

Mr Gary Asprey  
c/o Alan Powell  
Ramsden And Partners  
8 Wharf Street  
Leeds  
LS2 7EQ

Date of Application: 2 January 2014  
Date Decision Issued: 27 March 2015  
Application Number: 13/03500/FUL

**This is an official copy of the decision notice produced for the website only**

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England)  
Order 2010**

## **Grant of Planning Permission**

### **Description and Location of Application**

Construction of two fishing ponds, a wildlife pond and associated works including new access off Warmfield Lane, parking, footpath and partial infilling of dismantled railway cutting

at: Warmfield Lane Warmfield Cum Heath Wakefield WF1 5TH

### **Particulars of Decision**

Planning permission granted. Permission is granted for the development in accordance with the plans and specifications hereby approved subject to the following condition(s) and reason(s) if any:-

1. The development hereby permitted shall be begun within three years of the date of this permission.  
Reason : Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the submitted information, development shall not commence including site clearance or tree removal, until detailed plans of the wildlife pond and habitat creation have been submitted to the Local Planning Authority for written approval. This should include:
  - a detailed plan at 1:200 showing the location of the pond and proposed grassland habitat,

- the trees to be removed in the area of the wildlife pond and grassland habitat,
- cross-sections of the pond showing depth, at least 30% of the margins with a gradient of less than 1:5,
- details of how the pond will be drained down when required,
- details to ensure that the fishing ponds do not drain to the wildlife pond,
- details of how the pond will be filled,
- an aquatic planting scheme and
- plans showing the location and type of fencing to prevent public access around the pond when complete

The approved scheme shall be implemented in accordance with conditions 3, 4, 5 and 6 of this permission and shall thereafter be retained and maintained.

Reason: To enhance local ecology and biodiversity and to ensure the pond does not dry up over time and to accord with Policies D4, D6, D7, D8, D9 and D12 of the Local Development Framework Development Policies Document and guidance within the NPPF

3. Notwithstanding the submitted information, development shall not commence on site, including site clearance and tree removal, until a scheme detailing the means of vehicular access into the site and to the ponds, including and long and cross sections and construction specification, shall be submitted to the Local planning Authority for written approval. The scheme shall be implemented in accordance with the approved details and be retained as such for the lifetime of the development.  
Reason: To ensure a suitable access and layout in the interests of highway safety and to protect wildlife and protected trees in accordance with Policies D4, D7 and D14 of the Council's Local Development Framework, Development policies Document.
4. Development shall not commence, (including any site clearance or tree removal), until a Construction Method Statement has been submitted to the Local Planning Authority for written approval. The approved statement shall include scaled drawings illustrating the provision for -
  - 1) The parking of site operatives and visitors vehicles.
  - 2) Loading and unloading of plant and materials.
  - 3) Management of construction traffic and access routes.
  - 4) Storage of plant and materials used in constructing the development.
  - 5) Measure to prevent mud and debris being brought onto the highway.
 The approved scheme shall be operated throughout the construction phase of the development.  
Reason: In the interests of highway safety and to protect wildlife and protected trees in accordance with Policies D4, D7 and D14 of the Local Development Framework
5. Development shall not commence on the site of the two fishing ponds until the following has occurred in consecutive order:
  1. The development outlined below shall not occur between 15 October and 15 March (when snakes hibernate)
  2. Seven days before any work commences on the wildlife ponds and grassland habitat, the area of the wildlife pond, as shown on the approved plans, shall first be searched by a suitably qualified and appointed ecologist. The ecologist shall complete a record of the findings and if any breeding birds are found during March - July, no works shall commence until after these months
  3. The area for the wildlife pond shall be cleared of trees and vegetation to create a new grassland habitat (in accordance with the above and condition 2)
  4. Within the new grassland habitat, wood from the cleared trees shall be used to

create log pile habitats for reptiles and amphibians and foliage and grass cuttings from the harvested foliage shall be used to create grass snake egg-laying compost heaps

5. The wildlife pond shall be created in accordance with the scheme of works approved under condition 2

6. Any existing floating aquatic and emergent plants shall be translocated into the new wildlife pond in the summer months, when the pond has filled with water.

7. When complete the wildlife pond and grassland habitat shall be fenced off to prevent public access in accordance with condition 2.

The wildlife pond shall be implemented in accordance with the above details, in conjunction with conditions 2, 3, 4, and 6 of this permission, and shall thereafter be retained and maintained.

Reason: To protect and enhance local ecology and biodiversity and to accord with Policies D4, D6, D7, D8, D9 and D12 of the Local Development Framework, Development Policies Document and the duty to protect breeding birds and hibernating snakes in the Wildlife and Countryside Act 1981 as amended

6. Following the completion of the wildlife pond and grassland habitat the cutting shall be in-filled and the fishing ponds created in accordance with the approved plans and the following details which shall occur in consecutive order:

1. In accordance with the details below, the clearance of the vegetation/trees shall only occur between August and February, to avoid disturbing breeding birds, and shall not occur when temperatures are below 10c.

2. Any reptiles or amphibians caught during the works outlined below shall be released around the new wildlife pond.

3. Prior to any vegetation clearance all pieces of wood or debris that can be cleared by hand will be collected and removed from the site

4. Vegetation removal/cutting (including scrub, very young trees and any fallen trees) shall occur from south to north and will be reduced to a height of around 150mm using a pedestrian flail, under an ecological watching brief

5. If deemed necessary by the appointed ecologist a second lower cut will be employed to ensure all reptile and amphibian habitat has been removed but this should only occur between August and 15 October.

6. The vegetation shall be baled and removed from the site

7. Temporary exclusion barrier fencing shall be erected around the working area to prevent re-colonisation during construction and the area within the fence searched by an ecologist before any trees are felled and before construction work commences.

8. The exclusion fence shall be retained throughout the construction period of the fishing ponds and shall be checked once a week by contractors and once a month by an ecologist until the end of the construction period and repaired immediately if any damage is found.

The fishing ponds shall be implemented in accordance with the above details, in conjunction with conditions 2, 3, 4, and 5 of this permission, and shall thereafter be retained and maintained for the lifetime of the development

Reason: To protect local ecology and biodiversity, particularly hibernating snakes and breeding birds, and to accord with Policies D4, D6, D7, D8, D9 and D12 of the Local Development Framework Development Policies Document and the Wildlife and Countryside Act 1981 as amended

7. Development shall not commence until a plan indicating the location and type of Tree Protective Fencing to be located around all trees not proposed for removal and trees

around the construction access to the ponds from the highway, site shall be submitted to the Local Planning Authority for written approval. Development shall not commence until confirmation in writing has been received from the Local Planning Authority that the Tree Protective Fencing has been implemented in accordance with the approved details. The approved fencing shall be retained and maintained for the duration of the construction period. No development, excavations, engineering works and/or storage of materials or equipment shall take place within the Root Protection Areas of the protected trees throughout the construction phase of the development.

Reason: To ensure trees are protected, to protect bird breeding habitat, and to safeguard the visual amenity provided by the trees on the site in accordance with policies D4 and D7 the Local Development Framework Development Policies Document and the duty to protect breeding birds in the Wildlife and Countryside Act 1981 as amended

8. Notwithstanding the submitted plans and details, development shall not commence until a scheme detailing tree planting and the final landscaping of the site has been submitted to the Local Planning Authority for written approval. The scheme shall include details of: (i) the species of trees, hedgerows, grasslands, plants and soils to be used (including native species), (ii) the phasing of the landscaping and planting and (iii) the location of the planting, (iiii) and the management of the landscaping. The approved landscaping scheme shall be implemented and maintained in accordance with the agreed phasing and management scheme. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and flora in the interests of amenity, to enhance local ecology and biodiversity and to accord with Policies D6, D7, D8, D9 and D12 of the Local Development Framework Development Policies Document.

9. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to the Local Planning Authority for written approval. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase have been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity, in accordance with Local Development Framework Development Policy D25.

10. The development shall not be brought into use until a management plan for the biodiversity enhancement works including the wildlife pond, grassland habitat and fishing ponds has been submitted to the Local Planning Authority for written approval. The approved management plan shall be implemented, operated and maintained for the lifetime of the development

Reason: To protect and enhance the existing and proposed biodiversity habitats and protected species in accordance with policies D4, D6, D7, D8, D9 and D12 of the Local Development Framework Development Policies Document and the duty to protect breeding birds in the Wildlife and Countryside Act 1981 as amended

11. Notwithstanding the submitted detail the development shall not be brought into use

until a scheme detailing the internal access arrangements and parking provision, including one disabled parking bay, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the materials to be used in the construction of the access and car park and should utilise a geo-grid type product. The development shall not be brought into use until the measures comprising the approved scheme have been implemented and shall be so retained and maintained for the lifetime of the development.

At no time shall any hard surfacing or surface material, other than that expressly permitted by this condition be constructed or laid out within the red line boundary of the site without the prior written consent of the Local Planning Authority.

Reason: To reduce the impact of the proposal on the character of the Green Belt in accordance with policy D9 of the LDFDPD and the guidance contained within the NPPF.

12. The wildlife pond shall at no time to be used for the keeping of fish associated with the fishing ponds.

Reason: To protect local ecology and to accord with Policies D4, D6, D7, D8, D9 and D12 of the Local Development Framework Development Policies Document.

13. Upon completion of the wildlife and fishing ponds, there shall be no pedestrian access to the fishing ponds other than by the pedestrian pathway as shown on the approved drawings.

Reason: To protect trees, wildlife and ecology on the banking from being harmed or disturbed and to accord with Policies D4, D6, D7, D8, D9 and D12 of the Local Development Framework Development Policies Document.

14. No part of the development shall be brought into use until all existing redundant accesses have been permanently closed and the footway crossings removed and the footway reinstated.

Reason: To avoid danger and inconvenience to highway users in accordance with Policy D14 of the Local Development Framework.

15. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking or re-enacting that Order) no development included within Class A of part 2 of Schedule 2 (the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) to that Order shall be carried out at the application site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity and protecting the openness and character of the Green Belt, in accordance with Policy D9 of the Council's Local Development Framework Development Policies Document and the guidance contained within the National Planning Policy Framework.

16. The development shall not be brought into use until a scheme detailing any artificial lighting for external areas has been submitted to the Local Planning Authority for written approval. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and operated throughout the lifetime of the development.

Reason: In the interests of amenity and protecting the openness and character of the

Green Belt, in accordance with Policies D9 and D20 of the Council's Local Development Framework Development Policies Document and the guidance contained within the National Planning Policy Framework.

17. Construction work including earth moving works and deliveries of materials to the site shall not take place on Sundays, Bank Holidays or Public Holidays nor at any other time except between the hours of 07.30 and 18.00 Mondays to Fridays, and between the hours of 08.30 and 16.00 on Saturdays.  
Reason: In the interests of the amenity and to accord with policies D9 and D20 of the Council's Local Development Framework Development Policies Document.
18. The use of the ponds shall only take place between the hours of dawn until dusk.  
Reason: To ensure the proposal does not have a detrimental impact on the amenity of nearby residential properties, in accordance with policies D9 and D20 of the Local Development Framework Development Policies Document.
19. If, during development, any unexpected contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unexpected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.  
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 policy CS10 & D22 of the Local Development Plan.
20. Surface water draining from areas of hardstanding shall be passed through an oil interceptor, reedbed, a (series of) trapped gully or alternative treatment system, prior to being discharged into any watercourse, soakaway or surface water sewer. The scheme shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the development being brought into use and shall thereafter be retained and maintained throughout the lifetime of the development.  
Reason: To reduce the risk of pollution to the water environment in accordance with Policies D24 and D25 of the Council's Local Development Framework Development Policies Document and the guidance contained within the National Planning Policy Framework.
21. There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.  
Reason : To prevent pollution of the water environment in accordance with Local Development Framework Development Policy D25.

**This decision is based on the following plans(s):-**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application Form			02.01.2014
Design and Access Statement			02.01.2014
Site Plans	TOPOGRAPHICAL SURVEY	GACKIRKD RL.21/01	02.01.2014
Ecological Survey	EXTENDED PHASE 1 HABITAT SURVEY		03.10.2014
Ecological Survey	GREAT CRESTED NEWT		04.08.2014

	RESULTS		
Correspondence open	POLICY COMMENTS FROM APPLICANT		06.11.2014
Landscaping Documentation	TREE SURVEY PLANS	201 rev B	24.12.2014
Landscaping Documentation	TREE SURVEY PLANS	200 rev B	24.12.2014
Site Plans	APPLICANTS OWNERSHIP		14.04.2014
Correspondence open	EMAIL FROM E.AGENCY		14.04.2014
Correspondence open	PRE-APPLICATION CORRESPONDANCE		14.04.2014
Correspondence open	AGENT LETTER 24.07.2013		14.04.2014
Applicant/Agent Letter	COVERING LETTER		14.04.2014
Geological Documentation	FLOOD RISK/ENVIR RISK ASSESSMENT		14.04.2014
Miscellaneous Support Documentation	PRE APP ADVICE 24 JULY 2013		14.04.2014
Geological Documentation	GROUND SURE ENVIRO INSIGHT	HMD-1195699	14.04.2014
Geological Documentation	GROUND SURE GEOINSIGHT	HMD-1195700	14.04.2014
Ecological Survey	PHASE 1 HABITAT SURVEY		14.04.2014
Environmental Plans	GROUND SURE MAPS		14.04.2014
Site Plans	SITE PLAN AND SECTIONS	2618-200-REV C	07.11.2014
Site Plans	SITE PLAN AND SECTIONS POND B	2618-201-REV C	07.11.2014
Site Plans	PROPOSED SITE PLAN	2618-202-REV B	07.11.2014
Drainage Documention	POND CONSTRUCTION METHODOLOGY		09.02.2015
Location Plan		2618-001 rev A	03.04.2014
Arboricultural Report			03.04.2014
Drainage Documention	DRAINAGE CLARIFICATIONS		02.12.2014

## Notes

The developer should refer to the Environment Agencies advice contained in the consultation response dated 22 May 2014.

The Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

The applicant is advised that this permission does not authorise excavations within or abutting the public highway. If any such works are required in connection with this permission, the PRIOR APPROVAL of the Council is required as Highway Authority. Works to the public highway undertaken without the necessary approval would be an unlawful interference with the public highway in respect of which, legal action may be taken under the Highway Act 1980 and related statutes.

The applicant is advised that, even if no building work is proposed, approval may also be required under Building Regulations. The advice of the Building Control Service should be sought before the use commences. If any amendments are proposed to the drawings approved herewith when making application under the Building Regulations, a note to that effect should be made on the revised drawings.

Please refer to the accompanying Statutory Provisions and Notes, which form part of this Notice.

**Service Director for Planning**

*NW Rodgers*



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**STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also



The Coal  
Authority

*This Standing Advice is valid from 1<sup>st</sup> January 2015 until 31<sup>st</sup> December 2016*

ability.com

## FURTHER INFORMATION

Now that your application has been determined, this information sheet is intended to inform you of your options.

### GRANTED

If your application has been granted, please be aware that the following may apply to you.

#### TIMESCALES

- If you do not begin the development within the period specified on your decision notice, the permission will lapse.
- Extension of Planning Permission – in order to keep consent extant, you are required to submit a new application, including the full plans and information, and the full current fee.
- If the development is begun but not completed we can, in certain circumstances, require that it is completed within a specified period.

#### CONDITIONS

If your application has been granted subject to conditions you may be required to submit information to allow the discharge of conditions, after which development may commence.

The form for discharge of condition applications can be found using the following link [www.planningportal.gov.uk/uploads/appPDF/X4725Form027\\_england\\_en.pdf](http://www.planningportal.gov.uk/uploads/appPDF/X4725Form027_england_en.pdf) a fee will also be payable.

#### OTHER CONSENTS

This is only a Planning Permission; it does not necessarily mean you can start your development. You must also assess the impact of the following on your development:

- It may be necessary to obtain approval under the Building Regulations. This is handled by our Building Control Department.
- This permission does not entitle you to obstruct a Right of Way. If you need to stop up or divert a footpath or bridleway to enable you to carry out the development you should contact our Public Rights of Way office.
- Any applications for Council grants towards the costs of the development will need to be approved before work starts.
- Your development may come under the jurisdiction of two different pieces of Civil Legislation: the Party Wall Act and Right to Light: see the DCLG website for more information
- If your development requires you to alter any existing utilities (Drainage, Water, Electricity, Gas, Phone, Cable, etc.) then you will need to liaise with the appropriate organisation.

**Do not start your development until you have all the applicable consents**

#### GROUND STABILITY

- This Planning Permission does not constitute any guarantee as to the stability of the site.

### GRANTED WITH CONDITIONS, SPLIT DECISION OR REFUSAL

If your application has been refused, in part or in full, or if there are conditions attached to the grant, then you may wish to consider making a resubmission or an appeal.

## APPEALS

If you are aggrieved by this decision, then you may be able to make an appeal. Appeals in England and Wales are handled (on behalf of the Secretary of State for the Department of Communities and Local Government) by the Planning Inspectorate in Bristol.

There are strict time limits on when Appeals can be made and you are urged to visit [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk) . Alternatively information about all aspects of the Appeal Process are available from the Planning Inspectorate, and the Planning Portal.

## INFORMATION

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### BUILDING CONTROL

01924 306580

[buildingcontrol@wakefield.gov.uk](mailto:buildingcontrol@wakefield.gov.uk)

[www.wakefield.gov.uk/Planning/BuildingControl](http://www.wakefield.gov.uk/Planning/BuildingControl)

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### PUBLIC RIGHTS OF WAY

0845 8 506 506

[prowteam@wakefield.gov.uk](mailto:prowteam@wakefield.gov.uk)

[www.wakefield.gov.uk/CultureAndLeisure/ParksAndOpenSpaces/Footpaths/default.htm](http://www.wakefield.gov.uk/CultureAndLeisure/ParksAndOpenSpaces/Footpaths/default.htm)

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### PLANNING INSPECTORATE

[www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk)

The Planning Inspectorate,  
Temple Quay House,  
2 The Square, Temple Quay,  
Bristol BS1 6PN

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### PLANNING PORTAL

The Planning Portal is the UK Government's online planning and building regulations resource. Use this site to learn about planning and building regulations, and appeal against a decision and research government policy.

[www.planningportal.gov.uk](http://www.planningportal.gov.uk)

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### DCLG (DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT)

The DCLG are the central Government Department responsible for planning policy and building regulations.

[www.communities.gov.uk](http://www.communities.gov.uk)

### Planning Services

Service Director for Planning, Transportation and Highways: Neil Rodgers  
 Wakefield Council, Wakefield One, PO Box 700, Burton Street, Wakefield WF1 2EB  
 Typetalk calls welcome

Date of Application: 2 March 2016  
 Date Decision Issued: 18 November 2016  
 Application Number: 13/03500/SUB02

Mr Danny Pickup  
 c/o DEN Architecture  
 FAO: Alan Powell  
 8 Wharf Street  
 Leeds  
 West Yorkshire  
 LS2 7EQ

**Town and Country Planning Act 1990  
 Town and Country Planning (Development Management Procedure)(England)  
 Order 2010**

## Planning Conditions Discharged

### Description and Location of Application

Discharge of condition 2 (Wildlife/Ecology/Landscaping) as detailed on the decision notice of approved application 13/03500/FUL. at: Warmfield Lane Warmfield Cum Heath Wakefield WF1 5TH

### Particulars of Decision

1. The details submitted for condition (s) 2 are considered acceptable by the Local Planning Authority to plans/detail submission stage. Therefore condition (s) 2 is/are satisfied providing that the information submitted is implemented and retained for the lifetime of the development.

This decision is based on the following plans(s):-

Submitted Details	Reference	Version	Date Received
Applicant/Agent Letter	E-MAIL		02.03.2016
Application Form			02.03.2016
Miscellaneous Support Documentation	SIMPLY ECOLOGY LIMITED - REPORT	Dated February 2016	02.03.2016
Miscellaneous Support Documentation	PLANTING	Dwg No: 203 Rev:B	20.10.2016

**Notes**

**Please refer to the accompanying Statutory Provisions and Notes, which form part of this Notice.**

**Service Director for Planning**

*NWLodgers.*