



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2024/1053**

**To** JRB Designs Ltd.  
1 Saville Street  
Cudworth  
Barnsley  
S72 8LT

**DESCRIPTION** Variation to conditions 2 and 4 of planning application 2024/0380 to change the lift from brick to stainless steel and glass  
**LOCATION** The Mill, 10 Lower Castlereagh Street, Barnsley, S70 1AR

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 27/01/2025 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date 19 October 2022.  
**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 (Nos.) and specifications as approved unless required by any other conditions in this permission.  
Amended existing plans drawing number 008  
Existing elevations 1 drawing number 002  
Existing elevations 2 drawing number 0010  
Site location plans drawing number 001 Rev B  
Proposed Elevations 1 drawing number 003 Rev B  
Proposed Elevations 2 drawing number 009 Rev B  
Proposed Plans drawing number 004 Rev B  
Amended proposed block plan drawing number 010 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 The Construction Method Statement submitted on 14 March 2023 and approved under planning application reference number 2023/0039 shall be adhered to throughout the construction period  
**Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Local Plan Policies T4 and Poll 1.**

- 4 The bricks to be used in the development hereby permitted shall be Forterra Cotswold London and the lift shaft shall be steel and glass or as may be submitted to and agreed in writing by the Local Planning Authority before development commences and thereafter the development shall be completed in accordance with the approved details.  
**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.**
- 5 The proposed flue shall be given a matt black finish before the use hereby permitted first commences and shall thereafter be retained.  
**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.**
- 6 The development shall be undertaken wholly in accordance with the details of the material and finish of the doors and windows as approved under planning application reference number 2023/0039.  
**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.**
- 7 The development shall be undertaken wholly in accordance with the details of the method of attaching weldmesh to the stairs as approved under planning application reference number 2023/0039. The agreed details shall be implemented in full before any use of the first or second floor of the building.  
**Reason: In the interests of the safety and security of the completed development and of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 8 The development shall be undertaken wholly in accordance with the details of the fire exit door to prevent access to the external stairwell from the ground floor as approved under planning application reference number 2023/0039. The agreed details shall be implemented in full before any use of the first or second floor of the building.  
**Reason: In the interests of the safety and security of the completed development and of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 9 The details of fixed building service plant approved under planning application reference number 2023/0039 shall be implemented prior to commencement of the use and retained as such thereafter.  
**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.**
- 10 Before the use hereby permitted commences, the lining of the car park shown on the approved block plan shall be fully implemented and shall thereafter be maintained.  
**Reason: in the interests of highway safety and in compliance with Local Plan Policy T3 New Development and Sustainable Travel.**
- 11 The use hereby permitted shall be carried on only between the hours of 10:00 to 02:00 Mondays to Thursdays and 10:00 to 04:00 on Fridays to Sundays.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.**

- 12 No tables or other structures shall be placed outside the building unless full details have previously been submitted to and approved in writing by the Local Planning Authority.  
**Reason: to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of residential amenity and provision of adequate car parking spaces in accordance with Local Plan Policies Poll1, Pollution Control and Protection and T3 New Development and Sustainable Travel.**
- 13 The restaurant use hereby permitted is limited to the first floor and there shall be no restaurant use of the roof terrace hereby permitted.  
**Reason: So the use takes the form envisaged by the local planning authority when granting permission, in the interests of the satisfactory use of the premises and amenities of nearby properties and to provide certainty regarding the number of people using the sites and in the interests of the proper planning of the site.**
- 14 Amplified music shall not be played outside at any time. Windows and doors shall be closed when amplified music is played inside the premises.  
**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**
- 15 The details of bicycle parking approved under planning application reference number 2023/0039 scheme shall be implemented prior to commencement of the use and retained as such thereafter.  
**Reason: In the interests of sustainable travel, in accordance with Local Plan Policy T3.**

## 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 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6848, or if a hazard is encountered on site call the emergency line on 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [www.gov.uk/government/organisations/mining-remediation-authority](http://www.gov.uk/government/organisations/mining-remediation-authority)

- 2 The developer is advised to ensure that they have suitable Building Regulations for the proposed use; and reminded that smoking on the first floor would be illegal.

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: 15 March 2025



**Garry Hildersley**

Head of Planning, Policy & Building Control  
Growth & Sustainability Directorate

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.

# STATUTORY BIODIVERSITY NET GAIN CONDITION

## DEEMED CONDITION

**(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021**

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the plan.

The Biodiversity Gain Plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- h) a description of the development and planning permission reference number (to which the plan relates);
- i) the [relevant date](#), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- j) [the completed biodiversity metric calculation tool\(s\)](#), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the [relevant date](#), and post-development biodiversity value;
- k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the [relevant date](#), and drawn to an identified scale and showing the direction of North;
- n) a description of any [irreplaceable habitat](#) on the land to which the plan relates which exist on the [relevant date](#), and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- o) if [habitat degradation](#) has taken place:
  - i. a statement to this effect,
  - ii. the date immediately before the degradation activity,
  - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
  - iv. any available supporting evidence for the value.

### **INFORMATIVE 1**

When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

### **INFORMATIVE 2**

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

### **INFORMATIVE 3**

A Biodiversity Net Gain Template can be found here:

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

### **INFORMATIVE 4**

The statutory deemed condition above is relevant to all major applications submitted since 12<sup>th</sup> February 2024 and to all non-major applications submitted after 2<sup>nd</sup> April 2024, unless exempt. The onus is on the applicant/agent to notify the Local Planning Authority at [developmentmanagement@barnsley.gov.uk](mailto:developmentmanagement@barnsley.gov.uk) if the application was exempt and provide the reasons for the exemption. Exemptions can be found at this link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>