BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/1253

To Mr Peter Thompson
Architectural Design Consultant
Linwood
Barnsley Road
Dodworth
Barnsley
S75 3JR

DESCRIPTION Erection of 1 no. detached dwelling (Outline) (Resubmission)
LOCATION 68 Wharfedale Road, Gawber, Barnsley, S75 2LU

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 09 December 2015 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) Means of access;
(b) Scale of buildings;
(c) The design, layout and external appearance of the proposed development; and
(d) 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
Head of Planning and Building Control

Dated 28 January 2016

Development Service
PO Box 634, Barnsley, S70 9GG
Telephone: 01226 - 772000
Fax: 01226 - 772591

3 The development hereby permitted shall only be carried out in accordance with the following documents unless amended by the conditions below which shall take precedence:
a) Drawing titled 'Location Plan - Land Adjacent 68 Wharfedale Road, Pogmoor', at 1:1250 scale, showing the red line planning application boundary and submitted with an e-mail of 22 January 2016;
b) Drawing titled 'Proposed 1 no. Dwelling Adjacent 68 Wharfedale Road, Pogmoor - Site Plan Rev B', at 1:500 scale showing the red line planning application boundary and submitted with an e-mail of 22 January 2016; and
c) Coal Mining Risk Assessment for Land Adjacent to 68 Wharfedale Road, Pogmoor, Barnsley reference Dit/15/097 - Rev 0 December 2015.
Reason: For the avoidance of doubt and as a revised red line boundary plan has been submitted.

4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of the dwelling and any associated structures, road levels and any proposed alterations to ground levels. Thereafter, the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from the need for any changes in level to be assessed in accordance with CS policy CSP29.

5 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 thereafter 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 CS policy CSP29.

6 No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a plan indicating the position and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. The 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 amenities of occupiers of adjoining property and in accordance with CS policy CSP29.

7 No development shall commence 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;
b) Porosity tests have been carried out in accordance with BRE 365, to demonstrate that the subsoil on the site is suitable for soakaways; and
c) Calculations based on the results of the porosity tests to prove that adequate land area is available for the construction of the soakaways have been submitted to, and approved in writing by the Local Planning Authority.
Reason: To ensure the proper drainage of the area and to accord with CS policy CSP3.

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 highway safety and to accord with CS policy CSP26.

9 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
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 CS policy CSP26.

10 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 highway safety and to accord with CS policy CSP26.

11 No development shall commence, 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:
a) The parking of vehicles of site operatives and visitors;
b) Means of access for construction traffic;
c) Loading and unloading of plant and materials;
d) Storage of plant and materials used in constructing the development;
e) Measures to prevent mud/debris being deposited on the public highway; and
f) Measures to control the emission of dust and noise levels during construction.
Reason: In the interest of highway safety and residential amenity, and to accord with CS policy CSP26 and UDP policies H8A and H8D.

12 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall be limited to the hours between 0800 hours and 1800 hours on Monday to Friday and 0900 hours and 1300 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.
Reason: In the interests of the amenities of local residents and to accord with UDP policy H8D.

13 No development shall commence until first, a scheme of intrusive borehole site investigation, and second, a report following an intrusive site investigation in compliance with CIRIA publication 32, 'Construction over abandoned mine workings', where applicable, by a suitably qualified and competent engineer to establish the position regarding potential coal mining legacy issues/risks at the site, have been submitted to, and approved in writing by, the Local Planning Authority. The intrusive borehole site investigation shall be carried out in accordance with the approved scheme and the report following the investigation shall include but not necessarily be limited to, proposed remedial measures, if required, to treat any areas of shallow mine workings and associated ground conditions to ensure the safety and stability of the proposed development. Thereafter, the development shall be implemented in accordance with the approved measures.
Reason: To ensure the safe development of the site in accordance with CS policy CSP39 and the relevant planning policy statements in the NPPF relating to land stability.

14 Prior to the occupation of the property, full details of the proposed refuse and recycling storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arisings. Prior to the occupation of the property, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.
Reason: In the interests of encouraging recycling and visual amenity in accordance with CS policy CSP29 and JWP policy WCS7.

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 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 Local 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 an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on website at:
www.gov.uk/government/organisations/the-coal-authority

3 The developer must contact Highways & Engineering (Tel. 01226 773555) prior to any work commencing on site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of vehicular accesses to the highway.

4 It is recommended that the intrusive site investigation required by condition 13 of this planning permission to fully determine the condition of the shallow Barnsley Coal Seam horizon should also check for unrecorded mine entries within the footprint of the proposed dwelling. The most effective way to fully determine this would be for a site scrape to natural ground throughout the extent of the footprint.
The Barnsley Coal Seam is known to be a relatively 'gassy' seam; therefore precautions regarding fugitive gases during excavation work should be deployed. Gas monitoring over a period of time from boreholes could be undertaken, unless it is decided to incorporate mitigation measures within foundations such as a methane membrane.
There is also the potential for discovering the 'Barnsley Rider' coal seam at the surface in this vicinity. The seam is indicated to be around 25m away to the east of the site. Although not presenting any risk in terms of shallow workings, any coal encountered will require removal and blinding off using a suitable inert material to help prevent spontaneous combustion from occurring (note this may require a separate planning consent).
The Coal Authority should be consulted for prior permission to the intrusive investigation works, and also in the event of an unrecorded mine entry being encountered.

5 The notional site plan is considered to be indicative only.

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.

Development Service **Telephone: 01226 - 772600**
PO Box 634, Barnsley, S70 9GG **Fax: 01226 - 772599**