



## GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/1451

**To** Cushman & Wakefield  
St Pauls House  
23 Park Square  
North Leeds  
LS1 2ND

**DESCRIPTION** Development of up to 232 dwellings with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access) (Amended Description).

**LOCATION** Land West of Wakefield Road, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 21 November 2017 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 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) 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 Plans accompanying the reserved matters application shall be in substantial accordance with the parameters as shown on the Illustrative Masterplan P17 5091 03 REV A.  
**Reason: In the interests of the visual and residential amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design and the Designing New Housing Development SPD.**
- 4 Upon commencement of the development, a detailed scheme shall be submitted for approval of the Local Planning Authority to show how it is proposed mitigate against the air quality impact of the proposed development, in accordance with requirements of the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance and the pollutant emission cost submitted with the air quality assessment. The scheme shall include details of the air quality impact of the proposed bus lane on the nearest proposed dwellings (receptors) to Wakefield Road and details of proposed mitigations against raised air pollution concentrations. The scheme shall also include a timetable for implementation. Thereafter the mitigations shall be implemented in accordance with the approved details.  
**Reason: In the interests of minimising the impact of the proposal on local air quality in accordance with Core Strategy policy CSP 40.**
- 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 in accordance with Core Strategy Policy CSP 29, Design.**
- 6 No development shall take place until a detailed remediation and restoration scheme, including any contamination or land requiring remediation to the previous use of any part of the site in connection with coal mining, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Authority. The above scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Development shall not commence until the measures approved in the scheme have been implemented/ or the development shall not be implemented, otherwise than in compliance with the requirements of the approved scheme which shall be implemented in accordance with the approved timetable of works. On the completion of measures identified in the approved remediation scheme, a Validation Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Authority.  
**Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP 39.**
- 7 A detailed scheme of noise mitigation measures shall be submitted with the reserved matters application. The scheme shall be accompanied by a plan which clearly identifies where each type of mitigation is proposed and a programme of implementation. Thereafter the development shall be carried out in accordance with the approved measures.  
**Reason: In the interests of noise mitigation in accordance with CSP40.**
- 8 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Arboricultural impact assessment
  - Tree protective barrier details
  - Tree protection plan
  - Arboricultural method statement

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 Core Strategy Policy CSP 36 Biodiversity and Geodiversity.**

- 9 Plans submitted at reserved matters stage shall include pedestrian links to existing public rights of way. This shall include but not be limited to an access ramp to meet Footpath 1.  
**Reason: In the interests of the visual and residential amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 10 No building or other obstruction including landscape features shall be located over or within:  
(i) 5 (five) metres either side of the centre line of the 450mm diameter public combined sewers i.e. a protected strip width of 10 (ten) metres;  
(ii) 4 (four) metres either side of the centre line of the 450mm diameter public surface water sewer  
(iii) 3 (three) metres either side of the centre line of the 225mm diameter public combined sewers and 375mm diameter Yorkshire Water maintained overflow pipe i.e. a protected strip  
No trees are to be planted within 5 (five) metres of any public sewer crossing the site. If the required stand-off distances are to be achieved via diversion or closure of the sewers, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker  
**Reason: In order to allow sufficient access for maintenance and repair work at all times.**
- 11 The reserved matters application shall be accompanied by full foul and surface water drainage details. 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.  
**To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP 3 and CSP 4.**
- 12 The site is located in a coal mining referral area due to the presence of shallow coal, recorded and possibly unrecorded shallow coal mine workings and mine entries. The development could potentially be at risk from mining legacy issues such as ground instability or fugitive gas migration.  
The coal mining risk assessment undertaken by Rogers Leask Environmental ref 17176-RLE-17-00-RP-O-0003 concludes that intrusive ground investigations must therefore be undertaken by a suitably qualified person to evaluate shallow coal seams and associated ground conditions and the position and condition of mine entries and associated mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. Prior to the commencement of development a report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"  
**Reason: NPPF section 170, 178 and 179 Land stability.**

- 13 A detailed scheme of ecological mitigation and enhancement and maintenance shall be submitted with the reserved matters application. The scheme shall broadly follow but not be limited to the measures set out in, Section 6.5 of Bat Survey Report by Applied Ecological Services Ltd, and Section 5.5 of Breeding Bird Surveys by Applied Ecological Services Ltd. The scheme shall identify a timetable for implementation and maintenance for 5 years. The scheme shall be accompanied by a plan which clearly identifies what ecological features are proposed to be retained, mitigated and enhanced. Thereafter the development shall be carried out in accordance with the approved measures.  
**Reason: In the interests of biodiversity and in accordance with CSP 36.**
- 14 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings/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 Core Strategy Policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 112 of the National Planning Policy Framework 2018.**
- 15 A detailed landscaping scheme shall accompany the reserved matters application which shall contain full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 16 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 Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 17 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 and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 18 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:
- Provision of right turning facilities including pedestrian islands;
  - Provision of bus lay by;
  - Provision of pelican crossing;
  - Provision of 3m footway/cycle track along entire site frontage;
  - Provision of/any necessary alterations to street lighting;
  - Provision of/any necessary alterations to highway drainage;
  - Measures to prevent/control parking/loading;
  - Any necessary signing/lining;
  - Any necessary reconstruction/resurfacing.
- 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.**

- 19 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 interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**
- 20 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 and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 22 Upon commencement of the development, details of the siting of the sales cabin, and parking for staff and customers visiting the site, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed such facilities shall be retained for the entire construction period.  
**Reason: In the interest of road safety to accord with Core Strategy Policy CSP 26.**
- 23 Vehicular and pedestrian gradients within the site shall not exceed 1:12.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 24 Prior to the submission of any reserved matters application, an archaeological evaluation of the application area shall be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted as part of the reserved matters application. The scheme shall then be implemented in accordance with the approved details.  
**Reason: To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters and in accordance with CSP 30.**

- 25 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 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 Local Equipped Play standard (LEAP) 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.**
- 26 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
- Reason: In the interests of road safety in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement'.**
- 27 Visibility splays having the dimensions 2.4m x 70m, shall be safeguarded at the junction of Wakefield Road with the site access road such that there is no obstruction to visibility and forming part of the adopted highway.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 28 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority.
- Reason: to ensure a safe and adequate highway network, in the interest of road safety in accordance with CSP26.**

## 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	This application is in outline only and does not confer any permission to undertake engineering works which may be required to prepare the site for residential development. Substantial engineering works would require a Full application.
2	The granting of planning permission does not effect the status of species such as owls 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 <a href="http://www.naturalengland.org.uk">www.naturalengland.org.uk</a>
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.

Signed  
Joe Jenkinson



Dated 25 June 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 given 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.