



## GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2016/0268

**To** Johnson Brook  
Coronet House  
Queen Street  
Leeds  
LS1 2TW

**DESCRIPTION** Residential development including means of access (Outline)

**LOCATION** Land off Green Road, Dodworth, Barnsley, S75 3RR

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 21 July 2016 and described above.

**THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).**

The approval is subject on compliance with the following conditions:

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
**Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.**
- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
  - (a) the layout of the proposed development.
  - (b) scale of building(s)
  - (c) the design and external appearance of the proposed development.
  - (d) landscaping**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**



- 3 The layout submitted as part of the reserved matters shall have a maximum of 51 units.  
**Reason: To reflect the site constraints (protected trees, topography, proximity to listed building and stand off distances from culvert) in order to safeguard character and appearance of the area and to safeguard the amenity of existing residents and residents of the proposed dwellings in accordance with Core Strategy policies CSP 29, CSP 30 and CSP 33 as well as Saved UDP policy H8A and the Designing New Housing Developments SPD**
- 4 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:  
P05:3544:02 REV D Planning Layout  
P05:3544:03 Rev B Location Plan  
Appendix 6 Tree Plan  
6751--001 REV A Proposed highway improvements  
6751/002 Proposed watercourse diversion and culvert  
6751/003 Proposed stone wall re-alignment and typical foundation details  
E08/4378/01 Main road sewer plan and long sections  
E08/4378/02 Road 1 and 2 Long Sections  
BM2005/01 Topographical Survey  
Addendum Heritage Statement by Johnson Mowat dated May 2016  
Archaeological Desk Based Assessment by Archaeological Research Services Ltd dated November 2008  
Flood Risk Assessment E16/6705/FR001 by Haigh Huddleston & Associates, dated August 2016  
Noise Assessment on behalf of John R Paley Associates  
Arboricultural Report dated August 2012 by JCA Ltd  
Ecology Survey dated 26 February 2016 by Whitcher Wildlife Ltd  
Protected FAuna Survey dated November 2008 by Whitcher Wildlife Consultants  
Access Report dated August 2016 by Bryan G Hall  
Report on Access Issues dated October 2008 by Bryan G Hill  
Appendix 2 Statement of Community Involvement  
Preliminary Investigation report C1185 dated January 2006  
Energy Statement  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 5 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.  
**Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.**
- 6 All on-site vehicular areas, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 7 Pedestrian indivisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**

- 8 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the site entrance/exit, such that there is no obstruction to visibility and forming part of the adopted highway.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 9 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:  
a) Alteration of the existing kerbed junction radii at the junction of Baslow Crescent and Green Road  
b) Any necessary alteration to/provision of existing highway drainage;  
c) Any necessary alteration to/provision of road markings & signage;  
d) Any necessary alteration to/provision of street lighting;  
e) Any necessary carriageway or footway resurfacing/reconstruction to complete the works  
f) Provision of a 2m wide footway along the entire site frontage  
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**
- 10 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access  
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26**
- 11 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.  
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26**
- 12 The submitted travel plan shall be implemented in accordance with the measures and timescales set out. The results shall be monitored and submitted to the Local Planning Authority within 12 months of the travel plan becoming operational. The final Travel Plan shall thereafter be submitted to and approved in writing by the Local Planning Authority and it shall be implemented in accordance with the approved details.  
**Reason: In the interests of sustainable travel in accordance with Core Strategy Policy CSP25.**

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 14 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted by T Haigh, Ref No E08/4378/FR001 dated October 2008 and the assessment E16/6705/FR001 dated August 2016 by Haigh Huddleston & Associates and the following mitigation measures detailed within the FRA:  
Finished floor levels are set no lower than 300mm above Ordnance Datum (AOD) as stated in Item 2 of the submitted Flood Risk Assessment.
- Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Core Strategy Policy CSP4.**
- 15 The development hereby permitted shall not be commenced until such time as a scheme to improve the existing surface water disposal system has been submitted to, and approved in writing by, the Local Planning Authority.  
The scheme shall be implemented and fully maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Core Strategy Policy CSP4**
- 16 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), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any watercourse.
- Reason: To prevent damage to the existing culverted watercourse in accordance with Core Strategy Policy CSP4**
- 17 No development shall commence until full details of structural condition including CCTV survey and exact route of the watercourse have been submitted to and approved in writing by the Local planning Authority to demonstrate its adequacy and clearance is maintained.
- Reason: To maintain the structural integrity and proper functioning of the existing culverted watercourse in accordance with Core Strategy Policy CSP4**

- 18 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 and any features/conditions that could impact on ground stability .
  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. 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 in accordance with Core Strategy Policy CSP39.**

- 19 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 1300 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, Pollution Control and Protection.**

- 20 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.**

- 21 No development or other operations being undertaken on site in connection with the development shall commence until the following documents prepared in accordance with BS5837: 2012 have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details

Tree protection plan

Arboricultural method statement

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

**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality and in accordance with Core Strategy Policy CSP29**

- 22 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed unless agreed in writing by 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 Core Strategy policy CSP29**
- 23 Prior to any work commencing on site, the applicant shall submit to the Local Planning Authority for their approval, a noise management plan detailing how noise will be controlled during construction. Once approved the noise management plan shall be implemented in full and shall be adhered to at all times  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 24 Prior to any work commencing on site, the applicant shall submit to the Local Planning Authority for their approval, a dust management plan detailing how dust will be controlled during construction. Once approved the dust management plan shall be implemented in full and shall be adhered to at all times  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 25 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 safeguard existing trees, in the interest of visual amenity.**
- 26 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 27 Prior to the commencement of the development, an intrusive site investigation shall be undertaken to evaluate the ground conditions and evaluate the potential mining legacy risks. The site investigation and subsequent development shall be undertaken in compliance with Construction Industry research and Information Association publication 32 "Construction over abandoned mineworkings" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing to the Local Planning Authority. Thereafter the approved document the development shall be carried out in accordance with the approved details.  
**Reason: To ensure safe development and in accordance with CSP 39 Contaminated and Unstable NPPF Paras 120 and 121.**
- 28 Prior to commencement of development full details of the recommendations and 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. 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.**

## Informative(s)

*Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.*

*Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:*

- a fine of up to £50,000 and
- up to six months imprisonment on conviction

*Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.*

- 1 If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact Derek Bell (01226 787654)

If the developer is to carry out works within or in the proximity of any watercourse he must gain the relevant permissions from the Lead Local Flood Authority - Contact Derek Bell (01226 787654)

- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

- 3 The applicant is reminded that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability. The question of instability has been a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied; in particular, the granting of planning permission does not give a warranty of support or stability.
- 4 The granting of planning permission does not effect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from [www.naturalengland.org.uk](http://www.naturalengland.org.uk)
- 5 An indicative layout was proposed as part of this outline application. However, in order to minimise the negative impact on the setting of the Grade II Listed Travellers Inn, it is considered that 5 plots closest to the inn should be omitted from a reserved matters application.

Signed  
Joe Jenkinson



Dated 04 April 2018

Head of Planning and Building Control

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

## **NOTES:-**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.