BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0551

To Peter Dimberline Ltd
2 Tipsey Court
Wakefield Road
Staincross
Barnsley
S75 6FZ

DESCRIPTION Erection of 6 no. dwellings including associated access and parking

LOCATION Knowles Quarry Site adjacent 80 Barnsley Road, Cudworth, Barnsley

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 03/07/2020 and described above.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

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 amended plans and specifications as approved: 2018/15/02 Rev A Site Plan, 2018/15/04 Proposed detached dwelling details plots 1 and 6, and 2018/15/03 Rev A Proposed Semi Detahced Dwelling Details Plots 2,3,4 and 5 unless required by any other conditions in this permission. **Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

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 Local Plan Policy D, High Quality Design and Place Making.**
4	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.**
5	Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained. **Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making.**
6	No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:- 1. A survey of the extent, scale and nature of contamination. 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments. 3. An appraisal of remedial options, and proposal of the preferred option(s). 4. A remediation statement summarising the works to be undertaken (if required). 5. A Validation Report to confirm remediation works have been undertaken (if required). The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Development on land affected by contamination SPD. **Reason: In accordance with Local Plan Policy Policy CL1 Contaminated and Unstable Land.**

7	No development shall take place unless and until (a) 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 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 and (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 in accordance with Local Plan Policy CC3.**
8	The site has been identified to be at risk from potential coal mining legacy. An intrusive site investigation must therefore be undertaken by a suitably qualified person to evaluate the ground conditions and determine any actual mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned mine workings manual" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. In the case of further stabilisation works being required, then the condition will not be discharged until details of such works have also been submitted. Responsibility for securing a safe development rests with the developer and/or landowner. **Reason: In accordance with NPPF 178 a,b,c. 179 and 170 e & f, based around Land Stability.**
9	Prior to the first occupation of the development hereby permitted access shall be provided and thereafter retained in at the position shown on the approved plan and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. **Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway and in the interests of highway safety in accordance with Local Plan Policy T4.**
10	Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05m above the level of the adjacent highway carriageway. **Reason: In interests of highway safety and to accord with Local Plan Policy T4.**

11	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.**
12	Prior to the first occupation of the development hereby permitted, the proposed accesses, driveways, on-site car and cycle parking, and turning shall be laid out in accordance with the approved plan. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development. **Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with Local Plan Policy T4.**
13	The gradient of the vehicular access shall not exceed 1 in 12 for the first 5m into the site as measured from edge of the adjacent carriageway. **Reason: In interests of the safety of persons using the access and users of the highway in accodance with Local Plan Policy T4.**
14	No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority: Tree protective barrier details Tree protection plan **Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan Policies D1 and BIO1.**
15	Upon commencement of development, full details of soft landscaping works, including details of the species, positions and planted heights of proposed trees and hedges; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. **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.**
16	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'.**

17	All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the landscaping shall be carried out in accordance with the approved details and timescales. **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'.**
18	The development hereby approved shall be carried out in accordance with the details contained in the Knowles Quarry Ecological Impact Assessment (Whitcher Wildlife Ltd, ref:200131/EcIA). **Reason: In the interests of conserving and enhancing biodiversity in accordance with Local Plan Policy BIO1 and the SPD Biodiversity and Geodiversity.**
19	Prior to the development hereby approved being occupied, a detailed Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development and long-term management of the site shall be carried out in accordance with the approved details. **Reason: In the interests of conserving and enhancing biodiversity in accordance with Local Plan Policy BIO1 and the SPD Biodiversity and Geodiversity.**
20	20. Upon commencement of construction works, details of the installation of an Electric Vehicle Charging Point (EVCP) shall be submitted to and approved in writing by the LPA. The works shall be installed in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details. **Reason: In interests of promoting sustainable travel opportunities in accordance with Local Plan Policy T3.**

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 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

Property specific summary information on past, current and future coal mining activity can be obtained from: 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 Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 13. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.

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 or call to 01226 773555.

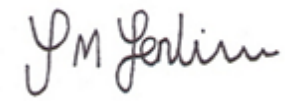
5 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions 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 or call to 01226 773555.

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.

Signed Dated 25/02/2021



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.