



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0935

To Mr Richard Walsh
Salts Wharf
Ashley Lane
Shipley
BD177DB

DESCRIPTION Redevelopment of former Dunford Hazlehead Centre site to form a new brewery, brewery shop and storage building with ancillary parking and landscaping.
(Resubmission)

LOCATION Dunford Hazlehead Centre, Whams Road, Penistone, S36 4HN

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 27 July 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 site plan drawing number 323.08.(01) 05 Revision H and other plans drawing numbers 323.08.(06)02 Revision D, 323.08.(05)01 Revision D, 323.08.(05)02 Revision C, 323.08.(05)03 Revision B, 323.08.(06)01 Revision B, 323.08.(06)03 Revision B and specifications received , 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 full details of the proposed external materials 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 UDP Policy BE6, Design Standards.

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 Transportation

Dated 02 February 2011

- 4 All on-site vehicular areas shall be hard surfaced and in drained in an approved manner prior to the development being brought into use.
Reason: To prevent mud/debris being deposited on the public highway, to the detriment of road safety.
- 5 The parking/manoeuvring facilities, indicated on the submitted 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 interest of road safety
- 6 Prior to the commencement of construction works the visibility splay, having the dimensions 2.4m x 215.0m as shown on the amended site layout plan received on the 15/09/2010, shall be provided and thereafter safeguarded at the junction of Bents Road with A616 Whams Road, such that there is no obstruction to visibility and the area created shall become part of the adopted highway.
Reason: In the interest of road safety.
- 7 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to be discharged onto the public highway, in the interest of road safety.
Reason: In the interest of road safety.
- 8 Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of: -
a) Widening of footway on A616 Whams Road along the site frontage to provide a visibility splay from Bents Road of 2.4 metres by 215.0m.
b) Measures to improve the radius at the junction of Bents Road with A616 Whams Road on the site frontage.
c) Provision of a bus shelter to the nearby bus stop on Whams Road.
Reason: In the interests of highway safety.
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1 in 12.
Reason: to ensure safe and adequate access.
- 10 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree protection plan (TPP)
Arboricultural method statement (AMS)
Tree protective fencing specification
Tree planting scheme

No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

- 11 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
 - A scheme for recycling/disposing of waste resulting from demolition and construction works
- Reason: In the interests of highway safety, residential amenity and visual amenity.**
- 12 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.**
- 13 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.**
- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, 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 management plan shall be carried out in accordance with the approved plan.
- Reason: In the interests of the visual amenities of the locality.**
- 15 Prior to the commencement of development hereby approved a travel plan outlining measures to be taken to encourage the use of more sustainable forms of transport shall be submitted and agreed in writing by The Local Planning Authority. The approved measures shall be implemented from commencement of use and shall remain in place for the lifetime of the use.
- Reason: To encourage more sustainable forms of transport use and to minimize highway safety problems arising from excessive private car usage.**

- 16 The site shall be drained in accordance with the strategy submitted by Paul Waite Associates detailed in the Flood Risk and Drainage Impact Assessment report ref 10108/I/01/A and drawing number 10108-C-52, unless prior written consent has been given by the Local Planning Authority to any minor variation.
Reason: To ensure adequate drainage of the site.
- 17 No development shall commence until full details of structural condition including CCTV survey and exact route of the private drain, details of permission of the private drain owner and calculations to prove the adequacy of the existing private drain connection have been submitted to and approved in writing by the Local planning Authority.
Reason: To maintain the structural integrity and proper functioning of the existing drain.
- 18 The Gate at the site entrance shall remain open at all times whilst the brewery is in operation.
Reason: To prevent vehicles having to wait on the highway, in the interest of highway safety.
- 19 Prior to the commencement of development a schedule shall be submitted to the Local Planning Authority outlining days and times when coach parties will be entering and leaving the site.
Reason: In the interests of highway safety.

Reason(s) for Granting Permission

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| 1 Green belt - Policy GS8 | It is considered that very special circumstances exist to justify departure from green belt policy. These circumstances comprise; the creation of 40 jobs, the diversification of the rural economy, the development of a new tourist attraction and the benefit to local ecology and biodiversity from the creation of over 50% of the site area as a wild flower meadow and nature area. The proposal is therefore considered in line with Planning Policy Statement 7 "Sustainable Development in Rural Areas" and policy ED13 of the UDP. |
| 2 Visual amenity - Policy GS9 | The proposal complies with Policy GS9 in that the development does not cause any significant harm to the visual amenity of the Green Belt. |

Informative(s)

- 1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:
- Collapse of shallow coal mine workings;
 - Collapse of, or risk of entry into, mine entries (shafts and adits);
 - Gas emissions from coal mines including methane and carbon dioxide;
 - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
 - Transmission of gases into adjacent properties from underground sources through ground fractures;
 - Coal mining subsidence
 - Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 2 The applicant is reminded of the legislation sited below, and should any bats or bat roosts be found on site during construction all work shall cease immediately pending further assessment.

Bats and their roosts are afforded full legal protection under both UK and European legislation. The Conservation (Natural Habitats & c.) Regulations 1994 (as amended, 2007) transpose the Habitats Directive into UK law, making it an offence to-

- deliberately disturb a bat
- deliberately kill, injure or capture a bat
- damage, destroy or obstruct access to a breeding site or resting place (note this applies to both deliberate and reckless actions).

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.