



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/1361

To ID Planning  
9 York Place  
Leeds  
LS1 2DS

**DESCRIPTION** Demolition of existing buildings and residential development of 29no dwellings and associated works

**LOCATION** Land off New Road, Tankersley, Barnsley, S75 3BQ

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 29 October 2018 and described above.

**THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT/UNILATERAL UNDERTAKING MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).**

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 amended plans and specifications set out below unless required by any other conditions in this permission.

Planning Layout SK/01D  
Street Scenes SK04 Rev A  
Landscape Masterplan R-2163-1C  
Landscape details R-2163-2A  
Landscape Details R-2163-3A  
Landscape Details R-2163-4A  
Tree Protection Plan R-2163-5A

Malham (semi affordable) - RH30/S/772/T/Op/AS  
Bedale (semi affordable) - RH25/S/898/Op/AS  
Bedale/Malham/Bedale - RH30/S/772/898/S/AS/As/OP  
Kensington-RH14/S/1149/D/OP  
Studley-RH10/S/1167/OP  
Harewood-RH05/S/1429/D/OP

Fulwood RH42/S/1457/D/OP  
Fulwood plots 23 and 25. RH42/S/1457/D/AS  
Nostell- RH02/ST/1500/D/AS  
Shelley- RH34/S/1695/D/OP  
Shelley Plot 11- RH34/S/1695/D/OP  
Shelley Plot 29- RH34/S/1695/D/AS  
Linton - RH69/ST/1995/D/OPP  
Linton Floor Plans - RH69/ST/1995/D/OPP

SG1- Standard Single garage  
DG1 - Standard Double Garage  
Standard Details Quad Garage  
Wall Detail AWD01  
Lap Boarded fence Detail

**Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

3 The development shall be carried out in accordance with the following approved materials, or similar;

- Dwellings and walls in Marshalls 150mm coursed Crowell Pitched Weathered with natural colour mortar.
- Artstone heads, cills, corbles, Yorkstone colour.
- Roof tiles to be Redland Mini Stonewold Slate Grey concrete tile with small matching plain tile to low level canopy roofs.
- Black grain effect fascias and soffits.
- Black rainwater goods.
- Pastel green painted garage doors and composite main entrance door (to 2 and 3 beds).
- Timber faced composite doors to 4 bed house types.
- White PVCU windows and secondary entrance doors.
- Grey Aluminium bi fold doors.
- Paving/patios in 450x450 Marshalls Natural colour Saxon textured.
- Private drives and main estate road in tarmac finish.
- Shared drive serving plots 11 to 15 in Tegular Harvest colour with Penant Grey stretcher edging and charcoal small check kerb block.
- Feature square and hard margin in Marshalls mobility key kerb with Brindle Herringbone block paving.

**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.**

4 Prior to the commencement of development (with the exception of demolition, ground preparatory works, provision of construction facilities i.e.access onto the site, welfare facilities, car parking areas, vehicle turning, materials storage areas, compound set up, securing the site) plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter 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.**

5 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.**

- 6 The approved hard landscaping details shall be implemented prior to the occupation of the building(s).  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 7 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.**
- 8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 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 Local Plan Policy T4 New Development and Transport Safety.**
- 10 No development shall take place (with the exception of demolition, ground preparatory works, provision of construction facilities i.e.access onto the site, welfare facilities, car parking areas, vehicle turning, materials storage areas, compound set up, securing the site) until:  
  
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:  
  
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 Local Plan Policy POLL1 Pollution Control and Protection.**
- 11 The approved 'Construction Method Statement for Pre-Demolition', 'Construction Method Statement' (by Rouse Homes dated 8th May 2019), 'Traffic Management and Build Route Drawing' and 'Construction Management Plan' shall be adhered to throughout the construction period.  
**Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**
- 12 Vehicular and pedestrian gradients within the site shall not exceed 1:12.  
**Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 'New Development and Transport Safety'.**
- 13 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 interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.**

14 The development shall be undertaken in full accordance with the Remediation Implementation Plan, dated 26/03/2019, by Eastwood and Partners (Ref: 42794-002) .  
**Reason: To protect the environment and ensure the site is suitable for the proposed end use, in accordance with Local Plan policy CL1 'Contaminated and Unstable Land.'**

15 With regards to any remedial actions taken, there would be the requirement to provide a validation report to certify any works. 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. Any testing suite and threshold levels need to be agreed with the local authority, prior to any sampling being undertaken.
- 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 Policy CL1 Contaminated and Unstable Land.**

16 No development (with the exception of demolition, ground preparatory works, provision of construction facilities i.e. access onto the site, welfare facilities, car parking areas, vehicle turning, materials storage areas, compound set up, securing the site) shall take place until a scheme for disposing of surface water by Means of a sustainable drainage system has been submitted to, and approved by, the Local Lead Flooding Authority.

The scheme shall include the following details:

- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- A timetable for its implementation; and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.

**Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

17 The landscape management of the site shall be carried out in accordance with the approved Landscape Management Document by FDA Landscaping Limited dated April 2019.  
**In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1 'High Quality Design and Place Making'.**

18 The development hereby approved shall be carried out in accordance with the Tree Protection Plan by FDA Landscape (Ref: R/2163/5A). The approved fencing shall be installed before machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**Reason: To safeguard existing trees, in the interest of visual amenity in accordance with Local Plan policy D1 'High Quality Design and Place Making'.**

- 19 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.  
**Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making' and BIO1 'Biodiversity and Geodiversity'.**
- 20 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings/development hereby permitted, including a timescale for implementation, 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 order to ensure compliance with policy I1 in the Local Plan and in accordance with paragraphs 112 of the National Planning Policy Framework 2018.**
- 21 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, 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 Local Plan policy BIO1 'Biodiversity and Geodiversity'.**
- 22 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of the access with New Road such that there is no obstruction to visibility and forming part of the adopted highway.  
**Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.**

## 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 | <p>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.</p> <p>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).</p> <p>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.</p> <p>Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:<br/><a href="https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries">https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</a></p> |
| 2 | <p>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.</p> <p>Property-specific summary information on past, current and future coal mining activity can be obtained from: <a href="http://www.groundstability.com">www.groundstability.com</a> or a similar service provider.</p> <p>If any 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 the Coal Authority website at:<br/><a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>  |
| 3 | <p>The granting of planning permission does not effect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning &amp; Transportation Services, on 01226-772576, or directly from <a href="http://www.naturalengland.org.uk">www.naturalengland.org.uk</a></p>  |

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| 4 | <p>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.</p> <p>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.</p> |
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Signed

Joe Jenkinson



Dated 10 June 2019

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.