



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0842

**To** LDP Planning  
1 Horsefair  
Wetherby  
Leeds  
West Yorkshire  
LS22 6JG

**DESCRIPTION** Variation of condition 10 of 2011/0604 to delete the requirement for a wheel wash and condition 4a none compliance with approved site plan.

**LOCATION** Land at Whaley Road, Low Barugh, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 August 2012 and described above.

The approval is subject on compliance with the following conditions:

- 1 The permission hereby granted shall only be implemented in accordance with the submitted documents and in conjunction and compliance with planning permission reference 2011/0604 including all conditions; except that conditions 4 and 10 of that permission are hereby varied as follows:

Condition 4 - The development hereby permitted shall only be carried out in accordance with the following documents except where amendments are made pursuant to the other conditions below:

- a) Site Plan, number 7015A/04D, Rev D, at 1:1250 scale, dated 21/12/11 showing application boundary and site layout including an internal and raised surfaced roadway;
- b) Planning Statement including Design and Access Statement and Flood Risk Assessment (as amended by e-mail of 11 August 2011) produced by LDP Planning and dated May 2011;
- c) Document titled 'Second Report of Noise Impact Assessment', produced by S & D Garritt Ltd, dated 13 May 2011; and
- d) Document titled 'Amended Dust Control Scheme' produced by LDP Planning, dated August 2011.

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 Regulatory Services

Dated 25 October 2012

Condition 10 - Within 1 month of the date of this permission, a scheme shall be submitted to, and approved in writing by, the WPA, identifying measures to be taken to ensure that all vehicles leaving the site are in such condition as not to leave dust, slurry or mud on the highway. The scheme shall provide for the provision of wheel wash facilities including timescale for installation should they be deemed to be necessary by the WPA, to be used by all vehicles entering and leaving the site. The development shall thereafter be undertaken in accordance with the details of the approved scheme. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.

**Reason: This planning permission is granted under the provisions of Section 73 of the Town and Country Planning Act 1990.**

- 2 The raised roadway shown on approved plan 'Site Plan, number 015A/04D, Rev D, at 1:1250 scale, dated 21/12/11' shall be provided within 3 months of the date of this permission and maintained/retained for the duration of the development. The raised roadway shall comprise rolled crushed secondary aggregate and shall not exceed 100mm depth. All vehicles entering and leaving the site shall use and remain on the raised roadway which shall not be used by site mobile plant at any time.

**Reason: In the interests of highway safety and to minimise dust emissions to surrounding premises in accordance with Core Strategy policies CSP26 and CSP40, Joint Waste Plan policy WCS6, UDP policy ED4 and relevant NPPF policies and PPS10.**

#### **Reason(s) for Granting Permission**

- 1 Unique The proposed variation to planning permission 2011/0604 gives rise to no material harm, is in accordance with the relevant Development Plan policies and there are no other material considerations that indicate that the decision should be made otherwise. The proposal complies with:

Barnsley Core Strategy policies CSP26 and CSP40;  
Joint Waste Plan policy WCS6;  
Barnsley Unitary Development Plan (saved) policy ED4;  
Development Sites and Places (Consultation Draft 2012) policy GD1;  
National Planning Policy Framework policies; and  
Planning Policy Statement 10 (Planning for Sustainable Waste Management).

The attached planning conditions would reasonably mitigate any potential harm arising as a result of the proposed development.

## **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.