BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/1162

**To** Brewster Bye Architects
5 North Hill Road
Headingley
Leeds
LS6 2EN

**DESCRIPTION** Amendment to plots 22-29 of application 2012/1189 (Erection of 29 no. dwellings and associated access roads)
**LOCATION** Land at George Street Darfield Barnsley South Yorkshire S73 9LT

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 01 November 2013 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 amended plans (Nos. Site Location 15/124 (02) 001; 15/124 (02) 002; Street sections 15/124/(02) 004, 320/04(03)024 and 320/04(03)023E; Site Layout 320/04(09)005; House Type E 15/124 (02) 103; House Type B & G 15/124 (02) 105; House Type A & B 15/124 (02) 100; House Type D 15/124 (02) 102; House Type B & F & A & B 15/124 (02) 104; House Type A & C 15/124 (02) 101 Rev 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 accordance with Core Strategy Policy CSP 29, Design.**

3 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.**

Stephen Moralee

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, Building Control and Sustainability

Dated 03 January 2014

**Development Service** **Telephone: 01226 - 772000**
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4 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m.
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

5 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

6 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.**

7 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 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 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 and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**

8 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.**

9 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following document shall be submitted to and approved in writing by the Local Planning Authority:

Tree Protective Plan
Tree protection plan (TPP)
Arboricultural method statement (AMS)

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.**

10 The erection of barriers 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.**

11 The dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
**Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.**

12 Visibility splays, having the dimensions 2.4m x 45m, shall be safeguarded at the junction of the site access roads with George Street, such that there is no obstruction to visibility and forming part of the adopted highway.
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

13 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 works:

- relocation of existing bus stop and shelter;
- provision of bus boarder kerb detail
- removal of/provision of any necessary signing /lining;
- reinstatement/reconstruction of existing highway as necessary
- any necessary alterations to street lighting;
- any necessary alterations to highway drainage;
- measures to prevent/restrict parking along the entire site frontage

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.
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Barnsley LDF Core Strategy Policy CSP 26, New Development and Highway Improvement.**

14 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Barnsley LDF Core Strategy Policy CSP 35. The provision or enhancement of off-site public open space shall be provided prior to completion of the development in accordance with the approved scheme.
**Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs and in accordance with Barnsley LDF Core Strategy Policy CSP 35 and SPG20.**

15 On completion of the development a condition survey (including structural integrity) of the highways used by construction traffic shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify any 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 Barnsley Core Strategy Policy CSP 26.**

16 The construction works undertaken on site shall comply with the Construction Method Statement approved under the discharge of conditions application for 2012/1189.
**Reason: In the interests of highway safety in accordance with CSP 26 and CSP 40.**

17 The foul and surface water drainage shall be fully implemented in accordance with the drainage scheme approved under the discharge of conditions application for 2012/1188. 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 lifetime of the development.
**Reason: To ensure proper drainage of the area in accordance with CSP 40.**

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**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 an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

2 The applicant is advised that Condition [10] , relating to the Code for Sustainable Homes, applies specifically to the aspects of the Code not covered by the Building Regulations. The development will therefore need to comply with the standards applicable under the Building Regulations, which may be higher than Code 3 if Building Regulations Approval is obtained from 2013 onwards.

3 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.

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.

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