



**Planning & Building Control Service
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Ms Katrina Hulse
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Our ref 2020/0647 & 2021/ENQ/00421
Your Ref:
Date: 3rd August 2021
Enquiries to: Elaine Ward
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Dear Madam

APPLICATION SUBMITTED UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT (1990) AS AMENDED

Non material amendment to planning permission 2020/0647 to amend the conditions 2 (approved plans and documents), 22 (updated revision number), 41 (biodiversity mitigation) and new condition 48 (to state drawing reference number for the attenuation basins).

Hybrid planning application for a development up to 103,086sqm of employment uses (use classes B1/B2 and B8) and associated works including access roads, drainage and landscaping, a) Outline seeking approval over means of access and scale across 2 development plots (plots 2&3) of up to 71,515sqm floorspace; and b) full application for the development of plot 1 (31,571 sqm floorspace for use B8), associated earthworks and creation of access points including new roundabout to link with Hoyland south Masterplan Area (Local Plan references HS68, HS65, HS61, HS58, HS6, SL5)

Land to the west of Sheffield Road, Hoyland, Barnsley

I refer to the above referenced application for a Non-Material amendment to planning permission reference 2020/0647 granted on 9th November 2020 subject to a S106 legal agreement. The following drawings have been submitted in support of this application for a Non- Material Amendment:

- Drawing No. 4400-004 P01 Redline Plan
- Drawing No. HOYLA-RPS-SI-XX-DR-D345 Rev P01 Proposed Drainage GA Attenuation Basin
- Drawing No. HOYLA-RPS-SI-XX-DR-D346Rev P01 Proposed Drainage Basin 1 Planning Boundaries

The changes proposed by the Non- Material Amendment are as follows:

1. Condition 2

As a result of planning permission being granted on 27th July 2021 under planning reference 2021/0637 for an alternative attenuation scheme (as

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required by Yorkshire Water), to that granted permission under 2020/0647, the following wording is proposed to be added to the first line of condition 2 of the original decision notice to reflect the addition of Basin 1 (to be adopted by Yorkshire Water), and amended plans associated with the alternative attenuation scheme, to read as approved under 2021/0637 as follows (additional wording *"in italics"*):

The development hereby approved shall be carried out strictly in accordance with the plans (Nos) and specifications as approved unless required by any other conditions in this permission *"except in respect of development carried out within the area edged red on Drawing 4400-004 P01 which shall be carried out in accordance with Drawing Nos. HOYLA-RPS-SI-XX-DR-D345 Rev P01 Proposed Drainage GA Attenuation Basin and HOYLA-RPS-SI-XX-DR-D346Rev P01 Proposed Drainage Basin 1 Planning Boundaries, as approved under Planning Permission 2021/0637 or any variation to, or amendment of, that permission"*.

BMBC comment - the submitted drawing 4400-004 P01 identifies that area of the original 2020/0647 approved redline plan 4400 102 P05 which is proposed to be disappplied as a result of the application for the amended attenuation scheme and replaced by the plans which adds Basin 1. The application 2021/0637 which will deliver this has now been granted by Members at 27th July 2021 Planning Regulatory Board. No objections in principle.

2. Condition 41

As a result of the additional attenuation basin approved under 2021/0637 (as required by Yorkshire Water), additional/ amended biodiversity habitats shall be created. Condition 41 is therefore proposed to be amended with additional wording to reflect additional plans to read (additional wording *in italics*):

The development hereby approved shall comply with the biodiversity mitigations and compensation measures set out in the recommendations in the ES volumes 1, 2 and 3 unless otherwise superseded by later ecological reports detailed below, *except in respect of the area edged red on the Drawing 4400-004 P01 which shall be carried out in accordance with Drawing Nos. HOYLA-RPS-SI-XX-DR-D345 Rev P01 Proposed Drainage GA Attenuation Basin and HOYLA-RPS-SI-XX-DR-D346Rev P01 Proposed Drainage Basin 1 Planning Boundaries as approved under Planning Permission 2021/0637 or any variation to, or amendment of, that permission:*

- Biodiversity Impact Assessment report REV A by FCPR received 1/10/20.
- Biodiversity Enhancement Management Plan REV A and Appendix A by FCPR received 2/10/20

BMBC comment- as with the proposed amendment to condition 2 above, those parts of the approved ecological mitigation, compensation and management measures relating to the original attenuation pond scheme require amending/additions as a result of the additional attenuation basin granted under 2021/0637. The amendments to the condition will achieve this. No objections in principle.

3. Condition 22

An error in the revision number of a plan has been identified in this condition. The correct plan reference for condition 22 is 4400 01 P28 however, the plan was incorrectly referenced as 44 00 01 P27. The error relates only to the

detail shown on the decision notice, the plan remains unchanged and is correctly referenced in condition 2. The corrected condition 22 should therefore read as follows (corrected wording *in italics*):

The development of Plot 2 hereby approved shall not exceed a maximum of 46,154sqm B8 use as identified on indicative masterplan 4400 01 P28. Plot 3 shall comprise only B1 and B2 uses. The details of both plots shall be submitted as part of the applications for approval of reserved matters

BMBC comment – following inspection it is agreed that the REV number on the decision notice was incorrect. There are no objections to this correction.

4. New Condition 48

To link the 2020/0647 Permission with the amended attenuation scheme approved under Planning Permission 2021/0637 and ensure the attenuation ponds are constructed within a reasonable timescale to serve the development granted under 2020/0647, it is proposed to add anew condition (Condition 48) is inserted with the following wording:

Prior to the occupation of the development hereby approved, the attenuation basins approved under Planning Permission 2021/0637 or any variation to, or amendment of, that permission must be provided in accordance with Drawing HOYLA-RPS-SI-XX-DR-D345 Rev P01 and Drawing No. HOYLA-RPS-SI-XX-DR-D346 Rev P01

REASON: To ensure proper, sustainable drainage in the area in accordance with Local Plan Policy CC3 and CC4

BMBC comment – this will ensure the enlarged pond granted under 2021/0637 will be constructed to the same timescale as the previously approved attenuation scheme – no objections in principle.

Section 96A (1) gives the power to a Local Planning Authority to make a change(s) to a planning permission if the change(s) is/are not material. Section 96A(3)(a) includes the provision to impose new conditions.

The changes do not result in any development which lies outside of the description of development, nor does it contravene any conditions attached to the original permission. Overall the proposed changes are inconsequential in terms of its scale in relation to the original permission. Whilst there will be temporary impacts on residential amenity during the construction phase, there will be no permanent impacts on residential amenity of existing dwellings. The proposed changes are therefore considered to be non-material.

The proposals have been reviewed by the Senior Planning Officer (planning case officer for the planning application 2019/0902), Group Leader, Development Management (Inner Area), the Definitive Map Officer (Public Rights of Way), and the Group Leader, Highways Development Control. None have any objections to the amendments proposed.

It is considered that these amendments are satisfactory having regard to relevant planning considerations including impact on residential amenity and design considerations and will not alter the nature or scale of the original permission.

Taking into account all the above I can confirm that the **non-material amendment is acceptable.**

As such, that area of the original approved red line plan (4400 102 P05) which is shown on Drawing No. 4400-004 P01 submitted with this non material application, will be disapplied, and will be replaced by the following plans:

- Drawing No. HOYLA-RPS-SI-XX-DR-D345 Rev P01 Proposed Drainage GA Attenuation Basin1 Planning Boundaries (sheet 1)
- Drawing No. HOYLA-RPS-SI-XX-DR-D346Rev P01 Proposed Drainage Basin 1 Planning Boundaries (sheet 2)

This decision letter only relates to the non-material amendment. It is not a reissue of the original decision notice for application 2020/0647 which still stands. The two documents should be read in conjunction.

Should you require anything further, please contact me again.

Yours sincerely

Elaine Ward

For and on behalf of:
Joe Jenkinson BA (Hons) MSc
Head of Planning and Building Control
www.barnsley.gov.uk/developmentmanagement