BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/1163

To Dixon Dawson Chartered Architects
28 Kenwood Park Road
Sheffield
S7 1NF

DESCRIPTION Variation of conditions 14 (Landscaping), 15 (Ecological Mitigation) and 20 (Twibell Street Boundary Wall) of planning permission 2019/1354 due to amended plan arrangements - Proposed builder's merchants building hosting showroom, offices and storage warehouse (Use classes B1(c), B2 and B8 with trade counter), external yard to be used as materials storage area and provision of associated parking, lighting columns, perimeter fencing and hard and soft landscaping

LOCATION Land at Peel Trade Park, Twibell Street, Barnsley, S71 1DL

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 04/11/2020 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 20 May 2020. **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: 8568S/01 - Site Location Plan 8568s/02L - Proposed Site Layout 9568s/03C - Proposed Ground Floor Plan Proposed Mezzanine Plan 8568s/04D - Proposed Elevations 8568s/05B - Fencing and Street Furniture 8568s/06A - Proposed Roof Plan 8568/07A - Proposed Site Layout External Racking and Storage 8568s/08A - Proposed Ground floor Plan - Racking and Furniture Layout 8568/09A - Existing and Proposed Site Sections 8568s/10 - Site Development Plan 191/PA/01B - Landscape proposals - planning planting detail **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	The Construction Method Statement incorporated into the Project Plan, submitted and approved under application 2020/0596, shall be adhered to throughout the construction period, subject to compliance with the hours of construction condition 19. **Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Local Plan Policies T4 and Poll 1.**
4	The development shall be undertaken in full compliance with the details shown in the arboricultural method statement, submitted to and approved by the Local Planning Authority under application 2020/0596. **Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**
5	The development shall be undertaken in full compliance with the conclusions and recommendations contained within the Boreholes Investigation Report and Phase 2 Site Investigation which were submitted to and approved by the Local Planning Authority under application 2020/0596. **Reason: To satisfactorily address contaminated or unstable land in accordance with Local Plan policy CL1 and in accordance with NPPF paragraphs 170, 178 and 79.**
6	The fencing shown on the hereby approved drawings 191/PA/01B Landscape Proposals and drawing number 8568s/05B Fencing and Street Furniture shall be fully completed before the building hereby permitted is first used. **Reason: In the interests of the visual amenities of the locality and to conserve and enhance biodiversity in accordance with the Local Plan policy BIO1, Biodiversity and Geodiversity.**

7	The development shall be fully implemented in accordance with the BREEAM assessment approved under application 2020/0596. Upon completion of the development, a certificate shall be provided to the Local Planning Authority demonstrating that the agreed standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter. **Reason: In the interest of ensuring that the development achieves sustainable design and construction standards in order to minimise resource and energy consumption, in accordance with Local Plan Policy CC2 Sustainable Design and Construction.**
8	Prior to occupation of the building, full details of security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting and the areas of ground directly illuminated. The approved details shall be implemented prior to occupation of the building and retained as such thereafter. **Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Local Plan Policy Poll1, Pollution Control and Protection and to conserve and enhance biodiversity in accordance with Local Plan Policy BIO1, Biodiversity and Geodiversity.**
9	Before the development hereby permitted is first used, the electric vehicle charging points shown on the approved plan shall be installed to a specification of 'mode 3, minimum 7kW (32 AMP) or as otherwise agreed in writing by the Local Planning Authority and shall thereafter retained for the duration of the development. **Reason: In the interests of mitigating the impact of the proposals on air quality in accordance with Local Plan policy Poll 1 Pollution Control and Protection.**
10	The site shall be developed with separate systems of drainage for foul and surface water on and off site. **Reason: In the interest of satisfactory and sustainable drainage.**
11	No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i .e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken . **Reason: In order to allow sufficient access for maintenance and repair work at all times.**
12	No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority . **Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.**

13	No part of the development shall be occupied or brought into use until the foul and surface water drainage details set out in the submitted Drainage Impact Assessment or as otherwise approved in writing by the Local Planning Authority have been fully implemented. The scheme shall thereafter be retained throughout the life of the development. **Reason: To ensure proper drainage of the area, in accordance with Local Plan Policy CC3 Flood Risk.**
14	All planting, seeding or turfing comprised in the approved landscaping scheme set out on drawing number 191/PA/01B 'landscape proposals - planning planting detail' shall be carried out in the first planting and seeding seasons following the occupation of the building 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 others of similar size and species. **Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy GD1 General Development.**
15	The ecological mitigation measures identified in the ecological survey and set out on the approved drawing number 191/PA/01B 'landscape proposals - planning planting detail' shall be carried out simultaneously with the landscaping scheme, that is in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. **Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity.**
16	Notwithstanding the provisions of the General Permitted Development Order, no plant or machinery shall be installed externally to the property on the south elevation facing Twibell Street without the prior written approval of the Local Planning Authority. **Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.**
17	No outside storage of any description shall at any time exceed a height of 4 metres above finished ground level with the exception of the 5 metre high pallet racking in the areas specified on drawing number 8568s/07A. **Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1.**
18	The use hereby permitted shall be carried out only between the hours of 6am to 7pm on Mondays to Fridays, 6am to 4pm on Saturdays and 8am to 4pm on Sundays and Bank Holidays. The site shall not be open to members of the public and other customers before 7am on Mondays to Saturdays and 9am on Sundays and Bank Holidays. **Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.**
19	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: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1 Pollution Control and Protection.**

20	No part of the development shall be occupied or brought into use until the 2.4m high Nylofor fencing and gates shown on the approved plans 8568s/02L Proposed Site Layout and 8568s/05B Fencing and Street Furniture have been constructed to the full length of the Twibell Street boundary and the fence shall be retained thereafter for the duration of the development. **Reason: In the interests of the visual and residential amenities of the locality in accordance with Local Plan policy GD1 General Development.**
21	The parking/manoeuvring and storage facilities, indicated on the approved plan, shall be surfaced in a solid bound material as specified on the approved plans. The parking/manoeuvring facilities shall be 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: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Highway Improvement.**
22	The Sheffield Cycle Stands indicated on the approved plan shall be installed before the development is brought into use and shall be retained at all times. **Reason: To ensure that satisfactory cycle parking provision is made in the interests of encouraging active travel options and in accordance with Local Plan Policy T4 New Development and Transport Safety.**

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 The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

2 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

3 The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge a trade effluent to the public sewer network.

4 Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

5 Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

6 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained to any activities which will take place on or within 8 metres of a main river (River Dearne). Further guidance may be obtained at https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or by contacting the Environment Agency National Customer Contact Centre on 03708 506 506.

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.

Signed Dated 28/01/2021



Joe Jenkinson
Head of Planning 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.