



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0679

To David Wainwright
Humphreys Teal Partnership
Priory Park Lodge
Aberford
Leeds
LS25 3DF

DESCRIPTION Erection of new 3 storey office building and associated car parking.
LOCATION Phoenix Works, Saville Lane, Thurlstone, Barnsley, S36 9QU

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 13 June 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 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved unless required by any other conditions in this permission:-

- Drawing 00 'Site Location Plan'
- Drawing 01 rev A 'Existing Site Plan'
- Drawing 02 rev D 'Proposed Site Plan'
- Drawing 03 rev F 'Proposed Floor Plans'
- Drawing 04 Rev C 'Proposed Elevations' (excluding the signage indicated on the plans)
- Drawing 05 rev A 'Proposed Section AA'
- Drawing 06 rev A 'Proposed Section BB'
- Drawing 08 'Proposed Streetscene Elevations'

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

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 23 August 2012

- 3 No development shall take place until samples of the proposed external materials and details of the window reveals/recesses have been 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 LDF Core Strategy Policy CSP 29, Design.

- 4 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, in accordance with Core Strategy Policies CSP 26 and CSP 40.

- 5 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- a) junction realignment of Saville Lane and Manchester Road
- b) provision of footway(s)
- c) any necessary signing and lining;
- d) provision of/any necessary amendments to street lighting;
- e) provision of/any necessary amendments to highway drainage;
- f) any necessary resurfacing/reconstruction
- g) reconstruction of highway wall

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 interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 6 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. 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: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26

- 7 No development or other operations being undertaken on site in connection with the development shall commence until the following documents prepared in accordance with BS5837: 2012 have been submitted to and approved in writing by the Local Planning Authority:

Root protection areas (RPA)
Tree protective barrier details
Tree protection plan
Arboricultural method statement

The erection of a barrier for the protection of any retained tree shall be undertaken in accordance with the approved plans and methodologies before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

- 8 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, in accordance with Core Strategy Policy CSP 29.

- 9 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 building, 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 others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

- 10 No hedges or trees on the site existing or subsequently planted as part of the Landscaping works (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed without the written permission of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.

- 11 Not less than five working days notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.

Reason: To ensure the work accords with good arboricultural practice

- 12 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 Core Strategy Policy CSP 40.
- 13 Prior to occupation of the building/commencement of the use, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details
Reason: In the interest of visual and residential amenity in accordance with Core Strategy Policy CSP 40.
- 14 Any visibly contaminated, noxious or odorous material encountered onsite during the development work must be excavated and stockpiled at the site. The Local Planning Authority must be informed immediately, and information on the nature and degree of contamination of this material will be required. Details of the appropriate measures to prevent any pollution shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved measures.
Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP 40.
- 15 The development's carbon dioxide emissions shall be reduced by at least 15% by incorporating the measures identified on pages 3 and 4 of the Sustainability and Energy Assessment. Upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.
- 16 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface 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 and 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 CSP4

- 17 Prior to commencement of development full details of the biodiversity mitigation measures identified in sections 69-80 of Brooks Ecological 'Ecological Appraisal Report ref BE-R-1255-01.1 August 2012', 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 Core Strategy Policy CSP 36.
- 18 No development affecting the bat roosts identified in Brooks Ecological report reference BE-R-1255-02.1 shall be carried out prior to the applicant/developer being successful in obtaining a European Protected Species Licence under 'The Conservation of Habitats and Species Regulations 2010' from Natural England. Assuming that such a Licence is granted, work on the site shall be carried out in accordance with the mitigation measures identified in this report.
Reason: To prevent direct harm being caused to European Protected Species in accordance with Core Strategy Policy CSP 36.
- 19 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.

Reason(s) for Granting Permission

- 1 Unique In the opinion of the Local Planning Authority the application is considered acceptable in that:-

The proposal is for office development in an UDP Employment Policy Area site is in accordance with UDP Policy PE4/4. The development is also considered acceptable in land use planning policy terms also taking into account Core Strategy policies and the NPPF.

The proposed building is considered to be of a high quality design and building materials and would enhance the appearance of the site with regards to CSP29 'Design'. Because of the levels relationship and screening provided by existing buildings and trees it is not considered that it would harm the appearance of the adjacent Conservation Area with regards to CSP30 'The Historic Environment'.

The loss of trees is unavoidable in this case because of the site constraints, the need to provide the required standard of parking provision and as the impact would not be unduly significant because of the of the levels and the screening provided by the existing buildings to be retained on the Manchester Road frontage and because of the extensive tree cover surrounding the site.

There are no significant residential amenity considerations arising from the proposals following an assessment of the issues including overshadowing, overlooking and noise.

The application is assessed to be acceptable in highways terms with regards to CSP26 'New Development and Highway Improvement' following an assessment of the issues including means of access to the development and parking provision, subject to the imposition of conditions, including arrangements to secure junction improvement works.

The application is considered to have carried out an acceptable assessment of the biodiversity implications of the development. Mitigation proposals are considered acceptable subject to the applicant applying to Natural England and being successful in obtaining a Licence to carry out the work (CSP36 'Biodiversity and Geodiversity')

- 2 Unique The proposal is also acceptable with regards to other considerations including an assessment of the ground conditions, flood risk and drainage and sustainable construction.

In the opinion of the Local Planning Authority, there are no other material considerations that indicate a decision should be made at variance to the above considerations.

Informative(s)

- 1 The Council is required to be notified of any demolition exceeding 50 cubic metres carried out within the Borough under the Building Act 1984. To do this, please contact Environmental Services 01226 772009 prior to the works commencing.
- 2 Under the terms of the Water Resources Act 1991, and the Land Drainage Act 1991, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank / foreshore of the River Don, designated a 'main river'.
- 3 Please note the informative information in the consultation response from Yorkshire Water.
- 4 The building signage indicated on the plans would require advertisement consent to display in the manner currently shown under The Town and Country Planning (Control of Advertisement) (England) Regulations 2007. The applicant is advised to have discussions with the Local Planning Authority prior to making an application as the proposals as indicated may not be acceptable.
- 5 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant.

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.