



BARNLSLEY

Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2008/1599

To Spawforths
Junction 41 Business Court
East Ardsley
Leeds
West Yorkshire
WF3 2AB

DESCRIPTION Erection of 50 dwellings, associated car parking and formation of public open spaces including details of access (Outline)

LOCATION Land at Lowfield Road, Bolton on Dearne, Barnsley, S63 8JF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 21 October 2008 and described above.

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, whichever is the later.

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.

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

Assistant Director, Planning and Transportation

Dated 13 February 2009

- 3 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved, unless prior written consent has been given by the Local Planning Authority to any minor variation:-
- drawing no 200-001 'location plan'
drawing 201-002 'proposed site layout' (access arrangements only)
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.
- 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 UDP Policy BE6, Design Standards.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with U.D.P. Policy BE6, Design Standards.
- 6 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use,
Reason: To prevent mud/debris from being deposited on the public highway to the detriment of road safety.
- 7 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the junction of the access road with Lowfield Road, such that there is no obstruction to visibility and forming part of the adopted highway,
Reason: In the interests of road safety.
- 8 Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of: -
- a) provision of a 2m wide footway to adoptable standards on the south of Lowfield Road linking the development into existing footway provision to the west of the railway bridge;
 - b) any necessary signing/lining;
 - c) any necessary improvements/alterations to street lighting;
 - d) any necessary alterations to drainage;
 - e) any necessary resurfacing/reconstruction of the highway;
 - f) any necessary structures required to support the highway.
- Reason: In the interests of public safety.**

- 9 Development shall not commence until details of measures to prevent mud/debris from being deposited on the public highway to the detriment of road safety, have been submitted to and approved in writing by the Local Planning Authority, and such measures shall be retained for the entire construction period.
Reason: In the interests of road safety.
- 10 Development shall not commence until details of all areas for the parking of all employees' vehicles, the storage of building materials and plant have been submitted and approved in writing by the Local Planning Authority, and such areas shall be retained for the entire construction period.
Reason: In the interests of road safety.
- 11 Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.
Reason: In the interests of road safety
- 12 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 order to maintain the structural integrity of the highway in the interests of highway safety.
- 13 Vehicular and pedestrian gradients within the site shall not exceed 1:12
Reason: To ensure safe and adequate access.
- 14 Development shall not commence until details of the means of access for construction traffic have been submitted to and approved, in writing, by the Local Planning Authority, and such an access shall be retained for the entire construction period.
Reason: In the interests of road safety
- 15 Prior to the development being brought into use a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan 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 site becoming operational, a detailed Travel Plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.
Reason: In the interests of sustainable development.
- 16 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction (to include trees) shall be located over or within 5.0 metres of either side of the centre lines of the sewer that crosses the site. Furthermore a scheme of protection for the sewer during the construction of the development shall, prior to commencement of development, be submitted to and approved by the Local Planning Authority.
Reason: In order to allow sufficient access for maintenance and repair work at all times.

- 17 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interests of satisfactory and sustainable drainage.
- 18 No development shall take place until details of the proposed means of disposal and treatment of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.
Reason: To ensure that the development can be properly drained
- 19 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
Reason: To ensure that the site is properly drained and in order to prevent overloading of the public sewerage network, surface water is not discharged to the foul sewerage system.
- 20 Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
- 21 With any full/reserved matters application, a report, endorsed by a competent engineer experienced in ground contamination and remediation shall be submitted and agreed with the Local Planning Authority. The report shall follow the recommendations made in Halcrow's Phase 1 report, and include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s)
 4. Steps to be taken to prevent any environmental pollution by any such contaminated material encountered.
 5. Measures to prevent risks to health and safety of the general public and any persons working on the site.
 6. Consideration of any Waste Management issues of any remediation measures.
 7. The subsequent certification/verification reports are submitted, showing that the site has been satisfactorily remediated and that the development of the site can be safely occupied
- The above 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 thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".
- Reason - To protect the environment and ensure the site is suitable for the proposed use.**

- 22 No development shall take place, including demolition, until a protected species survey for reptiles has been undertaken and the findings, including any mitigation measures, have been submitted to and approved in writing by the Local Planning Authority.
Reason: The development thereafter shall be undertaken in accordance with the approved details.
- 23 No hedges or trees on the site or their branches or roots, shall be lopped, topped, felled, or severed unless otherwise agreed in writing with the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.
- 24 No development shall take place until a scheme for the protection of the retained trees or hedging in accordance with Section 7 BS5837, including 14 days notice prior to any works on site including demolition and a scheme for supervision for arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented in accordance with the approved details prior to any equipment, machinery or materials being brought onto the site for the purposes of development, including demolition 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 in accordance with this condition and the ground levels in those areas shall not be altered and no excavations shall be made, without the prior written consent of the Local Planning Authority.
Reason: The trees are considered to be features of significance which should be protected during construction works.
- 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 or enhancement to off-site public open space in accordance with Unitary Development Plan Policy H6. The provision or enhancement of the off site open space shall be provided prior to completion of the development in accordance with the approved scheme.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy H6 of the Unitary Development Plan.
- 26 Unless otherwise agreed in writing by the Local Planning Authority no development shall commence until details of a scheme for the provision of 22% affordable housing to meet the needs of the development in accordance with the Council's approved Planning Advice Note 34 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for provision to be made and thereafter shall be carried out in accordance with the approved details.
Reason: To ensure the satisfactory provision of affordable housing in accordance with the Council's approved Planning Advice Note 34 on Affordable Housing.

Reason(s) for Granting Permission

- 1 Unique In the opinion of the Local Planning Authority, the proposal is acceptable as a departure from UDP Policies DE4 and ED7. The proposal is also not strictly in accordance with SPG24, however the site is vacant and proposals would not lead to loss of jobs. Furthermore it is considered the site is poorly suited for continued employment use given its poor location, difficult access. In addition it is considered residential is the most appropriate use given the residential and Green Belt surroundings.

Additional benefits would be that the development would contribute towards the Regional Targets set out in the RSS of building 65% of new houses on brownfield land and the 1015 annual net additions that are required to the housing stock in Barnsley over the RSS plan period 2008-2026 contributing towards relieving pressure on better quality employment sites.

The proposal is for outline permission and it is also considered acceptable with regards to the other material planning considerations raised including the HMR, residential amenity, highways safety, ecology, landscaping, affordable housing and public open space objectives.

Informative(s)

- 1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

Collapse of shallow coal mine workings.

Collapse of, or risk of entry into, mine entries (shafts and adits).

Gas emissions from coal mines including methane and carbon dioxide.

Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.

Transmission of gases into adjacent properties from underground sources through ground fractures.

Coal mining subsidence.

Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

2. The applicant is advised of the following comments from Network Rail:-

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.

Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Territory Outside Parties Engineer.

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged

Method statements may require to be submitted to Network Rail's Territory Outside Parties Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rail's Territory Outside Parties Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land. The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling.

3 Network Rail comments continued:-

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the boundary fencing, soundproofing, and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway

- 4 the Environment Agency should be informed of any instance where the following is proposed : - more than 3500 litres of oil stored at any single private dwelling - more than 200 litres of oil at an industrial, commercial or institutional site The above activities are regulated by the Control of Pollution (Oil Storage) (England) Regulations 2001. These guidelines are intended to help reduce pollution caused by inadequate storage of oil in fixed tank installation. For further information, please refer to the Agency web page: 'www.environment-agency.gov.uk/business'

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. To prevent pollution of the water environment. See Agency web site link below for guidance.

http://www.environment-agency.gov.uk/business/444251/444731/ppg/?version=1&lang=_e

- 5 For any further information or advice relating to this application, please contact Bev Lambert, tel. 01904822510 Email:bev.lambert@environment-agency.gov.uk

The applicant is advised of the following comments from Yorkshire Water relating to the drainage conditions listed above:-

i) On the Statutory Sewer Map, there is a 400mm diameter public combined sewage pumping main and a 225mm diameter public foul/combined water sewer recorded to cross/cross close to the site. The applicant/agent is being contacted direct. In this instance, a stand-off distance of 5 (five) metres is required at each side of the sewer centre line i.e. protected strip widths of 10 metres in total. It appears from the submitted site layout that a road will be located within this stand off distance but provided the pipe is protected during constructed this will be acceptable.

A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

ii) The development of the site should take place with separate systems for foul and surface water drainage. However, for historic reasons the local sewerage network records are somewhat confusing and the exact means of disposal of foul and surface water drainage requires further investigation by both YW and the developer. Given this, in the event of planning permission being granted, I suggest that the above conditions are attached and then discharged at reserved matters stage which will allow time for the necessary investigative work to be undertaken.

v) Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be an alternative solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to PPS25. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.

vi) An off-site foul and an off-site surface water sewer may be required.

These may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

The Applicant/Developer should also note that: A proposal by the Applicant/Developer to alter/divert a public sewer will be subject to YW requirements and Section 185 Water Industry Act 1991.

Water Supply

A water supply can be provided under the terms of the Water Industry Act, 1991.

It is important that Yorkshire Water is informed of the local planning authority's decision on this application. Please send me a copy of the decision notice.

6. 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.

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.