London
Magdalen House
148 Tooley Street
London SE1 2TU
020 7357 8000

Harrogate
14-15 Regent Parade
Harrogate
HG1 5AW
01423 502115

Bristol
13-14 Orchard Street
Bristol
BS1 5EH
0117 214 1820

Barnsley Council
Development Management
Planning and Transportation
PO Box 604
S70 9FE

02 October 2019

Our Ref: 19/4945

Dear Sir/ Madam

Section 73 (Variation of Conditions) application to re-locate the plant area and provide details pursuant to condition 8 (Construction Method Statement), ref 2019/0289 at the approved Aldi at High Street, Royston, Barnsley

Background & Site Context

On behalf of Aldi Stores Ltd, please find enclosed a planning application pursuant to Section 73 of the Town & Country Planning Act 1990 (As Amended) to vary Condition 1 (approved plans) attached to Decision Notice 2019/0289 which was approved in July 2019. This amendment relates to plant area location. We also provide a Construction Method Statement as required by condition 8. All other elements of the 2019 permission are unaffected. This application has been submitted via Planning Portal, under reference PP-08174251 on 02 October 2019.

Section 73 allows a planning application to be made for the carrying out of development without compliance with one or more conditions attached to a previous planning permission, where there is a relevant condition that can be varied. There is no statutory definition of a 'minor material amendment' (S73) but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.[1]

Planning permission was originally granted for the erection of a new retail store, associated works and erection of a residential development in June 2014, under reference 2014/0318. Most recently, permission was granted in July 2019 for a store extension and associated works, under reference 2019/0289. This application seeks to substitute the approved layout and elevations plan attached to this permission, with new ones to accommodate a revised plant area, it also provides a statement as required by condition 8.

The amendment to the plans has come about following discussions with the development and construction teams once they started on site. Importantly, the revised plant area has no significant impact on the wider site and results in no material change in appearance of the approved foodstore.

[1] Paragraph: 017 Reference ID: 17a-017-20140306

Directors
Helen Cuthbert | Stuart Slatter | Claire Temple | Alastair Close
Dan Templeton

Associate Directors
Katie Turvey | Heather Vickers

Consultant
Lorna Byrne

Associates
Sally Arnold | Rob Scadding | Alan Williams | David Williams | Penny Moss
Sam Deegan | Paul Galgey

www.planningpotential.co.uk
info@planningpotential.co.uk
Planning Potential is a Limited Company registered in England No. 5419507 | Registered Office: 35 Ballards Lane, London N3 1XW

Proposal & Justification

The application seeks approval to substitute the approved layout and elevations plan with updated ones to reflect a revised plant area. The layout, scale and appearance of the approved foodstore are unaffected by the proposal.

It is proposed to move the plant area from the stores east elevation on to the stores south elevation. This requirement has come about following works on site which have identified difficulties forming the piling mat at the required level in order to physically pile the slab. Importantly, the relocating of the plant area does not result in the plant location being closer to the nearest noise sensitive properties, which remains at ~25m (from those properties which flank Cropton Road).

The approved 2m close boarded fence which runs across the site between the car park and landscaped embankment to the south will be extended to screen/ enclose the new plant area, beyond which remains the agreed strip of landscaping/ embankment which includes groups of native feathered trees in soft landscape *(Prunus avium* and *Acer Campestre)*, groundcover mix planting and a native buffer mix up to the sites south boundary, where the other approved 2m high close boarded fence is located, and which remains unaffected by the amendment. By comparison, the previously approved plant location did not benefit from such considerable soft (planting) and hard (fencing) mitigation and screening measures.

The revised plant location results in no significant adverse effect on the living conditions and residential amenity of surrounding residents (Local Plan policy GD1) and will not unacceptably affect or cause nuisance to the natural and built environment (Local Plan policy Poll1). Proposals also do not have any impact on the distinctiveness or character of the local area (Local Plan policy D1). In reality, by being positioned on the stores south elevation, the plant area benefits from additional screening (noise and visual) which should be a net positive material consideration.

As eluded to earlier, we also provide a Construction Method/ Health & Safety Statement which documents and details the methods to be adhered to throughout the construction period. The report has been prepared by the contract manager and signed off by the appointed CDM principal.

Summary

The scope and parameters of the changes sought have no material impact over that originally approved, and has no impact on other aspects of the development which have previously been accepted by the Council, and supported by members. The revised plan location remains out of sight from the public, away from noise sensitive uses and has no impact on the appearance of the building. The proposals are in line with the relevant identified policies. Furthermore, the relocation ensures the Aldi Store can make use of the new CO2 and gas cooler packs which are being rolled out on all new and existing stores with a focus on reducing the carbon footprint - significant weight should be afforded to the proposal as its main objective is geared towards securing a more sustainable store operation, in line with core principles of the NPPF.

Application Package

In addition to this cover letter, the following documents are submitted in support of the application. The application fee has been paid via credit card at the time of submission:

- Decision Notice 2019/0298
- 1124-50B Location Plan
- 1124-100K Proposed Site Layout
- 1124-102G Proposed Elevations
- Construction Method/ Health & Safety Statement
- Application Forms, certificate, fee

We trust that the application can be now validated, and await confirmation of this. Should you have any queries, please do not hesitate to contact myself.

Yours sincerely,



Jamie Pert

Planner

Planning Potential

Harrogate

Enc.