



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/1092

To DesignSpace
15 Hall Farm Grove
Hoylandswaine
Sheffield
South Yorkshire
S36 7LJ

DESCRIPTION Erection of 2no. single storey earth sheltered dwellings (Resubmission)
LOCATION Racecommon Quarry, Oxspring Road, Penistone, Sheffield, South Yorkshire

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 09 September 2010 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved (drawing nos P/295/1A, 1014/TP/002, 1014/TP/003, 1014/TP/004 and 1014/TP/006 received on 2nd September 2010) unless prior written consent has been given by the Local Planning Authority to any variation.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.
- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

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

Signed *Stephen Moralee*
Assistant Director, Planning and Transportation

Dated 08 December 2010

4 No development shall take place until:-

a) Full details of the package sewerage treatment plant have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local planning Authority.

b) Full details of the sustainable urban drainage system has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure proper, sustainable drainage of the area

5 Before the development is brought into use the part of the site to be used by vehicles shall be laid out in accordance with the approved plan, surfaced in a solid bound material and marked out. Thereafter the area shall be permanently retained for vehicle use.

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 UDP Policy T2A.

6 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. 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 UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.

7 The development shall be carried out in accordance with the recommended mitigation measures set out in the Protected Fauna Survey sated the 9th July 2010, by Whitcher Wildlife Consultants Ltd.

Reason: To protect wildlife and habitats in accord with Policy GS15 of the UDP.

8 The development shall be carried out in accordance with the recommended mitigation measures for flora as detailed in paragraphs 69 - 71 of the Extended Phase 1 Habitat Survey dated 16th July 2009 by Ecosulis Ltd.

Reason: To protect wildlife and habitats in accord with Policy GS15 of the UDP

9 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 type, height and position of protective tree fencing

Reason: In the interests of highway safety and the protection of the existing trees.

Reason(s) for Granting Permission

- 1 Green belt - Policy GS8 It is considered that very special circumstances exist to justify departure from this green belt policy. These circumstances comprise the special innovative design and biodiversity enhancement of the Quarry area.

Informative(s)

- 1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
- 2 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.

- 3 Your attention is drawn to the fact that it will be necessary for you to contact Mr Steve Gibbons on Barnsley (01226) 772017 in respect of the new vehicular access.

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.