



BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0389

To Miss Suzanne Phillipson
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Leeds
W Yorks
LS1 2JG

DESCRIPTION Residential Development (Outline) (2010/0420 Extension of time limit)
LOCATION Land off Pontefract Road, Lundwood, Barnsley, S71 5HQ

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 12 April 2013 and described above.

The approval is subject on compliance with the following conditions:

- 1 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.
- 2 Application for approval of the matters reserved in Condition No. 1 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.

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

Signed *Stephen Moralee*
Head of Planning, Building Control and Sustainability

Dated 26 June 2013

- 3 The development hereby approved shall be carried out in accordance with the plans:
-Parameter Plan 01 'Site Boundary',
-Parameter Plan 02 'Site Constraints'
-Parameter Plan 03 'Site Access & Linkages'
-Flood Risk Assessment by AECOM, dated 10th November 2009
-Extended Phase 1 Habitat Survey by Entec, dated June 2009
unless otherwise agreed in writing by the Local Planning Authority.
Reason: to ensure that the development accords with the Outline Planning Permission
- 4 The development is not to exceed a maximum of 110 residential units, the details of which shall be submitted as part of the application for approval of reserved matters.
Reason: To ensure the development conforms with the approved outline planning Permission and stays with the maximum assessed level of development.
- 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 and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 6 Detailed plans shall accompany the reserved matters submission indicating full foul and surface water drainage details, including a scheme to maintain or reduce existing greenfield surface water run-off rates and a programme of works implementation. Where soakaways are proposed, porosity tests shall be carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakways and calculations based on the results of these porosity tests shall be submitted to prove that adequate land area is available for the construction of the soakaways. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been fully implemented and the scheme shall be retained throughout the life of the development, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area in accordance with policy CSP4.
- 7 In accordance with Core Strategy policy CSP 35 'Green Space' a minimum of 15% of the development sites gross area shall serve as Public Open Space including provision of LEAP Standard play area. Detailed plans shall accompany the reserved matters submission indicating the type and location of the public open space and a landscape management plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years. Thereafter, the development and the landscape management plan shall be carried out in accordance with the approved details.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy CSP 35 of the Core Strategy.

- 8 A scheme for disposing of surface water by means of a sustainable drainage system shall accompany the reserved matters application. The scheme shall include the following details:
- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - A timetable for its implementation; and
 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.
- The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: To ensure proper, sustainable drainage of the area in accordance with Core Strategy policy CSP3

- 9 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of 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 to be made which shall consist of not less than 15% of housing units/bed spaces. This should be in accordance with the most current needs assessment for the area and in accordance with Core Strategy policy CSP15 (or any further guidance that replaces it);
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved);
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - vi. arrangements to ensure affordable housing can be provided elsewhere within the local area should no transfer of the affordable housing to an affordable housing provider prove possible within a reasonable period of time

Reason: To ensure the satisfactory provision of affordable housing which responds to an up-to-date assessment of local housing need in accordance with Core Strategy Policy CSP15

- 10 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, 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. A remediation statement summarising the works to be undertaken (if required).
- 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.

Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy policy CSP39.

- 11 Development shall not commence until full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
The parking of vehicles of site operatives and visitors
Means of access for construction traffic
Loading and unloading of plant and materials
Storage of plant and materials used in constructing the development
The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
Wheel washing facilities
Measures to control the emission of dust and dirt during construction
Measures to control noise levels during construction
Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.
- 13 Development shall not commence until arrangements have been entered into to secure works to mitigate the effect of the development on highway safety. Such work shall be completed in accordance with a timetable to be agreed in writing by the Local Planning Authority prior to commencement of development and shall comprise of:-
-Extension of the existing ghost island and right turn lane into Wilson Grove, including the provision of a 3m wide lane from Pontefract Road.
- Traffic calming measures on Wilson Grove Road markings to donate vehicle priority at the Ellwood/Wilson Grove junction.
Reason: In the interests of road safety in accordance with Core Strategy policy CSP26.
- 14 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures 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 and upon completion 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.

- 15 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.
- 16 The reserved matters application shall include an assessment of the need for primary and secondary school places in Lundwood, in accordance with Planning Advice Note 33'Financial Contributions to School Places or any relevant equivalent replacement. If the assessment identifies that the site generates a need for primary and secondary school places, development shall not commence until arrangements have been entered into with the Local Planning Authority to secure the necessary contribution prior to occupation of any of the dwellings.
Reason: In order to mitigate the effect of the development in the event that there are insufficient places at local schools to meet the need generated by the development and in accordance with policy CSP42 Infrastructure and Planning Conditions.
- 17 The dwellings shall achieve the minimum requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme) in accordance with details submitted to the Local Planning Authority as part the reserved matters. Details shall include measures to achieve the Code Level applicable at the time of the reserved matters submission (3 currently, 4 from 2013-2015 and 6 from 2016 onwards). Thereafter the development shall be carried out in accordance with the approved details and no dwelling shall be occupied until a Final Code Certificate has been submitted to the Local Planning Authority certifying that the relevant Code Level has been achieved.
Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.

Reason(s) for Granting Permission

- 1 Unique The site has a longstanding allocation for housing development. It has been identified within the five year housing supply and falls within a recognised sustainable location. Residential development represents an efficient use which is compatible with the locality. The previous application has successfully demonstrated that an adequate access can be achieved without compromising highway safety and there have been no changes to local circumstances in the intervening years to suggest otherwise.

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 decision to grant planning permission has been taken having regard to the policies and proposals in the adopted Core Strategy and saved policies of the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

Core Strategy Policies

CSP2 'Sustainable Construction'
CSP4 'Flood Risk'
CSP5 'Including renewable Energy in Developments'
CSP8 'The Location of Growth'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP40 'Pollution Control and Protection'

Saved UDP Policies

H4 'Development on Housing Sites'
H8A 'Existing Residential Areas'

Supplementary Planning Documents

'Designing New Residential Development'
'Parking'
The South Yorkshire Residential Design Guide

NPPF

General principles (paragraph 17)
Delivering a wide choice of high quality homes (paragraphs 47 - 55)
Design (paragraphs 58 - 65)

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

- 2 Yorkshire Water has requested a 6.5m easement at either side of the central line of the sewer running through the site. It is advised that Yorkshire Water are consulted regarding the proposed layout prior to submission of the reserved matters.
- 3 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires 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.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

- 4 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.

- 5 Public Rights of Way may be affected during the construction stage of this development, and you should contact Mrs Sarah Ford (tel: 01226 772696) or Mr Mike Gibson (tel: 01226 772569) to discuss the possible need for a temporary closure or diversion.
- 6 The applicant is advised that Condition 17 , relating to the Code for Sustainable Homes, applies specifically to the aspects of the Code not covered by the Building Regulations. The development will therefore need to comply with the standards applicable under the Building Regulations.

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.