



BARNSELEY

Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0182

To JVH Town Planning Consultants Ltd.
Houndhill Courtyard
Houndhill
Marchington
Staffordshire
ST14 8LN

DESCRIPTION Erection of hotel/bar/restaurant and two roadside restaurants (Outline)
(Extension of time limit for implementation of applications 2010/0107 and
2012/0304) (Amended description)

LOCATION Land off Barnsley Road, Goldthorpe, Rotherham, S63 9LB

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 25 February 2013 and described above.

The approval is subject on compliance with the following conditions:

- 1 The reserved matters approved as part of application reference 2012/0304 in connection to outline planning permission 2010/0107 are approved for the purposes of condition 1.
Reason: In the interests of visual and residential amenity and highway safety in accordance with Local Development Framework CSP29 'Design', CSP40 'Pollution Control and Protection' and CSP26 'New Development and the Parking SPD.
- 2 Development shall commence by the 4th July 2015.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990
- 3 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved unless required by any other conditions in this permission:-
 - BDG drawing no 2545/01 'Location Plan'
 - BDG drawing no 2545/03 Rev A 'Proposed Site Plan'
 - BDG drawing no 2545/04 'Proposed Hotel Floor Plans'
 - BDG drawing no 2545/05 'Proposed Hotel Elevations'
 - BDG drawing no 2545/06 'Proposed Public House/Restaurant Floor Plans'

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

Signed *Stephen Moralee*
Head of Planning, Building Control and Sustainability

Dated 23 May 2013

-BDG drawing no 2545/07 'Proposed Public House/Restaurant Elevations'
-BDG drawing no 2545/08 'Proposed Restaurant A Plans and Elevations'
-BDB drawing no 2545/09 'Proposed Restaurant B Plans and Elevations'
-Martin F. Holland drawing no 1A 'Landscaping Proposals (apart from the area around restaurant B which has now been superseded in part and now forms condition 17 of this consent)

Martin F Holland 'Specification for Soft Landscaping Works'.

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 4 This permission is granted only on the basis that the lounge/restaurant building is a component part of, and ancillary, to the hotel to which it is shown to be connected to in the approved plans.
Reason: For the avoidance of doubt. Permission is granted in accord with the provisions of the Development Plan due to the strategic benefits associated with a hotel. Such benefits do not apply to the lounge/restaurant and in the absence of a hotel would be inappropriate in this visually prominent edge of town location.
- 5 No development shall commence on the construction of either roadside restaurant until such time as the hotel is substantially complete.
Reason: Planning permission is being granted due to the strategic benefits associated with a hotel. Such benefits do not apply to roadside restaurants and in the absence of a hotel would be inappropriate in this visually prominent edge of town location.
- 6 With the exception of the landscaped mound no development shall take place within 15 metres of the boundary with the adjacent housing.
Reason: To minimize the impact for adjacent residents.
- 7 Prior to the occupation of any part of the development all peripheral and structural landscaping shall be fully implemented. Thereafter all remaining 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 others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual and residential amenities of the locality, in accordance with Core Strategy Policy CSP 29.

- 9 Restaurant B shall not be occupied until a soft landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in substantial in accordance with the specifications on Martin F. Holland drawing no 1A 'Landscaping Proposals'. The planting shall thereafter be carried be implemented in accordance with the approved details and the requirements of conditions 6 and 7 of this consent.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 10 No development shall take place until:
- (a) Full foul and surface water drainage details 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 and 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 CSP4.
- 11 No building or other obstruction shall be located over, or within 3.0 metres of either side of the centre lines of sewers which cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 12 No development shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of any waste materials, including trade effluents, in accordance with details to be submitted to and approved by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
Reason: To ensure that the development can be properly drained without damage to the local water environment.
- 13 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not passed through any interceptor.
Reason: In the interests of satisfactory drainage.

- 14 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with Core Strategy Policy CSP 30.

- 15 No development shall take place until full details of the proposed external materials have been 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 the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 16 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use.

Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety in accordance with Core Strategy policy CSP 26.

- 17 The parking/manoeuvring facilities indicated on the approved plan shall be provided prior to the development being brought into use, and shall be retained for that sole purpose at all times

Reason: In the interests of road safety.

- 18 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. 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 highway safety in accordance with Core Strategy policy CSP 26.

- 19 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interests of highway safety in accordance with Core Strategy policy CSP 26.
- 20 Development shall not commence until details of all highway retaining structures, including specification 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 highway safety in accordance with Core Strategy policy CSP 26.
- 21 No development shall take place, including any works of demolition, 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;
-Measures to prevent mud/debris being deposited on the public highway.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 22 Prior to occupation of the building/commencement of the use, full details of lighting for the car parks and any external security lighting to be fitted to the buildings shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Core Strategy Policy CSP 40.
- 23 Prior to occupation of the buildings, full details of any externally mounted plant or equipment for heating, cooling or ventilation purposes, nor 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 Core Strategy Policy CSP 40.
- 24 Prior to occupation of the roadside restaurants, a scheme describing the methodology to be employed to control litter and minimise waste from being deposited in the street shall have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall, amongst other matters, provide details of the packaging to be used, any litter bins to be provided and any signage to be displayed on the premises advising customer of the need to dispose of litter in appropriate litter bins or other facilities. Any litter bins or other facilities provided pursuant to the requirements of this condition shall be provided prior to the roadside restaurants being brought into use and shall retained and maintained for the duration of the development and operate in complete accordance with the approved scheme.
Reason: In the interests of the visual amenity of the locality in accordance with Core Strategy Policy CSP 40.

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no new fences, gates or walls shall be erected within the site, which would otherwise be permitted by Part 2, Class A of Schedule 2.
Reason: To enable the effects of any proposed development on residential and visual amenity to be considered.
- 26 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- a) provision of right turn lane on Barnsley Road;
 - b) provision of pedestrian refuges on Barnsley Road;
 - c) provision of pedestrian refuge at site entrance;
 - d) provision of/ any necessary alteration to street lighting;
 - e) provision of/any necessary alteration to highway drainage;
 - f) any necessary signing/lining;
 - g) measures to control/restrict parking
 - h) any necessary resurfacing/reconstruction.

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

Reason(s) for Granting Permission

- 1 Unique In the opinion of the Local Planning Authority, the proposed new planning permission in order to extend the time limit for implementation by 1 year is considered acceptable in that:-

It is considered that no new significant planning policy reasons exist to indicate a decision at variance from the previous decision on application 2010/0107 from a land use planning policy perspective taking into account the NPPF and the Local Development Framework Core Strategy.

The application is also considered to comply with the guidance set out in 'Greater Flexibility for Planning Permissions' in terms of increasing the chances of sustainable development being brought forward quickly.

The application also does not raise any new material considerations with regards to the issues of visual and residential amenity and highway safety given that application 2012/0304 was assessed the NPPF and up to date policies in the Core Strategy and including CSP29 'Design', CSP40 'Pollution Control and Protection' and CSP26 'New Development and the Parking SPD.

In the opinion of the Local Planning Authority there are no other material considerations which indicate that a decision should be made at variance to the above policies and guidance.

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 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant.
- 2 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

- 3 The developer must contact Mr G Handley - Highways & Engineering prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of permanent or temporary vehicular access(s) to the highway.
- 4 The developers attention is drawn to the contents of the letter from Yorkshire Water, dated 7th March 2013 which confirms that the comments and observations in their previous letter dated 4th March 2010 on planning application 2010/0107 still apply for this development proposal. Any questions/queries arising from this letter should be directed to Yorkshire Water. Yorkshire Waters telephone number is (01274) 691111.

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.