



BARNLSLEY

Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1555

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

DESCRIPTION Creation of a new access including new boundary fencing and hedgerow planting, resurfacing of existing internal access tracks and construction of two parking areas to facilitate the recreational use of the site for horse riding and fishing.

LOCATION Site off Hill End Road, Mapplewell, Barnsley, S75 6DX

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 25 January 2012 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun within 3 years from the date of this permission.
Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.
- 2 The Mineral Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.
Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.

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

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

Dated 30 May 2012

- 3 The development hereby permitted shall only be carried out in accordance with the following documents unless amendments are made pursuant to the other conditions below:
- a) Unlabelled drawing submitted with the planning application form showing the red line application boundary and the application area hatched in red (shown edged blue on drawing number B430/OS/1 - Ownership - dated 25 October 2011);
 - b) Drawing number 2011/013/01 - Site off Hill End Road, Mapplewell - Details of boundary treatment and new access - dated November 2011;
 - c) Drawings numbered B/430/S/1 titled 'Topographical Survey, Sheets 1, 2, 3, 4, and 5, showing access tracks to be improved and location of parking areas - dated 28 September 2011;
 - d) Planning Statement attached to letter dated 18 January 2012 from Peter Dimberline Ltd;
 - e) Contamination report prepared by PSL, Doncaster dated 14 June 2011; and
 - f) Phase 1 Habitat and Protected Fauna Survey prepared by Whitcher Wildlife Ltd, reference 110675 dated 13 July 2011 and additional survey for Proposed Access Tracks and Parking Areas, reference 111143 dated 30 November 2011 including all recommendations.
- Reason: For the avoidance of doubt and in the interests of local amenity and biodiversity.**
- 4 No development shall commence until details of the surfacing material(s) to be used for the access tracks and car parks have been submitted to, and approved in writing by, the MPA. Thereafter, the works shall be carried out in accordance with the approved details.
Reason: In the interests of local amenity.
- 5 No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the MPA. The statement shall provide for:
- Limiting of daily construction traffic to the site;
 - Areas for the parking of all employees' and visitor vehicles and the storage of construction materials and plant;
 - Means of access to the site for construction traffic from the public highway; and
 - Measures to prevent mud/debris from being deposited on the public highway.
- The approved statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and to accord with CS policy CSP26.
- 6 Prior to the commencement of development, details shall be submitted to, and approved in writing by, the MPA, of arrangements which secure the following highway improvement works:
- a) Measures to control parking on Hill End Road.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to, and approved in writing by, the MPA.
Reason: In the interests of highway safety, in accordance with CS policy CSP26.
- 7 Construction traffic movements to and from the site shall be limited to the hours between 0830 hours and 1530 hours on Monday to Friday and 0830 hours and 1300 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.
Reason: In the interests of highway safety and residential amenity and to accord with CS policies CSP26 and CSP40.

- 8 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use.
Reason: To prevent mud/debris from being deposited on the public highway to the detriment of road safety and to accord with CS policy CSP26.
- 9 Sight lines having the dimensions 2.4m x 43m, shall be safeguarded at any drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel of the adjacent highway.
Reason: In the interests of highway safety and to accord with CS policy CSP26.
- 10 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at any drive/track entrance/exit 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 interests of highway safety and to accord with CS policy CSP26.
- 11 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interests of highway safety and to accord with CS policy CSP26.
- 12 No development shall commence until a condition survey (including structural integrity) of the highways to be used by construction traffic has been carried out in association with the MPA. The methodology of the survey shall be approved in writing by the MPA and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted to and approved in writing by the MPA, 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 MPA.
Reason: In the interests of highway safety and to accord with CS policy CSP26.
- 13 Any visibly contaminated or odorous material encountered on site during the development work must be excavated and stockpiled at the site. The MPA must be informed immediately of the nature and degree of contamination present, and its potential for environmental pollution. Details of the appropriate measures to prevent any pollution shall be submitted to, and approved in writing by, the MPA. The development shall then proceed in strict accordance with the approved measures.
Reason: To protect the environment and ensure that the site is suitable for the proposed use.
- 14 No obstruction shall be located over or within the centre lines of the sewers which cross the site as follows:
A stand-off distance of 4 metres is required each side of the centre line of any 750mm sewers;
A stand-off distance of 3.5 metres is required each side of the centre line of any 675mm, 600mm and 525mm sewers; and
A stand-off distance of 3 metres is required each side of the centre line of any 225mm sewers.
Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with policy UTL3 of the UDP.

- 15 No development shall commence until the details of the proposed hedge planting (plant species, size, planting distance, numbers and planting method); together with details of the position and condition of any existing trees and shrubs to be retained as shown on the approved plan (Drawing number 2011/013/01 - Site off Hill End Road, Mapplewell - Details of boundary treatment and new access - dated November 2011) have been submitted to, and approved in writing by, the MPA. All planting as approved shall be carried out in the first planting season following the commencement of development. Any trees or shrubs planted as part of the scheme which are removed or, in the opinion of the MPA, become severely damaged or are found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with trees or shrubs of a similar size and species to the satisfaction of the MPA.
Reason: To ensure that a planting scheme is submitted and implemented in the interests of visual amenity and biodiversity and to accord with policies in the NPPF, RSS policies ENV6 and ENV8, and CS policies CSP26, CSP35 and CSP36.
- 16 Notwithstanding the provisions of Part 4, Class B of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking or re-enacting that Order with or without modification, there shall be no organised horse riding or fishing events.
Reason: In the interests of highway safety and the free flow of traffic along Hill End Road, in accordance with Core Strategy policy CSP 26.

Reason(s) for Granting Permission

- 1 Unique The proposed development gives rise to no material harm and is in accordance with the National Planning Policy Framework(NPPF), the policies in the Regional Spatial Strategy (RSS), the Barnsley Local Development Framework Core Strategy (CS) and the relevant (saved) policies in the Barnsley Unitary Development Plan (UDP) as set out below:

NPPF

Protecting Green Belt land
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

RSS

YH9: Green Belts; ENV6: Forestry, Trees and Woodlands; ENV8: Biodiversity;
ENV9: Historic Environment; ENV10: Landscape

CS

CSP26: New Development and Highway Improvement; CSP30: The Historic Environment; CSP34: Green Belt; CSP35: Green Space; CSP36: Biodiversity and Geodiversity; CSP37: Landscape Character; CSP39: Contaminated and Unstable Land; CSP40: Pollution Control and Protection

UDP

GS29: Recreation and tourism; UTL3: Safeguarding utility apparatus

Having considered all planning matters raised, there are no other material considerations that indicate that the decision should be made otherwise and recreational use on the scale and in the location proposed is therefore considered acceptable. It is also considered that the design of the proposed development is appropriate to its setting and that any potential harm during construction and recreational activities to the living conditions of neighbouring residents would reasonably be mitigated by the imposition of the attached conditions.

Informative(s)

- 1 The development hereby permitted must be carried out in accordance with the Conditions attached to this planning permission and any approved plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution. If at any stage, it becomes necessary to vary any of the approved plans or details you should contact the Mineral Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.
- 2 The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
- 3 All the drainage ditches on the site should be cleaned to ensure that they prevent a build up of water on the tip.
- 4 Tarmac road planings is not considered to be a suitable surfacing material for the access tracks and car parks in this location.
- 5 The access track passes through an area highlighted by the Coal Authority as containing a number of disused mine shafts. The condition of the disused mineshafts is unknown or how they were treated when they were abandoned. One shaft fill collapsed in 2001 and was subsequently capped by the Coal Authority. Whilst the proposed car parks are shown to be located on natural ground, this should be confirmed.
- 6 The disused tip falls under Part 2 of the Mines and Quarries (Tips) Act 1969 which confers a statutory duty on the Council where public safety is a concern. This places a duty on the Council to inspect disused tips and take action should any areas of concern be identified. This could be by asking the owner to carry out any necessary works or undertaking the works themselves and recharging the owner. If the owner intends to invite people onto the tip this may require a more proactive inspection program with them instigating their own inspection regime.
- 7 The NPPF makes it clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and or/landowner.

- 8 Under the terms of the Water Resources Act 1991, and the Land Drainage Act 1991, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top the bank of the River Dearne, which is designated as a 'main river'.
- 9 If it is intended to introduce fish to the site, the relevant authorisations are required. Please refer to the Environment Agency website for further information.
- 10 The developer should check the position of any underground services with the relevant utility providers prior to carrying out any excavations.
- 11 The access to Yorkshire Water's pumping station off Hill End Road must not be obstructed at any time. Company records also indicate that there is an outfall to watercourse under the control of Yorkshire Water located within/near to the site. Vehicular access, including with large tankers, could be required at any time.
The local public sewer network does not have capacity to accept any discharge of surface water from the development site.
- 12 The entire site provides a suitable habitat for a variety of nesting birds. Any tree or shrub removed should be outside of the bird nesting season (March to August inclusive). If the tree/shrub works are required to be carried out during the nesting bird season, the works should be preceded by a nesting bird survey undertaken by a suitably qualified person. If any reptiles are identified on the site, they should be allowed to move away of their own accord and advice should be sought from a suitably qualified person.

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.