BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0415

To DPP LLP
Apsley House
78 Wellington Street
Leeds
West Yorkshire
LS1 2EQ

DESCRIPTION Removal of condition 12 and variation of conditions 14 and 22 on previous planning permission 2010/0879 for regional office and distribution centre.

LOCATION Land adjacent Goldthorpe Industrial Estate, Commercial Road, Goldthorpe, Rotherham

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 08 April 2011 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 plans and specifications approved unless prior written consent has been given by the Local Planning Authority to any variation. The following drawing numbers are approved M4343/01 rev J, PL-02-601 rev C, PL-01-004, PL-02-400, M4343/08C, PL-02-600 rev B, PL-01-002, M4343/17 revD.
Reason: For the avoidance of doubt as changes have been made during the processing of the application.

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 5 July 2011

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3 Prior to the commencement of works to construct the building the structural planting shown in Gillespies drawing M4343/01 rev G and the off site planting in the highway verge M434/317A shall be fully implemented to the satisfaction of the Local Planning Authority. Planting and maintenance shall be in accordance with Gillespies Planting Schedule and specification principles. Any trees or plants which, within a period of 10 years from the completion of development die, are removed or became damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To ensure the landscaping is established at an early stage and to help soften the buildings impact.

4 All other and non structural landscaping as shown in the Gillespies drawings shall be fully implemented in the first planting season following completion of development. Any trees or plants which within a period of 10 years die, are removed or become damaged shall be replaced in the next planting season with others of similar size and species.
Reason: To help soften the buildings impact.

5 The development shall be carried out in accordance with the approved flood risk assessment by Ove Arup and Partners dated August 2007 and shall incorporate all the proposed mitigation measures detailed.
Reason: To reduce the risk of flooding due to surface water run off.

6 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface run-off limitation in line with the figures specified in 3.5 of the Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. the scheme shall be implemented in accordance with the approved programmes and details.
Reason: To reduce the risk of flooding.

7 All surface water from parking areas and areas used for the delivery of fuel and vehicle washing shall pass through and oil/petrol/grit interceptor/separator of adequate design before discharge to the public foul or combined sewer network.
Reason: To reduce the risk of pollution.

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

9 No development shall take place until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. 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 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area.

10 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.
Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading.

11 Unless otherwise agreed in writing by the Local Planning Authority no building or other obstruction shall be located within 6 meters either side of the centre line of the sewer which crosses the site.
Reason: To allow sufficient access for maintenance purposes.

12 External lighting of the complex shall be fully in accordance with the philosophy standards and mitigation measures contained within the Lighting Assessment undertaken by Ove Arup and Partners Ltd.
Reason: To minimise the risk of light pollution and trespass.

13 No development shall take place until the applicant, their agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to an approved in writing by the Local Planning Authority.
Reason: To ensure any archaeological interest is properly recorded or mitigated and in accordance with PPG17.

14 The colours of the cladding shall be in accordance with those shown in drawing numbers PL-02-601 rev c and PL-02-600 rev B.
Reason: For the avoidance of doubt and to minimise the buildings impact within the landscape.

15 Prior to the commencement of works the public footpath crossing the site shall be diverted along the route shown in drawing M4343/01G.
Reason: To maintain the public facility.

16 Prior to the completion of the building the surface of the proposed multi-user path around the site (the diverted footpath) shall be provided with a bound gravel surface.
Reason: To ensure the path is suitable for its intended multi-user purpose.

17 All site works including deliveries shall be limited to the hours between 07.00 and 18.00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.
Reason: To safeguard the amenities of local residents.

18 All areas to be used by vehicles shall be hard surfaced and drained to a standard capable of sustaining intense HGV traffic.
Reason: In the interest of the users of the highway.

19 Details of any fencing or means of site enclosure proposed for the site boundaries shall be submitted to and approved by the Local Planning Authority.
Reason: To safeguard the appearance of the development.

20 Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development the applicant shall undertake an acoustic assessment including as to how noise from the development will be mitigated to an acceptable level. The report shall provide an assessment of the noise with regard to the principles and methodology set out in British Standard 4142:1997, [Method for rating industrial noise affecting mixed residential and industrial areas] and include details of the following:

1] An assessment of day and night time predicted noise levels (L Aeq,T) from the distribution centre and associated operations, detailing any acoustic features of the noise which may increase the likelihood of complaint [eg impact noise, noise which is irregular, noise which contains a distinguishable note or tonal characteristic including noise from fixed plant such as air handling, breakout of noise from inside the building, vehicle and trailer based refrigeration plant, HGVs and fork lift trucks including reversing alarms, loading and unloading , vehicle washing facilities and refuse handling.

2] The report shall detail how noise from these sources will be mitigated to acceptable levels and for this purpose detail mitigation measures such as noise bunds / barriers, restrictions on vehicle numbers and their movements, restrictions on the hours of operation of particular activities, use of white noise (directional) reversing alarms, the acoustic attenuation of the building envelope and any other operational noise management procedures.

To demonstrate that the resultant noise climate can be mitigated to acceptable levels the report shall quantify, where possible, predicted noise levels at main habitable rooms (bedrooms, living rooms) and gardens at the nearest residential premises (Carr Field lane and Billingley View). Mitigation measures should be designed to demonstrate that the following can be achieved:

35dB LAeq (1hr) or less and 45dB LAmax within bedrooms between 23:00 hours and 07:00 hours, with windows closed;

40db LAEQ (1hr) or less within living rooms between 23:00 hours and 07:00 hours with windows closed; and

55db LAeq (16hr) or less in gardens between 07:00 and 23:00 hours;
and thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure the amenities of local residents are not compromised by noise arising from the development.

Reason(s) for Granting Permission

1 Unique This application seeks an extension of time to implement the permission and this is considered reasonable given that there no significant changes of circumstances that would lead to a different decision being made.

The UDP shows the site allocated part as an Employment Policy Area and part Green Belt.

As the proposal will make a significant contribution to local employment it is in accord with Policy ED7 that applies to proposals within Employment Policy Areas. However the proposal is not in accordance with the Council's Green Belt policies and constitutes inappropriate development. For inappropriate development to be acceptable it must be justified by very special circumstances with any visual harm to the openness of the Green Belt suitably mitigated. In this instance the proposal brings major economic and employment benefits to the local economy that are considered important and consistent with the wider national, regional and local planning frame work promoting the regeneration of the former coalfield communities. These benefits, coupled with the landscape measures to mitigate visual impact, represent the very special circumstances required to outweigh the presumption against inappropriate development that normally applies.

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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