



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/1360

**To** Andrew Bailey Architects  
Glendower House  
85 Lundhill Road  
Wombwell  
Barnsley  
S73 0RL

**DESCRIPTION** Variation of condition 2 of application 2015/0461 (Demolition of farm buildings and erection of 9 no. dwellings and access road) to allow changes to plot types and layout alterations (Revised Position for the house erected on plot 4, Retrospective)

**LOCATION** 18 Low Cudworth Green, Cudworth, Barnsley, S72 8EF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 05 November 2018 and described above.

The approval is subject on compliance with the following conditions:

- The development hereby approved shall be carried out strictly in accordance with the plans 2018-017-09-P02B, RB02/2018-03, RB1/2018-01F, RB1/2018-01e, RB1/2018-04, RBTF-315-2, RBTF-315-4, RBTF-315-13, RBTF-315-14, Eastwoods 41954-001, Whitcher Wildlife Ecology Report, 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 Local Plan Policy D1 High Quality Design and Place Making.**
- 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 Local Plan Policy T4 New Development and Transport Safety.**
- 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

- 4 With regards to any remedial actions taken in relation to the contamination report submitted under application 2015/0461, there would be the requirement to provide a validation report to certify any works prior to the occupation of any houses.. This report should include the following:
- Details of who carried out the work.
  - Details and justifications of any changes from the original Remediation Statement.
  - Records of chemical characteristics of any imported capping soils/materials.
  - Confirmation that capping levels have been achieved
  - Laboratory and in situ test results
  - Records of any materials disposed of off site and their disposal locations.
  - Confirmation that remediation objectives have been met.
- Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Local Plan policy CL1 Contaminated and Unstable Land.**
- 5 Within 28 days of this permission, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- " Provision of a turning head capable of accommodating the manoeuvres of a refuse sized vehicle on Low Cudworth Green;
  - " Provision of/ any necessary alterations to street lighting;
  - " Provision of/any necessary alterations to highway drainage
  - " Any necessary signing/lining.
- 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 Local Plan policy T4 New Development and Transport Safety .**
- 6 On completion of the development a 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 highway safety and the free flow of traffic in accordance with Local Plan policy T4 New Development and Transport Safety .**
- 7 Upon commencement of development on plots 5 to 9 inclusive details of the proposed external materials shall be 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 Local Plan Policy D1 High Quality Design and Place Making.**
- 8 All finished floor levels of all buildings and structures; road levels; existing and finished ground levels shall be as approved under planning approval 2015/0461 and as shown on approved plan drawing no. RB1/2018 - 01F. The development shall proceed in accordance with the approved details.
- Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D, High Quality Design and Place Making.**
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
- Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**

- 10 The drives shall be a minimum width of 5m and a separate pedestrian access to the front door shall be provided.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic in accordance with Policy T4 New Development and Transport Safety.**
- 11 The boundary treatment shall be carried out in accordance with the approved details under application 2015/0461  
**Reason: In the interests of visual amenity in accordance with Policy D1 - High Quality Design and Place Making**
- 12 No part of the development shall be occupied or brought into use until the drainage scheme approved under application 2015/0461 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 Local Plan Policy POLL1 Pollution Control and Protection.**
- 13 The bat and bird boxes to be implemented at the site shall be in accordance with the details agreed as part of application 2015/0461  
**Reason: In the interests of biodiversity in accordance with Policy BI01**

## 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.*

- 1 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).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water.

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>

- 2 The developer needs to be aware of the requirement to obtain the requisite approvals for drainage works with the YWA.

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 20 March 2019

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 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.