BARNSLEY
Metropolitan Borough Council

Place Directorate
Economic Regeneration
Planning and Building Control
Head of Service: Joe Jenkinson

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/1028

To Savills (UK) Limited
Belvedere, 12 Booth Street
Manchester
Greater Manchester (Met County)
M2 4AW
United Kingdom

DESCRIPTION Erection of a retail unit on the existing site of The Range store.
LOCATION Unit 2A, The Peel Centre, Dryden Road, Barnsley, South Yorkshire, S71 1JE

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 12 October 2015 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 5 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 and to accommodate the restrictions set out in condition 9.

2 The external materials shall match those used in the neighbouring units as set out in the Design and Access Statement.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

3 The development hereby approved shall be carried out strictly in accordance with the plans (Nos. MH877-04 - Rev. A & MH-877-05 - Rev. A) 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 LDF Core Strategy Policy CSP 29, Design.

4 No development shall take place until:

(a) 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:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

5 Prior to the commencement of development a site investigation must be undertaken to fully investigate potential mining legacy risks. The investigation should be carried out in compliance with CIRIA publication 32 'Construction Over Abandoned Mine Workings', a report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall carried out in accordance with the approved details.
Reason: In the interest of land stability and in accordance with NPPF paragraphs 120 & 121.

6 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:
- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

7 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.

8 Prior to commencement of development, details of proposals to mitigate the air quality impact of the development shall be submitted to and approved in writing to the Local Planning Authority. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. These proposals are currently detailed within paragraph 7.5 of the air quality assessment, submitted in support of the planning application. Specifically, these are the preparation and implementation of a Travel Plan to reduce the reliance on the private car and improve awareness and usage of alternative travel; the installation of two electric vehicle charging points; and, the installation of at least five new cycle parking spaces.
Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Core Strategy policies CSP 40 and CSP 41.

9 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or any equivalent provisions in any statutory instrument amending revoking and/or re-enacting either or both of those Orders:

Until the earlier of (a) the expiry of a period of 5 years from the date of this permission or (b) the date of the occurrence of that one of the circumstances mentioned in (A)(1) and (2) below as is first to occur (after which Unit 2A maybe used for any non food retail purpose and for the sale of food and drink, subject to the limitations below on food and drink) Unit 2A may be used for the sale of food and drink (subject to the limitations below on food and drink) and for non-food retail purposes, with the exception of; any alcoholic drink (unless as part of the food and drink allowance below); tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods (except where such goods are sold for use for animals) (in the case of fashion retail - clothes, shoes & jewellery, a maximum of 10% of the net sales area of the unit will be permitted).

Not more than 1,394 sq.m. of net sales area in total, across all of Units 1A, 1B, and 1 C, 2, 2A, 3A, 3B and 3C, 4, 5, 6 and 8, may be used for the retail sale of food and drink (in relation to Units 3C, 5 and 6 that being (if applicable) in addition to the 30% of the net sales area of the individual units previously approved, which shall not be taken into account in calculating the net sales area permitted by this paragraph)

(A)
The circumstances referred to above are:
(1) an agreement for lease or leases have been entered into in relation to five of the six anchor / MSU retail units on the proposed Better Barnsley redevelopment scheme (unit references A1, MSU 1, 2, 4, 5 and SU16 as shown on IBI drawing reference SP_00_001); or

(2) a period of 2 years having expired since the date of this permission, without agreements for lease have been exchanged, or leases entered into, relating to two or more of those six units referred to in C(1) above;
Reason: In order to offer protection to the Better Barnsley Scheme and in accordance with saved UDP policy S3.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and any subsequent amendments the retail unit shall not be subdivided without the prior written approval of the Local Planning Authority.
Reason: Support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre in accordance with CSP31 'Town Centres' and saved UDP policy S3.

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.

1	The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner. If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.
2	The decision to grant planning permission has been taken having regard to the saved policies and proposals in the Barnsley Unitary Development, the policies and proposals in the Core Strategy and to all relevant material considerations, including Supplementary Planning Guidance: Policy CSP8 'The Location of Growth' relates to the preferred locations for growth and states: 'Priority will be given to development in the following locations: ? Urban Barnsley ? Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (Dearne Towns), Penistone and Royston Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town to accord with its place in the settlement hierarchy?' Policy CSP 29 'Design' - High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Policy CSP 26 'New Development & Highway Improvement' - New development will be expected to be designed and built to provide safe, secure and convenient access to all road users. Policy CSP31 'Town Centres' relates to centres. It states: 'Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfil its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre. This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.
3	In the interests of minimising the impact of the proposal on air quality the delivery vehicles to the development should be members of the ECO Stars scheme (http://www.ecostars-uk.com/).

Dated 03 October 2016

Signed 
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.