



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0004

**To** Ian Parker  
NPS Barnsley  
Gateway Plaza  
5th Floor  
Sackville Street  
Barnsley  
S70 2RD

**DESCRIPTION** Erection of 16 no. dwellings

**LOCATION** Land at Billingley View, Bolton Upon Dearne, Rotherham

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 15 January 2020 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 (Nos C-1679-01 Revision A, C-1679-02 Revision A, C-1679-03 Revision A, C-1679-04 Revision A, C-1679-05 Revision A, EWE/2445/01 Rev O, NPS- 00-PL-A-001 Rev P1, NPS- 00-PL-A-002 Rev P1, NPS- 00-PL-A-003 Rev P1, NPS- 00-PL-A-004 Rev P1, NPS- 00-PL-A-005 Rev P4, NPS- 00-PL-A-007 Rev P1, NPS- 00-PL-A-008 Rev P1, NPS- 00-PL-A-009 Rev A, NPS- 00-PL-A-010 Rev P1, NPS- 00-PL-A-011 Rev A, NPS- 00-PL-A-012 Rev P1, NPS- 00-PL-A-013 Rev P1, NPS- 00-PL-A-014 Rev P1, NPS-2B-PL-DR-A-100 Rev P2, NPS-3B-PL-DR-A-100 Rev P2, ER-4001-02 , Tree Protection Plan13024-ARB-02, Design and Access stated dated December 2019 by NPS, Energy Specification dated December 2019 by Aeratech Ltd, Transport Statement by dated July 2019 Sanderson Associates Ltd, Tree Survey, Arboricultural Impact, Assessment and Arboricultural Method Statement dated July 2019 by Ecus Ltd, Geotechnical Risk Assessment dated July 2019 by Hamson Barron Smith, Noise Impact Assessment dated August 2019 by ENS Ltd, Flood Risk Assessment, by EWE Associates Ltd dated November 2019, Geophysical Survey dated March 2020 by On Site Archaeology Ltd, Archaeological Desk based assessment dated June 2019 by On Site Archaeology Ltd, Updated Preliminary Ecological Appraisal Report, by Brooks Ecological dated August 2019) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

3 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason: To meet identified housing need in accordance with Local Plan Policy H7 and the SPD Affordable Housing.**

4 No development shall take place until a scheme has been submitted and approved by the Council, in respect of the provisions to satisfy the requirements of Policy I1 Infrastructure and Planning Obligations of the Local Plan and the Supplementary Planning Document Sustainable Travel in relation to provision of a Sustainable Travel contribution of £12,000 which is generated by the development. The development shall not be implemented otherwise than in accordance with the requirements of the approved scheme.

**Reason: In accordance with Local Plan Policy I1 Infrastructure and Planning Obligations of the Local Plan and the Supplementary Planning Document Sustainable Travel.**

5 No development shall take place until a scheme has been submitted to and approved by the Council in respect of the provisions to satisfy the requirements of Policy I1 Infrastructure and Planning Obligations of the Local Plan and the Supplementary Planning Document Financial Contributions for Schools, in relation to the provision of an Education contribution of £80,000 which is generated by the development. The development shall not be implemented otherwise than in accordance with the requirements of the approved scheme.

**Reason: To ensure children can be accommodated in the local primary and secondary schools in accordance with Local Plan Policy I1 and the SPD Financial Contributions for Schools.**

6 Upon commencement of development details of the proposed external materials shall be 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 Local Plan Policy D1 High Quality Design and Place Making.**

7 Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation, shall be 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 interests of providing appropriate infrastructure in accord with Policy I1 of the Local Plan.**

- 8 All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, 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 Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.**
- 9 The erection of barriers and any other measures specified 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.**
- 10 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.  
**Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 11 The scheme shall be carried out in accordance with the mitigation measures and biodiversity enhancements submitted within the Ecological Report. The approved landscaping details and biodiversity enhancements shall be implemented prior to the occupation of the building(s).  
**Reason: To conserve and enhance biodiversity in accordance with Local Plan policy BIO1 'Biodiversity and Geodiversity'.**
- 12 Prior to first occupation of the development hereby permitted, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the LPA. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use.  
**Reason: In interests of promoting sustainable travel opportunities in accord with Policy I1 of the Local Plan.**

- 13 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
  - The requirement to seek preservation in situ of identified features of importance.
  - The programme for post-investigation assessment.
  - The provision to be made for analysis and reporting.
  - The provision to be made for publication and dissemination of the results.
  - The provision to be made for deposition of the archive created.
  - Nomination of a competent person/persons or organisation to undertake the works.
  - The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

**Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.**

- 14 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.  
**Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety in accordance with Local Plan Policy T4.**
- 15 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**
- 16 The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 as measured from the edge of adjacent carriageway.  
**Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.**
- 17 Boundary treatments to the front of plots shall be set at a height no greater than 900mm above the level of the near side channel line of the public highway to ensure the visibility thus provided shall thereafter be maintained as such.  
**Reason: In interests of highway safety in accordance with Local Plan Policy T4.**
- 18 The site shall be developed with separate systems of drainage for foul and surface water on and off site.  
**Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

## 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 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:


[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [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 development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email [HighwaysDC@barnsley.gov.uk](mailto:HighwaysDC@barnsley.gov.uk) or call to 01226 773555.
- 4 The development hereby approved includes the creation of/carrying out of alterations to vehicular access (es). You are advised that before undertaking work on the adopted highway you will require a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/> or please contact at email [Streetworks@barnsley.gov.uk](mailto:Streetworks@barnsley.gov.uk) or call to 01226 773555.

Signed 

Dated 20 May 2020

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 given 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.