



PEACOCK+
SMITH

Sterling Capitol
Capitol Park, Barnsley

Planning Statement

August 2022

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APPENDIX 1: Decision Notice for application ref: 2019/0286 (Approved, September 2019)

APPENDIX 2: Decision Notice for non-material amendment application ref: 2022/ENQ/00323
(Approved, August 2022)

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1. Introduction

1.1. This statement is submitted in conjunction with a Reserved Matters submission for the erection of two Class B2 (Industrial) / Class B8 (Storage & Distribution) warehouses by Sterling Capitol on land off Higham Lane, Barnsley.

1.2. The Reserved Matters application is submitted pursuant to a hybrid planning application (application ref: 2019/0286) which comprised:

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)

1.3. The above consent was granted on 5 September 2019, subject to conditions.

1.4. The outline permission has established the principle of development for use classes B2 and B8 on the application site, but it reserved all outstanding matters other than access for subsequent approval.

1.5. The reserved matters application, therefore, seeks approval for these outstanding matters:

- Layout;
- Scale;
- Design and External Appearance; and
- Landscaping.

1.6. This statement demonstrates that the proposed development accords with relevant policy within the development plan, and national policy. Any limited impacts would be mitigated and would not significantly and demonstrably outweigh the benefits of the proposals. The presumption in favour of sustainable development as set out at Para 11 of the NPPF therefore indicates that the application should be approved.

Purpose and Structure of Report

- 1.7. The report seeks to address all relevant planning considerations prior to drawing conclusions as to the merits of the application.
- 1.8. The remainder of this report is structured as follows:
- (a) Section 2: describes the site and discusses the planning history;
 - (b) Section 3: describes the proposed development;
 - (c) Section 4: positions the proposals in the context of planning policy;
 - (d) Section 5: analyses the planning considerations relevant to the proposal; and
 - (e) Section 6: provides a summary and conclusions.
- 1.9. This statement should be read in conjunction with the other supporting plans. These include the following:
- Location Plan;
 - Site Layout Plan;
 - Elevations
 - 3D Views
 - Landscaping Plans
- 1.10. The following sections of this statement set out how the site is considered to represent a sustainable location for a new employment development, which accords with all relevant development plan policies, alongside associated paragraphs of the Framework, as listed in Section 4. In our view, the application should therefore be approved without delay¹.

¹ NPPF Paragraph 11c

2. Site Description and Site Surroundings

Site Location

- 2.1. The site is located on land between the north of Higham Lane and the M1 motorway, immediately adjoining the existing Capitol Park development, as shown in figure 1 below.

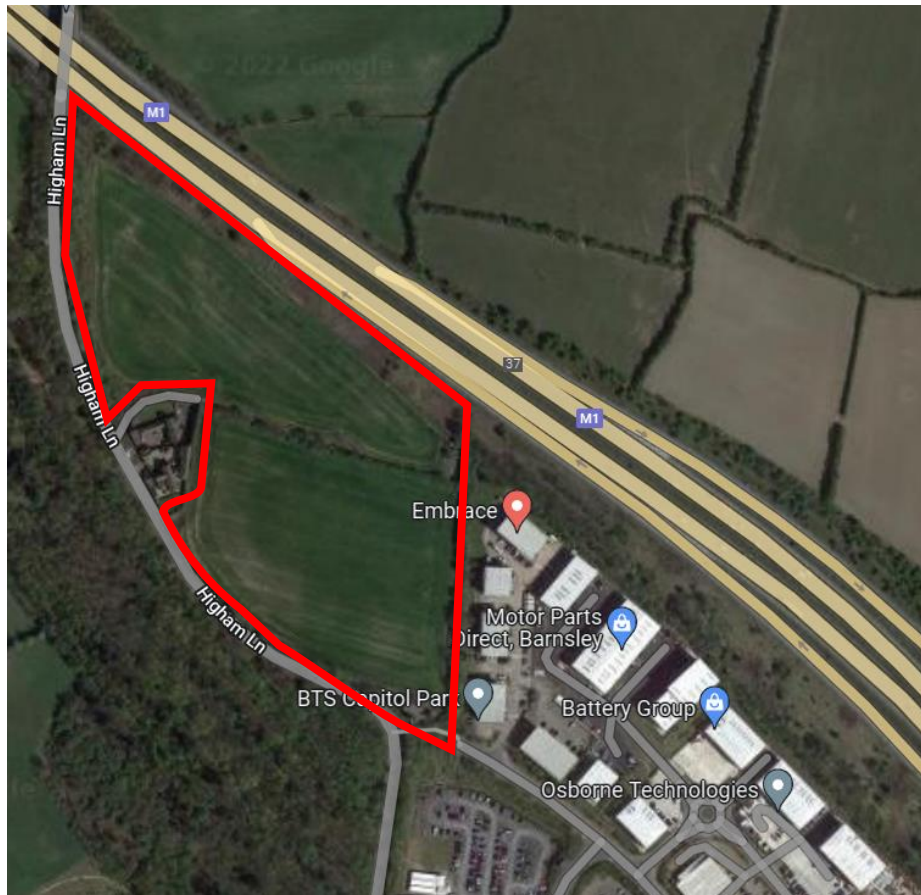


Figure 1: Indicative Site Location

- 2.2. The site is approximately 5.5 hectares in size and slopes west to east towards the M1 motorway.
- 2.3. The site comprises of two fields in agricultural use divided by a hedge, and a single bungalow (Lane Head Farm) at the southern corner of the site, adjacent to Higham Lane. 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.
- 2.4. 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.

- 2.5. The land is not within a conservation area and there are no listed buildings present at the site or in the surrounding area.
- 2.6. The site lies within Flood Zone 1. Flood Zone 1 comprises land assessed as at a low risk of flooding from a watercourse and/or sea with less than a 1:1000 annual probability of river or sea flooding.
- 2.7. The site is surrounded by the following uses:
- To the north east/east, 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.
- 2.8. The nearest bus stops are located on Barnsley Road, approximately 550m to the south of the proposed development access. Additionally a bus turning circle on High Common Road, location adjacent to Hermit Lane to the north of the site, provides access to services to Barnsley, Cawthorne, Mexborough and Wakefield. This stop is located 800m north of the proposed development access.

Relevant Planning History

- 2.9. Permission was granted on 5 September 2019 for a hybrid planning application (application ref: 2019/0286) 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)

- 2.10. The Decision Notice is provided at Appendix 1. All matters were reserved for later approval apart from the means of access.
- 2.11. Following approval of hybrid application (2019/0286), in order to facilitate a technical start on site, a non-material amendment application was submitted (application ref: 2022/ENQ/00323) to amend the wording of some conditions (Conditions 3, 8 and 10). This would allow demolition works to take place without the need to discharge conditions which apply to wider matters.
- 2.12. This NMA application was approved by the Council in August 2022 (Decision Notice attached at Appendix 2). The Council imposed a new condition, Condition 42, relating to demolition works being undertaken to slab level only. After this, an Archaeological Written Scheme of Investigation (WSI) would be required.

3. Proposed Development

The Proposed Development

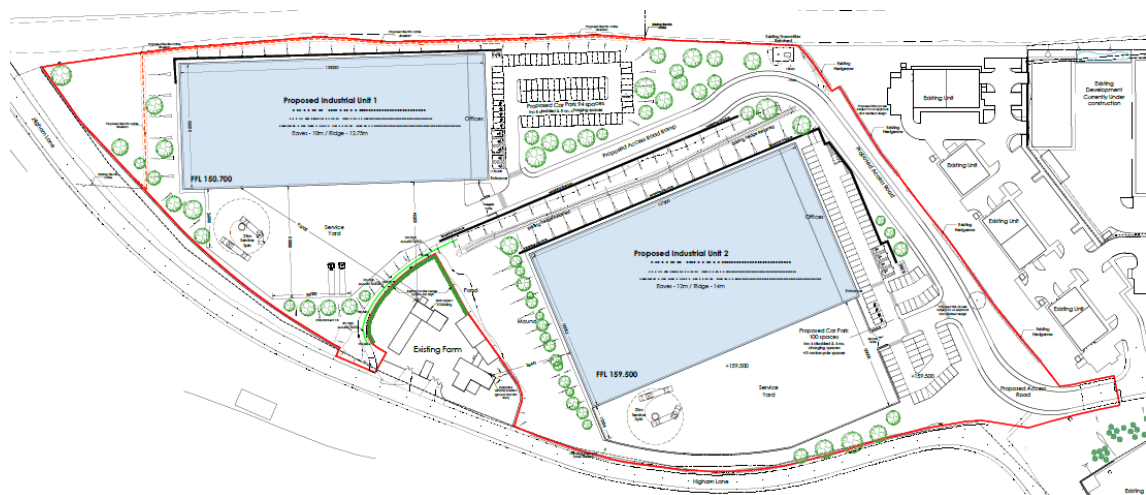
3.1. The description of development for the Reserved Matters application is as follows:

"Reserved matters application for 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 pursuant to hybrid application 2019/0286"

3.2. The Reserved Matters application is submitted by Sterling Captiol. It seeks approval of all of the matters that were not approved as part of the outline permission. This comprises:

- Layout;
- Scale;
- Design and External Appearance; and
- Landscaping

3.3. The submitted Reserved Matters scheme comprises 2no warehouses for general industrial and storage and distribution purposes (use classes B2 and B8) with ancillary office accommodation. The northernmost warehouse (Unit 1) has a floorspace of 7,804sqm, with the southern warehouse (Unit 2) having a floorspace of 9,755sqm, thereby reflecting the floorspace area approved as part of the hybrid application. Unit 1 is served by a 94-space staff and visitor car park, with Unit 2 served by a 100-space staff and visitor car park.



Site Layout Plan

- 3.4. The elevation plans show that Unit 1 will be a height of 10m to the eaves and 12.75m to the ridge. Unit 2 will be 12m to the eaves and 14m to the ridge.
- 3.5. As agreed as part of the hybrid application, site access is taken from the south-eastern corner of the site, extending the existing Capitol Close. The submitted plans show two access options; one without a roundabout, and one with a roundabout. A roundabout has been consented as part of application reference 20200/0040; the submitted plans show that the proposals align with this proposal.
- 3.6. Landscaping has been carefully considered on the site given the surrounding occupiers, including residential properties. Significant tree planting is proposed immediately to the west of Unit 2, set in an area of soft landscaping, to assist in screening the distribution warehouse from the nearest residential property. Trees will be a mixture of 'extra heavy standard and semi-mature native trees' and 'standard native trees'. A 'flowering lawn mix' will be scattered to intersperse the trees, and will continue through the site, wrapping around most boundaries of the site and the access road. The pond in the north of the site will be surrounded by a wildflower mix. Hedgerows are also factored into the landscaping scheme, including the retention of an existing hedgerow in the central area of the site, along with new hedgerows introduced on the boundary of the Unit 1 car park.
- 3.7. The appearance of the proposed warehouses is shown in detail on the submitted plans. The units will be clad, utilising a pallet of grey shades to ensure that the development does not appear unduly prominent in the landscape. The varying colours and materials used, along with window and vehicular openings, assist in breaking up the mass of the warehouses, and ensure that the units do not appear too uniform and imposing.

4. Planning Policy Context

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that where regard is to be had to the Development Plan for the purpose of any determination [of planning applications] to be made under the Planning Acts, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2. In this case the Statutory Development Plan comprises Barnsley Metropolitan Borough Council's Adopted Local Plan (January 2019).
- 4.3. The National Planning Policy Framework ('the NPPF') (July 2021) and National Planning Practice Guidance (PPG) are also material planning considerations.

The Development Plan

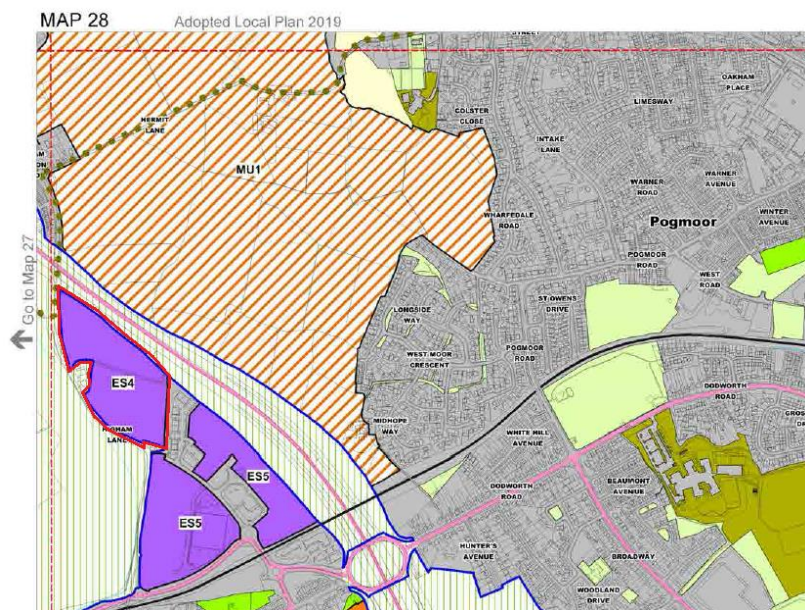
Barnsley's Adopted Local Plan (January 2019)

- 4.4. The Barnsley Local Plan was adopted in January 2019 and replaces policies from the previous Core Strategy and saved policies from the Unitary Development Plan (UDP).
- 4.5. The Barnsley Proposals Map (inset map number 28) demonstrates that the majority of the site is within the employment allocation 'Site ES4 - Capitol Park Extension 5.4 ha'. This allocation sits within 'Urban Barnsley' as identified by Policy E2 of the Local Plan. Policy E2 sets out the approximate locations within the Borough for the distribution of employment land during the Local Plan period.
- 4.6. The Local Plan sets out that development of allocated Site ES4 will be expected to (*inter alia*):
 - *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;*
 - *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.*



(Extract from Barnsley Local Plan (2019) Proposals Map inset 28; site outlined in red)

- 4.7. Other policies within the Barnsley Local Plan relevant to the proposed development are identified below.
- 4.8. Policy SD1 sets out that the Council *"will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be*

approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

4.9. Policy GD1 sets out general requirements for development, stating that they will be approved if (*inter alia*):

- *They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;*
- *They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;*
- *They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;*
- *Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;*
- *Any drains, culverts and other surface water bodies that may cross the site are considered;*
- *Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;*
- *Any pylons are considered in the layout; and*
- *Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.*

4.10. Policy LG2 sets out the locations where development will be given priority, listing 'Urban Barnsley' among others. The policy goes on to state that *"Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy."* As stated previously, the site sits within allocation ES4 of 'Urban Barnsley'.

4.11. Policy E1 states that *"297 ha of land in sustainable locations is allocated to meet the development needs of existing and future industry and business up to 2033. This will provide a choice of sites in accessible locations to meet the needs of businesses and their workforce and provide local communities with access to job opportunities. Barnsley Town Centre will be the focus for office development and employment in new technologies such as creative digital media and telecommunications."*

4.12. Policy E3 sets out the uses which will be allowed on allocated Employment Sites. These are:

- *Research and development, and light industry*
- *General Industrial; or*
- *Storage or distribution*

4.13. The policy also states that "*ancillary uses will be allowed where appropriate in scale.*"

4.14. Policy T3 sets out the Council's approach to encouraging sustainable travel in new developments. The policy states that new developments will be expected to (*inter alia*);

- *Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;*
- *Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and*
- *Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.*
- *Where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy.*

4.15. Policy T4 states that new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

4.16. Policy D1 sets out general design principles for development in that they will be expected to be of high quality design and take advantage of and reinforce the distinctive, local character and features of Barnsley, including (*inter alia*):

- *Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;*

4.17. Furthermore the policy advises that through the design and layout, developments should (*inter alia*):

- *Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;*
- *Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;*
- *Provide clear and obvious connections to the surrounding street and pedestrian network*

4.18. Policy LC1 states that new development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character area in which it is located (as set out in the Barnsley Landscape Character Assessment (2002).

4.19. Policy HE6 requires new development on sites where archaeological remains may be present to be accompanied by an appropriate archaeological assessment.

4.20. Policy BIO1 states that developments in the Borough will be expected to conserve and enhance biodiversity and geological features by (*inter alia*):

- *Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment & Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley Biodiversity Action Plan.*
- *Protecting ancient and veteran trees where identified.*

4.21. Policy CC2 sets out that development will be expected to minimise resource and energy consumption through the inclusion of sustainable design and construction features, where this is technically feasible and viable. The policy also advises that non-residential development will be expected, to achieve a minimum standard of BREEAM 'Very Good' (or any future national equivalent) and that this should be supported by preliminary assessments at planning application stage.

4.22. Policy CC3 concerns the impact on flood risk. Developments will not be permitted where it would be at an unacceptable risk of flooding. The policy requires site-specific Flood Risk Assessments

for proposals over 1 hectare in Flood Zone 1. The application site sits within Flood Zone 1 and is over 1 hectare, therefore an assessment on flooding has been submitted alongside this application. The policy also expects proposals over 1000 m² floor space or 0.4 hectares in Flood Zone 1 to demonstrate how the proposal will make a positive contribution to reducing or managing flood risk.

- 4.23. Policy CC4 requires that all major development will be expected to use Sustainable Drainage Systems (SuDS) to manage surface water drainage, unless it can be demonstrated that all types of SuDS are inappropriate.
- 4.24. Policy AQ1 states that development which impacts on areas sensitive to air pollution in air quality management areas will be expected to demonstrate that it will not have a harmful effect on the health or living conditions of any future users of the development in terms of air quality. Additionally the policy advises that development which impacts on areas sensitive to air pollution due to traffic emissions will be expected to demonstrate suitable and proportionate mitigation relative to the increased traffic emissions generated by the development.
- 4.25. Policy I1 concerns infrastructure and planning obligations, stating that (*inter alia*) development must be supported by appropriate physical, social, economic and communication infrastructure.

Other Planning Policy Considerations

National Planning Policy Framework (February 2019)

- 4.26. An amended NPPF was adopted by the Government in July 2021. Paragraph 2 confirms that planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions in that regard.
- 4.27. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 explains that there are three overarching objectives to 'sustainable development':
- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the

right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.28. Paragraph 10 of the NPPF explains that there is a presumption in favour of sustainable development. Paragraph 11 details the presumption in favour of sustainable development and adds that plan-making and decision-taking should also apply a presumption in favour of sustainable development.

4.29. For decision-taking this means:

- *Approving proposals that accord with an up-to-date development plan without delay; where there are no relevant development plan policies, or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

4.30. Paragraph 12 confirms that “*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date*

development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

- 4.31. In relation to decision making, paragraph 38 set out how *"local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*
- 4.32. Paragraph 81 states that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."*
- 4.33. Paragraph 82 sets out that planning decisions should *"recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations."*
- 4.34. Paragraph 110 advises that, when *"assessing sites that may be allocated for development in plans or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users; and*
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*
- 4.35. Paragraph 111 confirms that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

4.36. Paragraph 112 continues to state that *"applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."*

4.37. In relation to achieving well-designed places, paragraph 126 confirms *"that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."*

4.38. Paragraph 134 confirms that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

- (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or*
- (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

4.39. Paragraph 180 provides that when determining planning applications, local planning authorities should apply the following principles:

- *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed outweighs both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and*
- *(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

The National Design Guide, January 2021 and the National Design Code, serve to support the 2021 Framework and form part of the collection of Planning Practice Guidance. The National Design Guide Sets out the characteristics of well-designed places and serves to demonstrate what good design means in practice. The National Model Design Code guides the production of design codes and expands on the characteristics set out in the national design guide. The National Design Codes sets a baseline standard of quality and practice to be taken into account when developing design codes or determining planning applications

5. Planning Analysis

- 5.1. Having reviewed the relevant areas of planning policy in the development plan, along with other material planning considerations, this section seeks to identify and address the key planning issues and explain why the proposal represents a form of development that should be supported by the Local Planning Authority.

Principle of Development

- 5.2. The principle of development of the site for warehouse development at this location has been established through the allocation of the site Barnsley Local Plan (ref ES4: Capitol Park Extension). It has also been confirmed with the grant of the hybrid planning permission at the site (ref: 2019/0286 (and as amended by NMA application 2022/ENQ/00323)) for:

- 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)

- 5.3. The proposed development accords with the scope of this consent, with the warehouses measuring 9,755sqm and 7,804sqm respectively.

Layout

- 5.4. The submitted layout is almost identical to the indicative layout submitted at hybrid/outline stage, the principle of which was found to be acceptable and was accordingly approved.

- 5.5. The layout of the proposed development has been designed to respond to key constraints at the application site. These include:

- The need to ensure that the amenity of adjoining occupiers is protected;
- The requirement to ensure that the previously approved access (as part of the hybrid/outline application) can be delivered, and that there is sufficient space is available to deliver the consented roundabout (application ref: 20200/0040);
- Retention of the existing hedgerow that divides the two fields within the site, and retention of existing trees fronting Higham Lane.

- 5.6. The position of the proposed access to the development is in line with the access design secured by the hybrid/outline permission.
- 5.7. The proposed development ensures there is adequate separation between the proposed warehouse units and the residential property of the adjoining landowner. The shortest distance between a habitable room and the proposed development is 36.4m; this is from a window on the eastern elevation of the existing dwelling, and to the proposed external wall of warehouse Unit 2. There is a 53m distance between the westernmost building forming the residential property and Unit 1.
- 5.8. The 'gaps' between the proposed units and the adjoining landowner will also benefit from significant planting and landscaped mounds. A variety of trees will be planted to provide height and an element of visual screening. The submitted Landscaping Plans show the detailed approach taken to landscape, both in the extent of planting proposed and in the variety of species proposed to be planted. The existing hedgerow that divides the two fields within the site has been retained, reflecting the approach that was agreed at outline stage, and a number of existing trees fronting Higham Lane are also proposed for retention.
- 5.9. Two access options are shown on the supporting plans, one proposal showing access into the site as an extension from Capitol Close, with the other proposal showing a more significant roundabout arrangement. The purpose of providing both plans is to demonstrate that the site layout can still be achieved with either access option; the only difference between the two proposals is the alignment of the access road immediately as it enters the site from the surrounding highway.
- 5.10. Both proposed warehouse units have substantial parking provision; 94 spaces serving Unit 1 and 100 spaces serving Unit 2. The parking areas are located immediately adjacent to the proposed units to ensure easy pedestrian access, and in design terms, 'containing' the development by efficiently using land. This approach in turn minimises the need for any parking off-site or on surrounding roads, assisting visual amenity and safety.
- 5.11. In light of the above, it is considered that the site layout respects the site and its surroundings, reinforces the character of the area, and promotes high quality design, in accordance with Policy D1: Design of the Local Plan and the NPPF.

Scale

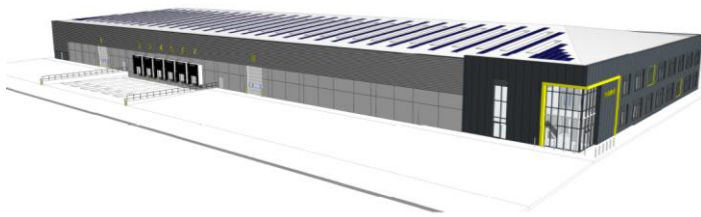
- 5.12. The elevation plans show that Unit 1 will be a height of 10m to the eaves and 12.75m to the ridge. Unit 2 will be 12m to the eaves and 14m to the ridge. This approach reflects that taken at hybrid/outline stage, where the Officer's Committee report stated the following:

"Following discussion with the resident of Lane Side Farm and continued dialogue with the case officer, the developer has proposed further iterations and the resultant plans now under consideration show Unit 2 to be reduced in eaves height from 14.5m to 12m..."

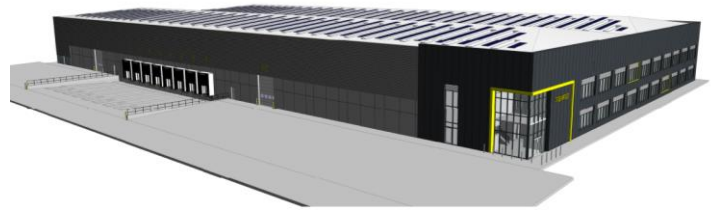
- 5.13. The amount of floorspace proposed also accords with that agreed at hybrid/outline application stage. The approved description of development permits *"development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation"*.
- 5.14. The northernmost warehouse (Unit 1) has a floorspace of 7,804sqm, with the southern warehouse (Unit 2) having a floorspace of 9,755sqm, thereby according with the above development description. A small amount of ancillary office space is proposed within each unit; of the overall total floorspace, ancillary office space amounts to 5% in each unit.
- 5.15. Given the above, it is considered that the scale of the proposed development is appropriate to the site and its setting, in accordance with Policy D1: Design of the Local Plan.

Design and External Appearance

- 5.16. The proposed development for warehouses, due to their function and nature, will be of a considerable size, thereby careful consideration has been given to minimising their impact on their surroundings.
- 5.17. The appearance of the proposed warehouses is shown in detail on the submitted plans. The units will be clad, utilising a restricted pallet of grey shades to ensure that the development does not appear overly prominent in the landscape. The varying shades and materials used, along with window and vehicular openings, assist in breaking up the mass of the warehouses, and ensure that the units do not appear unduly uniform and imposing.



Unit 1: 3D View



Unit 2: 3D View

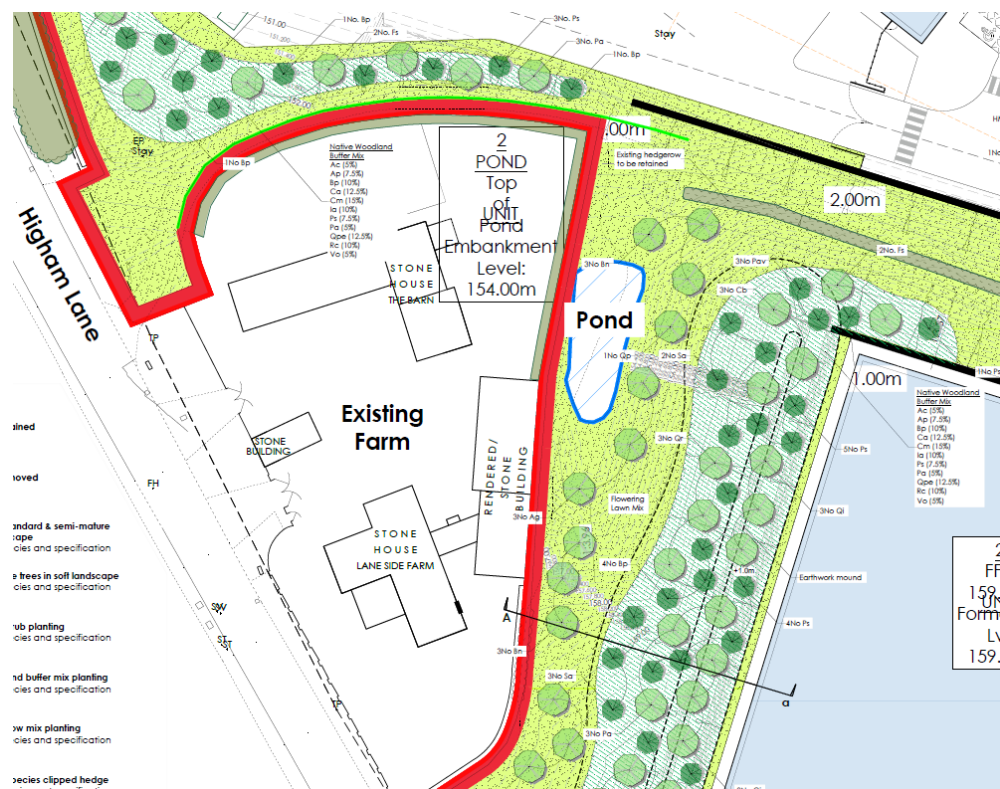
- 5.18. Their overall design can be said to be in-keeping with the existing Capitol Park development, which also utilises grey cladding and hosts a range of commercial/employment operations on site.
- 5.19. Small elements of contrasting materials/colours are proposed around the main entrance foyers into the buildings, assisting with wayfinding and to ensure that the grey expanse is broken up in highly visible and accessible areas.
- 5.20. Having a restricted pallet of materials and colours will assist in ensuring that the development has an attractive character and is of a high quality, with proposed colours and materials complementing each other.
- 5.21. Signage for the buildings will be subject to a separate planning application and is only shown indicatively on the submitted plans.
- 5.22. In light of the above it is considered that the design and external appearance of the proposals promotes a high-quality design that respects the character of the area in accordance with Policy D1: Design of the Local Plan and the NPPF.

Landscaping

- 5.23. Existing trees and hedgerows along the boundaries of the site are to be retained and integrated within the landscaping proposals. Two detailed Landscaping Plans are submitted with this application in this regard.
- 5.24. It is intended for the proposed landscaping to soften the appearance of the new development, screen neighbouring residential properties and provide for wildlife habitat.

5.25. The Landscaping Plans show (inter-alia):

- Retained and additional tree-planting across the site, particularly on site boundaries and between the proposed warehouse units and adjacent residential properties to provide an element of screening;
- Earthwork mounding will also take place to further ensure adequate screening is in place to nearby sensitive uses;
- Low-level soft landscaping will be incorporated through the site, including the sowing of wildflowers around the pond to the north, and a proposed flowering meadow seed mix on the site boundaries, continuing through the centre of the site and along the access road to the site entrance.
- The existing hedgerow which divides the two fields within the site has been retained, reflecting the approach that was agreed at outline stage, and a number of existing trees fronting Higham Lane are also proposed for retention.
- To ensure a welcoming approach for users and visitors to the development, ornamental shrub planting is proposed at the vehicular entrances to each unit, supplemented by sporadic tree planting.



Landscape Plan Extract showing significant tree planting and mounding to ensure amenity of nearby residential property is protected

5.26. In light of the above it is considered that the proposed development has been designed so that landscaping is an integral part of the scheme, and to foster the integration of the development into the landscape, in accordance with Policies D1: Design and GD1: General Requirements for Development of the Local Plan and the NPPF.

Planning Benefits

5.27. The proposed development would give rise to several significant positive impacts. These can be summarised as follows:

- The proposed commercial development will bring forward a site that has been assessed as suitable for employment development by the Council in the Local Plan and by the Council's Planning Committee at hybrid/outline application stage;
- The proposed development will make a positive contribution to delivering economic growth in the area, in accordance with the Government's assertion that significant weight should be placed on the need to support economic growth and productivity (paragraph 81 of the NPPF);
- The development will provide for a significant boost in job creation. According to The Employment Density Guide, a development of the site for B2 use could create circa 464 jobs and the development of the site for B8 uses would create circa 217 jobs once operational. Construction jobs would be in addition to this. It is considered that that this is a benefit of the scheme that should be accorded substantial weight;
- The proposed development would also create business revenue
- Workers and visitors to the development will help to sustain existing shops, services and public transport in the local area.
- A Reserved Matters permission will give the market additional certainty that the site is coming forward for development, and make it an attractive prospect for prospective occupiers.

5.28. It is considered that the above positive impacts significantly outweigh the limited negative impacts that would arise from the proposed development.

6. Summary and Conclusions

6.1. This statement is submitted in conjunction with a Reserved Matters submission for the erection of two Class B2 (Industrial) / Class B8 (Storage & Distribution) warehouses by Sterling Capitol on land off Higham Lane, Barnsley.

6.2. The Reserved Matters application is submitted pursuant to a hybrid planning application planning application (application ref: 2019/0286) which comprised:

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)

6.3. The outline permission has established the principle of development for use classes B2 and B8 on the application site, but it reserved all outstanding matters other than access for subsequent approval.

6.4. The reserved matters application, therefore, seeks approval for these outstanding matters:

- Layout;
- Scale;
- Design and External Appearance; and
- Landscaping.

6.5. Section 2 of this Statement gives a description of the site and explains the planning history. It confirms that hybrid/outline consent (application ref: 2019/0286) was granted on 5 September 2019 and in order to facilitate a technical start on site, a non-material amendment application was submitted (application ref: 2022/ENQ/00323) to amend the wording of some conditions (Conditions 3, 8 and 10). This would allow demolition works to take place without the need to discharge conditions which apply to wider matters. This NMA application was approved by the Council in August 2022.

- 6.6. Section 3 of this Statement details the development proposed, and stresses that it is only the Reserved Matters (referenced at Para 6.4, above) that consent is being sought for. This section should be read with the submitted plans to ensure that the proposals can be clearly understood and the many design elements incorporated can be seen in situ.
- 6.7. Section 4 sets out the relevant planning policy and material considerations in the context of the proposed development, again emphasising that the site is allocated in the adopted Local Plan for employment purposes and setting out relevant policies in relation to design and landscaping.
- 6.8. Section 5 confirms that the principle of the development of the site for Class B2 (Industrial) / Class B8 (Storage & Distribution) uses has already found to be acceptable given the allocation on the site for employment uses and given the previous hybrid/outline consent. Section 5 also confirms that the proposals would deliver considerable economic benefits, which in our opinion should give given significant weight. Section 5 considers all other relevant policy issues and demonstrates that any limited impacts would not significantly and demonstrably outweigh these positive impacts.
- 6.9. The proposed development therefore constitutes sustainable development in accordance with the adopted Local Plan and the provisions of the NPPF. Taken with the presumption in favour of suitable development, these are considered to constitute compelling reasons to approve the planning application.

Appendix 1:

Decision Notice for application ref: 2019/0286 (Approved, September 2019)



GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0286

To Peacock and Smith
Suite 9C
Josephs Well
Hanover Walk
Leeds
LS3 1AB

DESCRIPTION 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)

LOCATION Higham Lane, Dodworth, Barnsley, S75 3UB

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 March 2019 and described above.

The approval is subject on compliance with the following conditions:

Conditions 1-12 relate to the FULL planning permission only

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans 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, 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, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording 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

- 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 Para 178a,b,c and 170 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 13-41 relate to the OUTLINE planning permission only.

- 13 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

- 14 The reserved matters submission shall substantially accord with the approved plans and:
- 1) Unit 2 shall be located no closer than 37m from Lane Side Farm measured from indicative window position as shown on approved plan 11138A-111 REV E
 - 2) Unit 2 shall be no higher than 12m to eaves and 14m to ridge as shown on approved plan V11138A- L01 REV A
 - 3) A planted bund shall be proposed of a location, size, extent and planted with species substantially in accordance with approved landscape plan L11138A-L01 REV E

Reason: To protect residential amenity and in accordance with Local Plan Policy D1 and GD1.

- 15 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

- 16 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.

- 17 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.
- 18 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.
- 19 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.**
- 20 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.**
- 21 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.
- 22 No development shall take place 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.

- 23 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.
- 24 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.
- 25 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.
- 26 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.
- 27 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.
- 28 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.
- 29 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.

- 30 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.
- 31 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.
- 32 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.
- 33 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.
- 34 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.
- 35 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.
- 36 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.
- 37 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.

- 38 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.

- 39 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.

- 40 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.

- 41 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 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.

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.

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.

Signed

Joe Jenkinson

Head of Planning and Building Control



Dated 05 September 2019

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.

Appendix 2:

**Decision Notice for non-material amendment application ref: 2022/ENQ/00323
(Approved, August 2022)**



**Growth and Sustainability
Regeneration and Culture
Planning and Building Control**

Mrs S Smedley
Peacock & Smith
Central House
47 St Pauls St
Leeds
LS1 2TE

My Ref: 2019/0286 & 2022/ENQ/00323
Your Ref:
Date: 17th August 2022
Contact: Elaine Ward
Direct Dial: 01226 774731
Email: elaineward@barnsley.gov.uk

APPLICATION SUBMITTED UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT (1990) AS AMENDED

APPLICATION FOR NON-MATERIAL AMENDMENT to 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)

The changes proposed by the Non- Material Amendment are to vary condition 3, 8 and 10 of planning permission dated 05/09/2019.

Section 96A (1) gives the power to a Local Planning Authority to make a change(s) to a planning permission if the change(s) is/are not material which includes the power to

- (a) Impose new conditions
- (b) To remove or alter existing conditions

The conditions proposed to be amended in this Non Material Amendment application as set out in the original decision notice are as follows:

Condition 3

Prior to the commencement of development, 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 8

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:



-The programme and method of site investigation and recording 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.

Condition 10

Prior to the commencement of development

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 findings 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

The reason for the proposed changes is that following the grant of planning consent although there is keen interest from a number of parties in the approved development for two warehouses and approved SCRIF funding for the roundabout access, (which will significantly assist the viability and marketability of the scheme), the permission expires on 5 September 2022. Reapplying for permission would entail significant cost and delays and uncertainty in the delivery of the site. It is therefore proposed to vary the above pre-commencement conditions to allow a technical start to take place.

In respect of the 'full' application, the description includes earthworks, demolition of the bungalow and formation of the access. It is proposed that demolition of the bungalow would make a technical start on the development. However, several pre-commencement conditions would be required to be discharged before commencement, but some are not relevant to the bungalow demolition and would require considerable work. It is proposed therefore to vary the above three of the pre-commencement conditions above so that demolition is exempted from the pre-commencement requirement. The remainder of the pre-commencement conditions would be subject to a discharge of condition application prior to the commencement in accordance with the decision notice for 2019/0286.



**Growth and Sustainability
Regeneration and Culture
Planning and Building Control**

The NMA application has been considered by relevant consultees including National Highways, the South Yorkshire Archaeology Service and Contaminated Land Officer. No objections have been raised. However, the South Yorkshire Archaeology Services require that the bungalow is only demolished down to slab level and requests that an archaeology watching brief is undertaken whilst demolition is taking place. The LPA has therefore added a new condition 42 to cover this requirement in order to protect potential archaeology.

It is considered that these amendments will not impact significantly on highway safety, will not alter the nature or scale of the original permission, nor is it likely to result in loss of amenity to nearby adjacent residential properties or loss of visual amenity.

The changes would not result in any development which lies outside of the description of development, nor does it exceed the redline boundary of planning permission 2019/0286.

Overall, the proposed changes are inconsequential in terms of its scale in relation to the original permission. The proposed changes are therefore considered to be non-material.

Taking into account all of the above the **non-material amendment is acceptable.**

As a result of this non material amendment, conditions 3, 8 and 10 shall now be worded as follows:

Condition 3

Prior to the commencement of development, with the exception of demolition, 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 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.

Condition 10

Prior to the commencement of development with the exception of demolition,

- 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

The LPA also imposes a new condition:

Condition 42

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.

This decision letter only relates to the non-material amendment. It is not a reissue of the original decision notice for planning permission 2019/0286 which still stands. The two documents should be read in conjunction.

Yours sincerely

Elaine Ward

For and on behalf of:

Joe Jenkinson BA (Hons) MSc

Head of Planning and Building Control

www.barnsley.gov.uk/developmentmanagement