



## APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/1120

**To** Mr Graham Connell  
Colliers CRE  
15-16 Park Row  
Leeds  
LS1 5HD

**Proposal** Development of B1,B2 and B8 (industry, storage and distribution) units with access road (Reserved Matters) (2009/0189 Extension of Time Limit).

**At** Land at Everill Gate Lane, Wombwell, Barnsley, South Yorkshire, S73 0YL

**Approval is hereby given** for the proposals which were the subject of the Application and Plans registered by the Council on 10 October 2012 and described above, being matters reserved in the permission granted on 01 February 2010 under Application 2009/0189.

The approval is subject on compliance with the details specified in the application, the approved plans and conditions of the outline permission and, additionally, is subject to 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 as follows  
VL9837L01,VL9837L02  
9837L04,9837L04,9837L05,9837L06, 837L07, 9837L08, 9837L09, 9837L10, 837L11,  
9837L12, 9837L13, 9837-113  
and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed *Stephen Moralee*  
Assistant Director, Planning and Regulatory Services

Dated 04 January 2013

- 3 No development shall take place until full details of the proposed external materials have been 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 the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP29, Design.**
- 4 Any building shall be constructed and maintained so as to provide sound insulation against internally generated noise of not less than 35 dB(A) with doors and windows closed, taking into consideration any vents and outlets.  
**Reason: In the interests of the amenity of nearby residential occupiers in accordance with Core Strategy Policy CSP40.**
- 5 Prior to the occupation of the buildings, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site, including the provision of an acoustic fence where the building has an external work area or service yard.  
**Reason: In the interests of the amenity of the occupiers of nearby houses in accordance with Core Strategy Policy CSP40.**
- 6 The car, cycle and powered two wheeler parking shall be provided prior to the development being brought into use and shall be retained for that sole purpose at all times.  
**Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP27.**
- 7 Prior to the occupation of the building a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.  
**Reason: In the interests of sustainable development in accordance with Core Strategy Policy CSP28.**
- 8 The proposed balancing pond shall be constructed in accordance with a scheme to be submitted to and approved writing by the Local Planning Authority prior to the commencement of development. The scheme shall include associated planting native to the local area and a schedule for future maintenance of the pond.  
**Reason: To ensure that the proposed balancing pond is developed in a way that contributes to the nature conservation value of the site and in accordance with Core Strategy Policy CSP36.**
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs.  
**Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy Policy CSP29.**

- 10 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, unless the Local Planning Authority give written consent to any variation.  
**Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy Policy CSP29.**
- 11 No development shall take place until full foul and surface water drainage details, including a SUDs matrix to demonstrate if soakaways are feasible and a programme of works for implementation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to reduce surface water run-off by at least 30% and to prevent discharge of surface water on the public highway.  
Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.  
**Reason: To ensure proper drainage of the area, reduce the risk of flooding and to adapt to the effects of climate change in accordance with Core Strategy policies CSP1 and CSP4.**
- 12 Prior to commencement of construction of the building, details of measures to ensure the development's carbon dioxide emissions are reduced by at least 15% by incorporating decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details. Upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable.  
**Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.**

#### **Reason(s) for Granting Permission**

- 1 Unique The site is allocated for employment development by policy WW4/1-3 in the Barnsley Unitary Development Plan (UDP), and in accordance with all relevant Core Strategy policies.

## 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.*

- 1 These provisions required by condition 4 may include both physical and/or administrative measures such as the location/orientation of any air-handling units and any relevant attenuation measures, restrictions on operating hours, restrictions on hours of external working in service yards, use of directional reversing alarms on all vehicles based on site etc. An acoustic fence shall normally be a brick built wall of solid construction or solid timber fence with no gaps between or below the panels, constructed to reduce noise received at proximate residential properties.
  
- 2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:
  - Collapse of shallow coal mine workings;
  - Collapse of, or risk of entry into, mine entries (shafts and adits);
  - Gas emissions from coal mines including methane and carbon dioxide;
  - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
  - Transmission of gases into adjacent properties from underground sources through ground fractures;
  - Coal mining subsidence
  - Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated. The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

## NOTES:-

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, Transport and Regions in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposal development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements\*, to the provisions of the development order, and to any directions given under the order. He does not, in practice, refuse to entertain appeals solely because the local planning was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or the Secretary of State for the Environment, Transport and Regions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or County Council, London Borough or District Council in which land is situated as the case may be, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. 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 of the application to him. These circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act 1971.

\* The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.