



GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/1440

To Ryden LLP
25 Albyn Place
Aberdeen
AB15 8UG

DESCRIPTION Demolition of existing buildings and redevelopment of site to provide residential development with associated infrastructure, open space and landscape provision.
(Outline - all matters reserved)

LOCATION 321 Hough Lane, Wombwell, Barnsley, S73 0LR

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 15 November 2017 and described above.

The approval is subject on compliance with the following conditions:

- 1 Application for approval of the matters reserved in Condition No. 2 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.
- 2 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) means of access
 - (e) 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.**
- 3 The visibility splays shown on drawing number 117436/sk1001 Rev A shall be provided and safeguarded such that there is no obstruction to visibility and forming part of the adopted highway such that there is no obstruction to visibility
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 4 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- Measures to provide visibility splays having the dimensions 2.4m x 70m at the junction with Hough Lane;
- Measures to prevent parking on the site frontage and site access;
- Provision of/any necessary amendments to street lighting;
- Provision of/any necessary amendments to highway drainage;
- Any necessary resurfacing/reconstruction

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

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

- 5 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.

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

- 6 Prior to any works commencing on site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

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

- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:12

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

- 8 Prior to the occupation of the site 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 shall be fully implemented, in the interests of sustainable development.

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

- 9 As part of the reserved matters submission a report, endorsed by a competent engineer experienced in ground contamination and remediation, shall be submitted to 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).
 5. A Validation Report to confirm remediation works have been 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 ensure public health is protected in accordance with Local Plan policy Poll1 Pollution Control and Protection.**
- 10 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
 - Measures to control the emission of dust and dirt and to prevent mud/debris being deposited on the public highway 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 Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**
- 11 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 2 of the National Planning Policy Framework 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 10% of housing units/bed spaces;
 - 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.
- Reason: To meet identified housing need in accordance with Local Plan Policy H7**

- 12 No development whatsoever shall commence until a scheme has been submitted to and approved in writing by the LPA which sets out the arrangements for ensuring the provision of additional school places arising from the development in accordance with relevant local and national planning policies and supplementary planning documents at the time of the submission of the Reserved Matters application.
Reason: To ensure children can be accommodated in local primary schools in accordance with Local Plan Policy I1.
- 13 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of on site public open space or enhancement to off-site public open space in accordance with the Open Space Provision on New Housing Development SPD or an equivalent replacement policy and Local Plan policy GS1. The provision of the off site open space shall be provided in accordance with the approved scheme.
Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with the Open Space Provision on New Housing Developments SPD or an equivalent replacement policy and Local Plan policy GS1.
- 14 No development whatsoever shall commence until a scheme has been submitted to and approved in writing by the LPA which sets out the arrangements for ensuring the provision of sustainable travel measures towards improving levels of accessibility to sustainable modes of travel arising from the development in accordance with relevant local and national planning policies and supplementary planning documents at the time of the submission of the Reserved Matters application.
Reason: In accordance with Local Plan Policies T3 New Development and Sustainable Travel and I1 Infrastructure and Planning Obligations.
- 15 As part of the reserved matters submission the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority:
- Tree Survey
 - Arboricultural impact assessment
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan policy BIO1 Biodiversity and Geodiversity**
- 16 No development shall take place until full foul and surface water drainage details 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: In the interests of the proper drainage of the area in accordance with Local Plan policy CC4 Sustainable Drainage Systems (SuDS).
- 17 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 in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 18 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 Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 19 The reserved matters application shall include full details of the surveys and mitigation measures identified in the recommendations of the Extended Phase 1 Habitat survey dated 21st September 2017, along with enhancement measures proposed on site, including a timetable for their implementation, to be agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with policy BI01 Biodiversity and Geodiversity
- 20 The reserved matters application shall include a noise survey detailing the impact of any noise from the existing mast on the proposed dwellings including any mitigation measures. This shall be agreed in writing with the Local Planning Authority and the scheme shall then proceed in accordance with the approved details.
Reason: In the interests of residential amenity in accordance with Policy Poll1 Pollution Control and Protection
- 21 The reserved matters application shall include details of bungalows to be provided to meet Local Plan policies on providing a broad mix of housing size, type and tenure for different households, at a level to be agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To accommodate the needs of all members of the community in accordance with Local Plan policy H6 Housing Mix and Efficient Use of Land

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.

Informative Sequence The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water.

Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

The Authority has a policy of not adopting SUDs features unless they are specifically designed to drain adoptable Highways only. The developer should explore other avenues for adoption e.g. Yorkshire Water.

Signed 
Joe Jenkinson

Dated 29 March 2019

Head of Planning 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.