BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/1199

To Planware Ltd
The Granary
37 Walnut Tree Lane
Sudbury
CO10 1BD

DESCRIPTION Erection of a freestanding restaurant building with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD), Goal Post Height Restrictor and Play Frame (Amended Site Address/Application Form)

LOCATION Land off Kestrel Rise, Birdwell, Barnsley, S70 5SZ

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 26/10/2020 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.) and specifications as approved unless required by any other conditions in this permission.
Drawing numbers and specifications:

11627- AEW-8415-0002-C Block Plan
001-01 F Equipment Elevations Chargepoint Express 250
11627-AEW-8415-003 Existing Site Plan
16860-VL-McD-L01-E Landscape Plan
Location Plan
E11-003-V01-S Play Frame plan
11627-AEW-8415-0005 – A Proposed Building Elevations
11627-AEW-8415-0006 – A Proposed Floor and Roof Plan
4200204-1000 P1 Proposed Levels
11627-AEW-8415-0004-D Proposed Site Plan
5702 - Roof Level Standard Ventilation Layout
F200204/4101 Site Survey

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 The approved Construction Environmental Management Plan shall be adhered to throughout the construction period.
Reason: In the interests of highway safety, residential amenity and the satisfactory appearance of the construction site.

4 The approved Delivery Management Plan shall be adhered to throughout the operation of the development hereby permitted.
Reason: In the interests of highway safety and residential amenity.

5 The Cycle Stands and Shelters indicated on the approved plans shall be installed before the development is brought into use and shall be retained at all times.
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.

6 The approved air conditioning and fume extraction equipment and plant shall be installed strictly in accordance with the approved details before the use hereby permitted first commences and retained and maintained as such thereafter.
Reason: In the interests of the residential and visual amenities of the locality and in accordance with the Local Plan Policies D1 High Quality Design and Place Making and Poll1, Pollution Control and Protection.

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 others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy GD1 General Development.

8 The ecological mitigation measures identified in the ecological appraisal and set out on the approved drawing number 16860-VL/McD_LO1 E 'landscape plan' shall be carried out simultaneously with the landscaping scheme, that is in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner.
Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity.

9 The approved scheme to be employed to control litter and minimise waste from being deposited in the street, including the provision of litter bins shall be fully implemented, retained and maintained for the duration of the operation of the development and the use shall operate in complete accordance with the approved scheme.
Reason: In the interests of the visual amenity of the locality in accordance with Local Plan Policy Poll1, Pollution Control and Protection.

10 The development shall be constructed in full accordance with the details submitted on drawing 4200204-SK08 (revision P1) dated 11/09/2020 prepared by Glanville whereby surface water shall discharge to public sewer at a maximum rate of 5 litres a second.
Reason: In order to mitigate against the risk of surface water flooding.

11 Before the development hereby permitted is first used, the two electric vehicle charging points and the infrastructure/ducting for a further four electric vehicle charging points shown on the approved plans shall be installed to the approved specification and shall thereafter be retained for the duration of the development.
Reason: in the interests of mitigating the impact of the proposals on air quality in accordance with Local Plan Policy Poll 1 Pollution Control and Protection.

12 The parking/manoeuvring facilities, indicated on the submitted plan shall be 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 Local Plan Policy T4 New Development and Highway Improvement.

13 Details of the specification and maintenance regime of the proposed green walls and roof shall be submitted to and approved in writing by the Local Planning Authority before foundation works commence on site. The green roof and walls shall be provided in accordance with the approved details prior to the first use of the building. The plants shall be maintained for a period of five years from the date of implementation and any failures within that period shall be replaced.
Reason: To ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of satisfactory biodiversity mitigation in accordance with Local Plan Policy BIO1 and the SPD Biodiversity and Geodiversity.

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 submitted drawing shows both foul and surface water proposed to be drained to private sewers believed to be contained in a sewer adoption agreement made with Yorkshire Water (or our predecessor/agent) under the provisions of Section 104 of the Water Industry Act 1991 (or amended earlier legislation).

2 The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

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 05/05/2021



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.