



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0191

To Planning Prospects Ltd
Unit 1 Broomhall Business Centre
Broomhall Lane
Worcester
WR5 2NT

DESCRIPTION Erection of 3 office units, additional employment accommodation, retail units (A1,A3 and A5) car parking and associated works

LOCATION Land adjacent to the Chestnut Tree, Barugh Green Road/Claycliffe Road, Barugh Green, Barnsley, South Yorkshire, S75 1JT

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 10 February 2009 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 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.

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 06 May 2009

- 3 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.
- 4 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.
- 5 No development shall take place until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. Details shall include a scheme for limiting surface water run-off into the watercourse. 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.
Reason: To ensure the proper drainage of the area.
- 6 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 in writing 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.
- 7 Unless otherwise agreed in writing by the Local Planning Authority, the proposed retail units shall not be occupied until the office accommodation and trade units have been constructed and made available for sale or let.
Reason: To ensure the buildings housing the employment generating uses are delivered, in accordance with Unitary Development Plan policy ED7.
- 8 Unless otherwise agreed in writing by the Local Planning Authority and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the two retail units shall not, at any time, be combined to create a larger retail unit.
Reason: In order to ensure the retail element remains ancillary, in terms of its impact, to the main employment-generating uses and in accordance with Planning Policy Statement 6.
- 9 Prior to commencement of development details of the internal layouts of the trade units shall be submitted to and approved in writing by the Local Planning Authority. Details shall include trade counters that are ancillary to the main use of the units for storage and distribution (B8 purposes). The approved details shall be implemented prior to occupation of the buildings and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the use of the units remains within a B8 use class in accordance with Unitary Development Plan policy ED7.

- 10 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
 - 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.**
- 11 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 including full details of tree protection fencing.
Details of no-dig construction proposals for areas of car park and drive within root protection areas, including cross-sections and plans showing relevant areas.
- 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.**
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no garages or other outbuildings shall be erected, other than those expressly authorised by this permission.
- Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with UDP Policy BE6, Design Standards.**
- 13 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 interest of highway safety.**
- 14 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 highway safety.**

- 15 Prior to the commencement of development, a Green Travel Plan shall be submitted to the Local Planning Authority for consideration. The Travel Plan shall include details of its implementation and the monitoring programme. The Travel Plan approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of promoting use of public transport, in accordance with U.D.P. policy T14
- 16 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.
Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.
- 17 Prior to occupation of the building/commencement of the use, full details of the proposed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arisings. Prior to the occupation of the building/commencement of the use, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.
Reason: In the interests of encouraging recycling and visual amenity.
- 18 Sight lines, having the dimensions 2.4m by the site frontage shall be safeguarded at the Barugh Green Road entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interests of road safety.
- 19 Upon commencement of development details of a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The parking management plan shall be implemented upon occupation of the retail units.
Reason: In the interest of highway and pedestrian safety.

Reason(s) for Granting Permission

- 1 Unique The site is allocated for employment purposes and is in a sustainable location within the main urban area. The proposal will secure the redevelopment of the site primarily for employment purposes (B1 and B8) without detrimentally affecting residential amenity, visual amenity or highway safety. Whilst some retail provision is included, it is considered acceptable by virtue of its limited scale and would not therefore compromise the overall objectives of Unitary Development Plan policy ED7, Supplementary Planning Guidance Notes 23 and 24 or Planning Policy Statement 6.

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

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.