BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1371

To Pegasus Planning Group
4215 Park Approach Avenue
Thorpe Park
Leeds
LS15 8GB

DESCRIPTION Substitution of house types on previously approved scheme and erection of 8 no. additional dwellinghouses
LOCATION Former Polar Garage, Dodworth Road, Barnsley, S70 6PA

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 03 November 2011 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 Unless otherwise agreed in writing by the Local Planning Authority and subject to the requirements of the other conditions, the development hereby approved shall be carried out in strict accordance with the site layout plan (146/01/RE2), site section 146/01/SE and the house types and wall and fence details (SD14) referred to in the letter from Pegasus Planning, dated 28th October 2011, unless prior written consent has been given by the Local Planning Authority to any minor variation.
Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy BE6, Design Standards.

Stephen Moralee

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 Regulatory Services

Dated 30 January 2012

Planning and Regulatory Services **Telephone: 01226 - 772000**
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3 Prior to commencement of development, details of an amendment to the highway layout to provide a greater deviation in the horizontal alignment between the end of the traditional roads with footways and the shared surface shall be submitted to an approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
Reason: To keep vehicular speeds as low as possible, in the interests of road safety.

4 Prior to the commencement of development 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 in accordance with Core Strategy Policy CSP 29, Design.

5 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.

6 The applicant shall ensure sufficient investigations and remedial works are undertaken, as outlined in the submitted report (Rpt 001 dated Oct 2010) to deal with the mining legacy issues and ensure the safe development of the site in consideration of PPG14 development on unstable land. Also any mine entries on site must be adequately stabilised/capped in consultation with the Coal Authority. Unless otherwise agreed in writing by the Local Planning Authority no building shall be sited within a line drawn at 45 degrees from where a mine shafts intersect rock head in compliance with Construction Industry Research and Information Association (CIRIA) guidance which has been adopted by the National House Building Council
Reason: In the interests of ground stability

7 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
loading and unloading of plant and materials
storage of plant and materials used in constructing the development
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
wheel washing facilities
measures to control the emission of dust and dirt during construction
a scheme for recycling/disposing of waste resulting from demolition and construction works
measures to mitigate noise during demolition, earth movements and construction.
Reason: In the interests of the amenity of nearby residential occupiers.

8 Demolition or construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 18:00 hours on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenity of nearby residential occupiers.

9 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-

1. A survey of the extent, scale and nature of contamination.

2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.

3. An appraisal of remedial options, and proposal of the preferred option(s).

4. A remediation statement summarising the works to be undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".
Reason: In the interest of public health

10 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 5.0 (five) metres either side of the centre line of the 675/680mm sewers and within 3.0 (three) metres either side of the centre line of the 375mm sewer, which cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times

11 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including a scheme to improve the existing surface water disposal system and details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.
Reason: To ensure that the development can be properly drained

12 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal

13 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(s).
Reason: In the interests of the visual amenities of the locality.

14 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, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality.

15 The area between plots 58 and 59 shall be levelled, seeded and planted in accordance with the approved landscape plan required by condition 13. A landscape management plan for this area, including management responsibilities and maintenance schedules, 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 measures outlined in the landscape management plan be implemented in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality.

16 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree protection plan (TPP)
Tree protection fencing
Arboricultural method statement (AMS)

No development or other operations shall take place except in complete accordance with the approved methodologies and the tree protection fencing shall be installed in accordance with the approved plans and particulars before any equipment, 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 ensure the continued well being of the trees in the interests of the amenity of the locality.

17 Within 28 days of 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. Within 28 days of 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 developers expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety.

18 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.

19 No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
i. Ten affordable housing units (seven social rented and three intermediate), of acceptable size and location on the site;
ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
vi. Arrangements to provide alternative affordable housing in the area in the event that a transfer or management of the affordable housing under iii is not secured after reasonable efforts over a reasonable period of time
Reason: To secure affordable housing in accordance with Core Strategy Policy CSP15

20 No development shall commence until a scheme has been submitted to and approved in writing with the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Core Strategy Policy CSP35 and SPG 20 'Open Space - Provision on New Housing Development'. The provision or enhancement of the off -site open space shall be provided prior to completion of the development in accordance with the approved scheme.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy CSP35 and SPG20 'Open Space -Provision on New Housing Development.

21 No development shall commence until a scheme has been submitted to and approved in writing by the Local planning Authority to encourage the use of public transport in accordance with policy CSP25 by providing the first principle occupant of each dwelling a one year annual South Yorkshire Travelmaster pass for the Barnsley area. Once approved the scheme shall be implemented until all the dwellings are first occupied
Reason: To encourage the use of alternative modes of transport to the car in accordance with policy CSP25.

22 No development shall commence until a scheme to secure the provision of a public footpath between the turning head in the western part of the proposed development and the recreation ground has been submitted to and approved in writing by the local planning authority. The works and dedication of land as a public right of way shall be implemented in accordance with the approved scheme prior to occupation of the dwellings.
Reason: In the interests of residential amenity and to ensure that pedestrian access to the adjacent recreation ground is facilitated in accordance with CSP25.

Reason(s) for Granting Permission

1 Unique In the opinion of the Local Planning Authority the proposed development is acceptable in that:-

The site is previously developed and located in an area where it is expected to accommodate housing growth as per Core Strategy Policies CSP8, CSP9 and CSP10.

The proposal is also acceptable in that it would contribute a mixture of housing in terms of accommodation size and tenure in accordance with Core Strategy policies CSP14, CSP 15 and CSP 17.

In addition, it would achieve the most up to date design standards required by the Core Strategy and established Council standards on the layout and design of new housing as per Core Strategy policies CSP29 and the draft Supplementary Planning Document 'Designing New Housing Development

The proposal also satisfactory addresses residential amenity considerations for existing and future residents on that in accordance with Saved UDP policy H8A.

The proposal is considered acceptable with regards to highway safety considerations subject to conditions to include mitigation provisions in accordance with Core Strategy policy CSP26.

The proposal is also acceptable with regards to other considerations including flood risk, drainage, ground considerations, ecology and sustainable construction matters.

In the opinion of the Local Planning Authority, there are no other material considerations to indicate a decision against the above policies and guidance.

Informative(s)

1 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.

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.

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