



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/0104

To AN Designs Limited
61 Meadow Street
Preston
PR1 1TS

DESCRIPTION Demolition of existing hotel/pub and development of new petrol station with jet washes (sui generis) and retail units (class E)

LOCATION Thurnscoe Hotel and Pub, Houghton Road, Thurnscoe, Rotherham, S63 0JX,

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 26/04/2021 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 plans (Neighbour map, Noise Impact Assessment- NIA/9630/21/9591/V1/Thurnscoe PFS by ENS solutions, received on 19/03/2021, Proposed Plans and Elevations- PL-02, received on 26/04/2021, Structural report by AN consulting engineers, received on 26/04/2021, Bat Survey: Preliminary Roost Assessment, received 10/03/2021, Bat Survey: Presence and Absence Survey, received 19/05/2021, Swept Path Analysis- Rigid Tanker 10m JG03, Articulated Tanker 15.6m JG04, Dart Bus 9m JG05- all received 04/05/2022, Drainage Survey- 00053 Rev 002- received 04/05/2022, Flood Risk Assessment prepared by Michael D Joyce Associates received 21/07/2022, Preliminary Access Proposals- 2075 -101B-; Vehicle tracking 1 of 2- 2075 -102B; Vehicle tracking 2 of 2 2075 -103A- all received 13/10/2022; Existing Site, Existing & Proposed Block Plans- PL-01c REV C- all received 13/10/2022.) and specifications as approved unless required by any other conditions in this permission.
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.

- 3 Prior to the commencement of the development hereby approved, details of the proposed diversion of the existing culvert on site shall be submitted to and approved in writing by the LPA. The development shall be implemented in accordance with the approved details.
Reason: To prevent damage to the existing culverted watercourse in accordance with Local Plan Policy CC3.
- 4 No development shall take place, including demolition, until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:
- i. A plan to a scale of 1:1250 showing the location of all defects identified
 - ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. 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: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety in accordance with the policy T4 of the Local Plan.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected, including acoustic fencing along boundaries with residential dwellings. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual and residential amenities of the locality and 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 and D1 High Quality Design and Place Making.
- 6 No development shall take place unless and until full foul and surface water drainage details 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. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 7 Upon commencement of the development, details of the token system which shall control the operation of the jet wash hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
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.

- 8 Upon commencement of the development hereby approved, full details of the recommendations identified in Section 10 of the Bat Survey report: Presence and Absence Survey dated May 2021 prepared by Verity Webster, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1 and the biodiversity/geodiversity SPD.
- 9 Upon commencement of development details of the proposed external materials 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 the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 10 Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05m above the nearside channel level of the adjacent highway carriageway.
Reason: In interests of highway safety in accordance with Policy T4 of the Local Plan.
- 11 Notwithstanding details show on the approved plans, the development hereby approved shall not be commenced until details have been submitted to, approved in writing by the Local Planning Authority and implemented, arrangements which secure the following highway improvement works:
- " Removal of existing central refuge island on Houghton Road
 - " Provision of a ghost right turn on High Street;
 - " Provision of a central island on Houghton Road with tactile crossings and bollards;
 - " Alteration to existing kerb line at entrance / exit
 - " Any necessary relocation of statutory undertakers equipment
 - " Provision of / any necessary alteration to signing/lining;
 - " Provision of/any necessary alterations to street lighting;
 - " Provision of/any necessary alterations to highway drainage;
 - " Any resurfacing/reconstruction as necessary.
 - " Conversion of areas of footway to verge

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 Local Plan Policy T4 New Development and Transport Safety.

- 12 The recommended noise mitigation in the report ref: NIA/9630/21/9591/V1/Thurnscoe PFS by ENS dated 18th March 2021 shall be implemented and any fixed external plant associated with the development such as extraction or refrigeration, shall not exceed the existing background noise level (LA90T) by 3dB. The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the Local Planning Authority. Measurements shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound where the background noise level shall be expressed as an LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00-23:00] and shall be expressed as an LA90 and LAeq 5 minutes during the night [23:00-07:00].
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 During the construction phase, except in case of emergency, operations, including heavy goods vehicles entering or leaving the site, should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
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.
- 14 The jet wash of the use hereby permitted shall only be in operation between the hours of 09:00-18:00 Monday to Saturday with no operation on Sunday.
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.
- 15 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In interests of the safety of persons using the access and site.
- 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 Local Plan Policy T4 New Development and Transport Safety.

- 17 Surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, before discharge to the public foul or combined sewer network. Clean roof water, vehicle washdowns and detergents shall not pass through the interceptor(s).

Reason: To prevent pollution of the aquatic environment and protect the public sewer network in accordance with Local Plan Policy CC4.

- 18 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage in accordance with Local Plan Policy CC3.

- 19 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 any watercourse.

Reason: To prevent damage to the existing culverted watercourse in accordance with Local Plan Policy CC3.

- 20 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:

- i. The parking of vehicles of site operatives and visitors
- ii. Means of access for construction traffic
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Measures to prevent mud/debris being deposited on the public highway.
- vi. Dust control measures

Reason: In the interests of highway safety in accordance with policy T4 of the Local Plan.

- 21 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In interests of highway safety in accordance with Policy T4 of the Local Plan.

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 development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.
- 2 Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with the authorities Street Lighting Team, Tel 01226 770770. Email. Streetlightingdesign@barnsley.gov.uk as soon as possible.
- 3 Fees associated with the required condition survey together with any necessary remedial works and any relevant s278 agreement are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement.
- 4 Road Licences - You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), or to place any equipment, materials in , on, above or abutting a highway requiring you to have a licence. No such works shall be undertaken on the public highway without the requisite licences and permissions in place. Further details are available on the BMBC website at: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/> or by contacting Streetworks@barnsley.gov.uk
- 5 The Barnsley Permit Scheme applies to all streets in Barnsley and is designed to minimise any delay, disruption and inconvenience to road users caused by roadworks. Anyone carrying out works in a street must apply for a permit. Agreement under the Barnsley Permit Scheme's provisions must be granted before any works can take place. There is a fee involved for the coordination, noticing and agreement of the works. Details relating to the scheme, fess and payment methods are available via www.barnsley.gov.uk/services/roads-travel-and-parking/roadworks-and-road-maintenance/yorkshire-common-permit-scheme/ or by contacting the Streetworks team via Streetworks@barnsley.gov.uk
- 6 The contractor shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the public highway is an offence under provisions of the Highways Act 1980.
- 7 Statutory undertakers apparatus will require moving in order to accommodate the layout. All necessary agreements and approvals are to be obtained from the respective owners / undertakers prior to associated works being undertaken.

- 8 A commuted sum is payable for the future maintenance costs of the proposed grass verge. The requisite sum will be determined as part of, and included within the Section 278 Agreement.
- 9 The development hereby approved includes the demolition of existing buildings. You are advised that before undertaking any demolition, you may require a demolition licence from the Highway Authority. Please be aware that works shall be to the specification and satisfaction of the Highways Authority and you must give 6 weeks' notice of demolition. If you start demolition work without the appropriate licence, you may be prosecuted. Fees are payable for the approval of demolition, and you will be issued with a Section 81 notice prior to commencing work. or you may be prosecuted. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/planning-and-buildings/building-control/get-permission-to-demolish-a-building/> or please contact via email demolition@barnsley.gov.uk
- 10 If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact Wayne Atkins (01226 772182).
- 11 If the developer is to carry out works within or in the proximity of any watercourse he must gain the relevant permissions from the Lead Local Flood Authority - Contact Wayne Atkins (01226 772182).
- 12 Good practice should be followed in the location, design, construction and maintenance of petrol stations and other fuel dispensing facilities. Due regard should be given to 'The Environment Agency's approach to groundwater protection' document, in particular the position statements and guidance in the section on the storage of pollutants (chapter D). You should also refer to the following pollution prevention and mitigation guidance including: Guidance on Environmental Management at Petrol Filling Stations -Energy Institute Design, construction, maintenance and decommissioning of filling stations (also known as the Blue Book (APEA/EI) -Energy Institute -2011 Groundwater Protection Code -Petrol stations and other fuel dispensing facilities involving underground storage tanks -Defra Code of Practice CIRIA C736:Design of Containment Systems for the Prevention of Water Pollution. The Blue Book provides detailed information on the decommissioning (and investigation) of redundant tanks, risk assessment, the design and construction criteria and maintenance procedures which we expect to be implemented.

Please note that our comments are only in relation to environmental issues. Others may need to be consulted with respect to Health and Safety or amenity issues. Further guidance can be found on the water management pages of gov.uk

- 13 Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean up of spillages, to prevent environmental pollution from the site operations. Please contact our National Customer Call Centre (Tel: 03708 506 506) for further information and guidance.

- 14 On the Statutory Sewer Map, there is an unspecified diameter public combined sewer recorded to cross the eastern edge of the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed. Surface water run-off from areas of vehicular parking and/or hardstanding etc. must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator.

It is imperative, however, that surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used is not discharged to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design before discharge to the public foul or combined sewer network.

It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.

- 15 The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. It is understood that a culverted watercourse is located through the site. This appears to be the obvious place for surface water disposal.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. The developer and LPA are strongly advised to seek comments on surfacewater disposal from other drainage bodies as further restrictions may be imposed.

- 16 Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge trade effluent to the public sewer network.

- 17 There is some uncertainty as to whether the site is at an actual risk of flooding from surface water, and if so to what depth. The actual flood resilience features should be determined once specific elevations are known and in consultation with Building Control.

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 01/12/2022

A handwritten signature in black ink, appearing to read 'JM Jenkinson', written in a cursive style.

Joe Jenkinson
Head of Planning, Policy 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 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.