



GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2016/0713

To Miss Miranda Steadman
Marshall House
Huddersfield Road
Elland
HX5 9BW

DESCRIPTION Outline planning application including means of access for general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use

LOCATION Land at Capitol Park, Capitol Close, Dodworth, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 19 September 2016 and described above.

The approval is subject on compliance with the following conditions:

- 1 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.
- 2 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.**

- 3 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:
14120-14 REV F Site Plan, Amended Plan received 19 September 2016
14120-002 REV B Location Plan received 19 September 2016
V14129 L01 REV A Tree Retention & Removals Plan received 20 September 2016
V14120 L02 REV A Strategic Landscape Masterplan received 27 September 2016
2450-D2 REV F Drainage Layout received 20 September 2016
Ecological Survey and Assessment ERAP Ltd dated May 2016
Ecological Survey and Assessment ERAP Ltd dated July 2016 (additional surveys)
Drainage and Flood Risk Assessment by JPG dated May 2016
Planning Supporting Statement dated June 2016
Noise Impact Assessment by ENS dated 2nd June 2016
Geo-Environmental Desk Study Report by JPG dated May 2016
Framework Travel Plan by AECOM dated June 2016
Transport Assessment by AECOM dated June 2016
Trip Generation Calculation Formula REV A by AECOM, received 26 September 2016
Air Quality Assessment by AECOM dated June 2016
Air Quality Technical Note by AECOM dated 13 September 2016
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 No development shall take place of any phase of the development until full foul and surface water drainage details and a programme of works for implementation of that phase, 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 Core Strategy Policy CSP 40, Pollution Control and Protection.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed over or within 5.0 (five) metres either side of the centre line of the 900mm and 1050mm sewers i.e. a protected strip width of 10 metres, that traverse the site. If the required stand-off distance is to be achieved via diversion or closure of the sewers, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.
Reason: In order to allow sufficient access for maintenance and repair work at all times and to ensure the proper drainage of the area in accordance with Core Strategy policy CSP4.
- 6 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.
Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. Roof water shall not pass through the interceptor.
Reason: To prevent pollution of the water environment and in accordance with CSP 40 Pollution Control and Protection.

- 8 Details shall accompany each phase of the reserved matters of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.
- 9 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of buildings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.
- 10 All buildings within 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 Core Strategy Policy CSP2.
- 11 A detailed scheme of ecological mitigation and enhancement and maintenance shall be submitted with the reserved matters application. The scheme shall broadly follow the measures set out in Section 5 of the ERAP Ecological Assessment and shall identify a timetable for implementation and maintenance for 5 years. The scheme shall be accompanied by a plan which clearly identifies what ecological features are proposed to be retained, mitigated and enhanced. Thereafter the development shall be carried out in accordance with the approved measures.
Reason: In the interests of biodiversity and in accordance with CSP 36.
- 12 The level of noise emitted from the site shall not exceed 51dB LAeq(15 mins) between 0700 and 2300, as measured at the boundary of the nearest neighbouring property.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 13 The level of noise emitted from the site shall not exceed 46dB LAeq(15 mins) between 2300 and 0700, as measured at the boundary of the nearest neighbouring property.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 14 In the event of a complaint being received in writing by BMBC alleging noise nuisance due to the development approved, the operator shall, at its expense, employ a consultant approved by BMBC to measure the level of noise emissions from the development at the location of, and external to, the complainant's property (or, in the event that access is not possible, at the nearest publicly accessible location acceptable to BMBC). The results of the consultant's assessment shall be provided to BMBC within 2 months of the date of notification of complaint unless otherwise agreed in writing by BMBC.

The operator shall cooperate with BMBC to ensure that the development is compliant with the above defined limits for the site.

In the event that the noise level from the development is above the stated levels and noise measurements have been carried out in accordance with the details above, then the applicant shall submit a mitigation scheme for the written approval of BMBC in order to identify measures to reduce the noise of the development to acceptable levels. The approved scheme shall then be implemented. In the event that the noise level from the development cannot be brought within acceptable levels, as defined above, the development shall not continue to operate.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 15 Prior to occupation of the building, a noise and traffic management plan for the Service Yards 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 Core Strategy Policy CSP 40, Pollution Control and Protection.

- 16 Noise from any fixed plant, such as fans, extractors, air conditioning units shall operate at a level no higher than 46dBA Leq during the day and at night time at the nearest property.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 17 The hours of construction and deliveries shall only take place between Mon-Fri 0800-1800 and Sat 0800-1300. No working on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 18 Prior to any work commencing, the applicant shall submit to BMBC for their approval a dust management plan detailing how they will control dust during construction. Once approved the applicant shall adhere to the dust management plan at all times.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 19 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).

4. A remediation statement summarising the works to be undertaken (if required).
The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: To protect the environment and ensure the site is suitable for the proposed use, in accordance with CSP 39.

- 20 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.

- 21 Prior to the occupation of the development full details of bin storage and recycling facilities shall be submitted to the Local Planning Authority for consideration. The facilities shall be provided in accordance with the approved details prior to the occupation of any of the units and retained as such thereafter.
Reason: In the interests of visual amenity and in accordance with Joint Waste Strategy Policy WCS7.

- 22 Prior to the occupation of each unit, details of appropriate mitigation controls shall be agreed in writing with the Local Planning Authority. The mitigation controls shall be in accordance with the requirements of the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance, and shall be also incorporated into any Travel Plan where appropriate for the proposed development. Thereafter the controls shall be implemented in full for the duration of the development.
Reason: In the accordance adopted Core Strategy Policies CSP 40 (Pollution Control and Protection) and CSP 41 (Development in Air Quality Management Areas).

- 23 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 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 survey
Arboricultural impact assessment
Tree protective barrier details
Tree protection plan
Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies.

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

- 24 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. 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 Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 25 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 26 The development mix is given as comprising two phases, Phase 1 being an initial phase of development comprising three units and Phase 2 being the fourth and final unit on the site, the cumulative two way vehicle trip generation for both of these phases will be controlled as follows:
- The Phase 1 development will have a maximum Floor Area of 11,844sq.m (127,500sq.ft) and must not result in greater than 64 and 63 two way vehicle trips in the weekday AM peak hour (0800 to 0900) and the weekday PM peak hour (1700 to 1800) respectively. This Phase of development will not require any mitigation to the local highway network prior to the occupation of any units;
- The Phase 2 development will have a maximum Floor Area of 4,655sq.m (50,000sq.ft) and must not result in greater than 24 and 25 two way vehicle trips in the weekday AM peak hour (0800 to 0900) and the weekday PM peak hour (1700 to 1800) respectively. Prior to development commencing on phase 2 a scheme of mitigation shall be submitted to and approved in writing by the LPA.
- The total number of trips will be calculated according to the formula (Revision A), dated received 26 September 2016. The development shall be undertaken in accordance with the approved details.
Reason: To control the number of new vehicles on the highway network and prevent additional congestion in accordance with policy CSP26.
- 27 1.The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (ie not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: to ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.
- 28 Sight lines, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of the access road with Capital Close, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety and in accordance with CSP 26.
- 29 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
Reason: In the interest of road safety and in accordance with CSP 26.
- 30 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 Core Strategy policy CSP 36.

- 31 Within six months of the site becoming operational, a detailed travel plan, including monitoring and implementation, shall be submitted to the Local Planning Authority and once approved shall be fully implemented.

Reason: In the interests of sustainable development and in accordance with Core Strategy Policy CSP 25.

- 32 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
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

- 33 Details of measures to restrict the access to the car park to Unit A to an ingress only shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development and shall be retained at all times thereafter.

Reason: In the interests of road safety and in accordance with Core Strategy Policy CSP 26.

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	The SYP Architectural Liaison Officer recommends that the development would benefit by being built to Secured by Design Standards. More information can be found at www.securedby design.com . Guidance attached
2	Superfast Broadband Connectivity is encouraged - guidance for developers is attached
3	You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Barnsley Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up-to date information about the natural environment and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making
4	It is recommended that the Biodiversity Area proposed is supported by a robust interpretation feature

Signed 
Joe Jenkinson

Dated 07 October 2016

Head of Planning and Building Control

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

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given 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.