BARNSLEY
Metropolitan Borough Council

**Place Directorate**
**Regeneration and Culture**
**Planning and Building Control**

# GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2020/1291**

**To** White Agus Partnership
Office One
34 Victoria Road
Barnsley
S70 2BU

**DESCRIPTION** Demolition of existing building last used as flats and residential development of 1no dwelling (Outline with all matters reserved apart from means of access)

**LOCATION** 137 Milton Road, Hoyland, Barnsley, S74 9BG

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 11/12/2020 and described above.

The approval is subject on compliance with the following conditions:

| | |
|---|---|
| 1 | Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.<br>**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:-<br><br>(a) the layout of the proposed development.<br>(b) scale of building(s)<br>(c) the design and external appearance of the proposed development.<br>(d) landscaping<br><br>**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 development hereby approved shall be carried out strictly in accordance with the plans (Nos 20-128-01) and specifications as approved unless required by any other conditions in this permission.<br>**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.** |
| 4 | Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, 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.<br>**Reason: In order to ensure compliance with Local Plan Policy I1.** |
| 5 | 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.<br>**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.** |
| 6 | The parking/manoeuvring facilities, indicated on the submitted plan, 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.<br>**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 Local Plan Policy T4 New Development and Transport Safety.** |
| 7 | No development shall take place until:<br><br>(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:<br><br>(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;<br><br>(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;<br><br>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.<br>**Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.** |

| | |
|---|---|
| 8 | The site has been identified to be at risk from potential coal mining legacy. An intrusive site investigation must therefore be undertaken by a suitably qualified person to evaluate the ground conditions and determine any actual mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D 'Abandoned mine workings manual' where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. In the case of further stabilisation works being required, then the condition will not be discharged until details of such works have also been submitted. Responsibility for securing a safe development rests with the developer and/or landowner.<br>**Reason: NPPF 178 a,b,c. 179 and 170 e & f, based around Land Stability.** |
| 9 | All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.<br>**Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.** |
| 10 | Prior to the construction of any of the dwellings approved by this permission above ground level, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use in accordance with the approved details.<br>**Reason: In interests of promoting sustainable travel opportunities in accordance with Policy T3 New Development and Sustainable Travel and Policy I1 Infrastructure and Planning Obligations of the Local Plan.** |
| 11 | Prior to the first occupation of the development hereby permitted a vehicular access shall be provided and thereafter retained in at the position shown on the approved plan and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.<br>**Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway and in the interests of highway safety.** |
| 12 | Pedestrian intervisibility 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.<br>**Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.** |
| 13 | Prior to the commencement of the use hereby permitted visibility splays measuring 2.4 x 24m to the south and 2.4m x 73m to the north shall be provided as measured to back from the centre line of the access along the nearside carriageway edge to each side of the access and such splays with no obstruction exceeding a height of 1.05m above the level of the adjacent carriageway.<br>**Reason: In interests of highway safety.** |

**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 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.

2 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

3 The development hereby approved includes the carrying out of alterations to vehicular access (es). You are advised that before undertaking work on the adopted highway you will require a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/ or please contact at email Streetworks@barnsley.gov.uk or call to 01226 773555.

4 You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), or to place any equipment, materials in , on, above or abutting a highway requires you to have a licence. Further details are available on the BMBC website at: https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/ or my contacting Streetworks@barnsley.gov.uk

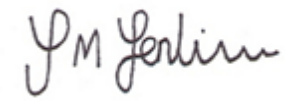
5 As the development involves demolition work, under the Building Act 1984, the Council is required to be notified of demolition carried out within the Borough. Demolition work must also comply with the CDM Regulations 1985 and a health and safety plan produced by the principal contractor.

*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.*

Signed Dated 20/01/2021



Joe Jenkinson
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 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.