



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0027

To Building Design Services
15 Hunters Avenue
Barnsley
South Yorkshire
S70 6PL

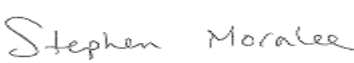
DESCRIPTION Erection of 5 no. two storey dwellings with double garages.
LOCATION Land to rear of 146 Dodworth Road, Barnsley, S Yorks

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 13 January 2010 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 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 UDP Policy BE6, Design Standards.
- 3 The development shall be carried out in complete accordance with the amended plans received on 11th February 2010.
Reason: For the avoidance of doubt and because amended plans have been submitted.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.


Signed
Assistant Director, Planning and Transportation

Dated 08 June 2010

- 4 No development shall take place unless and until foul and surface water drainage details including Yorkshire Water Permission to discharge, 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 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure proper drainage of the area

- 5 Hours of work during the construction phase, including the use of heavy plant and the delivery and collection of materials, shall be limited to:

08.00 - 18.00 Monday - Friday,

09.00 - 13.00hrs Saturdays,

With no noisy works at all on Sundays and Bank Holidays.

Reason: To protect the amenity of adjacent land users from excessive noise.

- 6 The best practicable means shall be employed at all times to minimize dust arising from machinery, vehicles and operations at the site, including, where necessary;

a) The use of water sprays, hoses or irrigators.

b) The provision of mobile water bowsers to spray haul roads and working areas.

c) Effective maintenance of all haul and access roads.

d) Suspension of the movement of dusty material during adverse dry windy conditions.

Reason: To protect the amenity of adjacent land users from excessive dust.

- 7 No trees, or shrubs within the site which are shown as being retained on the approved plans shall be felled, uprooted, damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any such trees or shrubs removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees or shrubs of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard existing trees or shrubs, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland and Trees and GS22A.

- 8 a) Prior to the commencement of development or other operations being undertaken on site in connection with the development, a drawing showing the protection of the retained trees produced in accordance with BS5837:2005 (Trees in Relation to Construction Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.
- 9 The parking spaces shown including the detached garages shall be provided before the dwellings are first occupied and shall thereafter be retained for the purpose of parking motor vehicles.
Reason: In the interests of highway safety.
- 10 Before development commences details of all hard landscaping including the means of drainage and surface materials to be used in the vehicular areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details and shall thereafter be retained.
Reason: In the interest of highway safety and visual amenity.
- 11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with U.D.P. Policy BE6, Design Standards.
- 12 The approved remediation scheme (ref ARP HLD/03) must be carried out in accordance with the development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given at least two weeks notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing of the Local Planning Authority before the commencement of the development unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the environment and ensure the site is suitable for the proposed use.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (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: Given the backland nature of the site and to safeguard the amenity of the occupiers of residential properties surrounding the site.

- 14 No windows to habitable rooms shall be inserted in the northern elevation of plot 5, the eastern elevation of plot 1 or the western elevation of plot 3.
Reason: Given that this is a backland site and to protect the amenity of the occupiers of nearby residential properties.
- 15 Before plot 5 is occupied a 2m high close boarded timber fence shall be erected on northern boundary of the site. This fence shall thereafter be retained.
Reason: Given the difficulty retaining the existing privet hedge close to a construction site, the backland nature of the site and to protect the amenity of the occupiers of nearby residential properties on Dodworth Road.
- 16 Before development commences investigations shall be carried out to establish the presence of mine workings and fugitive gas and appropriate mitigating measures shall be incorporated into the development proposals to be agreed in writing by the LPA in consultation with the Coal Authority. All mine entrances within the site shall be stabilised and no residential dwelling shall be sited over mine shafts or within an area bounded by a line drawn at 45 degrees back from where the shaft intersects rock head.
Reason: In accordance with planning policy guidance 14, "Development on Unstable Lane developers should seek appropriate expert advice and procure any necessary technical investigations to ascertain the effects of subsidence, gas and other Geo-environmental issues on their proposed developments and how they can be mitigated.

Reason(s) for Granting Permission

- 1 Unique This is a housing policy area on the Barnsley Unitary Development and as such the principle of residential development is acceptable. The development accords with design advice contained in UDP policy BE6 and SPG3 infill residential development. There would be no harm caused to residential amenity or highway safety.

Informative(s)

- 1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
- 2 Responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or land owner. The Planning Authority has use its best endeavours to determine the application on the basis of the information available; this does not mean the land will be totally free from instability. The question of stability is a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied; in particular the granting of planning permission does not give a warranty of support or stability.
- 3 The developer is advised that construction waste, including clean wood, is commercial waste and requires authorization from the Environment Agency to be disposed of by open burning.

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.