BARNSLEY
Metropolitan Borough Council

Growth and Sustainability
Regeneration and Culture
Planning, Policy and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/1246

To ID Planning
9 York Place
Leeds
LS1 2DS

DESCRIPTION Erection of 3 light industrial units and associated works
LOCATION Land off Mitchells Road, adjacent Barnsley Road, Wombwell, Barnsley, S73 8HA

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 02/02/2023 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 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 (Nos.) and specifications as amended unless required by any other conditions in this permission.
Amended Site Layout and Location Plan drawing number MR-01 Rev B
Topographical Survey
Propose Plans and Elevations drawing number MR-02
Vehicle Tracking Analysis drawing number 22132/ATR/01
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 Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

1 Risk assessment of potentially damaging construction activities;
2 Identification of 'biodiversity protection zones';
3 Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
4 The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
5 Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
6 The times during construction when specialists ecologists may need to be present on site to oversee works;
7 Responsible persons and lines of communication;
8 The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
The development shall be completed in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Biodiversity & Geodiversity policy BIO1 and the SPDs Biodiversity/ Geodiversity and Trees/ Hedgerows

4 No development shall take place until intrusive site investigations as recommended in the submitted Phase 1 Desktop Study and Preliminary Risk Assessment Report have been undertaken by a suitably qualified person to evaluate contamination risks and a report detailing the findings of the investigations and any recommended mitigation has been submitted to and approved 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: In the interests of ensuring that any contamination of the site is appropriately remediated in accordance with Local Plan Policy CL1 Contamination and Stability and NPPF paras 189 and 190.

5 Prior to the commencement of development, full details of soft landscaping works, including details of the species, positions and planted heights of proposed trees and hedgerow planting shall be submitted to and approved in writing 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.

6 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 others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy GD1 General Development.

7 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:
i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
ii) the means of discharging to the public sewer network at a rate not to exceed 1 litre per second.
Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal

8 Before the development hereby permitted is first used, the electric vehicle charging points shown on the approved plan shall be installed to a specification of 'mode 3, minimum 7kW (32 AMP) or as otherwise agreed in writing by the Local Planning Authority and shall thereafter retained for the duration of the development.
Reason: In the interests of mitigating the impact of the proposals on air quality in accordance with Local Plan policy Poll 1 Pollution Control and Protection.

9 The development shall be completed in line with the recommendations in the amended Preliminary Ecological Appraisal. All the recommendations/biodiversity enhancements shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.
Reason: To conserve and enhance biodiversity in accordance with Biodiversity and Geodiversity policy BlO1 and The SPDs Biodiversity/Geodiversity and Trees/Hedgerows.

10 The parking/manoeuvring facilities, indicated on the submitted plan, 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. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New development and Transport Safety.

11 The use hereby permitted shall be carried on only between the hours of 08.00 to 18.00 Mondays to 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 Policy Poll1, Pollution Control and Protection.

12 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 Policy Poll1, Pollution Control and Protection.

13 The rating level (LArTr) of the noise emitted from external building services plant shall not exceed 50dB LAeq (15min) measured at the boundary of the nearest noise sensitive 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 Pollution Control and Protection.

14 The mitigation measures described in report 'Noise Impact Assessment. New Commercial Use, Mitchell Road, Wombwell, Barnsley, S73 8DZ' produced by Philip Dunbavin Acoustics Limited, dated October, ref: J004029-5808-SI-05, shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of noise insulation.
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 POLL1Pollution Control and Protection.

15 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
Reason: In the interest of satisfactory and sustainable drainage

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 New and alterations to Vehicular Access (dropped kerbs) - The development hereby approved includes the carrying out of alterations to vehicular access (es). You are advised that before undertaking work on the adopted highway you will require a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/ or please contact at email Streetworks@barnsley.gov.uk or call to 01226 773555

2 The developer is advised that the new tree planting needs to reflect the species lost such as Silver Maple and Lime

3 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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

4 The developer is advised that land stability issues in relation to the fault which is inferred to cross the site under the proposed development will need to be addressed at Building Regulations stage.

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: 14 March 2024



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.