BARNSLEY
Metropolitan Borough Council

**Place Directorate**
**Regeneration and Culture**
**Planning and Building Control**

## APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

## APPLICATION NO. 2021/1332

**To** Spawforths
Junction 41 Business Court
East Ardsley
Leeds
WF3 2AB

**Proposal:** Erection of 9,180sqm employment unit for use classes E(g)(ii), E(g)(iii), B2 and B8 - Application seeking the approval of access, appearance, landscaping, layout and scale reserved matters pursuant to outline planning permission 2018/0864
**At**: Plot 3, Ashroyd Business Park, Ashroyds Way, Platts Common, Barnsley, S74 9SB

**Approval is hereby given** for the proposals which were the subject of the Application and Plans registered by the Council on 26/10/2021 and described above, being matters reserved in the permission granted on 10th October 2018 under Application 2018/0864.

The approval is subject on compliance with the details specified in the application, the approved plans and conditions of the outline permission and, additionally, is subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission: 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
- Location Plan 14698A-120 REV A
- Existing Site Plan 14698A-121 REV A
- Existing Sections A, B, C 14698A-122 REV A
- Existing Sections D & E 14698A-123 REV A
- Proposed Site Plan 14698A-125 REV D rec'd 24/05/22
- Proposed GA Plan 14698B-126 REV C amended plan rec 26/05/22
- Proposed Elevations 14698A-127 REV B amended plan rec 24/05/22
- Proposed Roof Plan 14698A-128 REV C amended plan rec 26/05/22
- Proposed Building Section 14698A-129 REV B amended plan rec 26/05/22
- Proposed Typical Sections in Context Section A 14698A-108 REV A
- Proposed Typical Sections in Context Section B 14698A-130 REV A
- Proposed Typical Sections in Context Section C 14698A-03 REV A

- Proposed Fence Details 14698A-131
- Proposed Cycle Details 14698A-132
- Landscape Plan - Vector Landscape Architects V14698A- L02D amended plan recd 29/05/22
- Preliminary Levels Design William Saunders 39502 - S3 - P 2 amended plan recd 22/05/22
- Vehicle Tracking at Loading Bays William Saunders 39501- S3 - P2 amended plan recd 20/05/22
- Drainage Strategy William Saunders 39201-S8-P2 amended plan recd 22/05/22
- Noise Assessment TetraTech Consultants 784-B032011 amended plan recd 25/05/22
- Ecological Mitigation and Enhancement Scheme Smeeden Foreman REF SF2678 REV B amended plan recd 29/05/22
- External Lighting Proposals by CJR REF P3569 REV A

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

3 Prior to the commencement of development (including construction, landraising and demolition), a Construction Environment Management Plan (CEMP) shall be submitted to, and approved by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document
**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**

4 (i) During the construction phase, except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) During the construction phase, heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) During the construction phase, effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.
**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**

5 Prior to the development being brought into use, details of the fixed building services plant associated with the proposed development shall be submitted to and approved by the Local Planning Authority. The plant proposed shall not be audible from the site boundary at any time during operation.
**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**

6 Prior to the development being brought into use, the mitigation measures described in report 'Plot 2 Noise Impact Assessment' produced by Tetra Teck Ltd dated September 2021, ref: 784-B032011, shall be implemented in full. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.
**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**

7 The parking/manoeuvring facilities shall be surfaced in a solid bound material (i.e. 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.**

8 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.**

9 Notwithstanding the information provided on the preliminary levels design plan ref 10770-WMS-ZZ-XX-DR-C-39502-S3-P2, vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
**Reason: In the interests of Highway Safety and in accordance with Local Plan Policy T4.**

10 The ecological mitigation and enhancement measures (including external lighting), as set out in the ecological mitigation enhancement scheme SF2678 REV B by Smeeden Foreman shall be implemented in full and shall be maintained for the duration of the development.
**Reason: In the interests of Ecology and Biodiversity and in accordance with Local Plan Policy BIO1.**

11 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.**

12 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out on each plot no later than the first planting and seeding season following the occupation of the development; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
**Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.**

13 Upon commencement of construction works, details of the 12no electric vehicle charge points to be provided shall be submitted to and approved in writing by the LPA. The EVCP will have a minimum "Mode3" (7kW,32AMP) capability and shall be installed in accordance with the approved details prior to first occupation of the development and thereafter in accordance with the approved details.
**Reason: To ensure the development is provided with infrastructure that conforms with the requirements of Local Plan Policy I1.**

14 No development shall take place until full foul and surface water drainage details, including a scheme to reduce surface water run-off 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.**

**Informative(s)**

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

1 Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2021 until 31st December 2022

2 The granting of planning permission does not affect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk

3 Evidence: Installation of gigabit-capable full fibre broadband in new developments: The types of evidence that can be submitted include: o A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband (must match the stipulation in the original requirement by the Local Authority) o Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator http://www.superfastsouthyorkshire.co.uk

4 You are advised that should the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), or to place any equipment, materials in , on, above or abutting a highway requires you to have a licence. Further details are available on the BMBC website at: https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/ or my contacting Streetworks@barnsley.gov.uk

5 The development hereby approved includes the carrying out of work on or abutting the public highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.

6 Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555. Fees associated with the required condition survey together with any necessary remedial works and any relevant s278 agreement are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement.

7 Mud and Debris - It is an offence under the Highways Act 1980 for anyone to deposit anything on the highway which may cause a nuisance or possible danger to road users

Please be aware that the Council monitors construction sites and open land within the vicinity of 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 any development is disposed of via approved methods and that documents are retained to prove this.

Signed Dated 09/06/2022



Joe Jenkinson
Head of Planning and Building Control

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

**NOTES:**

## Appeals to the Secretary of State

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

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

## Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

## Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.