



BARNSLEY

Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0051

To ID Planning
Atlas House
31 King Street
Leeds
LS1 2HL

DESCRIPTION Residential development for three units (Outline)
LOCATION Land adjacent 344 New Road, Staincross, Barnsley, S75 6DP

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 21 January 2013 and described above.

The approval is subject on compliance with the following conditions:

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) the design and external appearance of the proposed development.
 - (b) landscaping**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**

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

Signed *Stephen Morales*
Assistant Director, Planning and Regulatory Services

Dated 11 March 2013

3 The development hereby approved shall be carried out strictly in accordance with the plans (Nos P1, OS1, Tree Survey 121015, habitat survey 121018 25th October 2012, Design and Access Statement Ref 12.18) 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 LDF Core Strategy Policy CSP 29, Design.

4 The dwellings shall achieve the minimum requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme) in accordance with details submitted to the Local Planning Authority as part the reserved matters. Details shall include measures to achieve the Code Level applicable at the time of the reserved matters submission (3 currently, 4 from 2013-2015 and 6 from 2016 onwards). Thereafter the development shall be carried out in accordance with the approved details and no dwelling shall be occupied until a Final Code Certificate has been submitted to the Local Planning Authority certifying that the relevant Code Level has been achieved.

Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.

5 No development or other operations being undertaken on site shall take place until the following document has been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies and the tree protection barriers shall be installed 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 ensure the continued well being of the trees in the interests of the amenity of the locality.

6 The applicant shall ensure that the development is undertaken in compliance with CIRIA 32 guidance "Construction over abandoned mine workings" in consultation with the Coal Authority; where shallow mine workings within 10 times the extraction thickness of the foundations must be stabilised.

Reason: In order to accord with paragraphs 120/121 of the NPPF - Land Stability.

7 No development shall take place unless and until 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.

Reason: To ensure the proper drainage of the area.

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**

- 9 Visibility splays, having the dimensions 2m x 40m, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside channel level of the adjacent highway.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 10 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- The provision of pedestrian tactile paving in the footway, at the bottom of the public path to the open land known as Staincross Plantation.

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

- 11 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 Green Belt in accordance with Core Strategy Policy CSP 34, Protection of Green Belt.**

- 12 Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority outlining full details of biodiversity enhancements, including the location, type and long term maintenance of the each of the habitat enhancement features. The scheme shall be carried out in accordance with the approved details.
- Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**

- 13 Prior to the commencement of development, details of the materials for the footpath and a scheme for its long term management shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall be installed in accordance with the approved details prior to the occupation of the dwellings and the footpath shall be managed thereafter in accordance with the approved scheme.

Reason: To improve access to the existing Green Space area, in order to accord with policy CSP35 of the Core Strategy.

Reason(s) for Granting Permission

- 1 The proposals is compatible with adjoining land uses, does not comprise residential amenity or highway safety.

Whilst the development would result in a loss of Green Space, the proposed improvements are considered to offer significantly greater accessibility and Green Space quality in an area of the borough which is deficient. These benefits are considered to outweigh the loss of Green Space to an extent where the development is considered to satisfy policy CSP35. The proposal also satisfies the Supplementary Planning Document on New Housing Development.

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 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.

- 2 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 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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.