
2024/0824

Applicant: Sterling Capitol

Proposal: Variation of conditions 3 (Engineering operations to motorway cutting), 10 (site investigation and monitoring) and 22 (foul and surface water drainage) of application 2019/0286 - Hybrid planning application for an extension to Capitol Park comprising a) development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation - Outline with all matters reserved apart from means of access; and b) full application for provision of associated earthworks, demolition of existing bungalow and formation of access (Amended Plans)

Site: Land at Capitol Park, Capitol Close, Dodworth, Barnsley

Site Location and Description

The site is located off Higham Lane, immediately to the north west of the existing Capitol Park business park at Dodworth. It measures 5.58 hectares in size and slopes west to east towards the M1 motorway. The site is approximately 3km from Barnsley town centre which is located to the east and is close proximity to the M1 and the A628 giving it very high accessibility to the strategic highway network.

The site comprises two fields in agricultural use that are divided by a hedge. A single bungalow (Lane Head Farm) is located at the southern corner of the site, adjacent to Higham Lane which is intended to be demolished as part of the scheme.

There are two non-involved residential properties at Lane Side Farm on Higham Lane which lies on the western boundary of the site.

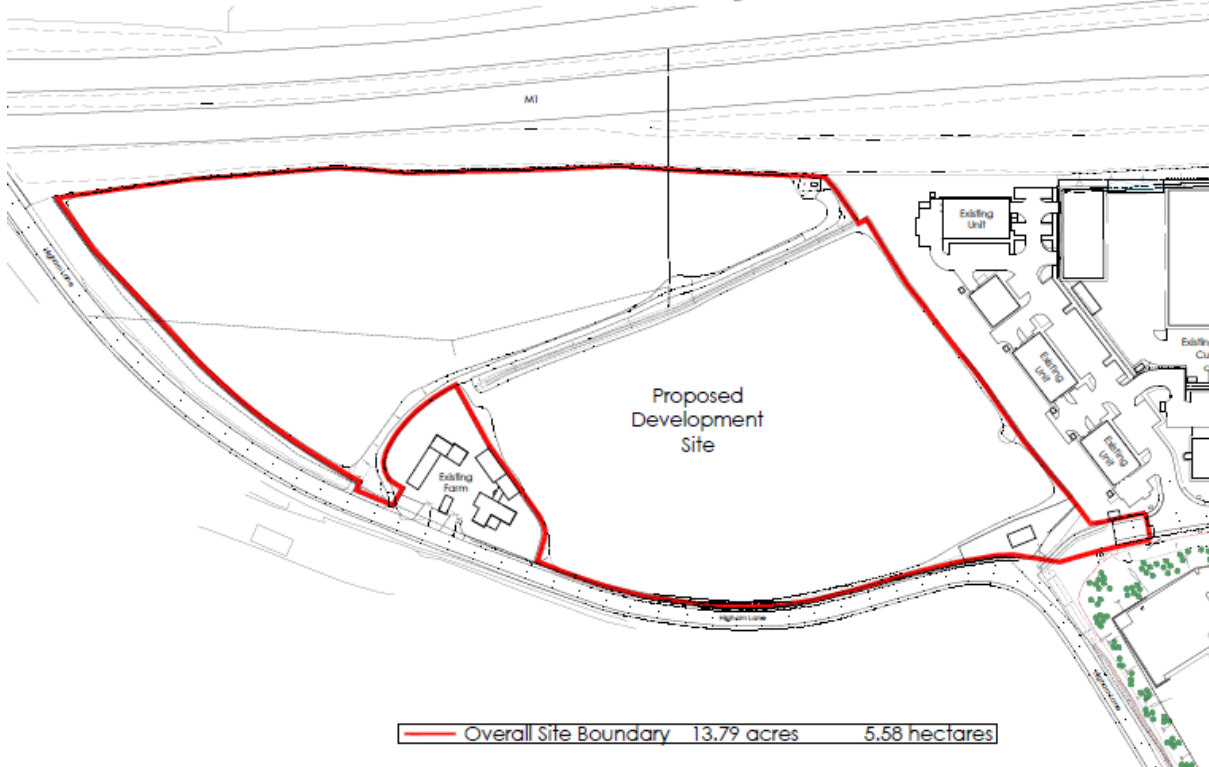
The Higham Lane boundary is lined with trees and there is a further overgrown hedgerow along the eastern boundary. An overhead telecoms line crosses the northern field from the northwest to the east, before continuing to follow the eastern boundary of the southern field. There is also a telecoms transmitter, surrounded by a metal post and chain link fence, in the eastern corner of the site which is intended to remain.

There is an existing track access to the two fields within the site midway along Higham Lane. The bungalow has its own private drive access onto Higham Lane. The site surroundings comprise:

- The northeast boundary is formed by the M1 motorway corridor;
- To the south east, a cluster of hybrid industrial units that form part of the existing Capitol Park business park;
- To the south, Higham Lane, beyond which is an area of woodland;
- To the west, 2 no. dwellings (Lane Side Farm), beyond which is Higham Lane and further woodland.

The topography of the site is varied, with a high point of 163m AOD to the east of Lane Side Farm, and the low point of 145m AOD adjacent to the motorway beyond the northern edge of the site.

Location Plan 1:1250



Planning History

2019/0286 - Hybrid planning application for an extension to Capitol Park comprising a) development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation - Outline with all matters reserved apart from means of access; and b) full application for provision of associated earthworks, demolition of existing bungalow and formation of access (Amended Plans) – approved subject to conditions.

Permission was granted under application 2019/0286 for;

:

1. **Outline** planning permission for an extension to the existing Capitol Park business park, comprising demolition of existing bungalow at Lane Head Farm and development of Class B2 (Industrial) / Class B8 (Storage & Distribution) uses and associated landscaping and infrastructure and;
2. **Full** planning permission was approved for the means of access and initial ground works comprising cut/fill operations to provide 2 no development platforms.

This permission was subsequently varied by Non-Material Amendment: 2022/ENQ/00323, granted on 17 August 2022, which secured minor wording changes to conditions.

The above permission has been implemented, as confirmed by Lawful Development Certificate reference: 2022/1107 issued on 16 May 2023. To further implement this permission, additional condition discharges are required.

A Reserved Matters planning application ref: 2022/0916 was granted on 14 June 2023 for the following development:

Development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office

accommodation (Reserved matters of the outline part of hybrid planning permission 2019/0286 seeking approval of external appearance, landscaping, layout and scale)

There have also been a large number of applications on the adjacent Capitol Park site over the last 20 years:- Examples include:-

B/04/1998/DO - Outline employment development proposal comprising Class B1, B2 & B8 Uses. Hotel. Park & Ride site and associated work. Approved 23/02/2005.

B/04/2272/DO - Phase 1 employment development site - Reserved Matters details. Erection of Class B1/B2 hi-tech units, spine road, landscaping and levelling. Approved 11/01/2005.

2016/0713 - Outline planning application including means of access for general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use. Approved 07/10/2016.

2017/0248 - Proposed 7,225 sq m (gross external area) industrial unit at Plot A for general industrial (B2) and storage and distribution use (B8) with ancillary office (B1) (Reserved Matters pursuant to outline planning permission 2016/0713 - appearance, landscaping. Approved 20/04/2017.

2017/0987 - Erection of 7,200sqm NHS blood centre comprising laboratory and administrative/support functions. Approved 25/10/2017.

2017/1002 - Erection of 15 no. industrial units in 8 blocks (Classes B1, B2 and B8) with associated car parking. Approved 19/07/2017.

Proposed Development

The permission approved under 2019/0286 and subsequently 2022/0916 is required to be implemented by 14 June 2025, and, as such, condition discharges are needed to progress with works on site.

However, to assist in prompt implementation on site, the applicants have applied for minor wording changes to 3no. conditions (conditions 3, 10 & 22) associated with planning application reference: 2019/0286.

The alterations sought are in red, as follows:

Condition 3: Prior to the commencement of development, with the exception of demolition **and formation of the site access with associated vegetation clearance and minor earthworks**, details of the Engineering operations proposed to be undertaken adjacent to the motorway cutting shall be submitted to and approved by the Local Planning Authority (in consultation with Highways England). The details shall demonstrate that the operations will be carried out in accordance with the Design Manual For Roads and Bridges, Vol 4 Section 1 Part 2 HD22/08 Managing Geotechnical Risk and Vol 1 Section 1 Part 1 BD2/12 Technical Approval for Highways Structures and shall include but not be limited to: 1) the construction details of the retaining wall along the boundary of the motorway 2) details showing that drainage and surface water run off shall not enter the motorway network 3) how the stability of the cutting slope shall be maintained.

Condition 10: Prior to the commencement of development with the exception of demolition **and formation of the site access with associated vegetation clearance and minor earthworks**: 1) A scheme of intrusive site investigations/gas monitoring shall be undertaken by a suitably qualified person to evaluate ground conditions and determine any mining legacy risks

- 2) The site investigation and subsequent development shall be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings'
- 3) A report detailing the finding of the investigations/gas monitoring, including a scheme of remedial works/mitigation, and a timescale for the implementation of any remedial works/mitigation, shall be submitted for approval in writing to the Local Planning Authority
- 4) Where further stabilisation works are required, details of the further works and a timescale for the implementation shall also be submitted for approval.
- 5) Once the report and any additional details have been approved, the development shall thereafter be carried out in accordance with the approved details

Condition 22: No development shall take place, **with the exception of formation of the site access with associated vegetation clearance and minor earthworks**, until full foul and surface water drainage details, and a programme of works for implementation, 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.

The amendments would allow the applicants to start some work on site such as forming the access, vegetation clearance and minor earthworks without triggering the requirements of the conditions. The applicants have stated that the conditions in their current form could not be discharged prior to the planning permission lapsing for a number of reasons. These include an increase in costs as a result of interest rates and labour/materials, the timing of the roundabout delivery and the feasibility of discharging the conditions in a timely manner due to lengthy third party consultee response times and costs/timescales of preparing the necessary materials.

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) 2024 does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

The Local Plan

The site is identified as part of site ES4 'Capitol Park Extension' within the Local Plan and as such the following policies are considered to be relevant to this application:

Site ES4 Capitol Park Extension 5.4 ha

The development will be expected to:

- Consider the impact on residential amenity and include appropriate mitigation where necessary;

- Provide on and off-site highways infrastructure works and improvements at Junction 37 as necessary;
- Provide off site highway safety enhancements;
- Consider the potential impact on the nearby Hugsett Wood Local Wildlife Site and include appropriate mitigation where necessary;
- Retain, buffer and manage the existing hedgerows;
- Ensure that development respects the landscape and wider countryside, and where appropriate mitigation measures are incorporated to address impacts on the adjacent Green Belt and countryside; and
- Provide air quality assessments in accordance with policy Poll 1.

Archaeological remains are known/expected to be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

- Information identifying the likely location and extent of the remains, and the nature of the remains;
- An assessment of the significance of the remains; and
- Consideration of how the remains would be affected by the proposed development.

GD1 General Development – Proposals for development shall be approved if there will be no adverse effect

SD1 Presumption in favour of sustainable development – Planning applications that accord with other relevant policies will be approved without delay.

LG2 Location of Growth – Urban Barnsley is the highest priority location to accommodate growth in accordance with the adopted settlement hierarchy.

Policy E3 (Uses on Employment Land) on allocated employment sites the Council will allow the following uses: research and development (B1b) and light industry (B1c); general industry (B2); or storage or distribution (B8). The supporting text to the policy advises that the provision of well-located employment land is key to the Borough's future economic growth and it is therefore essential that both new employment land and land currently in use or last used for employment purposes, is protected and safeguarded from non-employment uses.

Other relevant policies include:-

CSP 1 – Climate Change
 CSP 8 - Location of growth
 CSP11 – Providing strategic employment locations
 CSP12 – Distribution of new employment sites
 D1 – Design
 EC3 'Uses on Employment land'
 T3 'New Development and Sustainable Travel'
 T4 'New development and Transport Safety'
 D1 'High Quality Design and Place Making'
 CC2 'Sustainable Design and Construction'
 CC3 'Flood Risk'
 CC4 'SUDS'
 HE6 Archaeology
 RE1 'Low Carbon and Renewable Energy'
 CL1 'Contaminated and Unstable Land'
 Poll1 'Pollution Control and Protection'
 I1 'Infrastructure and Planning Obligations'

SPDs/SPGs

SPD – Parking
SPD – residential amenity and the siting of buildings

NPPF

The National Planning Policy Framework 2024 sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

Consultations

Biodiversity – no comments on this application, they will comment further when the applicants apply to discharge condition 25 which is an 'on-commencement' application for full mitigation and enhancement measures to be submitted and approved.

Historic England – No comments required

Enterprising Barnsley – Support the development

Highways – No objections subject to the agreement of National Highways

Highways drainage – No objection to the proposed wording for changes to the access only

Mining Remediation Authority – No objections

National Highways– Initially put a holding response on the application but that has now been lifted and they do not object to the proposal.

SYMAS – No objections

Yorkshire Water – No Objections

Ward Members – No comments

Representations

The application was advertised by press notice, site notice and by neighbour notification letters. 2 letters of objection have been received as a result. The material points of concern are as follows and are addressed in the report below:

- Increase in traffic volumes/reduced highway safety

The following non-material points were also raised. While noted, they cannot be taken into account in the determination of the application.

- Cynical attempt by the applicants/agents to 'buy more time' and circumvent the original conditions.
- The history of the development is difficult to follow given the number of applications
- The number of residents notified by letter is too low for the type of application.
- Overdevelopment of industrial units within the borough
- The application has been received late in the process
- Questions have been raised regarding the content of the supporting information
- The documents used to support the previous applications are now out of date and cannot be relied upon.

- The development period of the approved scheme is being controlled by the developers
- The developers are unwilling to spend the funds required to produce the relevant documents to discharge the conditions
- Already similar sized commercial units within the borough that are unoccupied, raising questions over the need/demand.

Assessment

The main issues for consideration are as follows:

- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the existing trees
- The impact on the ecology of the site
- The impact on Mining Legacy
- The impact on Drainage

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

The principle of development

The site is designated as an employment site in the adopted Local Plan. Furthermore, there is a history of planning approvals on this site as outlined in the planning history section above. As such, the principle of this development has already been established. This application seeks to amend the wording of 3no. conditions associated with the extant permission to allow works such as vegetation clearance, minor earthworks and the formation of the site access before the requirements of the pre-commencement elements of those conditions are triggered. The merits of the amendments to the wording of the conditions are discussed under the headings below;

Economic Impacts

The recent successes of Phase I Capitol Park and Enterprise 36 has proven that there is demand for both medium to large size freehold and leasehold industrial and commercial space in the area. The site is in a priority and highly strategic location to accommodate growth of this typology, hence why the site was allocated. This site has the potential to provide two large units that would generate significant numbers of jobs at this strategic site both during construction and upon completion. Once built out the proposal would lead to significant private sector investment being secured, providing premises for potential inward investors and expanding local companies. There are virtually no industrial units of this size/quality in Barnsley and as such are much needed.

Despite the successes outlined above, the applicants have stated that activity in this sector has slowed due to the increase in interest rates and the high cost of labour and materials which has resulted in this site not being brought forward as quickly as first envisaged. By changing the wording of the conditions to allow some relatively minor works to take place without triggering the requirements of the conditions, this would allow the timing of the delivery

of the roundabout to be ascertained to give future tenants more certainty. It would also allow more time for the investigation works to be undertaken to meet the requirements of those conditions, as well as providing time for the associated information to be fully considered by the relevant consultees. Without the amended wording, works on site could fall beyond the expiry date of 14th June 2025.

As such, the amended wording would not undermine the previously approved applications on the site, or their associated conditions, but it would allow for the current climate in terms of these units and allow for some works to progress while the discharge of conditions applications are being prepared. This has limited weight in favour of the development.

Design and Visual Amenity

The proposed amended condition wording would bear no impact on the design and visual amenity of the scheme. The wording would just allow some relatively minor works to be brought forward before the requirements of the 3^{no.} pre-commencement conditions are triggered. The development would still be bound by the previously approved plans and the associated conditions.

As such, the design of the scheme and the visual amenity of the area would be maintained, this carries little modest weight in the determination of the application.

Residential amenity

The impact of the development on the residential amenity of neighbouring residents and building users, both in terms of the short term construction impacts and longer term impacts once the development is complete were fully considered under the previously approved applications. It is noted amendments were also requested during the course of those applications following consultations with local residents and businesses. As such, it was ultimately determined that the development met the requirements of Local Plan Policy GD1 and SPD 'Residential Amenity and Siting of Buildings'.

The proposed amendments to the condition wording would ultimately not significantly impact residential amenity beyond what has been discussed and approved in the previous applications. There may be a short gap between the initial works outlined in the amended wording (creation of site access, vegetation clearance, minor earthworks) and the full commencement of the approved works on site, however, this would not be significantly detrimental and the works would be bound by the previously approved plans and associated conditions to protect residential amenity.

This carries modest weight in favour of the development.

Landscape Impact

Although representations have raised concerns about the landscape impacts of the proposal, the application is in outline form only. However, a landscape impact assessment has been submitted which shows how the development might look following construction. It would be in context with other medium and large employment units of Capitol Park and the assessment concludes that the proposal would not result in substantially adverse effects on the landscape character of the site or the surrounding study area, as the development would tie into the neighbouring existing Capitol Park business park to the south east and would include landscaped buffer zones and planting.

The development is located immediately next to the M1 at the top of the existing embankment. It would therefore be highly visible to the drivers of passing traffic and would assume a level of landscape importance as a local landmark.

The amended wording would not impact the approved mitigation or landscaping, or that required via other associated conditions. However, there would be some visual impact in the short term due to the site access, vegetation clearance and minor earthworks being allowed prior to the 'full' commencement of the development. As such, they could be a larger delay between these works taking place and the scheme being fully completed. However, that impact would only be in the short term and would be mitigated once the approved landscaping scheme is implemented and established. Furthermore, limits can only be imposed on when a development is commenced, not completed, as such, there is no guarantee that if the wording was to remain as approved the development would have been completed any quicker. As such, this has limited weight against the development.

Impact on trees

As far as possible trees and hedges are being retained as part of the proposal and, as such, there were no objections to the approved development from an arboricultural perspective. The rewording of the conditions would allow for some clearance works, however, it would be limited to the works forming part of the approved plans and would only include the removal of those trees and hedgerows previously approved to be removed. The works would be bound to the other approved conditions protecting those trees and hedgerows to be retained. As such, this weighs moderately in favour of the development.

Biodiversity

The approved applications were accompanied by a preliminary ecological assessment and a suite of reports regarding protected species. Despite some works, including vegetation clearance, being allowed to commence earlier than currently approved, the works would still be bound by the previously approved conditions relating to ecology, such as condition 25 which required details of mitigation measures and enhancement measures to be submitted and approved on commencement of the development. The Biodiversity Officer has raised no objections to this application and will comment further during the discharge of conditions application associated with condition 25. This weighs modestly in favour of the development.

Highway/Transport Considerations

The conditions were amended in 2022, with National Highways agreement, to permit some site work to commence without the need to apply for a full discharge of conditions. This new application seeks to further amend the condition wording to widen the extent of permitted works to include the access.

Highways DM were consulted on the application and raised no objections. However, as the conditions were largely required by National Highways, given the sites proximity to Junction 37 of the M1 and its position on the Strategic Highway Network, Highways DM's comments were on the provision that National Highways did not object.

National Highways initially issued a holding response and requested further clarifications with regards to the proposal. The clarifications included whether the works would create stockpiles and if any works would be within 5 metres of the boundary with the M1. The applicants confirmed that the earthworks would only be minor earth moving and levelling associated with the access and would not result in stockpiles. In addition, no work would be within 5m of the M1. Furthermore, at its nearest point, the proposed site access is approximately 200m away from the M1 boundary. It is therefore not anticipated the implementation of the permission will have an impact on the motorway network. As such, this weighs significantly in favour of the development.

Coal Mining

Condition 10 relates to intrusive site investigations. The Mining Remediation Authority and South Yorkshire Mining Advisory Service have both been consulted on the application having requested condition 10 and they have both confirmed they have no objections to the proposed condition rewording. This weighs moderately in favour of the application.

Drainage

Condition 22 requires foul and surface water drainage details to be submitted and approved. The Council highways drainage officer and Yorkshire Water have raised no objections to the proposed wording. This weighs moderately in favour of the application.

Conclusion

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable and allocated for economic development in the Local Plan and this weighs considerably in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal and holistically this weighs moderately in favour of the application.

Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

The short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

Having balanced all material planning considerations, whilst a small number of objections have been received in respect to the proposal they have been suitably addressed through the information supplied and the previous approvals and conditions. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for approval.

Recommendation - Grant subject to the conditions listed below:-

Conditions 1-12 relate to the Full Planning Permission for the associated earthworks

- 1 The reserved matters element of the development, approved under application 2022/0916, shall be begun before 15th June 2025.
Reason: in accordance with condition 1 of application 2022/0916 and 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 and specifications as approved unless required by any other conditions in this permission:
11138-100 Location Plan
11138A-101 REV A Existing Site Plan amended plan rec'd 25/7/19
11138A-103 Existing Site Sections
11138A-110 REV D Proposed Masterplan amended plan rec'd 23/7/19

11138A-113 REV B Proposed Site Sections amended plan rec'd 23/7/19
 11138A-111 REV E Proposed Site Plan
 4173-JPG-SW-00-DR-C-1200 S2 REV P01 amended plan rec'd 23/7/19 Cut/Fill Analysis
 Coal Mining Risk Assessment and Coal Recovery Report dated February 2019 by JPG
 Ecological Phase I Survey Report
 Preliminary Ecological Appraisal (update) dated June 2019
 Geoenvironmental Desk Study report dated January 2019 by JPG
 Arboricultural Constraints and Opportunities by Wardell Armstrong stated February 2019.

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 Prior to the commencement of development, with the exception of demolition **and formation of the site access with associated vegetation clearance and minor earthworks**, details of the Engineering operations proposed to be undertaken adjacent to the motorway cutting shall be submitted to and approved by the Local Planning Authority (in consultation with Highways England). The details shall demonstrate that the operations will be carried out in accordance with the Design Manual For Roads and Bridges, Vol 4 Section 1 Part 2 HD22/08 Managing Geotechnical Risk and Vol 1 Section 1 Part 1 BD2/12 Technical Approval for Highways Structures and shall include but not be limited to: 1) the construction details of the retaining wall along the boundary of the motorway 2) details showing that drainage and surface water run off shall not enter the motorway network 3) how the stability of the cutting slope shall be maintained.
Reason: To ensure the development does not impact upon the strategic road network and in accordance with Local Plan Policy T4
- 4 Prior to the commencement of the development a noise management plan based on BS 5228-1 2009 Code of Practice For Noise And Vibration Control On Construction And Open Sites shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.
- 5 Prior to the commencement of the development a dust management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.
- 6 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 Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 7 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 period. of the engineering works 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
- The erection and maintenance of security hoarding
- Wheel washing facilities

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.

- 8 No development, or groundworks, excluding demolition, 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 include geophysical Investigation if appropriate.

-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: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated and in accordance with Local Plan Policy HE6.

- 9 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

- Tree Protection plan
- Tree Protective Barrier Details
- Arboricultural Method Statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

- 10 Prior to the commencement of development with the exception of demolition **and formation of the site access with associated vegetation clearance and minor earthworks**: 1) A scheme of intrusive site investigations/gas monitoring shall be undertaken by a suitably qualified person to evaluate ground conditions and determine any mining legacy risks
2) The site investigation and subsequent development shall be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings'
3) A report detailing the finding of the investigations/gas monitoring, including a scheme of remedial works/mitigation, and a timescale for the implementation of any

remedial works/mitigation, shall be submitted for approval in writing to the Local Planning Authority

4) Where further stabilisation works are required, details of the further works and a timescale for the implementation shall also be submitted for approval.

5) Once the report and any additional details have been approved, the development shall thereafter be carried out in accordance with the approved details

Reason: To address potential stability issues as a result of Historic Mining Activities, and in accordance with Local Plan Policy CL1 Contaminated and Unstable Lane, and NPPF 2024 Para 196 a,b,c and 187 e & f.

- 11 Within 3 months of the completion of the engineering operations and providing the remainder of the works have not yet commenced, the site shall be seeded with an appropriate basic wildflower seed mix to create temporary grassland.

Reason: To minimise dust impacts on adjacent residential properties prior to the commencement of construction activities, in accordance with Local Plan Policy POLL1.

- 12 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 interests of Highway safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.

Conditions 13-39 relate to the outline planning permission for the development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation - Outline with all matters reserved apart from means of access;

- 13 Prior to the commencement of the development, a scheme shall be submitted for approval in writing to the Local Planning Authority. The scheme shall detail:

1. The route of the proposed construction traffic to and from the site shall be identified on a plan

2. The daily movement of the construction traffic shall be profiled for each construction phase, identifying the peak level of vehicle movements for each day;

3. Confirmation that HGV drivers and contractors have been instructed to avoid as far as reasonably possible from accessing/egressing the site during the Strategic Road Network peak hours of 7.15 - 8.15 AM, and 16.45 - 17.45 PM.

Reason: To ensure construction-based traffic do not adversely impact on the operation of the SRN during the construction phase and in the interests of Highways safety in accordance with Local Plan Policy T4.

- 14 Prior to the commencement of the development a noise management plan based on BS 5228-1 2009 Code of Practice For Noise And Vibration Control On Construction And Open Sites shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.

Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.

- 15 Prior to the commencement of the development a dust management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.
- 16 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree Protection plan
 - Tree Protective Barrier Details
 - Arboricultural Method Statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**
- 17 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
- 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.**
- 18 A 2m wide maintenance strip shall be provided to the northeast boundary and thereafter retained for the duration of the development.
Reason: To enable maintenance of the site boundary and ensure the development does not impact upon the strategic road network in accordance with Local Plan Policy T4.
- 19 No development shall take place, **with the exception of formation of the site access with associated vegetation clearance and minor earthworks**, until full foul and surface water drainage details, and a programme of works for implementation, 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.
Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 20 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 interests of Highway safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 21 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

- 22 On commencement of the development, full details of the mitigation and enhancement measures identified in Section 4 of the updated Preliminary Ecological Survey by Wardell Armstrong dated June 2019 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.

- 23 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

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

- 24 Prior to occupation of the buildings/commencement of the use, 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. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.

Reason: To protect the amenity of existing residents and species of ecological interest from glare and/or nuisance light in accordance with Local Plan Policy POLL1 and BIO1.

- 25 During the operational phase of the development, the noise level shall not exceed LAeqt 49 dB, measured at 1 metre from the facade of any residential properties.

Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1

- 26 Prior to occupation of the building, a Service Yard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should consider noise generated from deliveries, loading/unloading activities, along with general service yard activities, and consideration of any mitigation measures required. The development shall be carried out in accordance with the approved details, which shall be retained and adhered to at all times.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1, Pollution Control and Protection.

- 27 The framework travel plan hereby approved and the plot travel plans to be implemented in accordance with the timetable contained therein shall continue to be implemented for a five year period post occupation of the development.

Reason: In the interests of sustainable development and in accordance with Local Plan Policy T3.

- 28 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.

- 29 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works , details of which will have been submitted to and approved by the Local Planning Authority . If discharge to public sewer is proposed , the information shall include , but not be exclusive to the means by which the discharge rate shall be restricted to a maximum rate of 5 litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

- 30 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 Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

- 31 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Local Plan Policy CC2.

- 32 Details of the proposed external facing materials for the development shall accompany the application for the approval of the reserved matters. The details, specifications and colours shall be shown on the elevation plans accompanying the application and any associated imagery that is submitted in support of the application. Thereafter the development shall be carried out in accordance with the details approved by the Local Planning Authority.

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.

- 33 No development shall be commenced until full engineering, drainage and street lighting and constructional details of the street extension and the entrance to Unit 2 hereby approved and to be proposed for highway adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In interests of highway safety.

- 34 Before any industrial unit is first occupied the roads and footways shall be constructed to binder course level from the industrial unit to the adjoining public highway in accordance with details of a completion plan to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory development of the site.

- 35 Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site for pedestrian and bicycle access and egress, for bicycles to park, and motorised vehicles to park, turn and re-enter the highway in a forward gear. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.
Reason: In interests of satisfactory development and highway safety.
- 36 Prior to first occupation of the development hereby permitted, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use.
Reason: In interests of promoting sustainable travel opportunities.
- 37 Upon commencement of development of industrial units a statement detailing air quality mitigation measures shall be submitted to and approved in writing by the Local Planning Authority as per the recommendations detailed within Wardell Armstrong Air Quality Assessment report 001. Thereafter the development shall be carried out in accordance with the approved details.
Reason: In accordance with Local Plan Policy Poll 1 and site specific allocation policy ES4.
- 38 The development shall not be occupied for the purposes of the permission until an updated assessment of the development on the local highway network has been submitted and approved by the Local Planning Authority, including any highway improvements, or limitations on vehicle movements to and from the development at peak times, which may be necessary to facilitate the operation of the use/s. Any requirements of the approved assessment shall be completed within the timescales specified.
Reason: In accordance with Local Plan Policy T4 New development and Transport Safety.
- 39 Demolition of any building shall be undertaken to slab level only prior to the submission of the Archaeological Written Scheme of Investigation (WSI) as required under condition 8 above. An archaeology watching brief shall be carried out during all demolition works and any finds/actions/recommendations shall be reported in the subsequent WSI.
Reason: To ensure the archaeological interest is preserved for later investigation and in accordance with Local Plan Policy HE6.

Informatives;

1. All HGV fleets are encouraged to sign up to the sign up to ECO Stars Fleet Recognition Scheme
2. Coal may be encountered during the earthworks operations. Any coal encountered during the earthworks shall be treated as 'Incidental' and an agreement to remove the coal from the Coal Authority will be required
3. The applicant is advised that it is the Local Planning Authority's expectation that the buildings shall be designed with a high level of place making/urban design credentials which involves utilising an attractive palette of materials and/or architectural detailing. This is taking into account of the considerable mass of

the proposed buildings and the highly prominent location of the site immediately adjacent to the M1 and Junction 37, which is a main gateway into Barnsley. The LPA regards the external cladding used in the Attitude development in Milton Keynes as a good example to follow.

4. The Applicant / Developer is advised to contact Highways & Engineering on 01226 773555 prior to any work commencing on site to gain all necessary technical and legal approvals for all street road details from the Local Highway Authority prior to submission of such approved details to the Local Planning Authority to discharge the relevant highways conditions forming part of this planning permission.