



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/1083

To Williams Saunders Partnership
Sheppard Lockton House
Cafferata Way
Newark
NG24 2TN

DESCRIPTION Variation of condition 2 on application 2019/0010 (Erection of 16 industrial units (B1, B2 and B8) and associated works) to allow changes to door sizes and cladding on units, and fencing.

LOCATION Former Hickleton Colliery, Barrowfield Road, Thurnscoe, Rotherham

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 09 September 2019 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 4th April 2019.
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 and specifications as approved:
 - 11525 - WMS - XXX - XX - DR - A - 1 0001 - S8 - P10 Proposed Site Plan
 - LL01 C Landscape Proposals
 - 11525 -WMS -B1 - ZZ - DR - A - 10401 -S8 - P1 Unit 1 - 2 - Plan and Elevations
 - 11525 -WMS -B4 - ZZ - DR - A - 10404 - S8 - P7 Unit 11 - 16 - Plan and Elevations
 - 11525 -WMS -B2 - ZZ - DR - A - 10402 - S8 - P7 Unit 3 - 6 - Plan and Elevations
 - 11525 -WMS -B3 - ZZ - DR - A - 10403 -S8 - P7 Unit 7 - 10 - Plan and Elevationsunless 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 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D1, High Quality Design and Place Making.
- 4 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: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 5 Sightlines, having the dimensions 2.4m x 90m, shall be safeguarded at the 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 interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 6 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the junction of The Windings with Barrowfield Road, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 7 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.
- 8 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
Relocation of street lighting column.
The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of road safety and in accordance with Local Plan Policy T4, New Development and Highway Improvement.
- 9 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 and in accordance with Local Plan Policy T4, New Development and Highway Improvement.
- 10 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 and in accordance with Local Plan Policy T4, New Development and Highway Improvement.
- 11 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
 - Means of access for construction traffic
 - 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

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.

- 12 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 in accordance with Local Plan Policy CC3 and CC4.
- 13 The noise rating level (as calculated using BS4142:2014) emitted by all fixed plant on the site shall not exceed 49dB (LAeq 15 mins) between 2300 and 0700 or 55dB (LAeq 15 mins) at any other time at the boundary of the nearest residential premises.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection
- 14 The noise rating level (as calculated using BS4142:2014) emitted by all other activities at the site shall not exceed 49dB (LAeq 15 mins) between 2300 and 0700 or 55dB (LAeq 15 mins) at any other time at the boundary of the nearest residential premises.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection
- 15 Construction and Deliveries shall only take place between Mon-Fri 0700-1800 and Sat 0800-1300. None at all on Sundays or Bank Holidays.
Reason: In the interests of residential amenity and to accord with Local Plan Policy Poll1.
- 16 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (Smeedon Foreman, Rev A 14/2/19), including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1.
- 17 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.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 18 The site is located in a Coal Authority coal mining referral area due to the presence of a mineshaft. The land could therefore potentially be at risk from mining legacy risks such as ground instability and fugitive gas migrations. The layout of the proposed development will need to take account of the shaft positions via suitable standoffs to the buildings and / or mitigating actions such as suitable foundation design. The site investigations recommended in the William Saunders Phase one Geo-environmental report ref 11525 must therefore be undertaken as advised by a suitably qualified engineer to ascertain the extent and level of the shaft cap (and any other below ground structures from the former use of the site that may be present) and the depth to rock head so that suitable stand-off from the shaft can be agreed. The investigations and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 'construction over abandoned mine workings' where applicable. A report undertaken by a suitably qualified engineer detailing the findings of the investigation and any recommended mitigation shall be

submitted for approval in writing by the local planning authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe development rests with the developer and / or landowner.

Reason: Land stability in accordance with NPPF Sections 178, 179 and 170.

- 19 Upon commencement of development details of measures to facilitate the provision of high speed 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 be carried out in accordance with the approved details.

Reason: In order to ensure compliance with Local Plan Policy I1.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Please be aware that the Council monitors construction sites and open land within the vicinity 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 the approved development is disposed of via approved methods and that documents are retained to prove this.

1	<p>The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.</p> <p>It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water.</p> <p>Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p>
2	<p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
3	<p>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.</p>

	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.
4	The development involves works abutting and in the highway, the developer must contact Highways & Engineering 01226 773555 prior to any works commencing on-site, to ensure no damage is caused to the highway.

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 24 October 2019

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.