the sale of food and drink, subject to the limitations within A(3) above, none of the Units 1A, 1B ,1C, 2, 3A ,3B and 8 shall be used for the retail sale (other than related to the principal use of the premises) of food (except where permitted in A(3) above) or for the sale of any of alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority except where such goods are sold for use for animals, except;

By an existing tenant, defined as a retailer who is in occupation of one of these units at the date of this permission, in which case that retailer may use that unit for any non-food retail purpose (with the exception of fashion retail - clothes, shoes & jewellery, where a maximum of 10% of the net sales area of each unit would be allowed).

(C)
The circumstances referred to in (A) and (B) above are:

(1) an agreement for lease or leases have been entered into in relation to five of the six anchor / MSU retail units on the proposed Better Barnsley redevelopment scheme (unit references A1, MSU 1, 2, 4, 5 and SU16 as shown on IBI drawing reference SP_00_001); or

(2) a period of 2 years having expired since the date of this permission, without agreements for lease having been exchanged, or leases entered into, relating to two or more of those six units referred to in C(1) above;

(D)
The references to numbered units within this condition are references to the units so numbered on drawing number MH877-03.
Reason: In order to offer protection to the Better Barnsley Scheme and in accordance with saved UDP policy S3.

2 No outside storage shall at any time take place on the site, except within such purpose designed enclosures.
Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy Policies CSP 29 and CSP 40.

3 No surface water shall be discharged through the petrol/oil interceptor.
Reason: To ensure the proper drainage of the site.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and any subsequent amendments the retail units shall not be subdivided without the prior written approval of the Local Planning Authority.
Reason: Support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre in accordance with CSP31 'Town Centres' and saved UDP policy S3.

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.

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	For the avoidance of doubt this planning permission shall be implemented from the date of this approval by the continued retailing of goods from the site.

Signed JM Jenkinson Dated 03 October 2016
Joe Jenkinson
Head of Planning and Building Control

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.