



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2016/0538

**To** Townsend Planning Consultants  
10 Rishworth Street  
Wakefield  
West Yorkshire  
WF1 3BY

**DESCRIPTION** Erection of 1 no. dwelling, including hydro turbine power plant.

**LOCATION** Land at Blacker Green Lane, Silkstone, Barnsley, S75 4NF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 14 July 2016 and described above.

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 plans and specifications as approved unless required by any other conditions in this permission:-

Site location plan

Rh/pe/4 'Site plan'

Rh/pe/1 rev A 'Plans, elevations'

Rh/pe/2 rev A 'Elevations'

Rh/pe/3 'Site Plan'

Rh/pe/6 'Details'

Architects statement regarding materials

**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

3 No development shall take place until samples of the proposed external materials, including a mock up showing the width of the corten steel sections 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 LDF Core Strategy Policy CSP 29, Design.**



- 4 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: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 5 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  
**Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 6 No development shall take place 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 and 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 CSP4.**
- 7 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 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  
Arboricultural method statement  
  
No development or other operations shall take place except in complete accordance with the approved methodologies.  
**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**
- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building.  
**Reason: In the interests of the visual amenities of the locality.**
- 9 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.**
- 10 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey updated 4th Oct 2016, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (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 privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.**
- 12 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 of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy policy CSP 29.**
- 13 Prior to commencement of development details of a bin enclosure to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.  
**Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy policy CSP 29.**
- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 15 The development shall be constructed to achieve following the sustainable design credentials set out within the application:-
- Specifications equivalent to level 6 of the Code for Sustainable Homes
  - Ultra-low energy consumption combined with very good internal air quality which is equivalent to Passivhaus standards
  - The generation of a minimum 2KW of electricity achieved through the hydro electric power plant and turbine that shall be utilised on site to contribute to the energy needs of the development
- Reason: The proposed development in a Green Belt location is only regarded to be acceptable due to the exceptional and innovative nature of the design.**
- 16 No development shall take place until an intrusive site investigation and the results to assess the risk of land instability arising from historical coal mining activity have been submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings, further details shall be provided to the Local Planning Authority for approval that shall require implementation prior to the commencement of the approved development.  
**Reason: In order to ensure safety and stability of the proposed development in accordance with CSP39.**

## 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.*

*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.*

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| 1 | The applicant is advised that the development will require consent from the Council as the Lead Local Flood Authority under the Land Drainage Act 1991. The relevant point of contact to discuss this matter is Derek Bell (01226 787654).   |
| 2 | <p>The applicant is advised of the following additional comments made by the Environment Agency:-</p> <p>The applicant may need a license for the hydro power activity. Please contact Karen Wooster for further information:<br/>Email: karen.wooster@environment-agency.gov.uk Tel: 02030256808.</p> <p>Water efficiency advice -new development<br/>The EA endorse the efficient use of water, especially in new developments. Our Water Demand Management Team can provide information and advice on any aspect of water conservation including water saving technologies. New developments could take economic advantage of these technologies and should be considered. Wide spread use of these and other technologies that ensure efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area.</p> <p>Water Framework Directive<br/>The proposed development lies within water body GB104027057560 Silkstone Beck from source to Cawthorne Dyke. The 2015 Classification states that the water body is at Moderate Status. The Environment Agency would be against any changes which would cause the deterioration of the WFD classification of any water body. Although the EA would support any measures that could be included as part of the development to secure improvements to the water body.</p> |
| 3 | This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant.  |

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 22 December 2016

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 given 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.