BARNSLEY
Metropolitan Borough Council

Place Directorate
Economic Regeneration
Planning and Building Control
Head of Service: Joe Jenkinson

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/1164

To Spawforths
Junction 41 Business Court
East Ardsley
Leeds
WF3 2AB

DESCRIPTION Erection of up to 3 no. dwellings and associated car parking, garages, access and landscaping including new vehicular access onto Barnsley Road (Outline with All Matters Reserved apart from access)

LOCATION Land adjacent to Glebe Farm, Barnsley Road, Silkstone, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 08 September 2017 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.

3 The access and site location hereby approved shall be carried out strictly in accordance with the plans (Nos 0001-0003 REV A, 0001-0001 REV E) 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 LDF Core Strategy Policy CSP 29, Design.

4 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. The Local Planning Authority may require further surveys during the course of the development if in the opinion of the Local Highway Authority there appear to be new defects attributable to the traffic ensuing from the development that require remedial action prior to the completion of the development. Any remedial works identified by the Local Highway Authority as a result of these further surveys shall be completed within a reasonable period of time specified by the local highway authority at the developer's expense. On completion of the development a final condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify any remaining 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 interest of highway safety and in accordance with Core Strategy Policy CSP26.

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 operative 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.
Measures to prevent mud/debris being deposited on the public highway.
Measures to contol dust and nosie during construction.
Reason: In the interests of highway safety in compliance with CSP26.

6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangement which secure the following highway improvement works:
Any necessary lining and signing.
Any necessary changes to street lighting.
Traffic Management measures on Barnsley Road; including any necessary Traffic Regulation Orders.
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 interest of highway safety and the free flow of traffic, and in accordance with Core Strategy Policy CSP26.

7 Sight lines, having the dimensions 2m x 54m (right on exit) and 2.4m x 42m (left on exit, shall be safeguarded at the access /egress 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 highway safety, in accordance with Core Strategy Policy CSP 26.

8 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 1m above the nearside channel level of the adjacent highway, in the interests of road safety
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

9 Vehicular and pedestrian gradients within the site shall not exceed 1:12
Reason: To ensure safe and adequate access in accordance with Policy CSP26

10 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

11 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% 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.

12 The development site is located in a coal mining referral area due to the possible presence of shallow coal and possible unrecorded shallow coal mine workings. The site could therefore be at risk from ground instability and associated mining legacy health and safety risks. An intrusive site investigation must therefore be undertaken by a suitably qualified person to evaluate ground conditions and potential mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings' where applicable. Prior to the commencement of development a report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner.
Reason: In accordance with the NPPF sections 120 and 121 - Land stability.

13 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.

14 The development shall be carried out in accordance with the recommendations within the Phase 1 Habitat Survey Report and Biodiversity Enhancement Plan dated the 25/01/2018. Prior to the occupation of the dwellings, the recommendations within the Biodiversity Enhancement Plan shall be fullly implemented and maintained for a minimum of 5 years. **Reason: In order to conserve and enhance the biodiversity in accordance with policy CSP36 of the Core Strategy.**

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.

Informative Sequence

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 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

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.
If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact Wayne Atkins (01226 772182)
If the developer is to carry out works within or in the proximity of any watercourse he must gain the relevant permissions from the Lead Local Flood Authority - Contact Wayne Atkins (01226 772182)

Signed  Dated 06 April 2018
Joe Jenkinson

Head of Planning and Building Control

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.