



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/1011

To JVH Town Planning Consultants Ltd
Houndhill Courtyard
Houndhill
Marchington
ST14 8LN

DESCRIPTION Proposed erection of 7 - E/B2/B8 units including, car parking and cycle stores

LOCATION The Oval, Rockingham Roundabout, Birdwell, Barnsley, S74 0QA

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 30/09/2020 and described above.

The approval is subject on compliance with the following conditions:

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| 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 as approved unless required by any other conditions in this permission: 348201-RCA-01-00-DR-A-0102-S4-P3-Proposed_Site_Plan 348201-RCA-01-XX-DR-A-0103-S4-P4-Proposed_Elevations 348201-RCA-01-XX-DR-A-0104-S4-P4-Illustrated_Elevations 39724/203 REV B Proposed floor and roof plans Specification General Purpose Fencing Eclipse-60 348202-RCA-00-XX-RP-A-0051_Rockingham-Design And Access Statement- 348201-RCA-01-00-DR-A-0102-S4-P3-Proposed_Site_Plan annotated wrh area for public art installation The Oval Visualisation - P1 39724/206 REV A Bin store 39724/207/REV A Cycle Store Drainage Strategy by Eastwood & Partners Ref AP/MW/39724 Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making. |

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| 3 | <p>Notwithstanding the provisions of the Town and Country Planning (use Classes)(Amendment)(England) Regulations 2020, (or any Order revoking or re-enacting that Order with or without modification), no more than 40% of the site area shall be used for Class E(a) to (f) uses which would otherwise be permitted by that Order.</p> <p>Reason: To ensure the majority of the site remains in employment use as set out in condition 3 of previous permissions 2018/0745 and 2018/1334 and in accordance with the Hoyland North Masterplan and Local Plan Policy ES14.</p> |
| 4 | <p>No development shall take place unless and until full foul and surface water drainage details 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.</p> <p>Reason: To ensure the proper drainage of the area.</p> |
| 5 | <p>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:</p> <ul style="list-style-type: none"> i. The parking of vehicles of site operatives and visitors ii. Means of access for construction traffic iii. Loading and unloading of plant and materials iv. Storage of plant and materials used in constructing the development v. Measures to prevent mud/debris being deposited on the public highway. <p>Reason: In the interests of highway safety in accordance with Local Plan Policy T4.</p> |
| 6 | <p>No development shall take place until a survey of the condition of the adopted highway to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:</p> <ul style="list-style-type: none"> i. A plan to a scale of 1:1250 showing the location of all defects identified ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey. <p>On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. 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.</p> <p>Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety and in accordance with Local Plan Policy T4.</p> |

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| 7 | <p>No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.</p> <p>Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.</p> |
| 8 | <p>On commencement of the development a preliminary assessment of the buildings BREEAM rating shall be submitted for approval in writing to the Local Planning Authority. The assessment shall:</p> <p>a) Identify what measures shall be used to achieve BREEAM standard of 'very good' or equivalent;</p> <p>b) consider the use of green roofs or partial green roofs to achieve BREEAM standard of "very good" or equivalent standard</p> <p>c) Where the BREEAM standard of 'very good' or equivalent standard cannot reasonably be achieved the assessment shall justify why not; and</p> <p>d) Shall identify what standard shall be achieved.</p> <p>e) Upon completion of the development, a certificate shall be provided to the Local Planning Authority demonstrating that the agreed standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.</p> <p>Reason: To enable delivery of efficient and sustainable design and construction in accordance with Local Plan Policy CC2.</p> |
| 9 | <p>Upon commencement of development details of measures to facilitate the provision of gigabit capable full fibre broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: In order to ensure compliance with Local Plan Policy I1.</p> |
| 10 | <p>Upon commencement of development, full details of both hard and soft landscaping works and ecological mitigation and enhancement measures, 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 and location of bird boxes and/or and other ecological mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).</p> <p>Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity and in accordance with the Hoyland North Masterplan.</p> |

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| 11 | <p>A landscape and ecology management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and ecological mitigations shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape and ecology management plan shall be carried out in accordance with the approved plan.</p> <p>Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity and the Hoyland North Masterplan.</p> |
| 12 | <p>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 others of similar size and species.</p> <p>Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity and the Hoyland North Masterplan.</p> |
| 13 | <p>Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.</p> <p>Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety in accordance with Local Plan Policy T4.</p> |
| 14 | <p>The site is located within a Coal Authority coal mining referral area due to presence of opencast backfill. The design and foundations of the proposed buildings, highways and associated infrastructure should therefore be approved by a suitably qualified geotechnical engineer to ensure the development is safe and sustainable. The development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable. Responsibility for securing a safe and development rests with the developer and/or landowner"</p> <p>Reason- Land stability NPPF sections 178 a,b,c. 179 and 170 e & f.</p> |
| 15 | <p>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.</p> <p>Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.</p> |
| 16 | <p>The EV charging points installed as shown on the approved site plan shall be a minimum of Mode 3 7kW, 32 amp.</p> <p>Reason: In accordance with Local Plan Policy SD1 and T5 and adopted Sustainable Travel SPD.</p> |

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| 17 | <p>430sqm of land as shown on approved plan DHA 102 P3 identifying area for art installation shall be remain available for future installation of public art. Reason: In the interests of Local Plan Policy D1 Design and SD1 Sustainable Development.</p> |
| 18 | <p>Prior to the occupation of the development, 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 interests of amenity, in accordance with Local Plan Policy SD1 and POLL1.</p> |
| 19 | <p>The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times. Reason: In the interests of Highways Safety in accordance with Local Plan Policy T4.</p> |

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.

- 1 Fees associated with the required condition survey together with any necessary remedial works and any relevant s278 agreement are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement.

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.

Signed

Dated 23/03/2021



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.