BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0164

**To** Alan Robinson
2 Gawber Road
Barnsley
S75 2AF

**DESCRIPTION** Demolition of 40 Ruston Drive, erection of 9 no. detached residential dwellings and creation of access for 4 Warren Walk.

**LOCATION** Land to the rear of 4 - 6 Warren Walk, Royston, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 23 February 2015 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 (Nos - S1-E, EH1, EH2, EH3, EH5-B, PHT1, PHT2, PHT3, E3, E4, H5-A) and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design**.

3 No development shall take place until full details of the proposed external materials, including sample panels on site, have been submitted to/inspected by, 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 Core Strategy Policy CSP 29, Design**.

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

Signed
Head of Planning and Building Control

Dated 19 October 2015

**Development Service**
**PO Box 634, Barnsley, S70 9FE**
**Telephone: 01226 - 772000**
**Fax: 01226 - 772591**

4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of all boundary treatments to be erected within the site. The approved boundary treatments shall be completed before the occupation of each dwelling. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design**.

5 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**.

6 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

**Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26**.

7 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**.

8 Prior to commencement of development full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

**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:

- Construction/reconstruction/resurfacing of Rushton Drive as necessary.
- Provision of/any necessary alterations to street lighting;
- Provision of/any necessary alterations to highway drainage;
- Any necessary signing/lining.

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. In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

10 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.

**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**.

11 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction with Rushton Drive, such that there is no obstruction to visibility and forming part of the adopted highway, in the interest of road safety.

12 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**

13 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**.

14 No development shall take place until full foul and surface water drainage details, including a scheme to maintain or reduce existing Greenfield run-off rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

**Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4**.

15 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2012: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree Protection Barrier Details
Tree protection plan (TPP)
Arboricultural method statement (AMS)
Details of no-dig construction proposals for areas of car park and drive including cross-sections and plans showing relevant area.

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

**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality**.

16 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 maintenance/management plans, 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 landscaping details shall be implemented in accordance with the approved phasing plan prior to the occupation of the buildings.

**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity**.

17 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 CSP 36 'Biodiversity'**.

18 Prior to commencement of plots 4-9 full details of the design, construction and maintenance of the approved pond shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. Furthermore, at no time shall the pond be stocked with fish.

**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36 and to protect amphibian eggs and young**.

19 Prior to commencement of development full details of the mitigation measures identified in the Whitcher Wildlife Ltd. Ecology Report Ref:130467, 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**.

20 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.

**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection**.

21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings occupying plots 4, 5, 8 & 9 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.

**Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29**.

**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 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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

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 The decision to grant planning permission has been taken having regard to the saved policies and proposals in the Barnsley Unitary Development Plan, the policies and proposals set out in the Core Strategy and to all relevant material considerations, including Supplementary Planning Guidance:

Core Strategy

CSP3 'Sustainable Drainage Systems' - Expects all developments to use SUDS.

CSP4 'Flood Risk' sets out that the extent and risk of flooding shall be reduced by requiring Flood Risk Assessments for developments over 1ha that shall set out measures including reducing surface water run off by at least 30% on brownfield sites.

CSP8 'Location of Growth' Identifies Royston as a Principle town and a priority for future growth.

CSP9 'The Number of New Homes to be Built' - The Council will seek to achieve the completion of 21500 new homes between 2008 - 2026.

CSP14 'Housing Mix and Efficient Use of Land' states that proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and sustainable communities.

CSP15 'Affordable Housing' states that housing developments of 15 or more shall be expected to provide affordable housing. In Urban Barnsley the expected contributions shall be 15% of the overall number of new dwellings proposed.

CSP26 'New Development and Highway Improvement' state that new development shall be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 'Design' sets out that high quality design shall be expected.

CSP35 'Green Space' seeks to protect and enhance the Borough's Green Spaces, loss of any designated or functioning space would only be tolerated where appropriate compensation is secured or there is a surplus of that type of green space within the vicinity.

CSP40 'Pollution Control and Protection' states that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration.

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

**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.

**Development Service** **Telephone: 01226 - 772600**
**PO Box 634, Barnsley, S70 9FE** **Fax: 01226 - 772599**