



# BARNSLEY

## Metropolitan Borough Council

### GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/1354

**To** Planning Potential  
14-15 Regent Parade  
Harrogate  
HG1 5AW

**DESCRIPTION** Erection of foodstore and business use (Class B1) (Outline), associated car parking, improvements to access and landscaping (Resubmission)

**LOCATION** Land adjacent to The Chestnut Tree PH, Claycliffe Road, Barugh Green, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 03 November 2010 and described above.

The approval is subject on compliance with the following conditions:

- 1 Excluding the area subject to the outline application, as shown on Dwg No. 0454-21 (referred to elsewhere as 'the outline area'), 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 Application for approval of the matters reserved in Condition No. 3 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development of the land within the outline area, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
**Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.**

The grant of this consent does not

constitute or imply permission,  
approval or consent by the Local

Authority for any other purpose.

Signed

*Stephen Morales*

Assistant Director, Planning and Transportation

Dated 23 December 2010

- 3 The development of the land within the outline area hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
- (a) the layout of the proposed development.
  - (b) scale of building(s)
  - (c) the design and external appearance of the proposed development.
  - (d) landscaping
- Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**
- 4 Excluding the outline area, the development hereby approved shall be carried out strictly in accordance with the plans (0454-15 Rev C, 0454-16, 0454-17, 0454-18 Rev B, 0454-19, V0454 L01 Rev C) and specifications as approved unless prior written consent has been given by the Local Planning Authority to any variation.
- Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.**
- 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 die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.
- Reason: In the interests of the visual amenities of the locality.**
- 6 The planting areas shall be maintained for a minimum of 5 years after practical completion of development in accordance with details contained in the approved Landscape Specification (Job/Dwg: V0454S L01 Rev C)
- Reason: In the interests of the visual amenities of the locality.**
- 7 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme for surface water run-off limitation and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
  - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
  - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure proper drainage of the area**

- 8 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.  
**Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading.**
- 9 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:  
-The parking of vehicles of site operatives and visitors  
-Means of access for construction traffic  
-Loading and unloading of plant and materials  
-Storage of plant and materials used in constructing the development  
-Wheel washing facilities  
-Measures to control the emission of dust and dirt during construction  
- Measures to minimise dust generated from machinery  
-Measures to control noise levels during construction  
-A scheme for recycling/disposing of waste resulting from demolition and construction works  
**Reason: In the interests of highway safety, residential amenity and visual amenity.**
- 10 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:  
  
Tree protection plan (TPP)  
Arboricultural implication assessment (AIA)  
Arboricultural method statement (AMS)  
  
No development or other operations shall take place except in complete accordance with the approved methodologies.  
**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**
- 11 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.  
**Reason: To safeguard existing trees, in the interest of visual amenity.**
- 12 The outline area shall be cleared and levelled and the access installed in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority prior to commencement of development. The approved scheme shall be implemented in accordance with the approved details prior to the foodstore being brought into use.  
**Reason: In order to assist in making the land within the outline area available for traditional employment uses, in accordance with UDP policy ED7.**

- 13 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: In the interest of highway safety.**
- 14 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m.  
**Reason: In the interest of highway safety.**
- 15 Sightlines, having the dimensions 2.4m x the site frontage, shall be safeguarded at the Barugh Green Road entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of highway safety.**
- 16 A Final Travel Plan for the food store shall be submitted to and approved in writing by the Local Planning Authority within 6 months of it opening to the public. The Final Travel Plan, shall be implemented, monitored and reviewed in accordance with the approved details.  
**Reason: In the interest of promoting sustainable travel in accordance with UDP policy T22 and SPD32.**
- 17 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.**
- 18 An air quality impact assessment shall be submitted with the application for Reserved Matters, the details/methodology of this assessment should be agreed with the Local Planning Authority prior to its submission.  
**Reason: In the interests of local air quality in accordance with UDP Policy ES1, Pollution.**
- 19 Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until arrangements have been entered into to secure works to mitigate the effect of the development on highway safety. Such work shall be completed prior to the development being brought into use and comprise of:-  
- Provision of a right turn lane on Claycliffe Road  
- Any necessary signing and lining;  
- Provision of/any necessary amendments to street lighting;  
- Provision of/any necessary amendments to highway drainage;  
- Any necessary resurfacing/reconstruction.  
**Reason: In the interest of highway safety.**
- 20 Development shall not commence until details of all highway retaining structures, including specifications and calculations, have been submitted to and approved, in writing, by the Local Planning Authority, and the development shall then be carried out in strict accordance with the approved details.  
**Reason: In the interests of Road Safety to aid vehicular access to the site.**

- 21 Vehicular and pedestrian gradients within the site shall not exceed 1 in 12 to ensure safe and adequate access.

**Reason: In the interests of pedestrian and Highway Safety**

### **Reason(s) for Granting Permission**

- 1 Unique It is considered that material considerations have been demonstrated to justify a departure from policy ED7 in that the proposal would deliver a high quality development which would respond positively to the regeneration of a longstanding vacant site bringing both economic and environmental benefits. The provision of services will address a local deficiency in shopping facilities and make a valued employment contribution. It is also considered to be a highly sustainable location, which is accessible to a range of users.

### **Informative(s)**

- 1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:
- Collapse of shallow coal mine workings;
  - Collapse of, or risk of entry into, mine entries (shafts and adits);
  - Gas emissions from coal mines including methane and carbon dioxide;
  - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
  - Transmission of gases into adjacent properties from underground sources through ground fractures;
  - Coal mining subsidence
  - Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

- 2 The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

National Planning Policy

PPS1: Delivering Sustainable Development

PPS4: 'Planning for Sustainable Economic Growth' - policies EC10, EC14, EC15, EC17

PPG13: Transport

Unitary Development Plan

ED7 - 'Existing Employment Areas'

S1 'Shopping/commercial Centres'

S3 'Retail Development Outside Defined Centres'

S4 'New Retail'

BE6 'Design Standards'

T2 & T2A: Development and the Highway Network

GS22, GS22A & GS22B: Woodland, Hedgerows & Trees

Supplementary Planning Guidance and Planning Advice Notes

SPG 9: Trees & Hedgerows

SPG24: Re-use of Employment Policy Areas

SPG27: The Sequential Approach and need for Retail, Leisure and Business Development

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

- 3 The front canopy to the store entrance shall be constructed so as to withstand loads imposed by inclement weather such as heavy snowfall.

## **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.