BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0561

To Benell Ltd
184 Bawtry Road
Bessacarr
Doncaster
DN4 7BU

DESCRIPTION Variation of condition 8 of planning application 2018/1353 relating to highways works
LOCATION Land at Everill Gate Lane, Wombwell, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 21 May 2019 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 17th April 2019.
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:

AJ/18-23/03 Site Plan
AJ/18-23/01 C Phase 1 Site Plan
AJ/18-23/02 C Phase 2 Site Plan
9837-112 Proposed Block D GA Plan
9837-107 Block B GA Plan
9837-106 Block A GA Plan
9837-113 Proposed Block D Elevations
9837-109 Proposed Block Elevations
9837-108 Proposed Block A Elevations
9837-111 Proposed Block C Elevations
9837-110 Block C-GAs

unless required by any other conditions in this permission.
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 Prior to commencement of development amphibian surveys must be carried out on site and appropriate mitigation measures, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity

4 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey and additional enhancements, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity

5 Prior to commencement of development, details of proposals to mitigate the air quality impact of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of minimising the impact of the proposal on air quality and in accordance with Local Plan Policy Poll1

6 Prior to any construction being undertaken the applicant shall submit to the LPA, for approval, a noise management plan which details how noise will be controlled during the construction stage of the site. The noise management plan should be based on the provisions provided in BS 5228-1 2009. Once approved the applicant shall strictly adhere to the plan.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1.

7 Prior to the commencement of the development details of the provision of an on site water supply or water storage facility along with other dust suppression measures as required shall be submitted to and approved in writing by the LPA. The approved details shall be put in place from the start of the construction period and shall be adhered to for the duration of the construction period
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1.

8 Prior to the first occupation of development permitted under ref: 2018/1353, the off-site highway works at the junction of the A633 Valley Way and Everill Gate Lane indicated on Via Solutions', drawing number 1807806 Rev D and the provision of bus stops (details to be agreed) shall be completed to the written satisfaction of the LPA.
Reason: To ensure that the highway works are designed to an appropriate standard in the interest of highway safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

9 The phasing of the development shall be in accordance with the Transport Statement (Section 4, Via Solutions, September 2018). This excludes off site highway works which are the subject of a separate condition.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety

10 Development shall not commence until a Travel Plan has been submitted, including monitoring, and approved by the Local Planning Authority and shall be implemented within 3 months of the development being brought into use
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety

11 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 developers expense in accordance with a scheme to be agreed, in writing, by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety

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 in accordance with Local Plan Policies CC3 and CC4.

13 Upon commencement of development details of measures to facilitate the provision of high speed 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 be carried out in accordance with the approved details.
Reason: In order to ensure compliance Policy I1 in the Local Plan and in accordance with paragraphs 112 of the National Planning Policy Framework 2018.

14 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making

15 A minimum 10 metre wide landscaping strip shall be provided along the boundary with the Trans Pen nine Trail and along the boundary with 77 and 79 Wath Road.
Reason: To safeguard the Trans Pennine Trail and the amenities of neighbouring residents.

16 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 obstruction including landscape features , temporary stockpiling of materials and changes in ground level shall be located over or within 5 metres either side of the centre line of the public sewer i.e. a protected strip width of 10 metres, that crosses the site . If the required stand -off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area , the approved works have been undertaken.
Reason: In order to allow sufficient access for maintenance and repair work at all times in accordance with Local Plan Policies CC3 and CC4.

17 The erection of barriers and any other measures specified 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 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

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 noise rating level (as calculated using BS4142:2014) emitted from the site operations, service yard operations and any fixed plant shall not exceed 46dB LAeq 15mins between 0700 and 2300, as measured at the boundary of the nearest neighbouring property.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1.

20 The noise rating level (as calculated using BS4142:2014) emitted from the site operations, service yard operations and any fixed plant shall not exceed 36dB LAeq 15mins between 2300 and 0700, as measured at the boundary of the nearest neighbouring property.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1

21 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.

22 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: 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.

23 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
The programme and method of site investigation and recording.
The requirement to seek preservation in situ of identified features of importance.
The programme for post-investigation assessment.
The provision to be made for analysis and reporting.
The provision to be made for publication and dissemination of the results.
The provision to be made for deposition of the archive created.
Nomination of a competent person/persons or organisation to undertake the works.
The timetable for completion of all site investigation and post-investigation works.
Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.
Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with Local Plan Policy HE6.

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
-Wheel washing facilities
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.

25 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 Local Plan Policy D1 High Quality Design and Place Making.

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 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

2 Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

3 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

4 S278 Works on the Public Highway - The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.

5 Traffic Regulation Order (s) - You are advised that a Traffic Regulation Order (s) (TRO) is (are) necessary. You must submit a plan to a scale of 1:1250 of the indicative scheme, along with timescales for the commencement and completion of the development hereby approved. Please be aware that the process is statutory and involves public advertisement of the proposals and the resolution of objections. The outcome of the process cannot be guaranteed. Time based fees are payable for the administrative process, including legal costs, and are separate from the costs of lining, signing and resurfacing required by the TRO. You should expect a minimum of six months to elapse between the LHA's Traffic team confirming that it has all the information necessary to enable it to proceed and the TRO is advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed. For more information and arrangements contact Traffic by emailing Traffic@barnsley.gov.uk

6 Road Licences - You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), and / or to place any equipment, materials in, on, above or abutting a highway which require you to have a licence. Further details are available on the BMBC website at: https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/ or my contacting Streetworks@barnsley.gov.uk

Signed JM Jenkinson Dated 28 August 2019
Joe Jenkinson
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.