BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0420

To NJL Consulting
Adamson House
Towers Business Park
Wilmslow Road
Manchester
Greater Manchester
M20 2YY

DESCRIPTION Residential Development (Outline)
LOCATION Land off Pontefract Road, Lundwood, Barnsley, S71 5HQ

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 12 April 2010 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

(a) the layout of the proposed development.
(b) scale of building(s)
(c) the design and external appearance of the proposed development.
(d) landscaping
Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

3 The development hereby approved shall be carried out in accordance with the plans:
-Parameter Plan 01 'Site Boundary',

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

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 09 August 2010

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-Parameter Plan 02 'Site Constraints'
-Parameter Plan 03 'Site Access & Linkages'
-Flood Risk Assessment by AECOM, dated 10th November 2009
-Extended Phase 1 Habitat Survey by Entec, dated June 2009
unless otherwise agreed in writing by the Local Planning Authority.
Reason: to ensure that the development accords with the Outline Planning Permission

4 The development is not to exceed a maximum of 110 residential units, the details of which shall be submitted as part of the application for approval of reserved matters.
Reason: To ensure the development conforms with the approved outline planning permission and stays with the maximum assessed level of development.

5 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with UDP Policy BE6, Design Standards.

6 Detailed plans shall accompany the reserved matters submission indicating full foul and surface water drainage details, including a scheme for surface water run-off limitation and a programme of works implementation. Where soakaways are proposed, porosity tests shall be carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakways and calculations based on the results of these porosity tests shall be submitted 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 drainage scheme has been fully implemented and 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.

7 In accordance with UDP policy H6 'Open Space Provision' a minimum of 15% of the development sites gross area shall serve as Public Open Space including provision of LEAP Standard play area. Detailed plans shall accompany the reserved matters submission indicating the type and location of the public open space and a landscape management plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years. Thereafter, the development and the landscape management plan shall be carried out in accordance with the approved details.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy H6 of the Unitary Development Plan.

8 Unless otherwise agreed in writing by the Local Planning Authority, a scheme for disposing of surface water by means of a sustainable drainage system shall accompany the reserved matters application. The scheme shall include the following details:
-Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- A timetable for its implementation; and
-A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.
Reason: To ensure proper, sustainable drainage of the area

9 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units/bed spaces. This should be in accordance with the most current needs assessment for the area and in accordance with Planning Advice note 34 (or any further guidance that replaces it);
ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved);
iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
vi. arrangements to ensure affordable housing can be provided elsewhere within the local area should no transfer of the affordable housing to an affordable housing provider prove possible within a reasonable period of time
Reason: To ensure the satisfactory provision of affordable housing which responds to an up-to-date assessment of local housing need in accordance with the Council's approved Planning Advice Note 34 on Affordable Housing.

10 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-

1. A survey of the extent, scale and nature of contamination.
2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
3. An appraisal of remedial options, and proposal of the preferred option(s).
4. A remediation statement summarising the works to be undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason - To protect the environment and ensure the site is suitable for the proposed use.

11 Development shall not commence until full highway engineering construction details, including highway retaining structures, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of road safety.

12 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 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.

13 Development shall not commence until arrangements have been entered into to secure works to mitigate the effect of the development on highway safety. Such work shall be completed in accordance with a timetable to be agreed in writing by the Local Planning Authority prior to commencement of development and shall comprise of:-

-Extension of the existing ghost island and right turn lane into Wilson Grove, including the provision of a 3m wide lane from Pontefract Road.
- Traffic calming measures on Wilson Grove
Road markings to donate vehicle priority at the Ellwood/Wilson Grove junction.

Reason: In the interests of road safety.

14 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority [as a part of the reserved matters submissions required by condition 1]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority
Reason: To reduce the development carbon footprint in the interests of sustainable development and the advice of PPS1 'Planning and Climate Change' .

15 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 UDP Policy ES1, Pollution.

16 The reserved matters application shall include an assessment of the need for primary and secondary school places in Lundwood, in accordance with Planning Advice Note 33 'Financial Contributions to School Places or any relevant equivalent replacement. If the assessment identifies that the site generates a need for primary and secondary school places, development shall not commence until arrangements have been entered into with the Local Planning Authority to secure the necessary contribution prior to occupation of any of the dwellings.
Reason: In order to mitigate the effect of the development in the event that there are insufficient places at local schools to meet the need generated by the development.

Reason(s) for Granting Permission

1 Unique The site has a longstanding allocation for housing development. It has been identified within the five year housing supply and falls within a recognised sustainable location. Residential development represents an efficient use which is compatible with the locality. The application has successfully demonstrated that an adequate access can be achieved without compromising highway safety and there are no reasons why a detailed scheme cannot be designed in accordance with the requirements of Local and National planning polices.

Informative(s)

1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:

- Collapse of shallow coal mine workings;
- Collapse of, or risk of entry into, mine entries (shafts and adits);
- Gas emissions from coal mines including methane and carbon dioxide;
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
- Transmission of gases into adjacent properties from underground sources through ground fractures;
- Coal mining subsidence
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

2 The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

H4 'Development on Housing Sites'.
H6 'Open Space Provision'.
BE6 'Design Standards'.
GS35 'Urban Greenspace'.
T2/T2a 'Development and the Highway Network'.

SPG20 'Open Space Provision on New Housing Developments'.
PAN30 'Sequential Approach to Determining Planning Applications for Residential Development'.

PPS1 'Delivering Sustainable Development'.
PPS3 'Housing'.
PPS9 'Biodiversity and Geological Conservation'.
PPG13 'Transport'.
PPS25 'Development and Flood Risk'.

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

3 Yorkshire Water has requested a 6.5m easement at either side of the central line of the sewer running through the site. It is advised that Yorkshire Water are consulted regarding the proposed layout prior to submission of the reserved matters.

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.

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