



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0852

To Bradley Stankler Planning
Hilltop
Grange Court
Leeds
West Yorkshire
LS17 7TX

DESCRIPTION Change of use from B1, B2, B8 factory unit to Trade Warehouse (Sui Generis)
LOCATION 4 Fall Bank Industrial Estate, Dodworth, Barnsley S75 3LS

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 31 July 2012 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 Details of cycle parking and disabled parking, to be in accordance with the Council's SPD on Parking, shall be submitted, approved in writing and provided on-site prior to the development being brought into use. The spaces shall thereafter be retained for that purpose.
Reason: In the interests of ensuring accessibility for all in accordance with Core Strategy Policy CSP26.
- 3 All existing parking and manoeuvring areas (taking account of the details approved under condition 2 and 3) shall be retained for that sole purpose at all times, in the interests of road safety.
Reason: In the interests of highway safety and in accordance with Core Strategy Policy CSP26 and the Council's SPD on Parking.

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*
Assistant Director, Planning and Regulatory Services

Dated 26 September 2012

- 4 Prior to the development being brought into use, a draft Travel 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 encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within 6 months of the development becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting sustainable travel patterns in accordance with Core Strategy Policy CSP26
- 5 Before the building is brought into use a scheme shall be submitted to and agreed in writing by the LPA to demonstrate that the proportion of the total annual retail sales generated by sales to the public under the retail club scheme shall not exceed 20%. The approved scheme shall be implemented prior to the use and retained thereafter.
Reason: To ensure that the development will not have an undue impact on the viability and vitality of an established centre in accordance with Core Strategy Policy CSP 31
- 6 Notwithstanding the provisions of the Town and Country Planning Use Classes order 2005 or any subsequent amendment order the premises shall only be used for the sale of tools, workwear, gardening, building materials, decorating materials and DIY goods, plumbing kitchen furniture and accessories, homewares and electrical goods, car and motor accessories and storage. Food sales shall be in strictly in accordance with the details required to be agreed under condition 7.
Reason: To ensure that the proposed development does not have a negative impact on the viability or vitality of any existing centre in accordance with Core Strategy Policy CSP31
- 7 Before the use commences details of the location and maximum floor area of the proposed customer cafe and sales of confectionary shall be submitted to and approved in writing by the LPA. The scheme shall then be implemented and the use carried out in accordance with the approved details and thereafter be retained as such.
Reason: To ensure that the cafe and sale of confectionary remains an ancillary element and does lead to any undue impact on the viability and vitality of an existing centre in accordance with Core Strategy Policy CSP31

Reason(s) for Granting Permission

- 1 Unique The site is designated as an employment area and Core Strategy policy CSP19 would normally seek the retention of employment uses. It is considered that material planning considerations exist that make it is appropriate to allow a non employment use. The small element of retail sales that is to the general public should normally be located with in an existing centre. However, given that this is a relocation and expansion of an existing business, the nature of the goods sold and the fact that the majority of sales are to the trade and exception can be made to Core Strategy Policy CSP31 and UDP policies S1, S2 and S3.

Informative(s)

- 1 The planning permission hereby granted is strictly on the basis of the description provided on the application and therefore, this only permits the sui generis use defined by the Leef Coppin Land Use Gazetteer 3rd Edition Volume 1 Retail Warehouse i.e. 'being a club where goods are sold, or displayed for sale, only to persons who are members of that club'. Therefore, class A1 retail sales as defined by the Town and Country Planning (Use Classes) Order 2005 are not permitted.

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.