



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/1660

To Ove Arup and Partners Limited
Rose Wharf
78 East Street
Leeds
LS9 8EE

DESCRIPTION Widening of highway including Old Mill Lane Bridge from three lanes to five lanes to include provision of bus lane and widened paths. Alterations to bridge structure to support extension to bridge deck. Realignment of riverside access track and repositioning of access stairs. Relocation of gas governor, memorial, bus shelter and Asda recycling centre. Removal of trees covered by Tree Preservation Order.

LOCATION Old Mill Lane including Old Mill Lane Bridge to the east of the Asda Store. Old Mill Lane bridge crosses over the River Dearne

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 05/01/2022 and described above.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

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 strictly in accordance with the plans (Nos A61-ARP-XX-XX-DR-CB-00101-P02, A61-ARP-XX-XX-DR-CB-00102-P02, A61-ARP-XX-XX-DR-CB-00104-P02, A61-ARUP-GY-XX-SK-CH-00020-P04 & A61-ARP-XX-XX-DR-CB-01055 - P01) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 No development shall take place unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. 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.
- 4 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

- 5 No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:
- A plan to a scale of 1:1250 showing the location of all defects identified
 - A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. 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: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety and in accordance with Local Plan Policy T4.

- 6 No construction works shall commence until a phasing plan and arrangements have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.
Reason: In the interest of highway safety, in accordance with Local Plan policy T4.
- 7 No construction 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:
- Working times
 - The parking of vehicles of site operatives and visitors
 - Routing of and means of access for construction traffic
 - Identification of agreed access point
 - Contractors method for controlling construction traffic, adherence to routes and temporary signage.
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding
 - Measures to control mud and dust being transferred to the public highway
 - Measures to protect the watercourse within and close to the site
- Reason: In the interests of highway safety, in accordance with Local Plan policy T4.**
- 8 Prior to any works commencing on site full details shall be submitted to and approved in writing by the Local Planning Authority that secure the following works:
- Highway engineering
 - Bridge widening
 - Provision of / any alterations to highway drainage
 - Provision of / any alterations to street lighting
 - Any necessary signing / lining details
 - Any necessary resurfacing / reconstruction
 - Measures to prevent/control parking and loading
 - Provision of / any alterations to bus stops
 - Signal controlled pedestrian crossing and signal controls
- The works shall subsequently be constructed in accordance with the approved details and timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In interests of highway safety, in accordance with Local Plan Policy T4.
- 9 Development shall not commence until full highway engineering construction details have been submitted to and approved in writing by the Local Planning Authority.
Reason: In interests of highway safety, in accordance with Local Plan Policy T4.

- 10 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

- 11 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 landscaping details shall be implemented in the first planting season following the completion of the works

Reason: In the interests of the visual amenities of the locality.

- 12 No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply.

- 13 No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public sewer network.

- 14 Prior to commencement, a Biodiversity Enhancement Management Plan (BEMP) which would include the following shall be submitted to, and approved in writing by the Local Planning Authority:
- a plan of the areas to be maintained, enhanced and/or created;
 - a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
 - a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved. Monitoring would be required within years 2, 5, 10, 20 and 30;
 - schedule of actions to be undertaken in case signs of failing are identified.
 - the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.
- The BEMP will be supported by a Defra Metric and will include condition assessments of baseline habitats and condition assessments of habitats proposed for creation, with details of the condition assessment criteria anticipated to be passed/failed.

Thereafter the approved scheme shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1.

- 15 Prior to commencement, a Construction Environmental Management Plan (CEMP: Biodiversity) detailing precautionary measures to be adopted on site during construction works to protect retained habitats and to avoid harm/disturbance to protected and priority species such as nesting birds, amphibians, reptiles, foraging and commuting bats, otters and hedgehogs shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved measures.
- Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1.**

- 16 Prior to the commencement of the development a bat method statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Method Statement shall detail how the proposed works will be carried out to avoid adverse impacts to bats, including timing of works, sympathetic lighting used during construction works and once the widened road becomes operational, and, monitoring surveys to be undertaken following completion of works.

Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In accordance with Local Plan Policy BIO1 'Biodiversity and Geodiversity'.

- 17 Upon commencement of development, findings from supplementary ground investigations carried out during site enabling works shall be submitted to, and approved in writing by, the Local Planning Authority to confirm the anticipated ground conditions. The development shall be carried out in accordance with the recommendations/mitigation works resulting from the findings, and retained as such thereafter.
- Reason: In accordance with Local Plan Policy CL1 'Contaminated and Unstable Land'.**

- 18 Upon commencement of the development full details of the relocation of the Kaye A Pepper memorial shall be submitted to, and approved in writing by, the Local Planning Authority. The relocation shall take place in accordance with the approved details and timescale.

Reason: In order to consult the family of Kaye A Pepper.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

- 2 Public Right of Way - The development abuts / incorporates a Public Right of Way, Footpath /Bridleway / BOAT. You are advised that before undertaking any work you must contact the PROW team to discuss requirements, including the need for any Temporary Traffic Regulation Order to close or divert the PROW for the duration or part of the works on grounds of public safety. For more information, please call on 01226 773555
- 3 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.
- 4 The development hereby approved is subject to Independent Road Safety Audits to be carried out in accordance with the requirements of the Local Highway Authority and Design Manual for Roads & Bridges GG119 Road Safety Audits. All relevant technical information is to be made available to the Road Safety Audit team.
- 5 Road Licences - You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), or to place any equipment, materials in , on, above or abutting a highway requires you to have a licence. Further details are available on the BMBC website at: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/> or by contacting Streetworks@barnsley.gov.uk
- 6 Street lighting design and installation is undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with the authorities Street Lighting Team, Tel 01226 770770. Email. Streetlightingdesign@barnsley.gov.uk as soon as possible.
- 7 Traffic Signal Design is undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant shall make contact with the authorities Traffic Signal Team on 01226 787643. Email trafficsignals@barnsley.gov.uk as soon as possible.

- 8 Access for fire engines will be required under Part B of the Approved document to the Building Regulations.
- 9 A Traffic Regulation Order (TRO) is necessary. You must submit a plan to a scale of 1:1250 of the indicative scheme, along with timescales for the commencement and completion of the development hereby approved. Please be aware that the process is statutory and involves public advertisement of the proposals and the resolution of objections. The outcome of the process cannot be guaranteed. Time based fees are payable for the administrative process, including legal costs, and are separate from the costs of lining, signing and resurfacing required by the TRO. You should expect a minimum of six months to elapse between the LHA's Traffic team confirming that it has all the information necessary to enable it to proceed and the TRO is advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed. For more information and arrangements contact Traffic by emailing Traffic@barnsley.gov.uk
- 10 Fees associated with the required condition survey together with any necessary remedial works and any relevant S278 agreement are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement.
- 11 Any highways structures will require technical approval in accordance with the approval procedure based on DMRB CG300 - Technical Approval of Highways Structures. The developer will be responsible for preparing and submitting the AIP, with the technical approving body being the Highway Authority. The approval procedure is to be followed for the construction or alteration of any highway structure whether to be adopted or not.
- 12 The Barnsley Permit Scheme applies to all streets in Barnsley and is designed to minimise any delay, disruption and inconvenience to road users caused by roadworks. Anyone carrying out works in a street must apply for a permit. Agreement under the Barnsley Permit Scheme's provisions must be granted before any works can take place. There is a fee involved for the coordination, noticing and agreement of the works. Details relating to the scheme, fees and payment methods are available via www.barnsley.gov.uk/services/roads-travel-and-parking/roadworks-and-road-maintenance/yorkshire-common-permit-scheme/ or by contacting the Streetworks team via Streetworks@barnsley.gov.uk
- 13 The contractor shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the public highway is an offence under provisions of the Highways Act 1980.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 13 October 2023

A handwritten signature in black ink, consisting of a stylized 'G' and 'H' followed by a horizontal line.

Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

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.