BARNSLEY
Metropolitan Borough Council

**Growth and Sustainability**
**Regeneration and Culture**
**Planning and Building Control**

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

## APPLICATION NO. 2022/0457

**To** Urbana Town Planning
2 Steel City House
West Street
Sheffield
S1 2GQ

**DESCRIPTION** Variation of condition 7 of application 2021/0564 (Erection of 3 retail units) to allow longer opening hours and delivery times for Unit 2 - re-consultation as amended hours submitted

**LOCATION** Former Foulstone School Site, Nanny Marr Road, Darfield, Barnsley, S73 9AB

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 06/06/2022 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 12th January 2021.
**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 and maintained strictly in accordance with the amended plans and specifications as approved:-

- Proposed Site Plan 10836-A-3-002 Rev D
- Proposed Plans and Elevations 10836-A-3-002 Rev F
- Materials Plan 017-21 A201
- Servicing and Deliveries Management Plan (March 2021 V3) by Strykeslip
- Site Plan 017-21 A006 C which shows two EVCP bays, subject to the EVCP's provided being mode 3, 7 kW, 32 amp as per your email 27/10/2021
- Drainage Design' SRE-21-02-04 dated 11/02/2021
- Soakaway and Siltrap Typical Details STE/21/02/03 (dated 12/2/21)
- External Levels (ref: STE/21/02/01 A)
- Arboricultural Impact Assessment (All About Trees, dated 16th February 2021)
- Arboricultural Impact Assessment Rev A Existing Trees shown on Existing Layout (AIA EXI rev A)
- Arboricultural Method Statement (All About Trees, dated 16th February 2021)
- Tree Protection Plan (AIA TPP)

for the lifetime of the development, unless required by any other conditions in this permission.
**Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

3 Within 2 months of the date of this decision, the Boundary Treatments shall be implemented in accordance with Site Plan 017-21 A006 C and maintained for the lifetime of the development.
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making.**

4 Within three months of the date of this permission, details of measures to facilitate the provision of high speed full fibre broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
**Reason: In order to ensure compliance with Local Plan Policy I1.**

5 The use hereby permitted shall be carried on only between the hours of 07.00 to 23.00 (everyday) for Units 1 and 3 and 06.30 to 23.00 for Unit 2. For Units 1 and 3, deliveries shall be carried out only between 08.00 to 18.00 Mondays to Fridays and 09:00 to 14:00 on Saturdays, Sundays, or Bank Holidays. Deliveries for Unit 2 shall be carried out between the hours 06.30 to 18.00 Mondays to Saturdays, 09.00 to 14.00 on Sundays and Bank Holidays.
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

6 Construction orremediation 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

7 The landscaping details shall be in accordance with Site Plan 017-21 A006 Care, subject to the ‘Laural Hedge’ being replaced with a native hedgerow and the hardy shrub species being: Daphne, Box, Fatsia, Lavender, Aucuba, Camellia, Euonymus, Mahonia, Photinia, Holly.
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**

8 All planting, seeding or turfing comprised in the approved details of landscaping plan shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the **landscaping shall be carried out in accordance with the approved details and timescales.**
**Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making.**

9 The proposed access and on-site car and cycle parking, and turning shall be laid out in accordance with the approved plan. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
**Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with Local Plan Policy T4.**

10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
**Reason: In the interest of satisfactory and sustainable drainage in accordance with Local Plan Policy CC4.**

11 Parking restrictions on the development hereby approved shall allow for not less than 2 hours.
**Reason: To encourage linked trips, supporting the vitality and viability of Darfield Local Centre, in accordance with Local Plan Policy TC1.**

12 Before use of Unit 2 commences, a noise barrier of at least 2.4m high solid timer or equivalent, shall be installed at the back of the retail units and up the side of the yard as described in report 'Noise Impact Assessment' produced by K R Associates dated 31st March 2021, ref: KR 06815, shall be implemented so that any noise associated with the development avoids significant adverse impacts on health or the quality of life as required by noise planning policy, especially to those living and working in the vicinity. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.
**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**

13 Only vehicles with white noise reversing alarms shall be used to carry out deliveries to Plot 2 before 09:00am on Saturdays and 08:00am Monday to Friday.
**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**

**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 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.

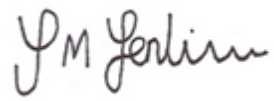
If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

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 09/08/2022



Joe Jenkinson
Head of Planning 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.