BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2008/1700

To Mr Richard Bayes
24 Shelford Avenue
Kirkby in Ashfield
Nottinghamshire
NG17 8HF

DESCRIPTION Erection of 24 no. two bedroomed apartments.
LOCATION 155 Wakefield Road, Barnsley, S71 1NG

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 13 November 2008 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 The development hereby approved shall be carried out in strict accordance with the amended site plan received on the 9th Jan 2009 (Entitled: Proposed Residential Development for TGN Construction (Yorkshire) Limited - Site Plan Rev A) and elevations (Entitled: Proposed Residential Development for TGN Construction (Yorkshire) Limited - Ground Floor; First Floor; Second Floor; Elevations - 1; Elevations - 2) 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 Barnsley Unitary Development Plan Policy BE6.

3 No development shall take place until samples 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 Barnsley Unitary Development Plan Policy BE6.

4 No development shall take place until there has been submitted to and approved in writing by

Stephen Moralee

Signed
Assistant Director, Planning and Transportation

Dated 09 July 2009

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

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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 apartments.

Reason: In the interests of the visual amenities of the locality.

5 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 apartments 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.

6 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.

7 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 600mm above the nearside channel level of the adjacent highway.

Reason: In the interest of highway safety.

8 Development shall not commence until arrangement have been entered into to secure such works to mitigate the highway effects of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of :- Works in Quarry Street and its junction with Wakefield Road as shown on the approved plan.

Reason: In the interest of highway safety and in accordance with Barnsley Unitary Development Plan Policy T2.

9 The egress onto Wakefield Road, as shown on the approved site plan (rev. A) shall be closed on or before 1st January 2011, unless otherwise agreed in writing by the Local Planning Authority. Upon commencement of development details of the relocation of the barriers to allow egress onto Carlton Road via Old Road and to prevent egress from Quarry Street onto Wakefield Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented immediately following the closure of the egress onto Wakefield Road.

Reason: In the interests of highway safety and in accordance with Barnsley Unitary Development Plan Policy T2 and T2a

10 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Unitary Development Plan Policy H6. 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 Barnsley Unitary Development Plan Policy H6.

11 No development shall take place until an investigation and report, which assesses the extent to which the site may be affected by landfill gas and which demonstrates that the development can be safely undertaken and occupied, has been submitted and agreed with the Local Planning Authority. The report shall be prepared by a competent consultant experienced and specialised in the assessment and evaluation of landfill gas migration, and the period of monitoring provide an adequate reflection of environmental conditions (i.e. more than one monitoring visit).

The investigation and report shall:-

1. Be based upon BS 10175:2000, Investigation of Potentially Contaminated Sites - Code of Practice; CIRIA Report CIRIA C659, Assessing risk posed by hazardous gas; NHBC 2007, Guidance on evaluation of development proposals on sites where methane and carbon dioxide are present.

2. Describe the methodology, techniques and equipment and circumstances of the survey and clearly relate final conclusions and recommendations to the results and findings of tests and investigations so that they may be understood by a third party.

3. Advice on any remedial measures which demonstrate that the development can be safely undertaken in strict accordance with the submitted remedial measures contained within the report.

Reason: To protect the environment and ensure the site is suitable for the proposed use.

12 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme for surface water run-off limitation 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, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure proper drainage of the area

13 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:

(a) The parking of vehicles of site operatives and visitors
(b) Means of access for construction traffic
(c) Loading and unloading of plant and materials
(d) Storage of plant and materials used in constructing the development
(e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
(f) Wheel washing facilities
(g) Measures to control the emission of dust and dirt during construction
(h) Measures to control noise levels during construction
(i) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety, residential amenity and visual amenity.

14 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 residential amenity.

Reason(s) for Granting Permission

1	Residential Areas - Policy H8A & SPG2	The proposal complies with Policy H8A in that the scale, layout, height and design of the apartment blocks would not cause any significant detriment to residential amenity for new or existing residents. In addition the proposed layout meets the standards set out in SPG2.
2	Policy H6 & SPG20	The development will provide a contribution towards improving local urban greenspace in accordance with Barnsley Unitary Development Plan Policy H6 and SPG 20.

Informative(s)

1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:

- Collapse of shallow coal mine workings;
- Collapse of, or risk of entry into, mine entries (shafts and adits);
- Gas emissions from coal mines including methane and carbon dioxide;
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
- Transmission of gases into adjacent properties from underground sources through ground fractures;
- Coal mining subsidence
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential

for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

2 The developer must contact Mr G Handley - Highways & Engineering prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement of vehicular accesses to the highway.

3 The development should be constructed in accordance with the recommendations stated in Chapter 6 of the Noise Impact Assessment produced by Noise & Vibration Consultants Ltd, dated 05/01/09.

4 The provision or enhancement of public open space may be met through the payment of a commuted sum, obligation or other legal agreement.

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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