BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2014/1232

To DPP One Limited
DPP One Ltd
5th Floor
2 Wellington Place
Leeds
West Yorkshire
LS1 4AP

DESCRIPTION Demolition of existing built development and construction of retail units and erection of residential development of up to 35 no. dwellings (Outline - All Matters Reserved apart from means of access)

LOCATION Former Foulstone School, Nanny Marr Road, Darfield, Barnsley, S73 9AB

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 06 November 2014 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 The development of the separate retail and residential phases hereby permitted shall not be commenced unless and until approval of the following reserved matters for each phase 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.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Head of Planning and Building Control

Dated 6th April 2016

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2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority for each phase before the expiration of three years from the date of this permission, and the development of each phase, 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.

3 Detailed plans accompanying the reserved matters submission shall be designed in substantial accordance with parameters detailed on the following plans accompanying the application:-

Drawing no P03 'Proposed Indicative Site Layout rev A'
Drawing no P04 'Indicative Outline Elevations'
Drawing no P05 'Indicative Outline Site Elevations'
Reason: In order to define the permission, for the avoidance of doubt.

4 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details .
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.

5 Detailed plans shall accompany the reserved matters submission for each phase of the development indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter each phase of 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.

6 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the site accesses with Nanny Marr Road, such that there is no obstruction to visibility.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

7 No phase of the development shall take place, including any works of demolition, until a phase specific 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.

8 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:
- Alterations to/reinstatement of the bus lay by;
- Provision of a 2m wide footway on the Barnsley Road frontage;
- Provision of/alteration to street lighting;
- Provision of/alterations to highway drainage;
- Resurfacing/reconstruction as necessary
- Any necessary signing/lining
- Removal of any redundant school 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 interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

9 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

10 Prior to the occupation of any phase of the development a draft Travel Plan prepared in respect of the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The plans shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the relevant phase of the development becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25

11 No phase of development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface surface water run-off by at least 30% and a programme of works for implementation for the relevant phase, 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;

Thereafter no phase of the development shall be occupied or brought into use until the approved relevant 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.

12 Prior to the commencement of any phase of development the following documents prepared in relation to the relevant phase and 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 protective barrier details
-Tree protection plan
-Arboricultural method statement

No phase of development or other operations shall take place except in complete accordance with the approved, phase relevant methodologies. The erection of fencing 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 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.

14 No phase of development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a phase specific plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the relevant phase of the development or dwelling is occupied. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.

15 The dwellings shall achieve at least 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.

16 The proposed housing 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 NPPF or any future guidance that replaces it. The scheme shall include:

i. The numbers, type, tenure and location on the site of the affordable housing provision
ii. to be made which shall consist of not less than 15% of housing units/bed spaces;
iii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
iv. 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) ;
v. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

vi. 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.

17 The development's carbon dioxide emissions shall be reduced by at least 15%. Upon completion of each phase of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

18 The proposed retail development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the retail development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter .

Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.

19 Prior to commencement of any phase of development full details of the phase specific mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Each phase of 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.

20 No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the noise emitted from the site shall not exceed 39 dBA between 0700 and 2300 hours and 35 dBA at all other times. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:1997

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

21 In accordance with sections 4.1 to 4.10 of the Sharps Redmore Noise assessment report a noise assessment shall accompany the reserved matters submission detailing the proposed noise mitigation measures that will be applied to the residential development to ensure that noise levels are no greater than those specified in BS8233:2014 (30dBA in bedrooms and 35dBA during the day in living rooms).

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

22 Deliveries to the retail development once operational shall be only take place between the hours of 6am and 10pm on any day.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

23 Plans shall accompany the reserved matters submission providing details of the 3 metre high acoustic grade service yard boundary fence identified in the Sharps Redmore Noise assessment report. 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.

24 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

25 There shall be no external storage of materials within the service yard at any time, to ensure that adequate manoeuvring areas are maintained.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

26 The residential phase of 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 or enhancement to off-site public open space in accordance with the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the off site open space shall be provided prior to completion of the residential 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 Core Strategy Policy CSP 29.

27 Prior to occupation of the retail phase of the development, full details of external building and car park lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Core Strategy Policy CSP 40.

28 Prior to commencement of each phase 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'.
Each phase of 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.

29 Prior to the occupation of the retail development, a scheme for highway monitoring shall be submitted to and approved in writing by the Local Planning Authority. Should, after the agreed period of monitoring, it be confirmed that measures to prevent parking and loading on Nanny Marr Road and Barnsley Road are necessary, the works shall be completed in accordance with a timetable as set out within the approved scheme for highway monitoring and in accordance with the details approved 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.

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

Environment Agency 28th January 2015
Yorkshire Water 28th November 2015
Biodiversity Officer 16th February 2015

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.

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