BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0552

To Bate and Taylor Architects
Macintosh House
4a Cambridge Street
Manchester
M15GG

DESCRIPTION Creation of outside display/sales area including alterations to the buildings existing gables, erection of replacement canopy and new boundary fences/walls to perimeter.

LOCATION Unit 2, The Range, Dryden Road, Barnsley, S71 1JE

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 01 July 2015 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 (Nos MH733-100, MH733-101, MH733-102, MH733-103, MH733-104, MH733-105, MH733-106) 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.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

3 The sales and display area shall only be used for ancillary sales and display of goods in connection with the adjacent retail unit and for no other purpose whatsoever.(including for storage of items such as skips, waste bins, packaging materials, plant and machinery) It shall at no time be operated as a separate independent retail business.
Reason: To ensure that the viability and vitality of the Barnsley town centre is not undermined by the creation of a retail unit that is small scale or could be otherwise located in the town centre.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Head of Planning and Building Control

Dated 31 July 2015

Development Service
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4 No external storage shall take place within the acess road and/or the turning/manoevring areas.
Reason: In the interests of highway safety.

5 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision in any statutory instrument revoking and re-enacting the Order with or without modification, the enlarged retail unit created as a result of this permission shall not be primarily used for the retail sale [i.e. other than if minor ancillary sales to the principal use of the premises] of food; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; CDs, DVDs or other recorded media and games; pharmaceutical goods or sports goods without the prior written permission of the LPA except where such goods are sold for use for animals (i.e. pets).
Reason: To protect the vitality and viability of Barnsley Town Centre in accordance with policy S3 of the Barnsley Unitary Development Plan, Core Strategy Policy CSP31 and advice set out in the National Planning Policy Framework

6 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: In accordance with policy S3 and S5 of the Barnsley Unitary Development Plan and Core Strategy Policy CSP31 and the National Planning Policy Framework

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.

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: 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 decision to grant planning permission has been taken having regard to the saved policies and proposals in the Barnsley Unitary Development Plan, the policies and proposals set out in the Core Strategy and to all relevant material considerations, including Supplementary Planning Guidance/Documents:

Saved UDP Policies

S3 (Retail Development outside Defined Shopping Centres) directs retail development towards the defined centres followed by edge of centre then out of centre sites that are suitable, viable and available.

S5 (Retail Development Outside Defined Shopping Centres) outlines that all retail development which would create a new shopping unit or units in excess of 930 m2 outside of the central and principle shopping centres will be subject to planning conditions which control the range and type of goods to be sold and the maximum or minimum unit size as measures by the gross floor area.

Core Strategy

Policy CSP8 'The Location of Growth' relates to the preferred locations for growth and states:

'Priority will be given to development in the following locations:
? Urban Barnsley
? Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (Dearne Towns), Penistone and Royston

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town to accord with its place in the settlement hierarchy?'

Policy CSP 29 'Design' - High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley.

Policy CSP 26 'New Development & Highway Improvement' - New development will be expected to be designed and built to provide safe, secure and convenient access to all road users.

Policy CSP31 'Town Centres' relates to centres. It states:

'Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfill its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town

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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