



## GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/1738

**To** MBooth Design Ltd  
Fairfield House  
Berneslai Close  
Off Churchfield  
Barnsley  
S70 2FL

**DESCRIPTION** Residential Development of three detached dwellings'(Outline with All Matters Reserved apart from means of access) (Amended Plans and Description).  
**LOCATION** Land adjacent Darley House, Pantry Hill, Worsbrough Dale, Barnsley, S70 4RP

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 25 January 2018 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.  
**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) means of access
  - (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.**

- 3 Plans accompanying the reserved matters application shall be designed in substantial accordance with MBooth Design revised layout plan drawing no P10 rev J and shall be limited to a maximum number of 3 x two storey dwellings.  
**Reason: In the interests of the visual and residential amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design and the Designing New Housing Development SPD.**
- 4 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.**
- 5 Full foul and surface water drainage details, shall accompany the reserved matters application. 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 the proper drainage of the area in accordance with CSP 40**
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material ( ie 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 are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.**
- 7 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.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 8 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.  
**Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26.**
- 10 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Arboricultural impact assessment
  - Tree protective barrier details
  - Tree protection plan
  - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity**

- 11 The erection of barriers and any other measures specified 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.**
- 12 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, shall accompany the reserved matters application. 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**
- 13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 14 The site is located in a coal mining referral area due to the probable presence of shallow coal and possible unrecorded shallow coal mine workings. The development could potentially be at risk from mining legacy issues such as ground instability or fugitive gas migration. The Phase I desk top study undertaken by Met Engineers ref P17-00360-Met-RP-GE-001 concludes that intrusive ground investigations must therefore be undertaken by a suitably qualified person to evaluate ground conditions and potential mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings' where applicable. A report detailing the findings of the investigations and any recommended mitigation shall accompany the reserved matters application. The development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner.  
**Reason: In accordance with the NPPF sections 120 and 121 - Land stability.**
- 15 Full details of the mitigation measures identified in Part 6.3 and 6.4 of the Preliminary Ecological Assessment by Middleton Ecological Consultancy referenced MEC/PEA/2017/15/1) shall be submitted with reserved matters application. The measures shall include a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter 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.**

- 16 A report, endorsed by a competent engineer experienced in ground contamination and remediation, shall be submitted with the reserved matters application. 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).

Should the site require a remediation scheme to address any contamination risks identified, then this scheme shall be implemented in accordance with the approved timetable of works. On the completion of the measures identified in the approved remediation scheme, a Validation Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Authority.

**Reason: In accordance with CSP 39 to protect the environment and ensure the site is suitable for the proposed use**

- 17 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 interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

## 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 Wayne Atkins (01226 772182)
- 2 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 Wayne Atkins (01226 772182)
- 3 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)

Signed   
Joe Jenkinson

Dated 31 October 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.