BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0658

To Chris Carr Associates
6A Eastgate
Barnsley
S70 2EP

DESCRIPTION Wortley Village Master Plan Proposals (Sites 1-10 Residential), (Site 11 Commercial) and (Sites 15 and 16 Car Parking and Allotments).

LOCATION Wortley Village Master Plan Proposals Sites 1-10 (Residential), Site 11 (Commercial B1 & B2) and Sites 15 & 16 (Car Parking Allotment Gardens) (Outline)

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 15 June 2011 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 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 means of access to the development
(b) the layout of the proposed development.
(c) scale of building(s)
(d) the design and external appearance of the proposed development.
(e) 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 20 May 2015

Development Service
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2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of 5 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.

3 Plans accompanying the application for the approval of reserved matters shall be in substantial accordance with following details:-

-the updated schedule of development received 30th April 2012

-the architectural and external facing materials details shown on the application plans and stated in the Design and Access Statement

-the design principles identified in the Wortley Village Design Guide

-the boundary treatment materials details shown on the plans and stated in the Design and Access Statement

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP29 'Design' and CSP30 'The Historic Environment'.

4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels and any proposed alterations to ground levels, the proposed finished floor levels of all dwellings, associated structures and road 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.

5 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Root protection areas (RPA)
Tree constraints plan (TCP)
Tree protection plan (TPP)
Arboricultural implication assessment (AIA)
Arboricultural method statement (AMS)
Details of no-dig construction proposals for areas of car park and drive including cross-sections and plans showing relevant area.

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

6 The landscaping details to be submitted pursuant to condition no.1 above shall include:
i) proposed finished levels or contours;
ii) indications of all existing trees and hedges to be retained and means of protection thereof during construction;
iii) public open areas;
iv) soft landscaping;
v) means of enclosure;
vi) car parking layouts;
vii) other vehicle and pedestrian access and circulation areas;
viii) hard surfacing materials;
ix) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); and
x) proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines, indicating lines, manholes, supports etc.)

Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

7 Prior to commencement 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'.

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.

8 No development shall take place until an intrusive site investigation and the results to assess the risk of land instability arising from historical coal mining activity have been submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings, further details shall be provided to the Local Planning Authority for approval that shall require implementation prior to the commencement of the approved development

Reason: In order to ensure safety and stability of the proposed development.

9 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 the interest of road safety.

10 No development shall take place, including any re-grading and reclamation engineering operations, until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Method Statement shall be adhered to throughout the re-grading/ reclamation and construction periods. 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
-Wheel washing facilities
-Measures to control the emission of dust and dirt
-Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity.

11 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure highway improvement works comprising measures to control and restrict the flow/parking/loading of vehicles to reflect the arrangements shown on drawing no P3 'sites 3, 15 and 16 village centre proposals'. The works shall be completed in accordance with the approved details and timescales.

Reason: In the interest of highway safety.

12 The employment units on site 11 must retain the submitted floor areas for when detailed plans are submitted for the approval of the reserved matters and are not permitted to be expanded or amalgamated in the future thereafter notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification).

Reason: In order to reduce the traffic generation and servicing requirements, in the interests of road safety.

13 The application for the approval of reserved matters shall be accompanied by updated ecological surveys of the individual sites and details, including an assessment of the impact of the proposed development and any appropriate measure to alleviate any effects, shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details including any mitigation measures that are identified as being necessary.

Reason: To enable proper consideration of the impact of the development of the contribution of nature conservation interests to the amenity of the area.

14 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 (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 issued for it certifying that the relevant code level has been achieved.

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

15 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

" The programme and method of site investigation and recording.
" The requirement to seek preservation in situ of identified features of importance.
" The programme for post-investigation assessment.
" The provision to be made for analysis and reporting.
" The provision to be made for publication and dissemination of the results.
" The provision to be made for deposition of the archive created.
" Nomination of a competent person/persons or organisation to undertake the works.
" The timetable for completion of all site investigation and post-investigation works.

The Written Scheme of Investigation shall be carried out in accordance with the approved details.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated

16 No development shall take place until:

(a) Full foul and surface water drainage details and a programme of works for implementation (surface water run off rates to be reduced by 30% on brownfield sites and to be maintain or reduce run off rates on greenfield sites), 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 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.

Reason: To ensure proper drainage of the area and in accordance with CSP3 'Sustainable Drainage Systems' and CSP4 'Flood Risk'

17 No development shall be located over or within 3m either side of any water mains that cross any of the sites should their existence be confirmed by prior site investigations.

Reason: To ensure proper drainage of the area and in accordance with CSP3 'Sustainable Drainage Systems' and CSP4 'Flood Risk'

18 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 CSP40 'Pollution Control and Protection'.

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 granting of planning permission does not effect the status of species such as birds during the breeding season which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk

2 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 included:

- 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.

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

3 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

4 The applicant is advised contact Mr G Handley - Highways & Engineering prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of permanent or temporary vehicular access(es) to the highway.

5 The applicant is advised that Conservation Area Consent for Demolition will be required to demolish any building in the village Conservation Area exceeding 115 cubic metres, or to take down any wall, gate or fence which is more than 1 metre high where abutting a highway, or more than 2 metres high elsewhere.

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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