



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0146

To Bate & Taylor Architects
Macintosh House
4a Cambridge Street
Manchester Greater
Manchester
M1 5GG

DESCRIPTION Additional outside display / sales area for Unit 2 to land adjacent to Dryden Road, including erection of new fences / walls to perimeter and alterations to gable elevations

LOCATION Focus, 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 16 February 2012 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 Notwithstanding the details shown on the submitted plans the fencing above and between the wall and gate piers around the sales/display area shall be timber close boarded at the height shown on the approved plan (MH733-106) and not wire mesh.
Reason: In the interest of visual amenity in accordance with CSP29 Design.
- 4 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

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 Regulatory Services

Dated 10 April 2012

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: In accordance with UDP policy S5 and 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.

- 5 No external storage shall take place within the access road and/or the turning/manoeuvring areas.

Reason: In the interests of highway safety.

- 6 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

- 7 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

Reason(s) for Granting Permission

- 1 Unique The proposal is an extension to an existing retail use that complies with UDP policy S5, Core Strategy Policy CSP31 and the National Planning Policy Framework.

Informative(s)

- 1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

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.