BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0544

To Miss Miranda Steadman
Commercial Development Projects Ltd.
Marshall House
Huddersfield Road
Elland
West Yorkshire
HX5 9BW

DESCRIPTION Removal of condition 13 from 2014/1538 requiring the retail building to achieve BREEAM standard of 'very good' or equivalent

LOCATION Kendray Hotel, Birk Avenue, Kendray, Barnsley, S70 3AH

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 14 May 2015 and described above.

The approval is subject on compliance with the following conditions:

1 Excluding the area subject to the outline application (for residential development), as shown on Dwg No. 1320(0-)-02Rev C site plan as proposed, the development hereby permitted shall be begun before 03/02/2018.
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 03/02/2018, 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.

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

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

Signed
Head of Planning and Building Control

Dated 07 August 2015

Development Service
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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 1320(0-)-02 Rev C Site Plan as Proposed, 1320(0-) 04 Rev D Street Sections and Retail Unit Plans and Elevations, Planning, Design And Access Statement, Bat Survey September 2014, Noise Impact Assessment (ENS 28th Nov), Retail Statement (October 2014), Ground Investigation Survey (Roberts Environmental ref 41008), Transport Statement (28th Nov)and specifications as approved.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

5 The external materials Shall be in accordance with the details outlined below;
Brickwork (Hanson-Cadeby Red Multi)
Cladding (Kingspan KS1000 Flat),
Roof (Kingspan KS1000 Trapezoidal)
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

6 The hard landscaping works shall be as follows;
Tarmac to vehicle hardstanding area complimented by concrete kerbstone, Oakdale Paving Flags (Silver/grey) to pedestrian walkways, galvanised steel bollards.
The approved hard landscaping details for each phase shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

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 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.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

8 The site drainage shall be carried out in accordance with the details set out on drawings 14053-D201E & 14053-D208 and the Drainage Strategy dated April 2015. Furthermore, the approved drainage shall include storage and flow control limited to 18.2 l/s. 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.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

9 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 Core Strategy Policy CSP 40, Pollution Control and Protection.

10 The development shall be carried out in accordance with the approved Construction Method Statement (REF:C224/01) and Construction Method Statement Layout Plan.
Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

11 The site boundary shall be carried out in accordance with 'Site Plan as Proposed' (REF: 1320(-0)02). The approved boundary treatment shall be completed before the building opens to the public and shall be maintained as such thereafter.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.

12 Deliveries shall be only take place between the hours of 0700 & 2200 Monday to Saturday and 0800 & 1800 on Sundays and Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

13 Detailed plans shall accompany the reserved matters submission for the development indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.

14 The residential development hereby approved shall not exceed a maximum of 9 residential units and no residential property shall be more than two storeys in height.
Reason: To ensure the development conforms with the approved outline planning Permission and stays with the maximum assessed level of development.

15 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, in accordance with Core Strategy Policy CSP 26.

16 Sight lines, having the dimensions 2.4m x 43m, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interests of road safety in accordance with policy CSP26.

17 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: In the interests of road safety in accordance with policy CSP26.

18 Fixed plant installed shall be designed to operate so that the noise rating level (as defined in BS 4142:1997) at the nearest neighbouring properties is no louder than 35dBA at all times.
Reason: In the interest of residential amenity in accordance with Core Strategy Policy CSP 40.

19 The initial Highways Condition Survey by Opus dated 28/04/2015 has been submitted and accepted. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary

remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of Highways Safety in accordance with Policy CSP26.

20 The development shall be carried out in accordance with the approved plans/details contained in the Report on Trees dated 16/04/2015 (REF: THC/2015/04/16 AS) prepared by A L Smith M Arb CEnv MICFor F Arbor A.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

1 The developer must contact Highways & Engineering tel 01226 773555 prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of vehicular accesses to the highway.
2 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

NOTES:-

Appeals to the Secretary of State

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

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

Purchase Notices

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

Compensation

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

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