BARNSLEY
Metropolitan Borough Council

Place Directorate
Economic Regeneration
Planning and Building Control
Head of Service: Joe Jenkinson

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/0311

To Mr Matt Burrow
3 Hepton Court
York Road
Leeds
LS9 6PW

DESCRIPTION Substitution of house types (approved under planning application 2013/0785) on plots 97 to 101 (inclusive) and repositioning of plots 105 and 106, to allow a change from 7 detached dwellings to 6 detached dwellings and 2 semi detached dwellings (an overall increase in the number of dwellings from 139 to 140.)

LOCATION Land off Hartcliff Road, Cubley, Barnsley, S36 6AU

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 March 2017 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, specifically relating to plots 97 to 101 (inclusive) and plots 105 and 106, shall be carried out strictly in accordance with the plans (Nos PEN-2016:RP02D, 114-ROS-ASV, RF-WD16, 109-HAT-ASV, 121-WIN-ASV-A) and specifications as approved unless required by any other conditions in this permission. The remainder of the development approved under application 2013/0785 shall be carried out in accordance with the plans approved under that permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

3 The development shall be carried out in accordance with the approved finished floor levels of all buildings and structures; road levels; existing and finished ground levels in accordance with the details shown on James Eaton Design Ltd plan 14/598/6630E 'Engineering Layout'.
Reason: In accordance with LDF Core Strategy Policy CSP 29, Design.

4 The development shall be carried out in accordance with the approved materials discharged 03/03/2015:- Walls to be Forticrete Anstone Premier Range Regency Buff (Pitched Finish) and roofs to be Russell Galloway Slate Grey.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

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, in accordance with Core Strategy Policy CSP 26.

6 Sightlines, having the dimensions 2.4m x 40m, shall be safeguarded at the junction of the site with Hartcliff Road, such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

7 The development shall be carried out in accordance with the approved Construction Method Statement discharged on the 05/03/2015, ref: MB/HRP/141103.
Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.

8 The development shall be carried out in accordance with the approved Agreement completed with the Council 19th March 2015 under S278 of the Highways Act, which is based upon the following documents:-
S278 Agreement document
TR/3735/01 (Draft Design)
TR/3738/01 (Site Clearance/Signing Design 1 of 2)
JR/3738/02 (Site Clearance/Signing Design 2 of 2)
TR/3738/03 (Lining Design)
HD/HR/1 (Surfacing)
HD/HR/2 (Kerbing and Drainage)
HD/HR/3 (Street Lighting Arrangement)
TR/3738/Sign Ref. 1 RS
TR/3738/Sign Ref. 2RS
TR/3738/Sign Ref. 3RS
TR/3738/Sign Ref. 4RS
TR/3738/Sign Ref. 5RS
TR/3738/Sign Ref. 6RS
TR/3738/Sign Ref 7RS
S278 work:Draft Programme
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

9 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.

10 The development shall be carried out in accordance with the approved Highway Condition Survey discharged in part on the 13/04/2015. 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.

11 The development shall be carried out in accordance with the approved foul and surface water drainage details shown on plans 14/598/6637C dated 22/04/2014 and 14/598/6762A dated 11/01/2015 prepared by James Eaton Design Ltd.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

12 No piped discharge of surface water from the application site shall take place prior to the completion of the approved surface water drainage works and no building shall be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that the site is properly drained and surface water is not discharged to any off site drainage system, which will prevent overloading, in accordance with Core Strategy policy CSP4.

13 The development shall be carried out in accordance with the approved tree protective barrier details, tree protection plan and arboricultural method statement received by email on the 09/01/2015 (revs A and B).

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.

14 The development shall be carried out in accordance with the approved hard and soft landscaping works in accordance with the revised plans received 12/01/2015 (revision D).
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

15 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.

16 No hedges or trees on the site existing or proposed (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed without written approval from the Local Planning authority. 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.

17 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.

18 The development shall be carried out in accordance with the approved Contamination Investigation and Risk Assessment approved on the 21/01/15.
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 in accordance with Core Strategy Policy CSP 39.

19 The development shall be carried out in accordance with the Sustainability Report prepared by JSP Sustainability Ltd approved on the 04/03/2015
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

20 The development shall be carried out in accordance with the approved mitigation measures identified in the Ecological Survey (report ref 120826/Rev2 dated 20th February 2014). The development shall be implemented in accordance with the plans/details received by email 10/12/2014.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

21 The development shall be carried out in accordance with the approved Phasing of the development, submitted and approved in writing by the Local Planning Authority on the 31/10/2014.
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.

22 The development shall be carried out in accordance with the Boundary Treatment Plan PEN-2013:01M.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.

23 The development shall be carried out in accordance with the Landscape Management Plan received by email 10/12/2014.
Reason: In the interests of the visual amenities of the locality, 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.

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

1 This application relates to the substitution of house types within the red line boundary as shown on the approved site plan i.e. relating to plots 97 to 101 inclusive, and plots 105 and 106. The developer would still need to adhere to all the relevant conditions and Section 106 agreement approved under application 2013/0785.

Signed JM Jenkinson Dated 28 April 2017
Joe Jenkinson
Head of Planning and Building Control

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

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.