



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/1430

To Freeths LLP
1 Vine Street
Mayfair
London
W1J 0AH

DESCRIPTION Formation of a new hardstanding area to increase the external yard area
LOCATION Land at Mason Way, Platts Common, Barnsley, S74 9TG

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 29/10/2021 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 and specifications as approved unless required by any other conditions in this permission.
Plan References
 - 2020/112/03 Proposed Yard Sections
 - 2020/112/05 Existing Boundary Plan
 - 2020/112/06 Proposed Boundary Plan
 - Site Location Plan
 - 10641-E-01 Figure 1 Baseline Habitats received 19th April 2022
 - 10641-E-02 Figure 2 Proposed Habitats received 19th April 2022
 - 10641-E-03 Figure 3 Habitat Retention received 19th April 2022
 - 10641-E-04 Figure 4 Baseline Habitat Condition/Distinctiveness received 19th April 2022
 - 10641-E-05 Figure 5 Proposed Habitat Condition/Distinctiveness received 19th April 2022
 - Biodiversity Metric 3.0 received 11th May 2022
 - Biodiversity Impact Assessment Rev B dated May 2022 produced by FPCR Environment and Design Ltd for Niftylift received 17th May 2022
 - Biodiversity Enhancement Management Plan (BEMP) dated Feb 2023 produced by FPCR Environment and Design Ltd for Niftylift received 10th February 2023

- Arboricultural report and Impact Assessment produced but AWA Tree Consultants ref AWA3642 dated March 2021

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, 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:

- 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.

Reason: In the interests of highway safety.

- 4 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.

- 5 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 and hedgehogs shall be submitted to, and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved documents.

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

- 6 Prior to commencement, a replacement planting scheme, including details of the species, positions, planted size and planting methodology for the new trees, along with a landscape plan detailing habitat enhancement proposals, in off-site areas as set out within section 4.0 of the BIA report shall be submitted to, and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved documents.

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

- 7 Upon commencement of construction works, a minimum of 4no. electric vehicle charge points shall be provided, details of which shall be submitted and approved in writing by the LPA. The EVCP will have a minimum "Mode 3" (7 kW, 32 AMP) capability and shall be installed in accordance with the approved details prior to first occupation of the development and thereafter in accordance with the approved details.

Reason: To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.

- 8 Upon commencement of development a plan indicating the position of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained
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.
- 9 Prior to the development hereby permitted being brought into use, the proposed access, on-site vehicle parking, and turning shall be laid out in accordance with the approved plan. All 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 and turning facilities to serve the development which are constructed to an acceptable standard.
- 10 The row of shelving racking units located within the new yard area, closest to the building, as indicated on the approved plans that are listed in condition 2 shall not exceed a height of 6m, with all other new external shelving not exceeding a height of 4m.
Reason: In the interest of visual amenity and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 11 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 completion of the development; 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, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality.

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 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.

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).

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.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the 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/coalauthority

- 2 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 - highwaydrainage@barnsley.gov.uk
- 3 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 highwaydrainage@barnsley.gov.uk
- 4 There are a number of unrecorded or informal worn paths running across the site. If any unrecorded routes have been used unchallenged by the public for 20+ years, or for a lesser period under common law, those routes may have acquired public access rights. Members of the public may apply to have such rights formally recorded and if an application is made, the Council has a legal duty to research the claimed rights and reach a decision based exclusively on the available evidence about the status of the claimed routes. If the applicant has questions about any unrecorded routes, those should be sent to publicrightsofway@barnsley.gov.uk to discuss. It is advised that it is made clear to the public as soon as possible which routes are proposed to be permanently blocked, such as the installation temporary obstructions such as fencing and signage stating 'no public right of way' in order to determine the extent of public interest in the routes.

- 5 Mud and Debris - It is an offence under the Highways Act 1980 for anyone to deposit anything on the highway which may cause a nuisance or possible danger to road users.

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: 25 May 2023

A handwritten signature in dark 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 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.