BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2014/0035

To ID Planning
Atlas House
21 King Street
Leeds
LS1 2HL

DESCRIPTION Demolition of existing public house and outbuildings and erection of retail store (A1) with associated access and parking.
LOCATION Kings Head, Darton Lane, Mapplewell, Barnsley, S75 6AP

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 20 January 2014 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 amended plans (Nos. 06 Rev T, 07 Rev H, 13183-119_2DT, 10) and the following documents
- Design and Access Statement
- Retail and Planning Assessment
- Bat Assessment Report
- Transport Statement
- Plant Noise Assessment

as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

Stephen Moralee

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, Building Control and Sustainability

Dated 08 September 2014

Development Service
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3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details 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.

4 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:-
a) The parking of vehicles of site operatives and visitors;
b) Means of access for construction traffic;
c) Loading and unloading of plant and materials;
d) Storage of plant and materials used in constructing the development;
e) Measures to prevent mud/debris being deposited on the public highway.
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.

5 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% 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.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

6 Prior to occupation of the commencement of the use, full details air handling and refrigeration plant and exact noise outputs shall be submitted to and approved in writing by the Local Planning Authority. Details shall ensure that all air handling and refrigeration plant shall operate at a level of 5dB below the measured background levels at the nearest sensitive property. 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.

7 Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of: -

a) Existing footways to be widened to 2.0 metres;
b) provision of tactile crossing and refuge at the site entrance;
c) upgrade of the island on the junction of Kingsway/Towngate and Darton Lane to provide tactile crossing across Kingsway.
d) modification of the right turn pocket and additional hatching to carriageway on Darton Lane;

e) removal of the drop off / pick up area to the public house frontage and to provide measures to prevent parking on the footway.
f) measures to delineate the highway boundary;
g) any necessary signing and lining;
h) TRO's to site frontage to prevent parking/loading;
i) provision of/any necessary amendments to street lighting;
j) provision of/any necessary amendments to highway drainage;
k) any necessary resurfacing/reconstruction;
l) relocation of the bus stop Towngate/Kingsway

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 interest of road safety in accordance with Core Strategy Policy CSP 26.

8 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 interest of road safety in accordance with Core Strategy Policy CSP 26.

9 Prior to the occupation of the building a draft Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to control the arrival and departures of deliveries to the store, and allow for regular reporting and monitoring being undertaken. Subsequently, within six months of the site becoming operational, a detailed Delivery Management Plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26.

10 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.

11 All air handling and refrigeration plant shall run at a reduced setting during night-times (23:00 to 07:00 hours).
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

12 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26.

13 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of site access with Darton Lane, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26.

14 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.

15 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26.

16 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: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

17 The use hereby permitted shall be carried on only between the hours of 0700 to 2300 Monday to Sunday.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

18 With the exception of newspapers, deliveries shall be only take place between the hours of 0700 to 2100 Monday to Saturdays and 0900 to 1800 hours Sundays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

19 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.

20 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 in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of the sewer located within the site.
Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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 proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk 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
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.
3	The developer must contact Environmental Services 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.
4	Under the Building Act 1984, the Council is required to be notified of any demolition exceeding 50 cubic metres carried out within the Borough. Please contact Environmental Services on 01226 772009

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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