BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0342

To Mr Matthew Bagnall
DLP Planning Ltd
11 Paradise Square
Sheffield
S1 2DE

DESCRIPTION Variation of condition 2 - Amendment to type II house type (Plots 1, 7, 18, 36 and 39 of app 2012/0861 - Residential development of 39 no. dwellings and associated works.

LOCATION (Plots 1, 7, 18 and 36) Land at Bamford Close, Dodworth, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 27 March 2013 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall commence before 28th February 2016.
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 following plans and specifications as approved unless required by any other conditions in this permission:-

Drawing no BC/SK1 Revision AA

Drawing no: House ref 2012-T2, drawing 09

Drawing no: House ref Type A, drawing 10-1 (S)

Drawing no: House type GL49 (2010)/10

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 24 June 2013

Development Service
PO Box 604, Barnsley, S70 9FE
Telephone: 01226 - 772000
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Drawing no: GLIFE22-SYRD, no 09 Rev A

Drawing no: 8-05 '1.8m pier and panel wall detail (without Rosemarys)'

Drawing no 9-01 '1.8 & 1.5 high screen fence detail hit and miss pattern'
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

3 Prior to the commencement of development plans to show the finished floor levels of all buildings and structures shall be submitted to and approved by the Local Planning Authority. 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 and in accordance with LDF Core Strategy Policy CSP 29, Design.

4 The development shall be carried out in accordance with the following details approved under the requirement for a construction method statement:-

Construction management plan written version - email 07/06/2013
Drawing 50022/CMP/01 Rev E 'Construction Management Plan'- email 07/06/2013
Drawing SD7-14 Standard Production Centre Layout -email 07/06/2013
Control over dust and noise written version - letter 08/03/2013
Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.

5 No development shall take place until an intrusive site investigation and the results to assess the risk of land instability arising from historical coal mining activity have been submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings, further details shall be provided to the Local Planning Authority for approval that shall require implementation prior to the commencement of the approved development
Reason: In order to ensure safety and stability of the proposed development.

6 The development shall be carried out in accordance with the approved highway condition survey. 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.

7 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, in accordance with Core Strategy Policy CSP 26.

8 The development shall be carried out in accordance with the following details approved under the requirement to provide details of both hard and soft landscaping details and boundary treatments:-

Drawing no BC/HLP/01 Rev D 'Hard landscaping plan'
FDA Landscaping drawing nos R1342, 1 Rev B, 2 & 3

The approved hard landscaping details shall be implemented prior to the occupation of the buildings.
Reason: In the interests of the visual and residential amenities of the locality, in accordance with Core Strategy Policy CSP 29.

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 others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

10 The development shall be carried out in accordance with the following details approved under the requirement for a landscape management plan:-

FDA Landscape Ltd written document 'landscape management plan' - email 14/06/2013

Email 14/06/2013 stating that the POS area will be maintained by a management company
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

11 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.

12 The development shall be carried out in accordance with the following details approved under the requirement for tree protective barrier details, a tree protection plan and an arboricultural method statement:-

Drawing 50022/CMP/01 Rev E 'Construction Management Plan'- email 07/06/2013

The erection of a barrier for the protection of any retained tree shall be undertaken in accordance with the approved plans and methodologies 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 ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

13 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.

14 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 0800 to 1300 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.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (and any order revoking and re-enacting the order) no additional windows or other openings to those shown on the approved plans shall be formed in the side facing walls of plots 1, 7, 18, 19 and 38 facing existing properties located on Haddon Close, Eyam Close, Bamford Close and Champany Fields.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential properties in accordance with Core Strategy Policy CSP 29.

16 All external windows shall be recessed by a minimum 50 mm.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP29 'Design'.

17 The development shall be carried out in accordance with the following details approved under the requirement to provide full foul and surface water drainage details:-

R.A.B Engineering Design Ltd drawing no 965-13 Rev E

R.A.B Engineering Design Ltd drawing no 965-13 Rev E

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.

18 All works undertaken on site must, without exception, be carried out in strict adherence with the recommendations contained in the Brooks Ecological report references BE-R-1295-01 June 2012 'Ecological Appraisal and BE-R-1295-02 September 2012 'Bat Emergence Survey'.
Reason: To safeguard the protected species in accordance with Core Strategy policy CSP36 Biodiversity and Geodiversity.

19 The development shall be carried out in accordance with the following details approved under the requirement to provide a scheme for biodiversity enhancement:-

Drawing 50022/ECO/01 'Ecology and CSH3 Enhancement'

The approved details shall be implemented prior to occupation of the building and retained as such thereafter.
Reason: In the interests of enhancing biodiversity in accordance with Core Strategy policy CSP36 Biodiversity and Geodiversity.

20 The development's carbon dioxide emissions shall be reduced by at least 15% by incorporating the measures identified in the Plasmoor Limited report '15% Carbon Reduction by Renewable Energy Technology'. Upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

21 Prior to the commencement of development written arrangements shall be entered into which ensure that this development is subject to the same affordable housing requirements that was granted planning permission under planning application reference 2012/0861.
Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.

22 Prior to the commencement of development written arrangements shall be entered into which ensure that this development is subject to the same public open space requirements that was granted planning permission under planning application reference 2012/0861.
Reason: To ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 29.

Reason(s) for Granting Permission

1 Unique In the opinion of the Local Planning Authority, the proposed minor material amendment is considered acceptable in that the scale and nature of the changes would result in a development which is not substantially different from that approved under application 2012/0861 taking into account visual and residential amenity and highway safety considerations. The proposals therefore remain compliant with policies including CSP29 'Design' and the Designing New Residential Development SPD. In the opinion of the Local Planning Authority there are no material considerations which indicate a decision should be made at variance to the above.

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 granting of planning permission does not affect 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.

2 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant

3 The applicant should note the informative comments provided in the following formal consultation responses received by the Local Planning Authority:-
-Yorkshire Water 28th August 2012
-Coal Authority 15th August 2012
Please note that to be acceptable in a Yorkshire Water context the development, proposals submitted in relation to condition 20 should be in accordance with the Flood Risk Assessment prepared by ARP Associates - Report 374/24 dated July 2012, which states that foul water shall discharge to foul sewer and surface water to surface water sewer at a restricted rate of seven litres per second.

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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