



BARNSLEY

Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2006/1860

To ID Planning
4 Park Place
Leeds
LS1 2RU

DESCRIPTION (1) Erection of 153 dwellings and provision of amenity open space. (2) Refurbishment and alteration of main works building. (3) Change of use of works offices (ancillary) to general office use.

LOCATION Land at David Brown Pumps, Green Road, Penistone.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 18 January 2007 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 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.
- 3 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and areas of open space 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.

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 31 August 2007

- 4 The woodland area adjacent to the Trans Pennine Trail shall be fully retained and no branches or roots, shall be lopped, topped, felled, or severed.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.
- 5 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.
Reason: In the interests of the visual amenities of the locality.
- 6 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.
- 7 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless prior written consent has been given by the Local Planning Authority to any variation.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.
- 8 No development shall take place unless and until full foul and surface water drainage details (including land drainage) with levels and cross -sections have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure proper drainage of the area
- 9 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 6 metres either side of the centre line of the 1500mm public surface water sewer i.e. a total protected strip width of 12 metres, that crosses the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 10 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 5 metres either side of the centre line of the access shafts of the tunnel through which the 1500mm public surface water sewer is laid which crosses the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times
- 11 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres either side of the centre lines of the 400mm, 225mm and 150 mm public combined sewers i.e. total protected strip widths of 6 metres per sewer, that cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times

- 12 The site shall be developed with separate systems of drainage for foul and surface water on and off the site

Reason: In the interest of satisfactory and sustainable drainage

- 13 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 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

- 14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 15 Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal

- 16 Prior to commencement of development a detailed bat survey of the site shall be carried out by an appropriately qualified person and the results of this survey, together with necessary mitigation measures, shall be submitted to and approved in writing by the Local planning Authority, and thereafter any mitigation measures carried out.

Reason; To safeguard bats in the area

- 17 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation matters, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-

-Measures to further evaluate the site for the purposes of identifying contamination in line with the recommendation made within WSPs Site Investigation (Report Ref 12111053).

-Measures to treat or remove any contaminated materials encountered and the methodology to be employed. These procedures should be summarised in a remediation statement.

-Steps to be taken to prevent any environmental pollution by any such contaminated material encountered.

-Measures to prevent risks to health and safety of the general public and any persons working on the site.

-Consideration of any Waste Management issues of any remediation measures.

-The subsequent certification/validation reports are submitted, showing that the site has been satisfactorily remediated and that the development of the site can be safely occupied

The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: In the interests of ground contamination and remediation of the land

- 18 The developer shall submit a Noise Impact Assessment, for approval by the Local Planning Authority. The Noise Impact Assessment will consider noise generated from construction and the noise exposure to the future residents of the development. The Noise Impact Assessment will provide the following information as a minimum :
- assess the impact of the construction of the development.
 - assess the impact of adjacent land uses on the site.
 - will use recognized noise standards (PPG24, BS4142, WHO EH Criteria 12)
 - will contain a full schedule of proposals for noise mitigation measures & techniques to be employed on the development
 - to protect the site from external noise sources and to protect neighbouring land users during the construction phase. This will include performance specification information of any proposed mitigation.
 - will contain details of post construction noise monitoring to assess the efficacy of any noise abatement measures employed.
 - white noise reversing alarms shall be fitted as standard for mobile plant on the site during the construction phase.

Reason - to ensure that noise due to the construction of the development is reasonable and minimized also that the properties constructed will meet the relevant noise standards.

- 19 All construction and remediation works including the delivery of materials/waste collections shall be within:-
- 08.00 - 16.00 Mon - Fri,
 - 09.00 - 13.00hrs Sats,
 - and not at all on Suns & Bank Hols.

Reason - to ensure that the effects of disruption due to construction are controlled

- 20 The developer shall submit a Dust Assessment (including dust from traffic and possible land contamination) with any detailed application, for approval by the Local Planning Authority. The Dust Assessment will consider dust generated from the construction.
- assess the dust impact of the construction phases of the development.
 - will use recognized air quality measurement, monitoring and prediction standards.
 - will contain proposals for dust mitigation measures & techniques to be employed on the development, e.g. dust control techniques/frequency of use/the control of mud & dust on the highway/etc.
 - will contain details of dust monitoring to assess the efficacy of any abatement measures employed.

Reason - to protect the air quality in the locality.

- 21 Sufficient space for the storage of household waste and recycling bins shall be provided within the curtilage of each dwelling.

Reason - to ensure that waste is managed to prevent nuisance due to litter and vermin

- 22 Any security or lighting system shall be designed to ensure that any glare from the development only falls within the curtilage of the site and does not fall on bedroom windows within the development. Any proposed lighting system shall comply with the ILE guidance notes for the Reduction of Light Pollution.

Reason - to prevent nuisance due to light.

- 23 None of the properties that abut the boundary with the retained works buildings shall be occupied until the sound proofing measures included within the noise impact assessment along this boundary have been completed to the satisfaction of the Local planning Authority. The works shall then proceed in accordance with the approved scheme.
Reason: In the interests of occupier's amenities
- 24 During remediation of the site the existing brick boundary wall onto Green Road shall be retained and only demolished once remediation works are complete.
Reason: In the interests of visual amenity
- 25 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use, to prevent mud/debris from being deposited on the public highway to the detriment of road safety.
Reason: In the interest of road safety
- 26 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 600mm above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety
- 27 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
- 28 Visibility splays indicated on the submitted plan shall be safeguarded at the junction of Green Road with the access road, such that there is no obstruction to visibility and forming part of the adopted highway
Reason: In the interest of road safety
- 29 Development shall not commence until details of measures to prevent mud/debris from being deposited on the public highway to the detriment of road safety, have been submitted to and approved in writing by the Local Planning Authority, and such measures shall be retained for the entire construction period.
Reason: In the interest of road safety
- 30 Development shall not commence until details of all areas for the parking of all employees' vehicles, the storage of building materials and plant have been submitted and approved in writing by the Local Planning Authority, and such areas shall be retained for the entire construction period
Reason: In the interest of road safety
- 31 Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.
Reason: In the interest of road safety

- 32 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. 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

Reason: In the interest of road safety

- 33 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access

Reason: In the interest of road safety

- 34 Development shall not commence until details of the means of access for construction traffic have been submitted to and approved, in writing, by the Local Planning Authority, and such an access shall be retained for the entire construction period.

Reason: In the interests of road safety.

- 35 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority, to ensure a safe and adequate highway network.

Reason: In the interest of road safety

Reason(s) for Granting Permission

- 1 Unique The proposal has been assessed and found to comply with UDP Policies H5,H6, BE6, T2, and ED7. The proposal is also considered to comply with SPG24 "Re-use of Employment Policy Areas" and as such is considered suitable for this location and would not have a significant detrimental impact on highway safety, local vegetation, or residential amenities subject to compliance with the relevant conditions.

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.