



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0556

**To** Building Design Services  
15 Hunters Avenue  
Barnsley  
S70 6PL

**DESCRIPTION** Residential development of 10 no. dwellings  
**LOCATION** Land off Greenside Lane, Hoyland, Barnsley,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 08 June 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 (drawing no.s Q/16/1, Q/16/2A, Q/16/3, Q/16/6) as approved 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 foul and surface water drainage details 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. The scheme shall be retained throughout the life of the planning Authority.  
**Reason: To ensure the proper drainage of the area.**

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 07 September 2010

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally from the outside edge of the pipe or culvert, of any sewer or culverted watercourse.

**Reason: To prevent damage to the existing sewer or watercourse and to allow sufficient access for maintenance and repair work at all times.**

- 5 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: In the interest of highway safety.**

- 6 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

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.**

- 7 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 UDP Policy ES1, Pollution.**

- 8 No development or other operations being undertaken shall take place on site in connection with the development until the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) have been submitted to and approved in writing by the Local Planning Authority:

Tree protection plan (TPP)

Tree Protective Fencing specification

No development shall take place until the erection of fencing for the protection of any retained tree has been undertaken in accordance with the approved plans and particulars prior to any equipment, machinery or materials being brought on to the site for the purposes of the development. The fence shall be maintained until all equipment, machinery and surplus materials have been removed from the site upon completion of the development. 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.**

- 9 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, unless the Local Planning Authority give written consent to any variation.

**Reason: In the interests of the visual amenities of the locality.**

- 10 No development shall take place until an investigation and report, which assesses the extent to which the site may be affected by landfill gas and which demonstrates that the development can be safely undertaken and occupied, has been submitted and agreed with the Local Planning Authority. The report shall be prepared by a competent consultant experienced and specialised in the assessment and evaluation of landfill gas migration, and the period of monitoring provide an adequate reflection of environmental conditions (i.e. more than one monitoring visit).

The investigation and report shall:-

i Be based upon BS 10175:2000, Investigation of Potentially Contaminated Sites - Code of Practice; CIRIA Report CIRIA C659, Assessing risk posed by hazardous gas; NHBC 2007, Guidance on evaluation of development proposals on sites where methane and carbon dioxide are present.

ii Describe the methodology, techniques and equipment and circumstances of the survey and clearly relate final conclusions and recommendations to the results and findings of tests and investigations so that they may be understood by a third party.

iii Advise on any remedial measures which demonstrate that the development can be safely undertaken in strict accordance with the submitted remedial measures contained within the report.

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors**

- 11 Unless otherwise agreed in writing by the Local Planning Authority the boundary treatment to be erected along the sites frontage with Greenside Lane shall not exceed 1m in height.

**Reason: In the interests of highway safety to ensure that visibility splays to the sites accesses are safeguarded.**

#### **Reason(s) for Granting Permission**

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| 1 Residential Areas - Policy H8A | The proposal complies with Policy H8A in that the scale, layout, height and design of the dwellings does not cause any significant detriment to residential amenity for new or existing residents. |
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The proposed development meets the standards set out in SPG2, 'The Design and Layout of New Housing', on density/house type/ mix/layout/parking/access/spacing.

## Informative(s)

- 1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:
  - Collapse of shallow coal mine workings;
  - Collapse of, or risk of entry into, mine entries (shafts and adits);
  - Gas emissions from coal mines including methane and carbon dioxide;
  - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
  - Transmission of gases into adjacent properties from underground sources through ground fractures;
  - Coal mining subsidence
  - Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://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 policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

UDP Policy

H8 & H8A 'Existing Residential Areas'

BE6 'Design Standards'

T2 'Development and the Highway Network'

T2a 'Development and the Highway Network'

GS22,22A,22B 'Woodland Hedgerows & Trees)

Supplementary Planning Guidance:

SPG2 'Design and Layout of New Housing'

National Planning Policy:

PPS1 'Delivering Sustainable development'

PPS3 'Housing'

PPG13 'Transport'

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

## **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.