



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2023/0815

To William Saunders Partnership
The Beacon
Cafferata Way
Newark
NG24 2TN

DESCRIPTION Construction of 7no commercial industrial units in 6no. blocks (Use classes E(g)(ii), E(g)(iii), B2 and B8) and associated external works

LOCATION Land west of the Dearne Valley Parkway, and south of Kestrel Way, Birdwell, Barnsley

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 12/09/2023 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 amended plans and specifications as approved unless required by any other conditions in this permission:

Location Plan, Project Ref: 12215, Drawing Ref: WMS - XX - XX - DR - A - 10004 - S8 - P3

Proposed Site Plan, Project Ref: 12215, Drawing Ref: WMS - XX - XX - DR - A - 10003 - S8 - P16

Site Plan - Fencing, Project Ref: 12215, Drawing Ref: WMS - XX - XX - DR - A - 10007 - S8 - P4

Site Plan - Surfacing, Project Ref: 12215, Drawing Ref: WMS - XX - XX - DR - A - 10006 - S8 - P5

Unit 1 - Proposed Elevations, Project Ref: 12215, Drawing Ref: WMS - 01 - ZZ - D - A - 10601 -S8 - P6, Received: 20/12/2023

Unit 1 - Proposed Floor Plans & GA Section, Project Ref: 12215, Drawing Ref: WMS - 01 - ZZ - D - A - 10401 -S8 - P6

Unit 1 - Proposed Roof Plan, Project Ref: 12215, Drawing Ref: WMS - 01 - ZZ - D - A - 10451 -S8 - P2

Unit 2 - Proposed Elevations & GA Section, Project Ref: 12215, Drawing Ref: WMS - 02 - ZZ - D - A - 10602 -S8 - P6, Received: 20/12/2023

Unit 2- Proposed Floor Plans, Project Ref: 12215, Drawing Ref: WMS - 02 - ZZ - D - A - 10402 -S8 - P6

Unit 2- Proposed Roof Plan, Project Ref: 12215, Drawing Ref: WMS - 02 - ZZ - D - A - 10452 -S8 - P2

Unit 3 - Proposed Elevations, Project Ref: 12215, Drawing Ref: WMS - 03 - ZZ - D - A - 10603 -S8 - P6, Received: 20/12/2023

Unit 3 - Proposed Floor Plans, Project Ref: 12215, Drawing Ref: WMS - 03 - ZZ - D - A - 10403 -S8 - P6

Unit 3- Proposed Roof Plan, Project Ref: 12215, Drawing Ref: WMS - 03 - ZZ - D - A - 10453 -S8 - X P2

Unit 4- Proposed Elevations & GA Section, Project Ref: 12215, Drawing Ref: WMS - 04 - ZZ - D - A - 10604 -S8 - P6, Received: 20/12/2023

Unit 4 - Proposed Plans, Project Ref: 12215, Drawing Ref: WMS - 04 - ZZ - D - A - 10404 -S8 - P6

Unit 4 - Proposed Roof Plan, Project Ref: 12215, Drawing Ref: WMS - 04 - ZZ - D - A - 10454 -S8 - P2

Unit 5/6 - Proposed Elevations, Project Ref: 12215, Drawing Ref: WMS - 05 - ZZ - D - A - 10605 -S8 - P6, Received: 20/12/2023

Unit 5/6 - Proposed Floor Plan, Project Ref: 12215, Drawing Ref: WMS - 05 - ZZ - D - A - 10405 -S8 - P6

Unit 5/6 - Proposed Roof Plan, Project Ref: 12215, Drawing Ref: WMS - 05 - ZZ - D - A - 10455 -S8 - P2

Unit 7 - Proposed Elevations, Project Ref: 12215, Drawing Ref: WMS - 07 - ZZ - D - A - 10607 -S8 - P6, Received: 20/12/2023

Unit 7- Proposed Floor Plan, Roof Plan & GA Section, Project Ref: 12215, Drawing Ref: WMS - 07 - ZZ - D - A - 10407 -S8 - P6

Landscape Proposals - Sheet 1 of 2, Drawing No: LL02, Rev: D, Received: 18/12/2023

Landscape Proposals - Sheet 2 of 2, Drawing No: LL03, Rev: D, Received: 18/12/2023

Preliminary Ecological Appraisal, Ref: SF 3387, Rev: A, Received: 18/12/2023

Biodiversity Net Gain Assessment, Ref: SF3387, Rev: A, Received: 18/12/2023

Arboricultural Survey Report, Ref: SF3387, Rev: D, Received: 18/12/2023

Arboricultural Impact Assessment Plan, Drawing No: A1A01, Rev: D, Received: 18/12/2023

Travel Plan, Ref: RHC-22-065-TP, Rev: A, Received: 6/11/2023

Gatic Channel Details, Dwg No: D701, Rev: 2

Drainage Construction Details, Dwg No: D700, Rev: 1

Proposed Manhole Schedules, Dwg No: D201, Rev: 3

Proposed Drainage Plan, Dwg No: D200, Rev: 3

Engineering Schematic Plan, Dwg No: D100, Rev: 6

Flood Risk Assessment, Ref: RWO/FRA/Y22018, Version: 1

Landscape and Ecology Management Plan, Ref: SF3387

Preliminary Risk Assessment and Coal Mining Assessment, Ref: 350525-R01 (00)

Air Quality Assessment - Redmore Environmental, Ref: 5887r2

Noise Impact Assessment - Nova Acoustics, Ref: NP-009288

Topographical Survey, Drawing No: 3508-02-b, Issue: B, Received: 22/11/2023

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3 No construction works shall take place and no construction equipment/plant shall be brought onto site until the tree protection measures are erected in accordance with Arboricultural Impact Assessment Plan, Rev: D, Drawing No: AIA01 (received 18/12/2023). Thereafter the tree protection measures shall remain in place until the completion of construction.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

4 Notwithstanding the submitted details, prior to the commencement of works, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details/report shall be reviewed and produced by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:

- Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
- A drawing showing dark corridors and buffer areas;
- A report and drawings showing how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to breeding sites/resting places, this should include;
- Technical descriptions, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- A description of the luminosity of lights and their light colour;
- A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

Thereafter all external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

Reason: In the interests of long term biodiversity, in accordance with Local Plan Policy BIO1.

- 5 Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- Risk assessment of potentially damaging construction activities;
 - Identification of 'biodiversity protection zones';
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - The times during construction when specialists ecologists need to be present on site to oversee works;
 - Responsible persons and lines of communication;
 - The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
- Reason: In the interests of long term biodiversity, in accordance with Local Plan Policy BIO1**
- 6 No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, 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.
- Reason: To ensure the proper drainage of the area.**
- 7 No development shall commence until full 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 ensure the proper drainage of the area.**
- 8 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority and agreed in writing by Natural England. The development shall then be carried out in accordance with that document in addition to the submitted preliminary ecological appraisal.
- Reason: In the interests are protecting the ecological value at nearby SSSIs.**

- 9 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 (in consultation with the Highway Authority for the M1 motorway). In addition to minimising local impacts, the plan should seek to minimise construction movements via the M1 during peak hours and shall include the following as a minimum:
- i. The parking of vehicles of site operatives and visitors
 - ii. Means of access for construction traffic
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Measures to prevent mud/debris being deposited on the public highway.
 - vi. Construction vehicle movements,
 - vii. A routing and signing strategy for construction vehicles to and from site, expected number of construction vehicles per day during the period of construction.

Thereafter the approved statement shall be adhered to throughout the construction period.

Reason: In interests of highway safety and equalities in accordance with Local Plan Policy T4.

- 10 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:
- i. A plan to a scale of 1:1250 showing the location of all defects identified
 - ii. 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 as per Local Plan Policy T4.

11 During construction the following shall be adhered to:

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles shall only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

12 Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure compliance with Local Plan Policy I1 and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.

13 Prior to the first occupation of the development hereby permitted, the proposed on-site car and cycle parking, and turning shall be laid out in accordance with the approved plan. Areas to be used by vehicles must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with Local Plan Policy T3.

- 14 A landscape management plan, including long term design objectives, timescale for implementation, 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. Thereafter the approved landscape management plan shall be fully implemented for the duration of the development.

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

- 15 Before use of any Unit within the proposed development commences, a Noise Impact Assessment shall be undertaken to determine the noise impact from that Unit.

The assessment will seek to demonstrate that, at the nearest noise sensitive receptor, the noise levels arising from operational activities will not exceed the background sound levels set out in the 'Noise Impact Assessment; Site Address: Proposed Development, Birdwell, Barnsley, S70 5SZ' produced by Nova Acoustics dated 9th May 2023, ref: NP-009288. If the assessment indicates a potential exceedance of these background levels, mitigation measures shall be identified to reduce the impact.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and follow the principles contained in BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

The results of this assessment shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the Unit is first occupied or the use commences and shall be thereafter maintained.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

- 16 Between the hours of 07:00 and 23:00 the sound levels from the development site, measured at the boundary of the nearest noise sensitive receptor, shall not exceed 52dB LAeq, 15min.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

- 17 Between the hours of 23:00 and 07:00 the sound levels from the development site, measured at the boundary of the nearest noise sensitive receptor, shall not exceed 39dB LAeq, 15min.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

- 18 The site has been identified to be at risk from potential coal mining legacy. Intrusive site investigations must therefore be undertaken as advised for in the RSK Environment Ltd Preliminary Risk Assessment and Coal Mining Risk Assessment report ref: 350525-R01 dated August 2022. The site investigations and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned mine workings manual" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority prior to commencement on site. The development thereafter shall be carried out in accordance with the approved details. In the case of further stabilisation works being required, then the condition will not be discharged until details of such works have also been submitted. Responsibility for securing a safe development rests with the developer and/or landowner.
Reason: To ensure that the development is in accordance with National Planning Policy Framework paragraphs 189, 190 and 180 (e & f).
- 19 The mitigation measures included in the preliminary ecological appraisal (Job Number: 3387, Rev A, December 2023) in regard to water quality shall be strictly implemented in accordance with that document. The mitigation included in Air Quality Assessment (Document Ref: 5887r2, dated: 4/7/2023) shall be implemented in accordance with that document. Should any measures be amended then Natural England shall be informed.
Reason: In the interests are protecting the ecological value at nearby SSSIs.
- 20 The development shall be completed in line with the recommendations in the Preliminary Ecological Appraisal December 2023, Biodiversity Net Gain Assessment December 2023 and the Defra Metric December 2023 and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, and thereafter permanently maintained for the stated purposes of biodiversity conservation.
Reason: In the interests of long term biodiversity, in accordance with Local Plan Policy BIO1.
- 21 Any Ancillary Trade Counter use (sui generis) shall extend to no more than 10% of the floor plan area of each building hereby permitted and shall at all times remain ancillary to E(g)(ii), E(g)(iii), B2 and B8 uses.
Reason: To ensure that the primary operations carried out at the hereby approved units remain within the uses supported at employment allocations and that any ancillary uses do not dilute employment operations.
- 22 Notwithstanding the provisions of the Town and Country Planning (use Classes)(Amendment)(England) Regulations 2020, (or any Order revoking or re-enacting that Order with or without modification, other than ancillary office use, Class E uses which would otherwise be permitted by that Order shall be limited to Class E(g)ii and E(g)iii.
Reason: To ensure the majority of the site remains in employment use as set out in in accordance with the Hoyland North Masterplan and Local Plan Policy ES14.
- 23 The design details and specification of the proposed glass panels shall be submitted to the local planning authority and agreed in writing prior to its installation. If required a physical sample must be provided.
Reason: To ensure that the appearance of the building accords with the requirements of policy D1.

- 24 The design details and specification of the proposed brickwork shall be submitted to the local planning authority and agreed in writing prior to its installation. If required a physical sample must be provided.
Reason: To ensure that the appearance of the building accords with the requirements of policy D1.
- 25 No advertisement vinyl and/or other signage shall be installed on the external appearance on any building, apart from within the specified 'signage zones' as shown on the approved elevations. All signage will be subject to advertisement consent.
Reason: To ensure that the appearance of the building accords with the requirements of policy D1.
- 26 The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within three months of occupation of each unit, evidence of the implementation of measures set out in the Travel Plan shall be prepared, submitted to and agreed in writing with the LPA unless alternative timescales are agreed in writing.
Reason: In interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T3 and T4.

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.

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: 2 April 2024

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

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 given 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.