



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2023/0523

To nineteen47
Acero
1 Concourse Way
Sheffield
S1 2BJ

DESCRIPTION Variation of condition 20 (landscaping) of application 2022/0608 (development of 235no homes) to allow changes to number of trees felled and planted

LOCATION 58 Lundhill Road, Wombwell, Barnsley, S73 0RJ

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 15/06/2023 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 amended plans and specifications as approved:
 - Location Plan 1876.02 Rev B
 - Planning Layout Rev i (drawing 001)
 - Materials Plan Rev K (drawing 003) - Boundary Treatment Rev H (drawing 002) (- Management Company Plan 1876.10 Rev C
 - AMS and Tree Protection Plan Revision P03 received February 2024.
 - Single Garage (drawing no. SG1) received on 14/12/2022
 - Twin Garage (drawing no. TG1) received on 14/12/2022
 - House Type -Overton (drawing no. 302C801S)
 - House Type -Masterton (drawing no. 304N801S)
 - House Type -Kingston (drawing no. 305T801S)
 - House Type -Eaton (drawing no. 309T801S)
 - House Type -Blackwood (drawing no. 406C801S)
 - House Type - Maplewood (drawing no. 411N801S)
 - House Type - Oakwood (drawing no. 415C801S)
 - House Type - Baywood (drawing no. 417T801S)
 - House Type -The Ridgemont (drawing no. AT02801S)
 - House Type -The Claymout (drawing no. AT03801S)
 - House Type -The Langston (drawing no. AT04801S)
 - Air Quality Assessment LDT2312
 - Landscape Detail Sub Station R/2195/2General Arrangement / Plan & Elevations C993899 Rev B

- Landscape Masterplan R-2678-1K
- Landscaping Mark Up(Greyed Out) - R-2678-1K
- Landscape Details R-2678-2B
- POS Landscape Details R-2678-12E
- 1-2 batter for S3 Tree Application (Rev A)
- Cover letter dated 30th January 2024
- Arboricultural Method Statement and Protection Plan dated February 2024
- House Type Amendments as approved under non-material amendment 2023-ENQ-00262 in letter dated 05/12/23

unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 2 Within four weeks of the date of this decision, plans to show the following levels shall be submitted to the Local Planning Authority for approval; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the details approved by the LPA.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D1, High Quality Design and Place Making.
- 3 The development hereby approved shall be carried out in strict accordance with the dust management plan detailed within the Construction Method Statement, Site Management and Environmental Plan (REV B- received 24/10/2022) which details how dust will be controlled during the construction stage of the site. The applicant shall strictly adhere to the details as agreed. Prior to work commencing the applicant shall ensure that there is an adequate supply of water at the site and shall provide the LPA of details of this.
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.
- 4 The development hereby approved shall be carried out in accordance with the noise management plan contained within the Construction Method Statement, Site Management and Environmental Plan (REV B- received 24/10/2022) which details how noise will be controlled during the construction stage of the site and the Proposed Temporary Construction Access drawing (CMP) REV B received on 21/12/2022 which shows the location of the temporary generator. The applicant shall strictly adhere to the details as agreed.
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.
- 5 The approved scheme for the parking of bicycles in accordance with Planning Layout Rev i shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.
Reason: In interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T3.

- 6 Within four weeks of the date of this decision, full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption shall be submitted to in writing to the LPA for approval. The development shall, thereafter, be constructed in accordance with the approved details.
Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety in accordance with Local Plan Policy T4.
- 7 Within four weeks of the date of this decision, details of a scheme of works to improve visibility at the junction of Lundhill Road with Park Street/Wath Road shall be submitted to in writing to the Local Planning Authority for approval. The works shall be completed in accordance with the details approved by the LPA and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of safe, secure and convenient access and movement, in accordance with Local Plan Policy T4.
- 8 The development hereby approved shall be carried out in strict accordance with the approved Dilapidation survey of the condition of the adopted highway by Sherwood Oak Consulting Ltd to be used by construction traffic. On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. 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: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety.
- 9 The development hereby approved shall be carried out in accordance with the following information approved in writing by the LPA on 12th October 2022 through discharge of condition application 2023/0187:
- 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.
- 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 Local Plan Policy POLL1 Pollution Control and Protection.
- 10 The development hereby approved shall be carried out in strict accordance with the remediation scheme (ref Eastwoods 47055) by Eastwood Consulting Engineers.
Reason: To protect the environment and ensure the site is suitable for the proposed end use.

- 11 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.
- 12 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.
- 13 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.
- 14 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.
- 15 Prior to first occupation of the development hereby permitted the on-site car parking and paths shall be laid out in accordance with the approved plan, surfaced in a bound material that is permeable or drained into the site and retained thereafter available for that specific use.
Reason: To ensure the permanent availability of the parking and pedestrian areas in interests of highway safety in accordance with Policy T4.
- 16 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Lundhill Road in accordance with the details of the completion plan approved in writing by the LPA on 29th September 2023, reference 811174-01-RP(A) Road Phasing Plan.
Reason: To ensure streets are completed prior to occupation and satisfactory development of the site in accordance with Policy T4.
- 17 Prior to first occupation of the development hereby permitted, electric vehicle charging points (Mode 3) shall be installed in accordance with the details approved in writing by the LPA on 29th September 2023. The EVCP shall be retained thereafter for that specific use.
Reason: In interests of promoting sustainable travel opportunities in accordance with Policy T3.
- 18 The scheme shall proceed in accordance with the approved Construction Method Statement (REV B) alongside the Construction Method Statement (Rev C received 08/02/24) which details the Section 278 works and interface with the construction access. The statements shall be adhered to throughout the construction period.
Reason: In the interests of retaining highway efficiency and safety in accordance with Policy T4.

- 19 Notwithstanding the Tree Protection Plan hereby approved, the development shall be carried out in complete accordance with Landscape Masterplan drawing no. R/2678/1K. Unless otherwise agreed in writing by the Local Planning Authority, the landscaping works shall be fully implemented in accordance with the approved details prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 20 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 Local Plan Policy BIO1 Biodiversity.
- 21 The development hereby approved shall be carried out in accordance with the details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development approved in writing by the Local Planning Authority on 27th April 2023.
Reason: In order to ensure compliance with Local Plan Policy I1.
- 22 The development hereby approved shall be carried out in accordance with the approved 'drainage strategy statement' 0425/87tn1 dated 21/7/22 which rules out surface water discharge to watercourse and soakaway and that surface water will discharge to public surface water sewer at two points on the surface water network, each with a restricted rate of discharge not to exceed 3.5 litres per second respectively.
Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
- 23 The development hereby approved shall be carried out in strict accordance with the underground utility mapping survey (92290-001) dated 24/04/2022 and the development/existing infrastructure plan (ENG-001) dated 11/08/2022 which demonstrate measures to protect the public water supply infrastructure within the site boundary. The development shall be implemented in accordance with the approved details.
Reason: In the interest of public health and maintaining the public water supply.
- 24 The development hereby approved shall be carried out in accordance with the approved CEMP by BWB dated October 2022. The development shall be implemented in accordance with the mitigation measures identified in the Preliminary Ecological Appraisal (MRB Ecology and Environment, January 2019) (excluding additional surveys) and Additional Ecological Information (FDCR, January 2020), including the timetable for their implementation, approved in writing by the Local Planning Authority on 6th December 2023.
Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1.

- 25 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 enlargement, improvement or other alteration of plots 1-20 on Planning Layout Rev i, which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To allow the impact on residential amenity to be fully assessed in accordance with Local Plan Policy D1.
- 26 Notwithstanding the revised material layout (rev D) hereby approved, the development shall consist of a minimum of two facing materials and two tiles in accordance with the details approved in writing by the Local Planning Authority as part of the non-material amendment 2023-ENQ-00262 in letter dated 05/12/23
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 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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

Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: 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, excavations for 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.

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 The granting of planning permission does not affect the status of species such as owls, nesting birds 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 www.naturalengland.org.uk

Please be aware that the Council monitors construction sites and open land within the vicinity of 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 any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 23 February 2024

A handwritten signature in black ink, consisting of a stylized 'G' and 'H' followed by a horizontal line.

Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

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.