



## **GRANT OF LISTED BUILDING CONSENT**

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1990

### **APPLICATION NO. 2022/0848**

**To** Dawson Williamson Ltd  
Hope Park Business Centre  
Bradford  
BD5 8HH

**Proposal** Change of use of barn to Veterinary Surgery (Use Class E) including internal and external alterations (Listed Building Consent)

**At** Nether Mill Barn, Barnsley Road, Penistone, Sheffield, S36 8AD

**Consent is granted** for the proposals which were the subject of the Application and Plans registered by the Council on 31/08/2022 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 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. C1096 000 Rev 1, C1096 001 Rev 1, C1096 010 Rev 1, C1096 011 Rev 1, C1096 015 Rev 0, C1096 021 Rev 1, C1096 022 Rev 1, C1096 050 Rev 2, C1096 051 Rev 3, C1096 052 Rev 3, C1096 110 Rev 6, C1096 111 Rev 4, C1096 201 Rev 3, C1096 202 Rev 3, C1096 100 Rev 2, 12207005, Design and Access Statement, Flood Risk Assessment Rev C, Bat Report by JCA ref 18369a/HC, Transport Statement, Heritage Statement, Sequential Assessment, Written Scheme of Investigation - Level 3 Building Recording) and specifications as approved unless required by any other conditions in this permission.  
**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 The premises shall be used as a Veterinary Surgery and shall not be used for any other uses within Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).  
**Reason: To protect the amenity of adjacent residents and the viability of Penistone Town Centre, in accordance with policies POLL1 and TC1 of the Local Plan.**

- 4 The customer opening hours hereby permitted shall be carried on only between the hours of:
- 07:30 to 19:30 Monday to Friday
  - 07:30 to 19:30 Saturdays, Sundays & Bank Holidays

Only in the case of emergencies shall customers be permitted outside the above hours..

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

- 5 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: 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.**
- 6 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.

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: In the interests of Archaeology in accordance with Policy HE1 and HE6 of the Local Plan.**

- 7 The development shall be undertaken in accordance with the recommendations and specifications within the Bat Survey Report by JCA, dated 07 September 2022. In addition to these recommendations, a starling nest box should be incorporated within the building. The recommendations should be detailed in a protected species scheme which shall be submitted prior to the commencement of development and approved in writing by the Local Planning Authority. The scheme should indicate the proposed location and type of bat and bird features on the building and detail a sympathetic lighting scheme to ensure the site and adjacent areas remain attractive to roosting, foraging and commuting bats.
- Reason: To safeguard the potential bat roosting habitats and nesting birds, in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity.**

- 8 The access, parking and manoeuvring facilities, indicated on the submitted plans, 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. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.  
**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.**
- 9 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 policy POLL1 of the Local Plan.**
- 10 New windows and doors shall be mounted in the reveal a minimum of 100mm.  
**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.**
- 11 The proposed rooflights shall be conservation specific low-profile windows, vertically emphasised and decorated in black with a single vertical divider.  
**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.**
- 12 New or replacement stone shall be course grit sandstone, matching the existing in terms of colour, general grain size, type of face dressing, and method of coursing.  
**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.**
- 13 Any new or replacement pointing shall utilise a pure lime mix of one part NHL 3.5 to 3 parts well graded aggregate or washed river sand. The joints shall be excavated to twice the depth of the width then flush pointed and finished to a slightly concave joint (2-3 mm) before full curing.  
**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.**
- 14 Any new replacement roof tiles shall match the existing and shall be natural sandstone roofing slates.  
**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.**

15 The development shall be carried out in accordance with the submitted flood risk assessment (ref 21642-FRA-001 Revision C / Jan 2023 / Topping Engineers) and the following mitigation measures it details:

- Finished floor levels in the Southern Building shall be set no lower than 194.3 meters above Ordnance Datum (AOD)
- In the northern building, finished floor levels for non-clinical use shall be set no lower than 193.60 meters above Ordnance Datum (AOD)
- In the northern building, finished floor levels for clinical use shall be set no lower than 194.05 meters above Ordnance Datum (AOD)
- Flood resistance and resilience measures shall be included to a minimum of 800mm above finished floor levels

**Reason: In the interests of Flood Risk in accordance with Local Plan Policy CC3.**

## 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 proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- 2 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.

- 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](mailto:HighwaysDC@barnsley.gov.uk) or call to 01226 773555.
- 4 The contractor shall ensure that no vehicle leaving the development hereby permitted enters 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.
- 5 As starling were noted as probably nesting within the building, proposed renovation works should commence outside the nesting bird season (March - August inclusive) or following checks made by an appropriate qualified ecologist where active nests have been noted as absent.
- 6 If the developer is to make discharge flows to the existing watercourse, he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact [Highwaydrainage@barnsley.gov.uk](mailto:Highwaydrainage@barnsley.gov.uk)
- 7 If the developer is to carry out works within or in the proximity of any watercourse, he must gain the relevant permissions from the Lead Local Flood Authority - Contact [Highwaydrainage@barnsley.gov.uk](mailto:Highwaydrainage@barnsley.gov.uk)
- 8 Due to the identification of a bat roost during the surveys carried out a protected species licence from Natural England will be required to allow proposed works to commence. A copy of the licence once obtained should be submitted to the LPA prior to works commencing on site.

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 08/03/2023

A handwritten signature in black ink, appearing to read 'JM Jenkinson', written in a cursive style.

Joe Jenkinson  
Head of Planning, Policy and Building Control

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.