

**Planning Statement, Design &
Access Statement and Retail
Assessment**

**Retrospective planning application at
Wombwell Lane Retail Park, Barnsley**

On Behalf of Stadium (Barnsley) Ltd

PREPARED BY

GL Hearn

Property Consultants

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1 May 2009

Ref: J:Planning:JobFiles:J021223:Reports:Barnsley Statements (Final) 1 May 09

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Quality Standards Control

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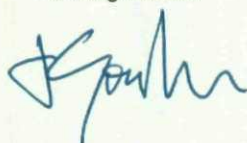
This document must only be treated as a draft unless it has been signed by the Originators and approved by a Business or Associate Director.

DATE

1 May 2009

ORIGINATORS

Julian Goodban
Planning Director



APPROVED

Tony Lamb
Planning Director



Limitations

This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of GL Hearn; we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

1. Introduction

1.1 This combined Planning Statement, Design and Access Statement and Retail Assessment has been prepared on behalf of Stadium (Barnsley) Limited in respect of a retrospective planning application at Wombwell Lane Retail Park, Wombwell Lane, Barnsley, South Yorkshire, S70 3NS.

1.2 The retrospective planning application proposes to reconcile unintentional anomalies and inconsistencies in respect of the planning history of the site and provide a fresh planning permission that reflects the existing land use, restriction of the sale of certain goods and built form on the application site.

1.3 The description of the planning application is as follows:

'Retrospective planning application for the existing development which comprises a total of 8,419 sqm including a 916 sqm mezzanine of non-food retail warehousing, garden centre and 437 parking spaces.

1.4 The combined Statements are set out as follows:

- Planning History
- Proposed Development
- Design and Access Statement
- Planning Policy
- Planning Statement
- Retail Statement

2. Planning History

2.1 This section identifies and summarises the planning history in respect of the site. The section is divided into three categories: implemented planning permissions; unimplemented planning permissions and planning permissions for minor forms of development.

A) Implemented Planning Permissions (Appendices 1-4)

2.2 Listed below are details of the planning permissions, the date planning permission was granted and any relevant conditions together with a brief summary of any issues that the permissions raise in respect of this planning application. Full copies of the permissions are provided in Appendices 1 to 4.

(i) Planning Permission reference 89/0276/BA

- Granted 6 April 1990
- Description: erection of non food retail warehousing and pub diner at Wombwell Lane, Barnsley
- Relevant Conditions:
 - 4 No Retail unit shall be used for the sale of food, clothing or toys.
 - 5 No retail unit provided in accordance with this permission shall have a gross floorspace of less than 5,000 square feet, and no unit shall, at any time subsequent to the implementation of the Permission, be sub divided to form a unit with floor space below this figure without prior express consent of the Local Planning Authority.
 - 11 A public footpath shall be maintained through the site, the details of which shall be submitted to and approved by the LPA and the works thus agreed shall be carried out before any of the retail units is open for trading.

2.3 The planning decision notice identifies the permission as an 'outline permission'. No reserved matters are stated to be required by the permission and no reserved matters were submitted pursuant to the permission. Clarification of the issue of whether the permission should be regarded as a detailed or outline permission has been sought from the local planning authority. The local planning authority has confirmed that the above permission is a full planning permission and a copy of this correspondence is provided at Appendix 1.

2.4 It is understood that it was originally intended to develop the site in two phases (known as Phase 1 and 2). Nonetheless the planning permission does not refer to these phases and covers the whole site. It is also understood that Phase 2 of the original proposal was implemented fully in accordance with planning permission. A copy of the permission can be found at Appendix 1.

(ii) Planning Permission reference B/94/1280/BA

- Granted 19 January 1995
- Description: Modify Condition 4 of B/90/0276/BA
- Relevant Condition:
 - 1 No retail unit shall be used for the sale of food, clothing and toys with the exception of Unit 1 as identified on the accompanying plans shall be used for the sale, to Registered Members, of clothing together with household goods and textiles, china, glassware, pottery, seasonal and ancillary items

- 2.5 The purpose of this planning application and subsequent permission was to relax the user restriction in respect of Unit 1 to allow the sale of clothing and other specified goods to Registered Members of a retail club. Unit 1 was subsequently operated by Matalan who initially traded as a Members Club before allowing non-member customers. The unit is currently occupied by Dunelm Mill.
- 2.6 There is a minor anomaly with this permission as it refers to modification of an incorrect planning reference number: 90/0276 rather than 89/0276. A copy of this permission can be found at Appendix 2.
- 2.7 In addition to the above permission, there is also a Section 106 legal agreement dated 9 January 1995 (see also Appendix 2). This agreement sought to bind the land on Phase 2 upon implementation of planning permission 90/0276. Again it would appear if the S106 was intended to refer to planning permission 89/0276.
- 2.8 The agreement seeks to restrict the use of Units 2 and 3 for any retail purpose other in Condition 4 on planning permission 90/0276 as modified by planning permission 94/1303 prior to the 1st of January 2002. As this date has passed it would appear that this agreement no longer appears to be binding on the use of Units 2 and 3 in Phase 2.
- 2.9 There is also a secondary obligation to ensure that the layout of the car park provides for a pedestrian access to the western boundary of Phase 2 which was implemented at some stage and is still existence / operation.

(iii) Planning Permission reference B/94/0147/BA

- Granted 21 March 1994
- Description: Erection of a non food retail store and garden centre, access road and car park
- Relevant Conditions:
 - (i) No part of the retail unit shall be used for the sale of food, clothing or toys.
 - (ii) The unit hereby approved shall not be subdivided to form any units with floor space of less than 5,000 square feet without the prior express consent of the Local Planning Authority.

- 2.10 An amendment to the approved plans to increase the floor area of the open area for garden centre products was approved on 20 April 1994. This attached as Appendix 3. As the unit has been erected for more than 4 years and has been used for the sale of goods in accordance with condition (i) above it would suggest that the existing development and use are lawful.

(iv) Planning Permission reference B/95/0421/BA

- Granted 19 May 1995
- Description: Erection of a non food retail unit
- Relevant Conditions:

- (iii) The retail unit hereby permitted shall not be used for the sale of food, clothing or toys at any time.
- (iv) No retail unit provided in accordance with this permission shall have a gross floorspace of less than 5,000 square feet and no unit shall at any time subsequent to the implementation of the permission be subdivided to form a unit with floor space below this figure without the prior express consent of the local planning authority.

- 2.11 It is understood that these building works were completed most probably sometime before March 1998 as Carpet Right had entered into a lease on this date. Carpet Right have remained occupying of this unit. A copy of the permission can be found at Appendix 4.

B) Unimplemented Planning Permissions (Appendix 5)

- 2.12 Listed in the table below are the planning permissions granted that have not been implemented. Full copies of these permissions can be found at Appendix 5.

Planning Permission	Date	Description	Comments
B/98/0330/BA	14 October 1998	Variation of condition 3 of planning permission 94/0174/BA to allow the sale of pet food, pet toys and associated clothing.	Permitted at appeal. Permission not implemented.
B/91/0883/BA	25 July 1991	Erection of non-food retail warehouse	Permission not implemented
B/03/0832/BA	14 July 2003	Erection of a new retail (a1) unit of 465sqm	Planning permission expired on 14 July 2008. Permission was subject to goods restriction.

C) **Minor Development Planning Permissions (Appendix 6)**

- 2.13 Listed in the table below are the planning permissions that have been granted for various minor developments. Full copies of these permissions can be found at Appendix 6.

Planning Permission	Date	Description	Comments
B/96/1227/BA	27 November 1996	Installation of new shop frontage and security bollard at Unit 2	The development was carried out in accordance with the approved plans and that the works were carried out before 27 November 2007.
B/00/1002/BA	18 September 2000	Formation of a pedestrian access ramp	Implemented
B/03/0833/BA	29 July 2003	Alterations to customer car parks	Implemented

3. **Proposed Development**

- 3.1 The retrospective planning application proposes to reconcile unintentional anomalies and inconsistencies in respect of the planning history of the site and provide a fresh planning permission that reflects the existing land uses, restriction of the sale of certain goods and built form on the application site. As stated in the application forms and in the introduction, the description of the planning application is as follows:

"Retrospective planning application for the existing development which comprises a total of 8,419 sqm including a 916 sqm mezzanine of non-food retail warehousing, garden centre and 437 parking spaces."

- 3.2 As identified in the earlier section there are a number of anomalies in respect of the various planning permissions that relate to the existing development in its current form. These are briefly summarised as follows:

- Uncertainty of whether the original April 1990 planning permission granted outline or detail permission.
- Uncertainty in respect of referencing of planning application numbers 90/0276 and 89/0276.
- Uncertainty as to which part or parts of the various permissions were implemented and at what time they were implemented.

- 3.3 In order to obtain absolute certainty and clarity for the land owner and the existing and future tenants of the site, this application is made in retrospective form for the existing buildings and permitted uses that exist at the application site.
- 3.4 The planning application is accompanied by a set of plans produced by DLA Architects. These plans show the existing elevations and floorplans of the development and, for simplicity, each drawing is titled existing and proposed to demonstrate that there are no changes as a result of this application. The drawings are listed as follows:
- 2006-247/101 – Site location plan
 - 2006-247/102 – Units 1, 2 & 3 – site location plan
 - 2006-247/103 – Units 4 & 5
 - 2006-247/201 Revision B – Units 1, 2 & 3 existing plans & elevations
 - 2006-247-205 Revision B – Units 4 & 5 existing plans & elevations
 - 2006/241/801 – Topographical survey sheet 1 of 4
 - 2006/241/802 – Topographical survey sheet 2 of 4
 - 2006/241/803 – Topographical survey sheet 3 of 4
 - 2006/241/803 – Topographical survey sheet 4 of 4
- 3.5 As detailed in the previous section, the Retail Park was constructed following an initial planning permission for non food retail warehousing. This permission restricted the sale of food, clothing and toys (reference 89/0276/BA). The permission was amended in respect of Unit 1 to allow the sale to registered members of clothing with household goods and textiles, chins, glassware, pottery, seasonal and ancillary items.
- 3.6 The proposed use of this application is to mirror the permitted uses of the sites. For clarity the proposed use is for retail with the exception of the sale of food, clothing and toys. Whilst there was a permission that relaxes the sale of clothes and other goods from unit 1 it is not proposed to reestablish this permission as part of this application. It is therefore proposed that the permission for unit 1 would include a restriction for the sale of clothes as per the other units.
- 3.7 Planning permission reference 89/0276/BA also requires that no retail unit has a gross retail floorspace of less than 5,000 square feet. No existing unit has gross floorspace of less than 5,000 square feet and it is not proposed to alter this restriction as part of this planning application.
- 3.8 In order to assist the Council we have provided a list of suggested conditions in the conclusion of these combined Statements. This list of conditions replicates those conditions that already apply to the site.

4. Design and Access Statement

- 4.1 In accordance with Section 327A of the amended 1990 Town and Country Planning Act this section provides a Design and Access Statement for the proposed development.
- 4.2 As detailed in the previous section, the proposal does not alter the existing design of the retail park. The siting and elevations would remain unchanged as a result of the proposal. There are therefore no design implications arising from the proposal as the existing development is not being altered in any way.
- 4.3 Similarly the application does not propose to alter any of the existing vehicular or pedestrian accesses and egresses of the site. For completeness the application has been submitted with a Transport Statement produced by Savell Bird & Axon.

5. Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 5.2 The development plan comprises the Regional Spatial Strategy for Yorkshire and Humberside which was adopted in May 2008 and the Barnsley Unitary Development Plan which was adopted in December 2000.
- 5.3 There are no policies that are directly applicable to this application. Nonetheless the general policies that are relevant to the creation of new or additional retail floorspace or for the change of use to retail are identified below.
- 5.4 In terms of the RSS, Barnsley is identified as a Sub regional Town. Policy E2 states that the regional cities and sub regional towns and cities should be the priority for various uses including retail.
- 5.5 In terms of the UDP, planning policy exists for new or additional retail floorspace (see Policy BA26 and S5). These policies are not relevant to the assessment of this planning application as no new or additional retail floorspace is proposed.

6. Retail Statement

6.1 National planning policy is provided in Planning Policy Statement 6: Planning for Town Centres was published in March 2005. Chapter 3 of PPS6 provides national planning policy for development control and assessing proposed developments. Paragraph 3.1 states that 'This Chapter sets out the considerations which should be taken into account by local planning authorities in determining planning applications for all proposals relating to main town centre uses for:

- New development;
- Redevelopment of existing facilities;
- Extensions to existing facilities;
- Changes of use involving development;
- Renewal of extant planning permissions; and
- Applications to vary or remove existing planning conditions, which would have the effect of creating additional floorspace (e.g. mezzanine floors) or changing the range of goods sold, thereby changing the scale and/or character of the development'.

6.2 The proposal does not propose new development, or to redevelop existing facilities, or to extend existing facilities, or to change any use, or to renew a permission or to vary any existing planning conditions. The national planning policy provided in PPS6 therefore does not apply to the proposed development as there is no increase or change or change of use of any existing floorspace at the site.

6.3 In terms of the UDP (as stated in the previous section), Policy S5 relates to the creation of 'a new shopping unit or units'. The proposal does not create any a new shopping units or units and therefore does apply to the application proposal. It should be noted that even if the policy were to apply then the proposal accords with the restrictions stipulated by the policy i.e. the range and types of goods are proposed to be restricted and the minimum size of shopping units is also proposed to be restricted (see Section 5).

7. Planning Analysis

7.1 As stated in Section 5 there is a requirement for the determination of any planning application to have regard to the development plan. The development plan sets out planning policy for the consideration of retail proposals for the change of use to retail and for additional retail floorspace. There are no policies for retrospective applications that propose to regularise previous planning permissions (see paragraph 6.3 above).

- 7.2 In accordance with Section 38(6) it is therefore important to understand whether there are any material considerations that should be assessed in order to come to a conclusion as to whether another the application should be approved.
- 7.3 The single most important material consideration in the assessment of this planning application is that the existing built form of the development and existing uses of the premises are lawful and as the application does not propose to increase the amount of floorspace or change the existing lawful use then there can be no additional impact or impacts created by the proposals. The existing situation will therefore not change or be altered in anyway as a result of the proposal.
- 7.4 It should also be noted that there are no social, economic or environmental implications as a result of the proposal being granted planning permission. Likewise there are no social, economic or environmental implications if the application is refused. The only implication of approving the application will be to regularise anomalies contained in existing planning permissions and consolidate the current planning history of the site into one single planning permission that demonstrates that the development is permitted and the restricted retail use is permitted. Conversely, the only implication if the application were refused is that the uncertainty in respect of the existing planning history as set out in Section 2 would continue to prevail.

8. Suggested Conditions

- 8.1 The various planning permissions that have been granted were subject to various conditions (see Section 2). A number of the conditions are now no longer relevant as the development has been implemented nonetheless there are conditions that relate to the development that still restrict the use and operation of the site. Listed below are conditions that currently affect the site and that the applicant would not object to being imposed if planning permission were granted. The applicant would welcome the opportunity to discuss these and any other conditions that the Council may regard to be reasonable. The suggested conditions are as follows:

1. No retail unit shall be used for the sale of food, clothing or toys, unless otherwise agreed in writing by the local planning authority.
2. No retail unit shall have a gross floorspace of less than 464.5sqm (5,000sqft) and no unit shall be subdivided to form a unit with floorspace below 464.5sqm (5,000sqft), unless otherwise agreed in writing by the local planning authority.

3. No outside storage shall at any time take place on the site, except within such purpose designed enclosures, unless otherwise agreed in writing by the local planning authority.

4. Foul effluent from the site shall only be discharged directly to a public foul sewer, unless otherwise agreed in writing by the local planning authority.

8.2 No surface water from the site shall be discharged directly or indirectly to any foul or combined sewer, unless otherwise agreed in writing by the local planning authority.

9. Conclusions

9.1 The planning application has been submitted to reconcile unintentional anomalies and inconsistencies in respect of the planning history of the site. It is intended that a fresh planning permission would be issued that reflects the existing land use, restriction of the sale of certain goods and built form on the application site.

9.2 The proposal does not alter the existing design or access of the site. There are therefore no issues raised in respect of design or access by the proposal.

9.3 As the proposal does not propose to redevelop, extend or change the use of any part of the site, the proposal does not raise any planning policy issues or any social, environmental or economic implications.

9.4 The only implication of approving the application will be to regularise anomalies contained in existing planning permissions and consolidate the current planning history of the site into one single planning permission that demonstrates that the development is permitted and the restricted retail use is permitted. Conversely, the only implication if the application were refused is that the uncertainty in respect of the existing planning history would continue to prevail.

9.5 It is therefore respectfully requested that the application is approved.



BARNSELEY

Metropolitan Borough Council

Planning Services

Head of Planning: John Sanderson DipTP, MRTPI
Central Offices, Kendray Street, Barnsley. S70 2TN
Tel: (0226) 770770 Fax: (0226) 772599

My Ref. ADPC/RS/AE/B/89/0276/BA

Your Ref.

Date 14th November 1994 Enquiries to Mr R A Sexton

Dial Direct (0226) 772575

Dear Sirs

Erection of Non-Food Retail Warehousing
Wombwell Lane, Barnsley
App Ref No B/89/0276/BA

I refer to the telephone conversation of 10th November between Mr M Hull and my assistant Mr Sexton.

I would confirm that the issue of the decision notice in the form of an outline permission for the above development was an administrative error. Full planning permission was granted and the notice should be read as such. If you have any further queries, please do not hesitate to contact my assistant.

Yours faithfully,

John Sanderson

Head of Planning

Hull Smith
Smithfield House
92 North Street
Leeds LS2 7PN

1166
WA

Copy sent / PM

(LA)

Please address all correspondence
to the Head of Planning

rsd11nmd

OUTLINE PLANNING PERMISSION

BARNSELY METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1977-1986

To: Citygrove Thornfield Ltd.,
C/o Hull Smith,
Hepworth Chambers,
148 Briggate,
LEEDS
LS1 6BR

In pursuance of its powers under the above mentioned Act and Order the Barnsley Metropolitan Borough Council as the local planning authority hereby grants permission for the development the subject of the plan(s) and application submitted to the Council on **27th February, 1989** and therein described as:-

Erection of non-food retail warehouseing and pub diner, Wombwell Lane, Barnsley.

The permission is subject to compliance with the following conditions:-

6 April 1993

1. Applications for the approval of the matters referred to in Condition No. 2 herein shall be made within a period of three years from the date of the grant of this outline permission and the development to which the permission relates shall be begun not later than whichever is the later of the following dates:
 - (i) The expiration of five years from the date of the grant of outline planning permission; or
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall be carried out in strict accordance with the plans and specifications as amended by the applicant in June, 1989, except as provided for in the following conditions.
3. No construction work shall commence until a representative sample of the facing bricks and external profiled metal cladding has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall proceed in strict accordance with these details as approved.

Condition 4. - 16. inclusive, continued on separate sheet.

The reasons for the Council's decision to grant permission for the development subject to the conditions specified above are:-

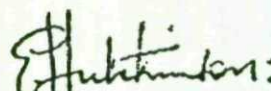
1. In order to comply with the provisions of Section 42 of the Town and Country Planning Act 1971.
2. To ensure that the development is designed in a manner which is satisfactory in the locality without prejudice to either amenity or highway safety.

Reasons 3. - 16. inclusive, continued on separate sheet.

Dated the **Sixth** day of **April** 19**90**

Central Offices,
Kendray Street,
Barnsley. S70 2TN

Signed


Director of Planning

NOTE: Attention is drawn to the fact that any failure to adhere to the details of approved plans and specification or to comply with conditions attached to the permission constitutes a contravention of the Town and Country Planning Act 1971, in respect of which enforcement action may be taken.

P.T.O.

B/89/0276/BA

The permission is subject to compliance with the following conditions:-

4. No retail unit shall be used for the sale of food, clothing or toys.
5. No retail unit provided in accordance with this permission shall have a gross floorspace of less than 5,000 square feet, and no unit shall, at any time subsequent to the implementation of the permission, be subdivided to form a unit with floorspace below this figure without the prior express consent of the Local Planning Authority.
6. No outside storage shall at any time take place on the site, except within such purpose designed enclosures as may be approved in writing by the Local Planning Authority.
7. No development shall commence on site until a detailed landscaping scheme, which shall include details of the species, positions, and planted heights of all trees and shrubs, has been submitted to, and approved in writing by, the Local Planning Authority.
8. The approved landscaping scheme referred to above shall be wholly implemented during or before the first planting season following the occupation of any of the retail units, and any trees or shrubs removed, dying, or becoming seriously diseased or damaged shall be replaced with like species to the satisfaction of the Local Planning Authority.
9. The development hereby permitted shall not commence unless and until a contract or contracts have been let for highway improvements, designed to achieve the following objectives:-

To avoid conflicting traffic movements resulting from the additional generation of traffic associated with the proposed development, and in particular to provide; separate lanes for through and right turning traffic, and refuges and carriageway markings to allow channelisation of traffic flows in Wombwell Lane alongside the site frontage.

The improvement works shall be carried out in accordance with the Schedule set out in the footnotes attached to this permission and shall be completed to the satisfaction of the Local Planning Authority before any of the retail units is opened for trading

and evidence of such a contract or contracts has been submitted to, and accepted in writing by, the Local Planning Authority.

10. Concurrently with the development hereby approved, the parking/manoeuvring areas shown shall be drained, provided with an impermeable hard surface, and marked out to the satisfaction of the Local Planning Authority and shall thereafter be permanently reserved for that purpose.
11. A public footpath shall be maintained through the site, the details of which shall be submitted to and approved by the Local Planning Authority and the works thus agreed shall be carried out before any of the retail units is opened for trading.

B/89/0276/BA

The permission is subject to compliance with the following conditions:-

12. The development hereby permitted shall not commence unless and until a contract or contracts have been let for drainage works designed to achieve the following objectives:-
 - 1) Diverting and making good the existing watercourse known as Dob Sike and identified on Drawing No. H/1077/28/1 attached hereto.
 - 2) Diverting the existing rising mains crossing the site, using ductile iron, around the edge of the site.
 - 3) Protecting the flow route of the existing stone culvert crossing the site along its northern and eastern sides.
 - 4) Cleansing and grading the existing watercourse along the southern boundary of the site.

These works to be carried out to the satisfaction of the Local Planning Authority (subject to such modifications as may subsequently be agreed in writing); in the case of (1) (2) and (3), prior to the completion of any impermeable surfaces including roofs; and in the case of (4) prior to the opening for trading of any of the retail units.

13. Foul effluent from the site shall only be discharged directly to a public foul sewer.
14. No surface water from the site shall be discharged directly or indirectly to any foul or combined sewer.
15. Concurrently with the carrying out of the development, a land drainage system shall be provided and maintained to the satisfaction of the Local Planning Authority.
16. Before the development hereby permitted is commenced, full foul and surface water drainage details (including land drainage) with levels and cross sections, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reasons

- 3,6,7. and 8. In the interests of visual amenity.
4. and 5.. In order to ensure that a proper balance of shopping provision is maintained in the Borough and specifically to protect the retail viability of Barnsley and Wombwell centres.
9. and 10. In the interests of highway safety.
11. To ensure the continuity of the public footpath traversing the site.
12. - 16. To ensure the proper drainage of the area.

FOOTNOTES

The following works shall be carried out to the satisfaction of the Local Planning Authority in pursuance of Condition 9 of this permission.

The Schedule

1. The widening of the carriageway of Wombwell Lane to a minimum width of 10.8 metres including the provision of two 3.65 metres wide through traffic lanes and a 3.5 metres wide x 35 metres long vehicle storage lane for access into the Pioneer Concrete (U.K.) Limited premises a 3.5 metres wide x 35 metre long vehicle storage lane for access into the proposed development site a 3.5 metre wide x 38 metres long vehicle storage lane for access into the service road serving Polar Truck Centre and 152, 154 Wombwell Lane and 3.5 metre wide x 30 metre long vehicle storage land for access into Yorkshire Brick Company premises.
2. The provision of road markings and traffic signs in accordance with the Department of Transport Highway and Traffic Directorate Departmental Advice Note TA20/84 'Junctions and Accesses. The Layout of Major/Minor Junctions' and the Traffic Signs Manual (Chapter 5) of the Department of Transport including hazard lines lane demarcation lines tapers road hatching direction arrows and also give-way markings at the junction of Wombwell Lane and the access to the proposed development site.
3. The provision of traffic signs to diagram 610 to be illuminated in reinforced glass fibre Keep Left Bollard to BS.873 and to be of approved manufacture. All electrical servicing requirements and service duct crossing to be provided. The bollards to be mounted on kerbed islands two bollards to each island. The islands to be 6 metres long in the direction of traffic by 1.5 metres wide. The kerbs to provide 100 millimetre upstand at the ends and 25 millimetres at the centre the difference in upstand height being made by suitable dropped crossing kerbs. The islands to be constructed so as to comprise:-
 - a) 6 mm nominal size bitumen macadam wearing course 15 mm thick.
 - b) Dense bitumen macadam base regulating course.
4. A footpath to exist along the frontage of the said land on the western side of Wombwell Lane. Any new footway to be 3.0 metres wide unless a grass verge is provided between the carriageway and footway in which case the footway to be 1.8 metres wide and the grass verge to be at least 1.0 metre wide.

The footway to be constructed so as to comprise:-

- a) 6 mm nominal size bitumen macadam surfacing 15 mm thick to BS 4987 Cl.2.3.3.
- b) 20 mm nominal size dense bitumen macadam basecourse 40 mm thick to Cl.903.
- c) Sub-base material; Group B 100 mm thick.

Footnotes (contd)*

5. The provision of a system of surface water drainage so as to adequately drain the additional areas of highway to be created.
6. The carrying out of alterations to the existing street lighting units at or in the vicinity of the highway works.
7. The carrying out of such accommodation works and facilities as may be required by statutory undertakers for the purpose of alterations to mains and services necessitated by the highway works.
8. The new areas of carriageway of Wombwell Lane to be constructed so as to comprise (assuming a two per cent C.B.R.):-
 - i) wearing course 40 mm thick rolled asphalt to Cl.907
 - ii) basecourse 60 mm thick dense bitumen macadam to Cl.903.
 - iii) roadbase 135 mm thick dense bitumen macadam to Cl.811.
 - iv) sub-base 540 mm thick type 1 sub-base to Table 1 of the Notes for Guidance of the Department of Transport Specification for Road and Bridgeworks.
9. The construction of an improved and surfaced access to serve the said development incorporating the following:-
 - i) a 7.3 metres wide carriageway.
 - ii) a footway at least 1 metre on each side of such access for a distance of at least 18 metres from its junction with Wombwell Lane.
 - iii) radius kerbs of at least 15 metres at the said junction.
 - iv) sight lines to a standard of 4.5 metres by 125 metres in both directions at the said junction.

GRANT OF PLANNING PERMISSION

APPLICATION

B 9 4 1 2 8 0 B A

BARNSELEY
Metropolitan Borough Council

TOWN AND COUNTRY PLANNING ACT 1990

appears "90" should be "89"
given date of 6/4/90 consent

To Waverley Square Developments Ltd
c/o Hull Smith, Smithfield House

92 North Street, Leeds

Proposal Modify Condition 4 of B/90/0276/BA restricting sale of goods

missing - could be
consent
for Phase 1

At Land at Barnsley Rugby Club, Wombwell Lane, Barnsley

Permission is granted for the proposals which were the subject of the Application & Plans submitted to the Council on 21st October 19⁹⁴ and described above.

The approval is subject to compliance with the following conditions:

1. No retail unit shall be used for the sale of food, clothing and toys with the exception of Unit 1 as identified on the accompanying plan which may additionally be used for the sale, to Registered Members, of Clothing together with Household Goods and Textiles, China, Glassware, Pottery, Seasonal and Ancillary Items.

understood to be
Dunelm unit

The reasons for the Council's Decision to grant permission subject to the conditions specified above are:

~~1. To comply with the provisions of Section 91 of the Town & Country Planning Act 1990~~

1. In order to ensure a proper balance of shopping provision is maintained in the Borough and especially to protect the trading viability of 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 *John Sanderson*
Head of Planning Services

Dated 19th January, 1995

Planning Services
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 0226-772600
Fax: 0226- 772599

Dated

9th January 1995

CERTIFIED COPY
CERTIFIED AS BEING A TRUE
& ACCURATE COPY OF THE ORIGINAL
WNH.
WANSBROUGHS WILLEY HARGRAVE

WAVERLEY SQUARE DEVELOPMENTS LIMITED

- Phase 1 (buds)
- residue on Use of Units 2 & 3,
- pedestrian access to be provided to western boundary

DEED

pursuant to Section 106 of the
Town and Country Planning Act 1990
relating to land at
Wombwell Lane, Stairfoot, Barnsley

WANSBROUGHS WILLEY HARGRAVE

7 Park Square East

Leeds LS1 2LW

Telephone 0113 244 1151

Fax 0113 243 6050

THIS DEED is made

9th January

1995

BY

WAVERLEY SQUARE DEVELOPMENTS LIMITED whose registered office is at
Huddersfield Road Elland West Yorkshire HX5 9BW ("the Owner")

THE RECITALS

- (a) The Owner is the freehold owner of the land at Wombwell Lane Stairfoot Barnsley ("the Land") which is more particularly described in Schedule 1 and shown edged red on Plan 1.
- (b) The Owner has agreed to enter into certain planning obligations in respect of the land as set out in this agreement.

1. Definitions and Interpretations

- 1.1 "the Act" the Town and Country Planning Act 1990
- 1.2 "the Council" Barnsley Metropolitan Borough Council; Town Hall, Barnsley
- 1.3 "Plan 1" the plan annexed to this Agreement and numbered 1. (*Title Plan*)
- 1.4 "Plan 2" the plan annexed to this Agreement and numbered 2. (*Development Plan*)
- 1.5 "the Planning Obligations" the obligations specified in Schedule 2.
- 1.6 "the Planning Permission" the detailed planning permission issued by the Council on 6 April 1990 and numbered B/90/0276/BA
- 1.7 "Units 2 and 3" the Units to be erected on part of the Land in accordance with the development authorised by the Planning Permission as the same are shown edged red on Plan 2.

looks
to
be
89/0276

2. **The Planning Obligations**

2.1 The Planning Obligations are planning obligations for the purposes of Section 106 of the Act,

2.2 The Planning Obligations may be enforced by the Council.

2.3 Any person deriving title from the Owner shall only be bound by the planning obligations to the extent that such person has a legal interest in the Land (or part of it) at the time when such obligations arise.

2.4 The Planning Obligations shall not come into effect until the Owner has begun development of the land in reliance upon the Planning Permission PROVIDED THAT

2.4.1 for the purposes of clause 2.4 of this Agreement Section 56 of the Act shall (subject to clause 2.4.2 of this Agreement) determine when development is begun.

2.4.2 the term "material operation" in Section 56 of the Act shall not include operations in connection with site clearance demolition archaeological investigation for the purposes of assessing contamination remedial action in respect of any contamination diversion and lying of services and the erection of means for enclosure for the purposes of site security and/or the display of advertisements.

IN WITNESS of which this deed was executed as a Deed on the date set out at the beginning of this document.

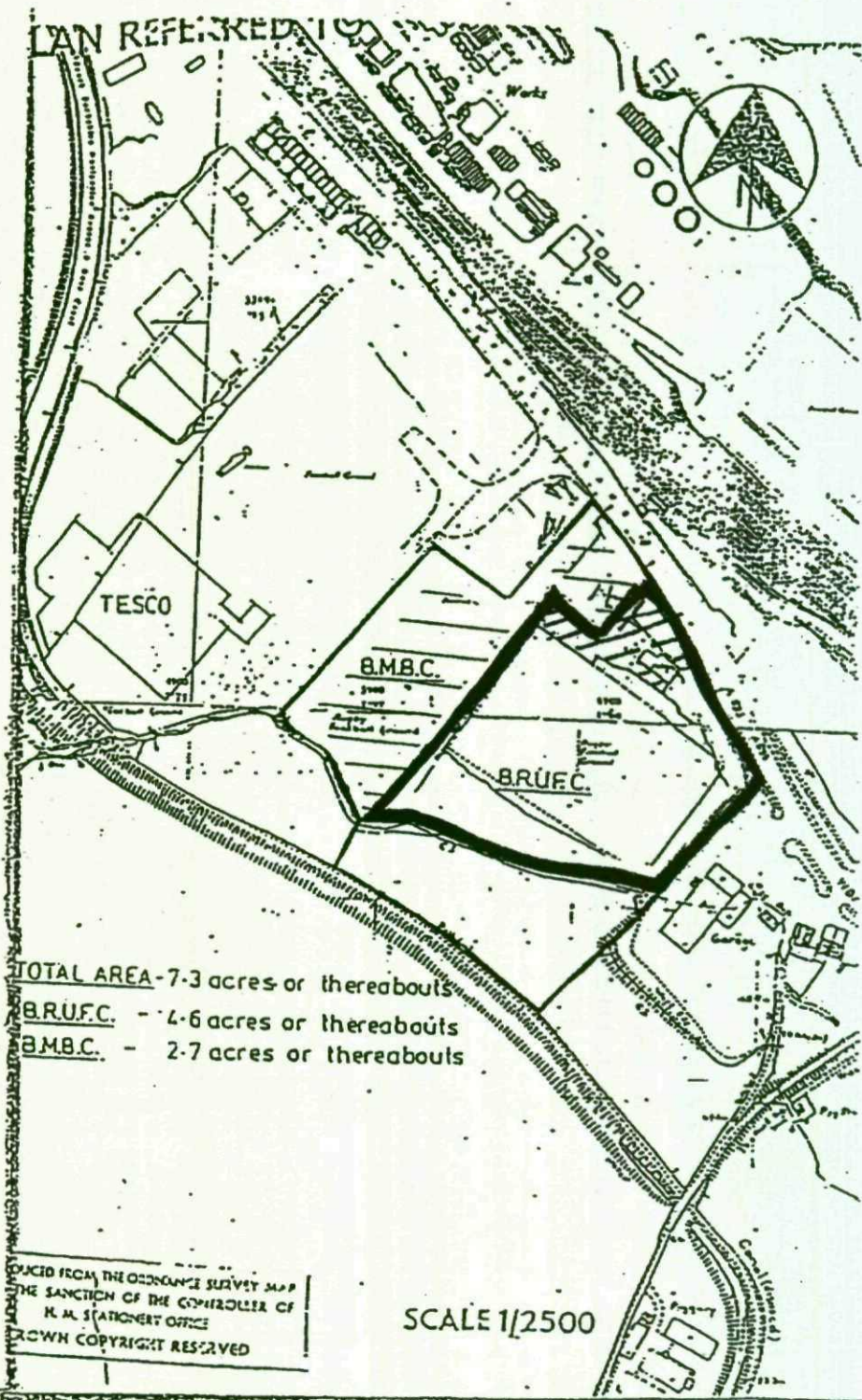
Schedule 1
("the Land")

First all that freehold land situate at Stairfoot near Barnsley South Yorkshire which said plot of land is more particularly delineated and described by a plan drawn on a Conveyance dated 12 May 1926 and made between (1) William Francis John Wood James Sharland William Henry Parkin and Fred Hollaway and (2) Richard John Soper Horace Blackburn Lawrence Edwin Harry Umbers Richard Douglas Litherland and Stephen Walker and thereon coloured pink and surrounded by a red line.

Secondly all that plot of land situate near to Wombwell Road Stairfoot near Barnsley and containing in the whole by estimation 4,600 superficial square yards or thereabouts which said plot of land is more particularly delineated by the plan and coloured yellow and edged red drawn on a Deed of Gift dated 27 September 1928 and made between (1) Richard Gerald Micklewaite and (2) Richard John Soper Horace Blackman Lawrence Edwin Harry Umbers and Richard Douglas Litherland

both parcels of land being currently in the course of first registration at H M Land Registry having been allocated title number SYK350912

A



omelug. head

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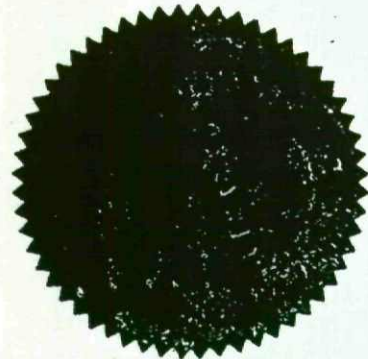


Schedule 2
("the Planning Obligations")

The land Owner hereby undertakes as follows:-

1. Not to permit the use of Units 2 and 3 for any retail purpose (other than within the restrictions referred to in condition 4 of the Planning Permission ~~as modified~~ by a planning permission dated 30 November 1994 and numbered B/94.1303.HN) prior to 1 January 2002.
2. To ensure within the layout of the car park to the development to be carried out on the Land the provision of a pedestrian access to the western boundary of the land in accordance with details which shall first be submitted to and approved by the Council (such approval not to be unreasonably withheld or delayed).

THE COMMON SEAL of)
WAVERLEY SQUARE DEVELOPMENTS)
LIMITED was hereunto affixed to this)
Deed in the presence of:-)



Director

A. Greening

Director/Secretary

Melvin Wood

SH/WA977214.AGG/4

Does this relate to focus ?
or Phase 1 ? Full ?

Application No. B/ 94/0147/BA

BARNSELY METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

To: The Barnsley Partnership,
c/o WCEC Architects,
Carrwood Court, Carrwood Road,
Sheepbridge, Chesterfield, S41 9QB.

In pursuance of its powers under the above mentioned Act and Orders the Barnsley Metropolitan Borough Council as the local planning authority hereby grants permission for the development the subject of the plan(s) and application submitted to the Council on 9th February 19 94 and therein described as:-

Erection of non-food retail store and garden centre, access roads and car park, Wombwell Lane, Barnsley.

The permission is subject to compliance with the following conditions:-

1. The development for which permission is hereby granted shall be begun within a period of five years from the date of this permission.

Conditions 2-18 continued on sheets 2 and 3 & 4

The reasons for the Council's decision to grant permission for the development subject to the conditions specified above are:-

1. In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Reasons 2-18 continued on sheet 4

Dated the Twenty first

day of March

1994

Central Offices,
Kendray Street,
Barnsley. S70 2TN.

Signed

John Sanderson

Head of Planning
Director of Planning.

Conditions v. similar to 89/0276 outline

- 2 -

B/94/0147/BA continued

- same to
- X 2. The development shall be carried out in accordance with the amended plans dated 4th March 1994, with respect to the facing materials specification hereby approved. ✓
 - ✓ 3. No part of the retail unit shall be used for the sale of food, clothing or toys. ✓
 - ✓ 4. The unit hereby approved shall not be sub-divided to form any units with a floor area of less than 5,000 sq. ft. without the prior express consent of the Local Planning Authority. ✓
 - ✓ 5. No outside storage shall at any time take place on the site, except within such purpose designed enclosures as may be approved in writing by the Local Planning Authority. ✓
 - ✓ 6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of the species, positions and planted heights of all proposed trees and shrubs, and indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. ✓
 - ✓ 7. 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 within a period of 5 years from the completion of the development die, 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. ✓
 - X 8. Foul effluent from the site shall only be discharged directly to a public foul sewer. X
 - ✓ 9. No surface water from the site shall be discharged directly or indirectly to any foul or combined sewer. ✓
 - ✓ 10. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any Order revoking or re-enacting that Order), no building or structure shall be placed or erected within 3 metres, measured horizontally, from any sewer or culverted watercourse. X
 - ✓ 11. Concurrently with the carrying out of the development, a land drainage system shall be provided and maintained to the satisfaction of the Local Planning Authority. ✓

Conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 same as similar effect as in 89/0276

In addition marked "X"

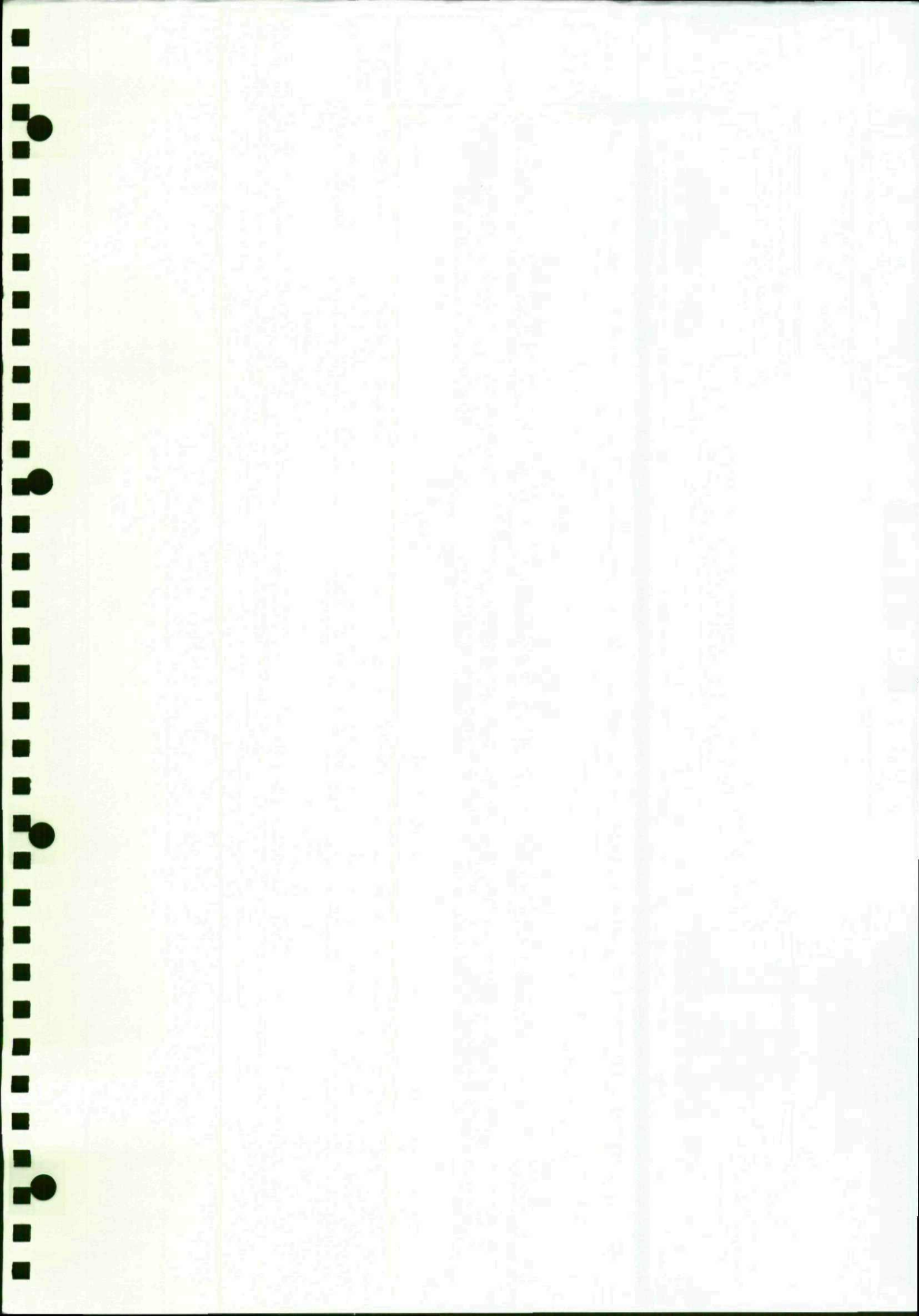
B/94/0147/BA continued

- ✓ 12. Before the development hereby permitted is commenced, full foul and surface water drainage details (including land drainage) with levels and cross sections, shall be submitted to, and approved in writing by, the Local Planning Authority. ✓
- ✓ 13. Concurrently with the development hereby approved, a contract or contracts shall be let for drainage works designed to achieve the following objectives:-
1. Diverting and making good the existing watercourse known as Dob Sike and identified on Drawing No. H/1077/28/1 attached hereto. X
 2. Protecting the flow route of the existing stone culvert crossing the site along its northern and eastern sides.
 3. Cleansing and grading the existing watercourse along the southern boundary of the site.
- These works to be carried out to the satisfaction of the Local Planning Authority (subject to such modifications as may subsequently be agreed in writing); in the case of (1) and (2), prior to the completion of any impermeable surfaces including roofs; and in the case of (3) prior to the opening for trading of the retail unit.
14. Floor levels of the proposed development shall be not less than the higher of:
- X (a) 600mm above normal water level in the adjacent watercourse. ✓
- (b) Such level that no open inlet into the foul system is less than 300mm above the invert of the pump overflow pipe.
- X 15. Oil/Grit interceptors shall be provided on surface water drainage to all areas used by vehicles, to the satisfaction of the Local Planning Authority. ✓
- ✓ 16. Concurrently with the development hereby approved, the parking/manoeuvring areas shown shall be drained, provided with an impermeable hard surface, and marked out to the satisfaction of the Local Planning Authority and shall thereafter be permanently reserved for that purpose. ✓
- ✓ 17. A public footpath shall be maintained through the site, the details of which shall be submitted to and approved by the Local Planning Authority and the works thus agreed shall be carried out before any of the retail units is opened for trading. ✓
- X 18. The unit shall not be used unless directional traffic signs have been erected within the site to the satisfaction of the Local Planning Authority, and before work on site is commenced, full details of such signs shall have been submitted to and approved in writing by the Local Planning Authority. ✓

B/94/0147/BA continued

Reasons

- 2,6, 7. In the interests of the amenities of the locality.
- 5. In the interests of the visual amenities of the locality.
- 3,4. In order to ensure that a proper balance of shopping provision is maintained in the Borough and specifically to protect the retail viability of Barnsley and Wombwell Centres.
- 8-15. To ensure the proper drainage of the area.
- 16,18 In the interests of highway safety.
- 17. To ensure the continuity of the footpath traversing the site.



GRANT OF PLANNING PERMISSION

APPLICATION

B 9 5 0 4 2 1 B A

BARNSELEY
Metropolitan Borough Council

TOWN AND COUNTRY PLANNING ACT 1990

To The Barnsley Partnership, per WCEC Architects, Carrwood Court,
Carrwood Road, Sheepbridge, Chesterfield

Proposal Erection of non-food unit,
c. light?

At Unit 1B, Wombwell Lane, Barnsley

Permission is granted for the proposals which were the subject of the Application & Plans submitted to the Council on 13th April 1995 and described above.

The approval is subject to compliance with the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. The retail unit hereby permitted shall not be used for the sale of food, clothing or toys at any time.
3. No retail unit provided in accordance with this permission shall have a gross floorspace of less than 5,000 sq. ft., and no unit shall at any time subsequent to the implementation of the permission, be subdivided to form a unit with floorspace below this figure without the prior express consent of the Local Planning Authority.

The reasons for the Council's Decision to grant permission subject to the conditions specified above are:

1. To comply with the provisions of Section 91 of the Town & Country Planning Act 1990
- 2,3 In order to ensure that a proper balance of shopping provision is maintained in the Borough and specifically to protect the retail viability of Barnsley and Wombwell centres

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

Signed

John Sanderson
Head of Planning Services

Dated

19th May, 1995

Planning Services
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 0226-772600
Fax: 0226- 772599

BARNSELEY METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS 1977 - 1986

**The Barnsley Partnership,
per WNC Architects,**

To: **Carwood Court,
Carwood Road,
Sheepbridge,
Chesterfield S41 9QB**

In pursuance of its powers under the above mentioned Act and Orders the Barnsley Metropolitan Borough Council as the local planning authority hereby grants permission for the development the subject of the plan(s) and application submitted to the Council on **14th June, 19 91** and therein described as:-

Erection of non-food retail warehouse, land off Wombwell Lane, Barnsley

The permission is subject to compliance with the following conditions:-

1. The development for which permission is hereby granted shall be begun within a period of five years from the date of this permission.

CONDITIONS AND REASONS 2 TO 18 CONTINUED ON ATTACHED SHEETS



The reasons for the Council's decision to grant permission for the development subject to the conditions specified above are:-

1. In order to comply with the provisions of Section 41 of the Town and Country Planning Act 1971.

Dated the **twenty fifth** day of **July, 19 91**

Central Offices,
Kendray Street,
Barnsley. S70 2TN.

Signed

E. Hutchinson
Director of Planning.

Note: Attention is drawn to the fact that any failure to adhere to the details of approved plans and specifications or to comply with conditions attached to the permission constitutes a contravention of the Town and Country Planning Act 1971, in respect of which enforcement action may be taken.

P.T.O.

B/R1/0883/BA

2. The development shall be carried out in strict accordance with the plans and specifications hereby approved, except as provided for in the following conditions.
3. No construction work shall commence until a representative sample of the facing bricks and external profiled wall cladding has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall proceed in strict accordance with these details as approved.
4. No part of the retail units shall be used for the sale of food, clothing or toys.
5. The unit hereby approved shall not be sub-divided to form any units with a floor area of less than 5,000 square feet, without the prior express consent of the Local Planning Authority.
6. No outside storage shall at any time take place on the site, except within such purpose designed enclosures as may be approved in writing by the Local Planning Authority.
7. The landscaping scheme shown on the plans shall be carried out to the satisfaction of the Local Planning Authority by the end of the first planting season following the commencement of the use of the building, and thereafter the landscaped areas shall be retained. The landscaped areas shall be cultivated and maintained for 3 years from the date of implementation and any failures within that 3 year period shall be replaced to the satisfaction of the Local Planning Authority.
8. Foul effluent from the site shall only be discharged directly to a public foul sewer.
9. No surface water from the site shall be discharged directly or indirectly to any foul or combined sewer.
10. There shall be no development over or within 3 metres of any sewer, culverted watercourse or sewage pumping main crossing or adjacent to the site.
11. Concurrently with the carrying out of the development, a land drainage system shall be provided and maintained to the satisfaction of the Local Planning Authority.
12. Before the development hereby permitted is commenced, full foul and surface water drainage details (including land drainage) with levels and cross sections, shall be submitted to, and approved in writing by, the Local Planning Authority.

87-K/0883/BA Cont/d...

13. The development hereby permitted shall not commence unless and until a contract or contracts have been let for drainage works designed to achieve the following objectives:

1. Diverting and making good the existing watercourse known as Dob Sike and identified on Drawing No. H/1077/28/1 attached hereto
2. Protecting the flow route of the existing stone culvert crossing the site along its northern and eastern sides.
3. Cleansing and grading the existing watercourse along the southern boundary of the site.

These works to be carried out to the satisfaction of the Local Planning Authority (subject to such modifications as may subsequently be agreed in writing); in the case of (1) and (2), prior to the completion of any impermeable surfaces including roofs; and in the case of (3) prior to the opening for trading of the retail unit.

14. Floor levels of the proposed development shall be not less than the higher of:

- (a) 600 mm above normal water level in the adjacent watercourse
- (b) Such level that no open inlet into the foul system is less than 300 mm above the invert of the pump overflow pipe

15. Oil/Grit interceptors shall be provided on surface water drainage to all areas used by vehicles, to the satisfaction of the Local Planning Authority.

16. Concurrently with the development hereby approved, the parking/manoeuvring areas shown shall be drained, provided with an impermeable hard surface, and marked out to the satisfaction of the Local Planning Authority and shall thereafter be permanently reserved for that purpose.

17. A public footpath shall be maintained through the site, the details of which shall be submitted to and approved by the Local Planning Authority and the works thus agreed shall be carried out before any of the retail units is opened for trading.

18. The unit shall not be used unless directional traffic signs have been erected within the site to the satisfaction of the Local Planning Authority, and before work on site is commenced, full details of such signs shall have been submitted to and approved in writing by the Local Planning Authority.

B/91/0883/BA Cont/d...

Reasons

- 2 and 7. In the interests of the amenities of the locality.
- 3 and 6. In the interests of the visual amenities of the locality.
- 4 and 5. In order to ensure that a proper balance of shopping provision is maintained in the Borough and specifically to protect the retail viability of Barnsley and Wombwell Centres.
- 8, 11 to 15. To ensure the proper drainage of the area.
- 9. To prevent the overloading of the sewage works.
- 10. To safeguard the proper drainage of the area.
- 16. and 18. In the interests of highway safety.
- 17. To ensure the continuity of the footpath traversing the site.

Appendix

The developer's attention is drawn to the attached Category III General Development Order planning response as the site is within 250 metres of a landfill site.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-

Mr Philip Brown
Bolton Emery Partnership
Short House
1 - 5 Short Street
MACCLESFIELD
SK11 6JY



98/0330

Your Ref: C/2356/PB
Our Ref: T/APP/R4408/A/98/296198/P4

Date: 14 OCT 1998

Dear Mr Brown

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY FOCUS DIY LTD
APPLICATION NO: B/98/0330/BA**

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Barnsley Metropolitan Borough Council to refuse an application, as amended in agreement with you and the Council, for the relaxation of condition No 3 of planning permission B/94/0147/BA in order to allow the sale of pet food, pet toys and associated clothing from the Focus DIY at Barnsley Retail Park, Wombwell Lane, Barnsley. I conducted a hearing into the appeal on 6 October 1998.

2. The appeal is made under section 73 of the Act. The condition which is the subject of the appeal states:

"3. No part of the retail unit shall be used for the sale of food, clothing or toys."

The reason given for the condition is: "In order to ensure that a proper balance of shopping provision is maintained in the Borough and specifically to protect the retail viability of Barnsley and Wombwell Centres."

3. Variation of the condition would permit the introduction of a pet department to the existing DIY store. The department would be operated as an integral part of the store and would sell live pets, products related to their care, welfare and amusement, and pet food; with the exception of pet food, the sale of none of these is precluded by the condition.

4. As I suggested at the hearing, the decision in this case rests on whether the sale of pet food would harm the strategy of the emerging UDP to maintain and reinforce town centres, and their vitality and viability.

5. Policy S5 of the UDP aims to ensure that the character of out-of-centre development, such as that at the Retail Park, does not alter to the extent that it would harm town centres;



this aim is to be achieved by controlling the range and types of goods sold and the size of the units. You explain that the sale of pet food would occupy not more than one third of the net floorspace which would be devoted to the pet department, that is not more than 200 m²; your client would be prepared to accept a condition which would restrict pet food sales to that floor area. On that basis the Council are content that the proposal would not harm the strategy of the UDP, in particular that it would not harm the vitality and viability of Barnsley and Wombwell town centres.

6. I propose therefore to allow the appeal and to grant a new permission, subject to a varied condition No 3. As agreed at the hearing, the size threshold in condition No 4 should also be varied in line with the provisions of Policy S5 of the UDP.

7. I have considered all of the other matters raised, but there are none which outweigh the considerations leading to my decision.

8. For the above reasons and in exercise of the powers transferred to me I hereby allow this appeal and grant planning permission for a non-food retail store and garden centre, access roads and car park on land at Wombwell Lane, Barnsley in accordance with the application No B/98/0330/BA made on 18 March 1998 as revised, without compliance with conditions numbers 3 and 4 previously imposed on planning permission No B/94/0147/BA dated 21 March 1994 but subject to the other conditions imposed therein so far as the same are still subsisting and capable of taking effect, and subject to the following new conditions:

1. except that pet food may be sold from not more than 200 m² net floorspace of the unit shown edged red on the application plan, no part of the retail unit shall be used for the sale of food, clothing or toys;
2. the unit hereby approved shall not be sub-divided to form any units with a floor area of less than 930 m² without the prior agreement in writing of the local planning authority.

9. This letter only grants planning permission under section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.

Yours sincerely

Rosanne Whitaker

Miss R M Whittaker BA(Hons) MA MRTPI
Inspector



BARNSELEY

Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/03/0832/BA

To The Welcome Trust,
c/o Cushman & Wakefield,
Healey & Baker,
43 - 45 Portman Square,
London, W1A 3BG

1,200 sqm
unable to confirm exact size for
plans.

Proposal Erection of new retail unit (Class A1) and alterations to car park and service yard.
At Retail Park, Wombwell Lane, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 23 May 2003 and described above.

The approval is subject on compliance with the following conditions:

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
In the interests of the visual amenities of the locality.
2. No development shall take place 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 building is occupied. Development shall be carried out in accordance with the approved details.
In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property.
3. No outside storage shall at any time take place on the site, except within such purpose designed enclosures as shall be approved in writing by the Local Planning Authority.
In the interests of the visual amenities of the locality.
4. 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, which shall include details of the species, positions and planted heights of all proposed trees and shrubs, and indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and details

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

18

Dated 14 July 2003

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226 - 772600
Fax: 01226 - 772599

of any hard surfacing materials, any lighting and means of enclosure to the site.
In the interests of the visual amenities of the locality.

5. 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 within a period of 5 years from the completion of the development die, 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.

In the interests of the visual amenities of the locality

6. The building(s) shall not be occupied until the means of vehicular access to the site has been constructed in accordance with the approved plans, and thereafter, such means of vehicular access shall be retained.

In the interests of highway safety.

7. All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use

To prevent mud / debris from the development being deposited on the public highway in the interests of highway safety.

8. The parking and manoeuvring facilities, indicated on the approved plan, shall be provided and retained for that sole purpose at all times.

In the interests of highway safety.

9. Any subsequent subdivision of the unit shall not result in the creation of any individual units having a floorspace of less than 465 square metres. (5,000 sqft)

To accord with the previous consents on the site.

10. During the period of the construction of the development sufficient space shall be set aside within the confines of the site for the parking of construction operatives vehicles, the storage of building materials and plant.

In the interests of highway safety.

11. Notwithstanding the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall not be used for the retail sale of food [including pet food]; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records and CDs, audio or video tapes; pharmaceutical goods or sports products without the prior written consent of the local planning Authority.

To ensure that the proposal complies with Policy S5 of the adopted Unitary Development Plan.

12. No development shall take place unless and until surface water drainage details have 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.

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 13 No surface water shall be discharged to the drainage system from any areas of the site used by vehicles, without the use of petrol/oil/grit interceptors, the details of which shall have been submitted to and approved in writing by the Local Planning Authority before any work on site commences.

To prevent pollution of the water environment.

- 14 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

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 given 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 of the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

GRANT OF PLANNING PERMISSION

APPLICATION

B 9 6 1 2 2 7 B A

13

TOWN AND COUNTRY PLANNING ACT 1990

*Carpet Right or
House - Phase 2*

To Waverley Square Developments Ltd.
c/o Hull Smith BD Ltd.

5th Floor, South Point, South Accommodation Rd, Leeds.

*check license to
alter*

Proposal Installation of new shop frontage and security bollards.

At Unit 2, Retail Park, Wombwell Lane, Barnsley.

Permission is granted for the proposals which were the subject of the Application & Plans submitted to the Council on 18th October, 19 96 and described above.

The approval is subject to compliance with the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

5 DEC 1996

The reasons for the Council's Decision to grant permission subject to the conditions specified above are:

1. To comply with the provisions of Section 91 of the Town & Country Planning Act 1990

John Sanderson

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 Services
27th November, 1996.

Dated _____

Planning Services
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226-772600
Fax: 01226-772599

**BARNSLEY**
Metropolitan Borough Council**GRANT OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/03/0833/BA

To The Wellcome Trust,
c/o Cushman & Wakefield,
Healey & Baker,
43 - 45 Portman Square,
London, W1A 3BG

Proposal Alteration to customer car parks
At Retail Park, Wombwell Lane, Barnsley.

→ 460
spaces

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 27 May 2003 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 5 years from the date of this permission.
In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
2. All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use to prevent mud / debris from being deposited on the public highway to the detriment of road safety.
In the interest of highway safety.
3. The parking and manoeuvring areas, shown on the approved plan, shall be retained for that sole purpose at all times and shall be permanently demarked on site.
In the interest of highway safety.

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 29 July 2003

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Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226 - 772600
Fax: 01226 - 772599



BARNSELEY

Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/00/1002/BA

To The Wellcome Trust,
c/o HSBD Architects,
5th floor, South Point,
South Accommodation Road,
Leeds,
LS10 1PP

Proposal Formation of pedestrian access ramp
At Retail Park, Wombwell Lane, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 14 August 2000 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 5 years from the date of this permission.
In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990
2. The facing bricks to be used in the construction of the pedestrian access ramp hereby permitted shall match those used in the surrounding building.
In the interests of the visual amenities of the locality.

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

Morgan Koster
Signed
Assistant Director, Planning and Transportation

Dated 18 September 2000

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226 - 772600
Fax: 01226 - 772599

PLANNING APPLICATION

APPLICATION

B 00 1002 BA

BK N/A -

BARNSELEY

Metropolitan Borough Council

Please read the accompanying notes first. Failure to complete this form correctly will delay your application.

Please complete in BLOCK letters

1A: NAME & ADDRESS OF APPLICANT

The Wellcome Trust

210 Euston Road

London NW1 2BE

Tel:

If form completed by agent

1B: AGENTS NAME, ADDRESS & CONTACT

HSBD Architects

5th Floor, South Point

South Accommodation Road

Leeds LS10 1PP

Tel: 0113 2468288 Contact:

Please complete in BLOCK letters

2: FULL POSTAL ADDRESS OF APPLICATION SITE

Wombwell Lane, Barnsley

Please complete in BLOCK letters

3: BRIEF DESCRIPTION OF PROPOSED DEVELOPMENT

Construction of pedestrian ramp

Site area hectares/acres

Please tick one box

4: TYPE OF APPLICATION**A:** This is an Outline Planning Application**B:** This is a Reserved Matters Application following a previous grant of Outline Planning Permission**C:** This is an Application for the modification or removal of a condition**D:** This is a full Application for a change of use only and does not involve any Building Works**E:** This is a full Application for a change of use and/or building/engineering works☐

Go to Section 5

☐

Go to Section 6

☐

Go to Section 7

☐

Go to Section 8

☒

Go to Section 8

If you have ticked A in Section 4, please tick one or more boxes.

5: OUTLINE APPLICATIONS

The following matters are reserved for future consideration:

EXTERNAL

APPEARANCE

☐

SITING

☐

DESIGN

☐

MEANS

OF ACCESS

☐

LANDSCAPING

☐

If you have ticked B in Section 4, please complete

6: RESERVED MATTERS APPLICATION**A:** State Reference number of Outline Planning ApplicationB ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐**B:** State which reserved matters are dealt with in this Application:

Tick one or more boxes

EXTERNAL

APPEARANCE

☐

SITING

☐

DESIGN

☐

MEANS

OF ACCESS

☐

LANDSCAPING

☐

If you have ticked C in Section 4, please complete

7: APPLICATION FOR MODIFICATION OR REMOVAL OF A CONDITION**A:** State previous Planning Consent NumberB ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐**B:** State Condition Number(s)

OFFICE USE ONLY

FEE

£

95-

RECEIPT NO.

☐ ☐ ☐ ☐ ☐ ☐

DATE

14 08 00

Please tick one or more boxes

8: HIGHWAYS

The proposal involves: a new vehicular access? ☐

a new pedestrian access? ☒

an altered vehicular access? ☐

an altered pedestrian access? ☐

none of the above ☐

Please tick one box

9: PUBLIC RIGHTS OF WAY

Is the site crossed by Public right of way?

YES ☐

NO ☒

Please tick one box

10: TREES

A: The proposal does not involve the felling of any trees

B: The proposal does involve the felling of one or more trees

Please complete in block letters

11: EXISTING USES

Please state existing or, if vacant, last use(s) of site Retail Park

Please complete

12: DRAINAGE/WATER SUPPLY

A: How will surface water be dealt with? N/A

B: How will sewage be dealt with? N/A

C: How will water be supplied? N/A

Please complete if building works proposed

13: MATERIALS

Roof.....

Walls Brick to match existing

Please complete

14: CAR PARKING

Specify number of car parking spaces within the site

Existing 450 Proposed 442

Please tick one or more boxes and complete as necessary

15: COMMERCIAL & INDUSTRIAL DEVELOPMENT ONLY

A: The proposal does not involve any alteration in existing floorspace ☒

B: The proposal involves an alteration in total floorspace from approx m² to approx.

..... m². The new total includes the following uses with proposed net floorspace.

Retail.....m² Office.....m² Industrial.....m² Warehousing.....m² Storage.....m²

C: The proposal involves the use and/or storage of hazardous substances described in the Notes. If so, please detail below.

D: Number of Full time employees on the whole site: Existing Proposed

Number of Part time employees on the whole site: Existing Proposed

16: I attach 5 copies of the necessary plans and

I attach a completed Section 66 Certificate

and I enclose the fee of £ 95.00

Signed HSBD Architects (Applicant/Agent)

(For HSBD Ltd)

Date 10.8.00

on behalf of The Wellcome Trust

on behalf of The Wellcome Trust

on behalf of

ADVICE NO. 1