BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0128

To White Agus Partnership
128b New Road
Staincross
Barnsley S75 6PP

DESCRIPTION Proposed commercial development consisting of a block of 4 no. units with associated parking, storage and landscaping.
LOCATION Its For Hire Ltd, Stottercliffe Road, Penistone, Sheffield, S Yorks, S36 6DT

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 February 2010 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 in strict accordance with the amended plans and specifications received on 25th March 2010, unless prior written consent has been given by the Local Planning Authority to any minor variation.
Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy BE6, Design Standards.

3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality.

Stephen Moralee

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Assistant Director, Planning and Transportation

Dated 07 April 2010

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4 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 other of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality.

5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.

6 The development shall not commence until details of the roofing material, facing stone, timber boarding and a colour scheme for the materials has been submitted to and approved in writing by the Local planning Authority. The scheme shall then proceed in accordance with the approved details.
Reason: In the interests of visual amenities

7 Windows, doors and frames shall be timber or aluminium powder coated casements, the colour of which shall be agreed in writing with the Local Planning Authority
Reason: In the interests of visual amenity

8 The development shall not commence until a plan showing a lorry turning area and the proposed car parking layout (with spaces marked out) has been submitted to and approved in writing with the Local planning Authority. parking/manoeuvring facilities indicated on the approved plan shall be provided prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interests of road safety

9 All on-site vehicular areas, including the vehicular access to the site, shall be surfaced and drained in an approved manner prior to the development being brought into use.
Reason: In the interests of road safety

10 The site shall be developed with separate systems of drainage for foul and surface water on and off the site.
Reason: In the interests of satisfactory and sustainable drainage

11 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including any details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.
Reason: To ensure that the development can be properly drained

12 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal

13 No development shall commence until a report, endorsed by a competent engineer experienced in ground contamination and remediation shall be submitted to and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:

- A survey of the extent, scale and nature of contamination.
- An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and monuments.
- An appraisal of remedial options, and proposal of the preferred options
- A remediation statement summarising the works to be undertaken.

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall thereafter be undertaken in full accordance with the submitted report.
Reason: To protect the environment and ensure the site is suitable for the proposed use.

14 The development hereby approved shall only be operated between the hours of 0730 to 1800 hours Mondays to Fridays, 0730 to 1300 hours on Saturdays, and not at all on Sundays.
Reason: In the interests of neighbouring amenities

15 Prior to the commencement of development a scheme for the storage of skips and plant hire outside the building shall be submitted to and approved in writing. The scheme shall detail the areas where the skips and plant hire are to be placed and shall ensure that skips are not stacked on top of one another. The development shall then proceed in accordance with the approved details.
Reason: In the interests of visual amenities

16 The developer shall submit a dust management plan for the construction phase This shall be approved by the local authority prior to engineering works commencing and construction works then undertaken in accordance with the agreed plan.
Reason: To protect the amenity of the occupiers of neighbouring land

17 The retail use shall be limited only to the two smaller units , indicated on the plans as for A1 use, with the rest of the building being for commercial (B1, B2 or B8) usage only.
Reason: To clarify what is being approved.

Reason(s) for Granting Permission

1 Unique The site is designated as within a Principle Shopping/Commercial area. In accordance with Policy S1 of the UDP the use is considered appropriate and, subject to compliance with the attached conditions the proposal is not considered to have a detrimental impact on highway safety, neighbouring amenities, or visual amenities of the locality

Informative(s)

1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

2 The Environment Agency recommends referring to their website www.environment-agency.gov.uk for information on the management of land contamination with regards to risks to controlled waters from the site.

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.

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