BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1159

**To** Mr Bernard Midgley
Rotherwood
The Green
Penistone
Sheffield
South Yorkshire
S36 6BL

**DESCRIPTION** Erection of detached dormer bungalow.
**LOCATION** Land adjacent to Rotherwood, The Green, Penistone, Sheffield,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 September 2009 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 under drawing numbers 605 -01 and 605 -02 and specifications 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 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. 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 UDP Policy BE6, Design Standards.

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

Stephen Moralee
Signed
Assistant Director, Planning and Transportation

Dated 26 October 2009

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4 No development shall take place until full details of the proposed external materials have been submitted to 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 UDP Policy BE6, Design Standards.**

5 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 enlargement, improvement or other alteration of the dwellings 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 openness and visual amenities of the Conservation Areat in accordance with UDP Policy BE1.**

6 The means of access to the site shall be fully constructed in accordance with the details indicated on the approved plans before the commencements of works on the construction of the bungalow hereby approved in accordance with UDP Policy T2A.
**Reason: In the interests of highway safety.**

7 Before the development is brought into use that part of the site to be used by vehicles shall be laid out in accordance with the approved plan and hard surfaced, sealed and drained (and marked out), and shall thereafter be permanently retained for vehicle use.
**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 UDP Policy T2A.**

8 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 600mm above the nearside channel level of the adjacent highway.
**Reason: In the interest of road safety.**

9 Nothing shall be permitted to be planted or erected within a strip of land 2.4m deep measured from the adjacent channel of The Green which exceeds 1.05m in height above the level of the adjoining channel.
**Reason: In the interests of Highway Safety.**

10 No development shall take place until:

a) details of the foul and surface water drainage 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 development unless otherwise agreed in writing with the Local Planning Authority.

b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways.

c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways are all approved in writing by the Local Planning Authority.
**Reason: To ensure the proper drainage of the area.**

11 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.**

12 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 UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.**

**Reason(s) for Granting Permission**

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| 1 | Conservation Areas - Policy BE1/1A | The proposal complies with Policy BE1/1A in that it proposes a high quality of design and materials, which will preserve the appearance of the Conservation Area. |
| 2 | Residential Areas - Policy H8A | The proposal complies with Policy H8A in that the scale, layout, height and design of the dwelling does not cause any significant detriment to residential amenity for new or existing residents. |

**Informative(s)**

1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.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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