BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2006/1911

**To** Drivers Jones
26 York Road
Manchester
M1 4JB

**DESCRIPTION** Remediation of land
**LOCATION** Land off Old Mill Lane, Smithies, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 13 November 2006 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 plan received on 27 November 2006 and all other plans and specifications as approved, 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.**

R. Middleton

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 09 August 2007

**Planning and Transportation Service**
**PO Box 604, Barnsley, S70 9FE**

**Telephone: 01226 - 772000**
**Fax: 01226 - 772591**

3 Prior to the commencement of any development works, a remediation scheme, endorsed by a competent engineer experienced in ground contamination, shall be submitted to and approved in writing by the Local Planning Authority. This report shall be based on the recommendation made in the previous Detailed Quantitative Risk Assessment report (ref E7773-DQRA-V2), and amongst other details, shall include the following:-

1. Methodology to identify and remove any contaminated material.
2. Measures to test and evaluate any imported soils onto the site to ensure they are suitable for the intended use.
3. Chemical testing suite, frequencies and threshold levels.
4. Monitoring proposals to address dust, odour and noise issues.
5. The subsequent validation that the site has been satisfactorily remediated and that the development of the site can be safely undertaken and occupied.

The development shall thereafter be undertaken in full accordance with the submitted reports.
**Reason: To protect the environment and ensure the site is suitable for the proposed use.**

4 Prior to the commencement of the development a scheme shall be submitted to, and received the written approval of the Local Planning Authority, 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 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: In the interests of highway safety.**

5 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
**Reason: To ensure that any archaeological remains are recorded or are preserved in accordance with an agreed scheme and in accordance with UDP Policies BE3, Archaeological Sites and BE4.**

6 Development shall not commence until details of a scheme for the retention of bats' roost and the retention of bats' existing accesses, or the provision of alternative new accesses, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any buildings or other operations likely to affect the bat roost being undertaken between May and September inclusive. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.
**Reason: In the interest of the local ecology and environment.**

7 Prior to the commencement of development a detailed badger survey of the site shall be carried out by an appropriately qualified person and the result of this survey, together with necessary mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter any mitigating measures carried out.
**Reason: To safeguard the badgers in the area and in accordance with UDP Policy GS15, Protecting Habitats and Species.**

8 Except with prior written approval of the Local Planning Authority, working operations upon the site shall be limited to the hours between 0800 hours and 1800 hours on Monday to Friday, 0800 and 1300 on Saturdays and not at all on Sundays, Bank Holidays and Public Holidays.
**Reason: In the interest of the local amenity.**

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), details of the location, design and external appearance of temporary office and amenity accommodation, other buildings, car parking area and the compound area shall be submitted for approval in writing to the Local Planning Authority prior to their construction or installation.
**Reason: For the avoidance of doubt.**

10 No soakaway shall be constructed in contaminated ground.
**Reason: To prevent pollution of groundwater.**

11 Any visibly contaminated or odorous material encountered on the site during the development work, must be excavated and stockpiled at the site. The Local Planning Authority must be informed immediately of the nature and degree of contamination present, and its potential for the pollution of groundwater and surface water, including provisions for monitoring, 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 water environment and ensure that the remediated site is reclaimed to an appropriate standard.**

**Reason(s) for Granting Permission**

| | | |
|---|---|---|
| 1 | 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 A number of trees with Tree Preservation Orders may be affected by this proposal. It is an offence to cut down, top, lop, uproot, wilfully damage or destroy any protected tree(s) without first having obtained permission from the Local Authority and you should contact Mr Robinson to discuss these issues on 01226 772557.

**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.

**Planning and Transportation Service**
**Central Offices, Kendray Street, Barnsley. S70 2TN**
**Telephone: 01226 - 772600**
**Fax: 01226 - 772599**