BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0813

To Mr Martyn Smith
Self Architects
24a St Andrews Road
Sheffield
S11 9AL

DESCRIPTION Residential development of 33 no. 2, 3 and 4-bed dwellings (Outline) (Resubmission of planning application 2012/0801)
LOCATION Land off Sheffield Road, Penistone, Sheffield, S36 6HH

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 26 July 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 layout of the proposed development.
(b) scale of building(s)
(c) the design and external appearance of the proposed development.
(e) 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.

Stephen Moralee

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, Building Control and Sustainability

Dated 25 September 2013

Development Service **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

3 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 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 Core Strategy Policy CSP 29, Design.

4 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 building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

5 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to maintain or reduce existing run off rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

6 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.

7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted as part of any subsequent Reserved Matters application. The landscape management of the site shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

8 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 Core Strategy Policy CSP 40, Pollution Control and Protection.

9 A scheme shall be submitted as part of any subsequent Reserved Matters application for the enhancement of public open space off site in accordance with the Councils greenspace needs assessment carried out on the application and the LDF Supplementary Planning Document 'Open Space Provision on New Housing Developments'. The development shall proceed in accordance with the approved scheme and timescales.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with LDF Supplementary Planning Document 'Open Space Provision on New Housing Developments'

10 A scheme for the provision of affordable housing as part of the development shall be submitted as part of any subsequent Reserved Matters application. The affordable housing shall be provided in accordance with the approved scheme.. The scheme shall include:
i. The numbers, type, tenure and location on the site of the affordable housing provision to be made
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 and in order to comply with Core Strategy policy CSP15 'Affordable Housing'

11 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).

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 Supplementary Planning Guidance 28, "Developing Contaminated Land".
Reason: To protect the environment and ensure the site is suitable for the proposed use.

12 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

13 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the access onto Sheffield Road 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 interest of road safety.

14 Visibility splays, having the dimensions 2.4m x 46m, shall be safeguarded at the junction of the access road with Sheffield Road, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: in the interest of road safety.

15 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:

a) provision of 2 m wide footway along the entire site frontage including the PH;
b) measures to control/restrict parking on Sheffield Road;
c) provision /relocation of street lighting as necessary;
d) provision/relocation of highway drainage as necessary;
e) resurfacing/reconstruction of footway/carriageway as necessary.
f) any necessary signing/lining;
g) all redundant vehicular footway crossings to be reinstated as kerb and footway.

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.

16 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority 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 for the written approval of the Local Planning Authority, 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 Local Planning Authority.
Reason: In the interests of road safety

17 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interests of road safety.

18 In accordance with the submitted Design and Access Statement, provision shall be made for a parking area within the site that can be utilised by non-occupiers of the proposed development. Details of the layout, number of spaces, and management of this parking shall be submitted with any subsequent Reserved Matters application. The scheme shall then proceed in accordance with the approved details.
Reason: In the interests of road safety in accordance with CSP 26.

19 An updated Habitat and Protected Fauna Survey, including details of any mitigation measures, shall be submitted with any subsequent Reserved Matters application. The scheme shall then proceed in accordance with the approved details.
Reason: In the interests of biodiversity in accordance with Core Strategy CSP36.

20 An 8 metre no-build zone shall be maintained adjacent to the northern boundary with the River Don and the eastern boundary with Cubley Brook as stated in Section 5 of the submitted Design and Access Statement.
Reason: In the interests of protection of the watercourse in accordance with Policy CSP4.

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 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

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.

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 604, Barnsley, S70 9FE **Fax: 01226 - 772599**