



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/1150

**To** White Agus Partnership  
Office One  
34 Victoria Road  
Barnsley  
S70 2BU

**DESCRIPTION** Erection of 4no units for retail (use class A1), restaurants and cafes (A3) or hot food takeaway (A5) uses and provision of associated parking and servicing  
**LOCATION** Budgens Supermarket, Castle View, Dodworth, Barnsley, S75 3JR

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 08 October 2019 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 plan (No.17-183-02 C) and specifications as approved 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 No development shall take place until 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. 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 Local Plan Policy CC3 'Flood Risk'.**
- 4 No development above ground level shall take place before full details of the materials and colour finish to be used in the approved development have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out 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.**



- 5 The proposed fencing on the South and East boundaries shall be fully implemented before any of the units hereby permitted are first occupied.  
**Reason: In the interests of the amenities of the locality and of occupiers of adjoining property in accordance with Local Plan Policy GD1 General Development.**
- 6 No development above ground level shall take place before details of the cycle parking area shown on the approved plan, including the provision of cycle stands, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before any of the units hereby permitted are first occupied.  
**Reason: To ensure that satisfactory cycle parking provision is made in the interests of encouraging active travel options and in accordance with Local Plan Policy T4 New Development and Transport Safety**
- 7 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 Local Plan Policy Poll1 Pollution Control and Protection.**
- 8 The use hereby permitted shall be carried on only between the hours of 0700 to 2200 Mondays to Fridays, 0800 to 2200 on Saturdays and Sundays and Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.**
- 9 Deliveries shall be only take place between the hours of 0800 & 1800 Monday to Friday and 0900 & 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 Policy Poll1, Pollution Control and Protection.**
- 10 The permission hereby approved allows for only unit 4 to be used as a hot food takeaway as specified on the approved plans.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection and SPD Hot Food Takeaways**
- 11 No bin storage shall take place anywhere on the site except as shown on the plan hereby approved.  
**Reason: In the interests of the amenities of the locality and of occupiers of adjoining property in accordance with Local Plan Policy GD1 General Development.**
- 12 The parking facilities indicated on the submitted plan shall be repaired and delineated as indicated on the approved plan before any of the units hereby approved are first occupied.  
**Reason: To ensure that satisfactory off street parking/manoeuvring is provided in the interests of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended), no plant or machinery shall be installed externally to the property without the prior written approval of the Local Planning Authority.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection and SPD Hot Food Takeaways**
- 14 Vehicular and pedestrian gradients within the site shall not exceed 1:12.  
**Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.**


## **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.*

*Please be aware that the Council monitors construction sites and open land within the vicinity 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 the approved development is disposed of via approved methods and that documents are retained to prove this.*

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 05 December 2019

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 given 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.