BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0289

To Planning Potential
14 - 15 Regent Street
Harrogate
HG1 5AW

DESCRIPTION Variation of condition 2 (approved plans) of planning permission 2014/1528 - Erection of a foodstore with parking, landscaping and associated works to enable increased floorspace, revised roof design, car parking, tree layout and changes to external facing materials.

LOCATION Land south of High Street, Royston, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 20 March 2019 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 plans and specifications as approved unless required by any other conditions in this permission. The approved plans are:

- Proposed Site Plan - 1124-015
- Landscape Plan - V1144 L01 Rev H
- Proposed Site Plan - 1124-100 Rev H
- Proposed GA Plan - 1124-101 Rev C
- Proposed Roof Plan - 1124-104 Rev D
- Proposed Elevations - 1124-102 Rev E
- Proposed Sections - 1124-103 Rev D

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 The building and boundary walls shall be constructed using Marshall Cromwell split face stonework where shown on the plans, samples of which shall be submitted to and approved by the local authority prior to the commencement of construction of the building. The sample should include the pointing and coursing and shall include and be contrasted with the Kingspan cladding. The approved panel shall be a minimum of 600mm by 600mm and will be retained on site until construction of the building has been completed. 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 Local Plan Policy D1 - High Quality Design and Place Making.

3 All planting, seeding or turfing comprised in the approved details of landscape plan V1124 L01 Rev H 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.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

4 The planting areas shall be maintained for a minimum of 5 years after practical completion of development in accordance with details contained in the approved Landscape Specification (V1124 L01 Rev H Landscape Plan)
Reason: In the interests of the visual amenities of the locality in line with Local Plan Policy D1 - High Quality Design and Place Making.

5 No development shall take place until:
(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by a minimum of 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:
(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
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.
Reason: To ensure proper drainage of the area in accordance with Local Plan Policies I1 - Infrastructure and Planning Obligations and Poll1 - Pollution Control and Protection.

6 Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.
Reason: To reduce the risk of pollution to the water environment.

7 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 Local Plan Poll1 - Pollution Control and Protection.

8 No development shall take place, 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 Local Plan Policies T4 - New Development and Transport Safety and Poll1 - Pollution Control and Protection.

9 Prior to the occupation of the building a plan indicating the position of boundary treatments to be erected along the perimeter of the Eastern, Western and Southern boundaries shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the foodstore opens to the public and shall be maintained as such thereafter.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policy GD1 - General Development.

10 Deliveries shall be only take place between the hours of 0700 & 2300 Monday to Saturday and 0800 & 1800 on Sundays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 - General Development and Poll1 - Pollution Control and Protection.

11 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:
- Tree protection plan (TPP)
- Arboricultural implication assessment (AIA)
- 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 and the visual amenity of the area in line with Local Plan Policy D1 - High Quality Design and Place Making.

12 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity in line with Local Plan Policy D1 - High Quality Design and Place Making.

13 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'.
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 Local Plan Policy CL1 - Contaminated and Unstable Land.

14 Prior to the commencement of development and as detailed in the site investigation report ref 13690 by 3E Consulting Engineers works shall be undertaken to investigate the ground conditions and mining legacy risks to the site. Suitable engineering/remedial solutions shall then be identified to ensure the safe and sustainable development of the site. The site investigation and subsequent development should be undertaken in compliance with CIRIA publication 32 "Construction over abandoned mine Workings" where applicable.
Reason: To accord with sections 178 & 180 of the NPPF.

15 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 - New Development and Transport Safety.

16 The measures contained within the Travel Plan, dated November 2014, shall be implemented, monitored and reviewed in accordance with the submitted details.
Reason: In the interests of promoting sustainable forms of transport, in accordance with Local Plan Policy T3 - New Development and Sustainable Travel.

17 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 Local Plan Policy T4 - New Development and Transport Safety.

18 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with High Street, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interests of road safety in accordance with Local Plan Policy T4 - New Development and Transport Safety.

19 Prior to the 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:
- Relocation of bus stop
- Provision of bus stop clearway
- Provision of pedestrian dropped crossing and tactile paving
- Measures to prevent/control parking on High Street
- Provision of/ any necessary amendments to highway drainage
- Provision of/ any necessary amendments to street lighting
- 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 Local Plan Policy T4 - New Development and Transport Safety.

20 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 road safety in accordance with Local Plan Policy T4 - New Development and Transport Safety.

21 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: In the interests of road safety in accordance with Local Plan Policy T4 - New Development and Transport Safety.

22 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: To ensure safe and adequate access in line with Local Plan Policy T4 - New Development and Transport Safety.

23 Prior to the development being brought into use, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the car park shall be managed in accordance with the approved details.
Reason: In the interests of road safety in accordance with Local Plan Policy T4 – New Development and Transport Safety.

24 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.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Local Plan Policies GD1 - General Development and Poll1 - Pollution Control and Protection.

25 Fixed plant installed shall be designed to operate so that the noise rating level (as defined in BS 4142 : 1997) at the nearest neighbouring properties is no louder than 35dBA at all times.
Reason: In the interest of residential amenity in accordance with Local Plan Policy Poll1 – Pollution Control and Protection.

26 The foodstore shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CC2 Sustainable Design and Construction.

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 developer must contact Highways, Engineering & Transportation on 01226 773555 prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of vehicular accesses to the highway.
2	The applicant is reminded that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability. The question of instability has been a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied; in particular, the granting of planning permission does not give a warranty of support or stability.

Signed JM Jenkinson Dated 19 July 2019
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.