



## **GRANT OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2021/0479**

**To** Wharfeside Planning Limited  
3 Great Pasture  
Burley In Wharfedale  
Ilkley  
LS29 7DD

**DESCRIPTION** Erection of 3no industrial/warehouse units (Use classes B2 and B8 and E(g)(ii) and E(g)(iii) totalling 11,585 sqm floorspace and associated works including provision of access, parking and landscaping (Amended Plans)

**LOCATION** Land at Dearne Valley Parkway, Hoyland, Barnsley S74 0QA

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 07/06/2021 and described above.

**THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).**

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 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.

- Location Plan 15315 100
- Block Plan 15315 101 REV A
- Constraints Plan 15315 102 REV A
- Detailed Site Plan sheet 1 15315 104 REV A
- Detailed Site Plan sheet 2 15315105 REV A
- Proposed Site Plan 15315 111 REV AE
- Detailed Site Plan Sheet 1 15315 114 REV Q
- Detailed site plan sheet 2 15315 115 REV M
- Proposed site sections 15315116 REV G
- Proposed site sections 15315 117 REV E
- Proposed site sections 15315 118 REV E
- Block Plan15315 119 REV C
- Unit 1 GA plans 120 REV F
- Unit 1 Elevations sheet 1 15315 121 REV J
- Unit 1 Elevations sheet 2 15315 122 REV G
- Unit 1 Roof Plan 15315 123 REV E
- Unit 1 3D views 15315 124 REV G
- Unit 2 GA Plans 15315 125 REV D
- Unit 2 Elevations sheet 1 15315 126 REV G
- Unit 2 Roof Plan 15315 128 REV C
- Unit 2 3D views 15315 129 REV E
- Unit 3 GA Plans 15215 130 REV D
- Unit 3 Elevations sheet 1 15315 131 REV G
- Unit 3 Elevations sheet 2 15315 132 REV G
- Unit 3 Roof Plan15315 133 REV D
- Unit 3 3D views 15315 134 REV F
- Typical Bin Store 15315 135
- Typical Cycle Shelter 15315 136
- Typical Fencing Detail 15315 137
- CGI Viewpoints REV B
- CGI Viewpoints 2 (close-up) REV B
- Aerial viewpoint M\_01E CGI REV B
- Landscape Masterplan 15315\_VL L01 REV J
- Landscape Masterplan 15315\_VL L02 REV J
- Landscape Masterplan 15315\_VL L03 REV K
- Car Parking Technical Note with appendices 20-262-005.02
- Transport Assessment with Appendices 20-202-001.3
- Framework Travel Plan with appendices 20-262-002-04
- Highways Note rec 050922 by Bryan G Hall 20-262-004.02
- Arboricultural Impact Assessment report and plan by Rosetta Landscape Design
- Tree Plan 3784/1 by Rosetta Landscape Design
- Tree Survey by Rosetta Landscape Design
- Biodiversity Management Plan REV A rec 14/09/22 by Brooks Ecological
- Biodiversity Net Gain Assessment REV D ER-3806-06D by Brooks Ecological
- Biodiversity Net Gain Calculator
- Ecological Impact Assessment REV B by Brooks Ecological ER-3806-05-B updated

14/09/22

- Construction Environment Management plan ( Biodiversity) ER-3806-07A by Brooks Ecological updated 21/11/22
- Breeding Bird Survey by Brooks Ecological ER-3806-07 dated 13/07/22
- Reptile Survey by Brooks Ecological R-3806-02A
- Bat Site Inspection report by Brooks Ecological SI-3806-06 dated 18/11/22
- Great Crested Newt Survey by Brooks Ecological R-3806-03
- Coal Mining Risk Assessment by JPG dated Feb 2021 5419-JPG-SW-XX-RP-G-0602-S2-P02
- Drainage Impact Assessment by JPG dated March 21 5419-JPG-XX-XX-RP-D-0622-S2-P02
- Flood Risk Assessment by JPG 5419-JPG-XX-XX-RP-D-0621-S2-P02
- Noise Impact Assessment by e3P 50-269-R1-1

**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 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 protective barrier details
- Tree protection plan
- Arboricultural method statement

Thereafter all works on site shall be carried out in accordance with the approved details for the duration of the construction period.

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

- 4 Development shall not commence until arrangements have been entered into to secure such works set out below to mitigate the effect of the development. Thereafter the approved works shall be completed prior to the development being brought into use. Such works shall comprise of:

1. Measures for controlling parking on the access road within the development.
2. Any necessary amendments to signing/lining

**Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.**

- 5 No works shall commence on site until a scheme to provide Disabled Parking to comply with Barnsley Supplementary Planning Document: Parking (2019) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

**Reason: In interests of highway safety and equalities in accordance with Local Plan Policy T4.**

- 6 No works shall commence on site until a scheme for the parking of bicycles and parking of powered two wheeled vehicles has been submitted to and approved in writing by the LPA. Thereafter the approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.  
**Reason: In interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T3 and T4.**
- 7 No development shall take place 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:
- i. Site operating hours and delivery hours which should avoid peak hours
  - ii. The parking of vehicles of site operatives and visitors
  - iii. Routes to and from the site and means of access for construction traffic
  - iv. Loading and unloading of plant, materials and waste
  - v. Storage of plant and materials used in constructing the development
  - vi. Staff welfare facilities and offices
  - vii. Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interests of highway safety and in accordance with Local Plan Policy T4.**
- 8 Upon commencement of the development, a public right of way and non-adoptable ways and spaces specification and maintenance scheme shall be submitted to the Local Authority for approval in writing. The scheme shall include constructional details and timing of construction, future status and future maintenance plans of existing and proposed footways and footpaths / cycleways / bridleways, and landscaped areas not put forward for adoption by the Local Authority. Once agreed, the development shall, thereafter, be constructed and maintained in accordance with the approved details.  
**Reason: to ensure that all existing and proposed footpaths / cycleways / bridleways are constructed and maintained to ensure the safety of all users in accordance with Local Plan Policy T4**
- 9 No vegetation clearance shall take place between the months of March and August inclusive unless nesting birds have been shown to be absent by a suitably qualified ecologist in accordance with written details to be submitted and approved by the Local Planning Authority.  
**Reason: In the interests of biodiversity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 10 During the construction/remediation phase, except in an emergency, heavy goods vehicles shall not enter or leave the site, and 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 1300 on Saturdays and at no time on Sundays or Bank Holidays.  
At times when operations and movements 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 shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.  
**Reason: To reduce or remove adverse impacts on health and the quality of life, and protect the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

- 11 Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the 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 and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.**
- 12 No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, 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 unless otherwise agreed in writing with the Local Planning Authority.  
**Reason: To ensure the proper drainage of the area and in accordance with Local Plan Policy CC4.**
- 13 Fixed plant shall be located as far as practicable from the nearest residential receptors. Cumulative impact of noise from all fixed plant sources shall not exceed 42 dB LA,r at the closest receptors so as not to exceed the typical background sound level, after accounting for any acoustic feature corrections.  
**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.**
- 14 Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.  
**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 Effective steps shall 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.**

- 16 The site is located within a Coal Authority coal mining referral area due to the presence of extensive opencast backfill. As detailed in the JPG Geo-environmental desk top study report (ref 419-JPG-SW-XX-RP-G-0601-S2-P02) dated Feb 2021, the land could therefore be at risk from mining legacy risks such as ground instability and fugitive gas migration. Site investigations must therefore be undertaken to confirm ground conditions and finalise foundation design. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable.  
A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"  
**Reason To address potential land instability through mining legacy issues and in accordance with Local Plan Policy CL1 and Land stability NPPF sections 178 a,b,c. 179 and 170 e & f .**

- 17 Notwithstanding the submitted details, before above ground works commence, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be provided by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact local residential amenity or wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but not limited to, the following:
- (i) A drawing showing sensitive areas, dark corridors and buffer areas;
  - (ii) Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
  - (iii) A description of the luminosity of lights and their light colour;
  - (iv) A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
  - (v) Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
  - (vi) Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.
  - (vii) The lighting scheme shall be designed so that it does not impact on the residential amenity of nearby dwellings

Once agreed, the lighting scheme shall be implemented in full for the lifetime of the development.

**Reason In the interests of protecting residential amenity and local habitats and wildlife in accordance with Local Plan policies D1 and GD1.**

- 18 Notwithstanding the measures set out in approved document Biodiversity Management Plan ER-3806-08 REV A rec 14/09/22 by Brooks Ecological, within 3 months of the date of this permission, a revised Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority for approval in writing. In addition to the measures already contained in the approved document, the revised document shall contain the following:
- (i) a plan of the areas of habitat to be maintained, enhanced and/or created;
  - (ii) a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
  - (iii) a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved; and
  - (iv) schedule of actions to be undertaken in case signs of failing being identified.
  - (v) The schedules must include the following details: details of the technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.
  - (vi) The BEMP will also include measures to be adopted on site to enhance opportunities for wildlife, such as bat and bird boxes.

Following approval the revised BEMP shall be implemented in full.

**Reason: In the interests of long term biodiversity interests, in accordance with Local Plan Policy BIO1.**

- 19 Prior to the first occupation of the development hereby permitted, the proposed access roads, on-site car and cycle parking, and turning shall be laid out in accordance with the approved plan. Access roads and vehicle parking areas must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

**Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard.**

- 20 In plot landscaping - All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the individual buildings; 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'.**

- 21 All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the landscaping shall be carried out in accordance with the approved details and timescales.

**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'.**

- 22 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall thereafter be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 23 The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within three months of occupation, evidence of the implementation of measures set out in the Travel Plan shall be prepared, submitted to and agreed in writing with the Local Planning Authority unless alternative timescales are agreed in writing,  
**Reason: To support sustainable transport objectives, reduce reliance on the private motor car as a primary form of transport and to reduce the impact of travel and transport on the environment.**
- 24 Upon completion of construction, a certificate shall be provided to the Local Planning Authority demonstrating that the Very Good standard for BREEAM as set out in Energy Statement by BSB BRJ-BWB-00-XX-RP-ME-0001REV P01 has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.  
**Reason: To enable delivery of efficient and sustainable design and construction in accordance with Local Plan Policy CC2.**
- 25 Prior to the first occupation of the development hereby permitted, the proposed access roads, on-site car and cycle parking, and turning shall be laid out in accordance with the approved plan. Access roads and vehicle parking areas must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.  
**Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with Local Plan Policy T4.**
- 26 No surface water runoff shall 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.**
- 27 Notwithstanding the provisions of the Town and Country Planning (use Classes)(Amendment)(England) Regulations 2020, (or any Order revoking or re-enacting that Order with or without modification, other than ancillary office use, Class E uses which would otherwise be permitted by that Order shall be limited to Class E(g)ii and E(g)iii.  
**Reason: To ensure the majority of the site remains in employment use as set out in in accordance with the Hoyland North Masterplan and Local Plan Policy ES14.**
- 28 The external materials shall match those specified within the approved plans Unit 1 Elevations sheet 1 15315 121 REV J, Unit 1 Elevations sheet 2 15315 122 REV G, Unit 2 Elevations sheet 1 15315 126 REV G, Unit 3 Elevations sheet 1 15315 131 REV G, Unit 3 Elevations sheet 2 15315 132 REV G  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1.**



- 29 No development shall commence unless and until there shall first have been entered into a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) ("s.106 Obligation") in order to secure obligations in respect of [the implementation of measures to address the biodiversity related impacts of the development hereby approved], such s.106 Obligation to be in a form which is satisfactory to the Local Planning Authority.

**Reason: To secure biodiversity net gain in accordance with Local Plan Policy I1 and Bio1.**

## 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 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](http://www.naturalengland.org.uk)
- 2 Public Rights of Way may be affected during the construction stage of this development, and you should contact the Public Rights of Way team to discuss the possible need for a temporary closure or diversion.  
Contact details are as follows:-
  - Post: Public Rights of Way, Barnsley MBC, PO Box 601, Barnsley, S70 9FA.
  - Telephone: (01226) 787650
  - Email: [publicrightsofway@barnsley.gov.uk](mailto:publicrightsofway@barnsley.gov.uk)
- 3 If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact Wayne Atkins (01226 772182)
- 4 If the developer is to carry out works within or in the proximity of any watercourse he must gain the relevant permissions from the Lead Local Flood Authority - Contact Wayne Atkins (01226 772182)
- 5 Public rights of way run alongside the proposed development site. Safe public access on the rights of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the paths, and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time then a temporary closure should be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information contact [publicrightsofway@barnsley.gov.uk](mailto:publicrightsofway@barnsley.gov.uk)
- 6 Definition:  
What is full-fibre? Full-fibre networks use fibre optic cables to connect the exchange directly to each premises. Full-fibre connections are capable of delivering speeds greater than 1 gigabit per second (Gbps; 1 Gbps is equal to 1000 Mbps). Full-fibre networks are more reliable than copper-based networks and cheaper to maintain and operate. Full-fibre networks are also important for supporting high capacity mobile broadband networks, particularly future 5G networks. Full-fibre networks, also referred to as fibre-to-the-premises (FTTP) or fibre-to-the-home (FTTH), consist of fibre optic cables running from the local exchange directly to each premises. Fibre optic cables transmit data using light and can carry more data with faster speeds and significantly less signal loss with distance compared to copper cables.

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 10/02/2023

A handwritten signature in dark ink, appearing to read 'J M Jenkinson', written in a cursive style.

Joe Jenkinson  
Head of Planning, Policy 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.