BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0280

To NLP
Generator Studios
Trafalgar Street
Newcastle Upon Tyne
Tyne and Wear
NE1 2LA

DESCRIPTION Residential development with associated public open space, landscaping and link road. (Outline)

LOCATION Land to the south-east of Dearne Hall Road & 1 and 3 Claycliffe Road, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 19 March 2013 and described above.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

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 two 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.

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
Head of Planning, Building Control and Sustainability

Dated 23 January 2014

Development Service
PO Box 604, Barnsley, S70 9FE
Telephone: 01226 - 772000
Fax: 01226 - 772591

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) 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 Detailed plans accompanying the reserved matters submission shall be designed in substantial accordance with the Land Uses Plan (Dwg. Ref. no. IL21235-020 Rev B) and the following details stated within the application:-
-Provision of a maximum number of 175 dwellings
-Provision of a new link road through the development to be constructed to classified road standards which is designed to facilitate the downgrading of the B6428 Dearne Hall Road
-Predominantely two storey development
Reason: In order to define the permission, for the avoidance of doubt.

4 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 LDF Core Strategy Policy CSP 29, Design.

5 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, in accordance with Core Strategy Policies CSP 26 and CSP 40

6 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:
(i) Provision of access substantially in accordance with Proposed Access Arrangement Dearne Hall Road (Dwg No. 08/241/TR/003 Rev D)
(ii) Provision of Roundabout substantially in accordance with Proposed Compact Roundabout (Dwg No. 08/241/TR/026 Rev H)
(iii) Provision/relocation of street lighting;
(iv) Provision/relocation of highway drainage;
(v) Resurfacing/reconstruction of footway/carriageway;
(vi) Signing/lining;

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 highway safety, in accordance with Core Strategy Policy CSP 26.

7 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 which are reasonably attributable to the construction traffic ensuing from the development. Any necessary works to remedy such defects 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 highway safety, in accordance with Core Strategy Policy CSP 26.

8 No more than 60 dwellings shall be occupied until the roundabout on Barnsley Road, as required by condition 6(ii), has been constructed.
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.

9 Development shall not commence until details of the phasing of the development have been submitted and approved in writing by the Local Planning Authority. The phasing shall reflect the details approved under conditions 6, 8, 10, 13, 17, 22. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure a safe and adequate highway network, to ensure the site is properly drained during construction and in the interests of visual and residential amenity in accordance with Core Strategy Policies CSP 26, CSP 4, CSP 29 and CSP 40.

10 No development shall take place until:

(a) Full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
(i) a scheme for the provision and limitation of surface water run off into the watercourse in accordance with the principles set out in the Flood Risk Assessment (version 1.8, dated September 2013),
(ii) a programme of works for implementation ; and
(iii) details of interim maintenance arrangements for highways drainage works pending the formal adoption of such highways drainage works in accordance with the provisions of the Water Industry Act 1991.

(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 and 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 CSP4.

11 The landscaping details to be submitted pursuant to condition no.2 above shall include:

i) proposed finished levels or contours;
ii) indications of all existing trees and hedges to be retained and means of protection thereof during construction;
iii) public open areas;
iv) soft landscaping;
v) means of enclosure;
vi) car parking layouts;
vii) other vehicle and pedestrian access and circulation areas;
viii) hard surfacing materials;
ix) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); and
x) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, indicating lines, manholes, supports etc.)
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

12 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree protection plan and barrier details (TPP)
Arboricultural method statement (AMS)

No development or other operations shall take place except in complete accordance with the approved methodologies. The erection of barrier's 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 well being of the trees in the interests of the amenity of the locality.

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 public open space in accordance with the adopted LDF Supplementary Planning Document 'Open Space Provision on New Developments'. Provisions and arrangements shall address and contain the following matters:
(i) The delineation and siting of the proposed public open space
(ii) The type and nature of the facilities to be provided within the public open space including where relevant the provision of play equipment for a Neighbourhood Equipped Play standard (NEAP) which shall be supplied and installed to a specification as agreed with the Local Planning Authority.
(iii) The arrangements to ensure that the Public Open Space is laid out and completed during the course of the development
(iv) The arrangements for the future maintenance of the Public Open Space

The provision of the open space shall be provided prior to completion of the development 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 adopted Open Space Provision on New Developments LDF SPD

14 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.

15 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
o human health,
o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
o adjoining land,
o groundwaters and surface waters,
o ecological systems,
o archeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This 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 be carried out in accordance with the approved report including any remedial options.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.

16 The dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.

17 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. 10% of the housing/residential units meeting the definition of affordable housing with a tenure mix comprising 50% social rented and 50% intermediate units.
ii. The location and 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 Core Strategy Policy CSP 15.

18 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey prepared by BSG Ecology (March 2013), 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 Core Strategy Policy CSP 36.

19 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 (where applicable).
-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 Core Strategy Policy CSP 30.

20 No development shall commence until a scheme of measures for the treatment of shallow mine workings and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development have been submitted to and approved in writing with the Local Planning Authority. The development shall only be implemented in accordance with the approved details including any mitigation measures which are identified as being necessary.
Reason: In order to address potential land instability issues in accordance with CSP39 'Contaminated and Unstable Land'

21 No development shall commence until a detailed scheme has been submitted to and approved by the Local Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation to the south east of the site, as shown on plan IL21235-020 Rev B, upon noise levels within the dwellings hereby permitted. The scheme shall broadly accord with the Cole Jarman Planning Noise Assessment submitted as part of the application dated 13 June 2013 (Report 13/0190/R1 Revision 6) or any subsequent update to the Noise Assessment which may be submitted alongside a reserved matters application pursuant to Condition 2, and approved by the Council and shall:

a) demonstrate that internal noise levels at the 100Hz one-third octave band centre frequency shall not exceed an unweighted 48dB Leq 5 min during the day (0700-2300h) and 43 dB L eq 5 min at night (2300-0700h) respectively at any location with the dwellings due to the operation of the electrical substation; and
b) include specifications for the installed performance of external building fabric such as windows and include the provision of alternative means of background ventilation in order to achieve the noise levels set out in (a) above.

The development shall be carried out in accordance with the approved scheme
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

22 The development hereby permitted shall not commence until a detailed scheme has been submitted and approved by the Local Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation to the south east of the site, as shown on plan IL21235-020 Rev B, upon noise levels within the gardens of the dwellings hereby permitted. The scheme shall broadly accord with the Cole Jarman Planning Noise Assessment submitted as part of the application dated 13 June 2013 (Report 13/0190/R1 Revision 6) or any subsequent update to the Noise Assessment which may be submitted alongside a reserved matters application pursuant to Condition 2, and approved by the Council and shall demonstrate that within each garden there is provision for an area subject to noise levels at the 100Hz one -third octave band centre frequency shall not exceed an unweighted 54 dB L eq 5 min due to the operation of the electrical substation.

The development shall be carried out in accordance with the approved scheme.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

23 Saving in so far such matters are addressed in accordance with Condition 21 and 22, the development hereby permitted shall not commence until a detailed scheme has been submitted to and approved by the local planning authority in writing in order to mitigate the impact of external noise, from existing sources, upon noise levels within the dwellings hereby permitted. The scheme shall broadly accord with the Cole Jarman Planning Noise Assessment submitted as part of the application dated 13 June 2013 (Report 13/0190/R1 Revision 6) or any subsequent update to the Noise Assessment which may be submitted alongside a reserved matters application pursuant to Condition 2, and approved by the Council and shall:

a) demonstrate that internal noise levels within habitable rooms, from existing external sources, shall not exceed 35 dB LAeq,16h during the day (0700-2300h) and 30 dB LAeq,8h at night (2300-0700h).

b) shall include specifications for the installed performance of external building fabric such as windows and include the provision of alternative means of background ventilation, if necessary, in order to achieve the noise levels set out in (a) above.

The development shall be carried out in accordance with the approved scheme.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

24 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

25 Prior to the commencement of development details of a scheme for biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.
Reason: In the interests of enhancing biodiversity in accordance with Core Strategy policy CSP36 Biodiversity and Geodiversity

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.

1 The granting of planning permission does not effect the status of biodiversity species which have protection under other legislation

2 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant

3 The applicant should note the informative comments provided in the following formal consultation responses received by the Local Planning Authority:-

-Yorkshire Water
-Coal Authority
-Environment Agency
-Natural England
-SYMAS

4 The applicant is advised by Regulatory Services of the requirement to provide the following information in order to satisfy condition 20 where applicable:-

Glazing specifications and ventilation system specifications, including the results of laboratory tests to verify the acoustic performance of the system proposed.

An assessment of room modes within the rooms with a view of the substation will be required in order to ensure that they do not occur around the 100 Hz frequency (i.e. the dominant tone from the substation).

5 The applicant is advised of the following advice from Regulatory Services with regards to conditions 1, 21 and 22:-

The layout and orientation of dwellings on site shall be such as to afford the maximum sound attenuation possible e.g. by the use of buildings as a barrier to others, planning of the locations of proposed gardens compared to the dwellings, siting habitable rooms on the facade facing away from the substation etc.

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.

Development Service **Telephone: 01226 - 772600**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772599**