



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/1078

**To** Kilmartin Plowman & Partners Ltd  
KPP Architects  
Lodge House  
12 Town Street  
Horsforth  
Leeds  
LS18 4RJ

**DESCRIPTION** Variation of condition 1 (approved plans) of application 2016/0439 - Erection of four industrial units (B1, B2 and B8) each with 3 storey ancillary office accommodation, car parking, service yards and associated works

**LOCATION** Land off Wentworth Way, Wentworth Park Industrial Estate, Barnsley, Tankersley, S75 3DJ

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 31 August 2018 and described above.



The approval is subject on compliance with the following conditions:

- 1 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:  
  
1979-220-P2 Proposed site plan  
1979-233 Site Sections  
1979-221 Unit 1 Building Plan  
1979-222 Unit 1 Elevations  
1979-229-P1 Proposed Unit 1 Site Plan  
1979-223 Unit 2 Building Plan  
1979-224 Unit 2 Elevations  
1979-230 Proposed Unit 2 Site Plan  
1979-225 Unit 3 Building Plan  
1979- 226 Unit 3 Elevations  
1979-231-P1 Proposed Unit 3 Site Plan  
1979-227 Unit 4 Building plan  
1979-228-P1 Unit 4 Elevations  
1979-232-P2 Unit 4 Site Plan  
PL29L01 PR2 Planting Plan - Whole Site Strategy Amended Plan received 7 June 2016  
EX001 P1 External Services External Lighting  
Ecological Appraisal by Envirotech Consultants Author dated 11/01/2016  
Transport Statement by Wilton Developments version 1.1 date 24 February 2016  
Geo-environmental Desk Top Study by JPG referenced MT/DS/4776.v2 dated February 2016  
Drainage and Flood Risk Assessment by JPG Reference AMF/DFS/4776.v2 dated February 2016  
External Lighting Assessment by MRB Consulting Engineers, dated 23 February 2016  
Noise Impact Assessment by Arcus dated December 2015  
Tankersley Noise Modelling by Arcus dated May 2016 received 7 June 2016  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
  
- 2 Upon commencement of development details of the proposed external materials 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.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**
  
- 3 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 Core Strategy Policy CSP 40, Pollution Control and Protection.**
  
- 4 The development site is located in a Coal Authority coal mining referral area due to the presence of shallow coal and associated mine workings. The site could therefore be at risk from ground instability and associated mining legacy health and safety risks. Suitable intrusive site investigations must therefore be undertaken by a suitably qualified person to fully evaluate the ground conditions and the potential mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" 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 development rests with the developer and/or landowner  
**Reason: To ensure mining legacy issues are address and development can proceed safely, in accordance with CSP 39.**

- 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 or erected within 3 metres, measured horizontally, of any water main on the site.  
**Reason: To prevent damage to the existing water main and to allow sufficient access for maintenance and repair work at all times.in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 6 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 or erected within 5 metres, measured horizontally, of any sewer or culverted watercourse.  
**Reason: In order to prevent damage and to allow sufficient access for maintenance and repair work at all times in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 7 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.**
- 8 Prior to the occupation of the development full details of bin storage and cycle 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.**
- 9 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 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.**
- 10 The erection of barriers for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.  
**Reason: To safeguard existing trees, in the interest of visual amenity**

- 11 No hedges or trees on the site or their branches or roots, shall be lopped, topped, felled, or severed unless agreed in writing with the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.  
**Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.**
- 12 Upon commencement of the development full details of hard landscaping, woodland planting and other 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 the Local Planning Authority for approval. The approved hard landscaping details shall be implemented prior to the occupation of the building(s) and all planting shall be undertaken during the first available planting season after completion of construction.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 13 A woodland and landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all woodland and landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The woodland and landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 14 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.**
- 15 Details of any security lighting shall be submitted to and approved in writing by the Local Planning Authority before the buildings are occupied. The development shall be carried out in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with CSP 40 Pollution Control and Protection.**
- 16 Upon commencement of development the following details shall be submitted for approval by the Local Planning Authority:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- 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.**

- 17 In the event that neighbouring dwellings suffer impaired TV reception following the erection of the units, the applicant shall submit a mitigation scheme to the Local Planning Authority within 28 days of a written request being made. The scheme shall be implemented within 28 days of it being approved in writing by the Local Planning Authority and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason: In the interest of residential amenity and in accordance with CSP 29.**
- 18 Prior to commencement of development, full details of the acoustic bund and fence shall be submitted to the Local Planning Authority for consideration. Details shall include how the bunds are landscaped. The bunds and acoustic fence shall be installed in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason: In the interests of residential amenity and in accordance with and CSP 40.**
- 19 The level of noise emitted from all fixed plant( including fans, extraction units, air condition units) at the site shall not exceed 45dBA(Leq(15 mins) at any time, 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.**
- 20 The level of noise emitted from the site shall not exceed 49dB LAeq(15 mins) between 0700 and 2300, as measured at the boundary of the nearest neighbouring property.  
The level of noise emitted from the site shall not exceed 44dB LAeq(15 mins) between 2300 and 0700, as measured at the boundary of the nearest neighbouring property.  
**Reason: In the interests of residential amenity and in accordance with Core Strategy Policy CSP 40.**
- 21 Upon commencement of the development of the development, a detailed scheme of ecological mitigation and enhancement shall be submitted to and agreed by the Local Planning Authority. This scheme shall include but not be limited to a Method Statement detailing the following:
- The Method Statement shall detail measures to be taken to survey and mitigate for the presence of Great Crested Newts on the site prior to any development on the site and shall include the following:  
Methods and timing of presence/absence surveys of the site including ephemeral ponds  
Populations of GCN in size class assessments  
Assessment of the Impacts  
Details of mitigation and compensation proposals, including inspection regime for fall pit traps and where appropriate, relocation of GCN subject to licence from Natural England  
Post Mitigation population monitoring.  
The approved measures, including the Method Statement shall thereafter be implemented in full and survey results shall be provided to the Barnsley Biological Records Centre.  
**Reason: In the interests of biodiversity and in accordance with CSP 36**
- 22 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**
- 23 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.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

24 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 prevent mud/debris being deposited on highway.
- 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.**

25 Prior to occupation of the building, a noise and traffic management plan for the Service Yard for Unit 1 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 in order to comply with Condition 20 of this permission. The development shall thereafter be carried out in accordance with the approved details, which shall be retained and adhered to at all times

**Reason: In the interests of residential amenity and in accordance with CSP 40.**

### 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 granting of planning permission does not effect 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 <a href="http://www.naturalengland.org.uk">www.naturalengland.org.uk</a>
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Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 16 October 2018

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.