



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/0708

To Savills UK Limited
Belvedere
12 Booth Street
Manchester
M2 4AW

DESCRIPTION Full planning application for external alterations to amalgamate Units 3B and 3C, construction to both units a rear extension measuring 508sqm, demolition of existing mezzanine floor and construction of a new mezzanine floor measuring 323sqm, together with permission to sell food and drink goods from up-to 1,174 sqm from the combined and extended unit and permission for all other associated works

LOCATION Units 3B and 3C, Dryden Road, Peel Centre, Barnsley, S71 1JE

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 27/07/2022 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) and specifications as approved unless required by any other conditions in this permission.
 - Existing Elevations drawing number AGH/997/222A
 - Existing Plans drawing number AGH/997/220A
 - Existing Sections drawing number AGH/997/221A
 - Location Plan drawing number AGH/997/201G
 - Proposed Ground and Mezzanine Plan drawing number AGH/997/204J
 - Proposed Key Drawing drawing number AGH/997/203K
 - Proposed Sections Sheet 1 drawing number AGH/997/207J
 - Proposed Section Sheet 2 drawing number AGH/997/208J
 - Site Plan drawing number AGH/997/202G
 - Amended Elevations Revision E**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

- 3 No development shall commence before a report detailing the specifications of the remedial treatment works required to address land instability arising from shallow coal mining legacy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved remedial works shall be carried out in full in order to ensure that the site is made safe and stable for the development proposed. The development shall not be brought into use before a signed statement or declaration prepared by a suitably competent person confirming that the works have been carried out in full and that the site has been made safe and stable for the approved development has been submitted to the Local Planning Authority. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.
Reason: The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
- 4 The premises hereby approved shall be used for the retail sale of goods within Use Class E. No more than 1,174 sq.m of the sales area shall be used for the display and sale of food and drink.
Reason: To ensure that the use takes the form envisaged by the Local Planning Authority in granting this permission and in the interests of the vitality and viability of the town centre.
- 5 No more than 2,249 sq.m of sales area across the Retail Park shall be used for the display and sale of food and drink.
Reason: To ensure that the use takes the form envisaged by the Local Planning Authority in granting this permission and in the interests of the vitality and viability of the town centre.
- 6 Prior to any development above ground level, details of the proposed trolley stores shall be submitted to and agreed in writing by the Local Planning Authority and the development shall proceed in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 7 The amended servicing provision shown on the approved site plan drawing number AGH/997202G shall be fully implemented before the extension hereby permitted is first occupied and shall thereafter be retained for servicing purposes.
Reason: In the interests of the proper servicing of the site and the free flow of traffic on Dryden Road, in accordance with Local Plan Policy T3 New Development and Sustainable Travel.
- 8 The parking and manoeuvring areas within the application site shall remain available for manoeuvring and parking by all users of the retail park with no restriction or charging unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Local Plan Policy T4 New Development and Highway Improvement.

- 9 Notwithstanding the provision of the 1990 Act and the Development Management Procedure Order (as amended) and any subsequent amendments, other than the mezzanine floor hereby permitted no further mezzanine floor shall be provided to the retail unit without the prior written approval of the Local Planning Authority.
Reason: To ensure the development takes the form envisaged by the Local Planning Authority when granting planning permission and in the interests of maintaining the vitality and viability of Barnsley Town Centre in accordance with Local Plan Policy TC1 Town Centres
- 10 Prior to occupation of the extension hereby permitted, full details of any externally mounted plant or equipment for heating, cooling or ventilation purposes, and grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
Reason: In the interest of visual and residential amenity in accordance with Local Plan Policy Poll1, Pollution Control and Protection.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated 08/11/2022



Joe Jenkinson
Head of Planning, Policy and Building Control

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

NOTES:

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.