



BARNSLEY

Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2006/1384

To Nicol Thomas Architects
Hetside House
Blackshaw Lane
Heyside Royton
Oldham
OL2 6NS

DESCRIPTION Erection of 5 additional dwellings (Amendment to approved application B/05/0354/BA)

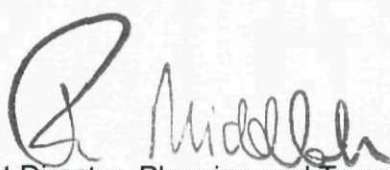
LOCATION Land at Oakwell Garage, adjacent to 82/84 Pontefract Road, Barnsley,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 14 August 2006 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 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.

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 15 September 2006

- 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
- 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 UDP Policy ES1, Pollution.
- 6 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 all proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained.
Reason: In the interests of the visual amenities
- 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, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality.
- 8 During the period of construction sufficient space shall be set aside within the confines of the site for the parking of site workers and visitors and shall be used at all times for such purposes
Reason: To ensure that satisfactory parking is available in the interests of highway safety and the free flow of traffic.
- 9 No development shall take place until full highway engineering constructional details have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved plans.
Reason: To ensure satisfactory means of access is provided in the interests of highway safety.
- 10 Within the sight lines at the site access as shown on the approved plans there shall be no obstruction to visibility placed, erected or grown at any time.
Reason: To ensure that adequate visibility is available, in the interests of highway safety.
- 11 Before the development is brought into use that part of the site to be used by vehicles shall be laid out in accordance with the approved plan and hard surfaced, sealed and drained; and shall thereafter be permanently retained for vehicle use.
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 UDP Policy T2A.

- 12 Foul effluent from the site shall only be discharged directly to a public foul sewer.
Reason: To ensure the proper drainage of the area
- 13 The site shall be developed with separate systems of drainage for foul and surface water
Reason: In the interests of satisfactory drainage
- 14 No development shall take place until details of the foul and surface water drainage 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 the proper drainage of the area.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 6 metres of the watercourse
Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse].
- 16 Prior to the commencement of the development a report, endorsed by a competent engineer experienced in ground contamination shall be submitted to the Local Planning Authority. The report shall, amongst other matters, include the following:
1. Measures to physically identify the extent of made ground and measures to test and evaluate the area for the purposes of identifying the extent of any contaminated areas requiring remediation
 2. Measures to treat or remove any contaminated material identified
 3. Measures to test and evaluate any imported soils or capping material imported onto the site to ensure they contain no levels of contamination which would render any part of the site unsuitable for its intended use
 4. The subsequent certification that the site has been satisfactorily remediated and that the development of the site can be safely undertaken and occupied. The development shall thereafter be undertaken in full accordance with the submitted reports.
- Reason: To ensure that the site is properly assessed for ground contamination and subsequently suitably remediated to enable the site to be subsequently safely developed and occupied and in accordance with UDP Policies ES7, Contaminated Land and ES8.**
- 17 Prior to the commencement of the development a scheme shall be submitted to, and received the written approval of the Local Planning Authority, identifying measures to be taken to ensure that all vehicles leaving the site are in such condition as not to leave dust, slurry or mud on the highway. The development shall thereafter be undertaken in accordance with the details of the approved scheme. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.
Reason: In the interests of highway safety.
- 18 Vehicular and pedestrian gradients within the site shall not exceed 1 in 12
Reason: In the interests of highway safety
- 19 Remedial works, demolition and construction on the site shall not commence until details of a means of keeping the highway free of mud and debris have been submitted to and approved in writing by the Local Planning Authority and such measures shall be retained for the duration of the works
Reason : In the interests of highway safety

- 20 Prior to any works commencing on site, a condition survey (including the 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 state of the existing highway. 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 any defects attributable to the traffic ensuing from the development. An 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 interests of highway safety

- 21 No development shall commence on site until the applicant has entered into an agreement to secure highway improvements to visibility to Pontefract Road and the development shall be carried out in accordance with these works

Reason: In the interests of highway safety

- 22 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.

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

- 23 Prior to the commencement of development, existing trees overhanging the site (except those shown to be removed on the approved plan) shall be protected by a Chestnut Pale and scaffold fence erected around the trees' canopies of British Standard 5837. Thereafter no excavations, tipping or storage of materials shall take place within the fenced area.

Reason: To safeguard existing trees, in the interest for the visual amenity

- 24 Prior to any work commencing on the site detailed survey plans shall be submitted, indicating all existing trees and hedgerows within the site and full details of any to be retained, together with measures of their protection during the course of this development

Reason: To safeguard existing trees/hedges, in the interests of the visual amenity of the locality.

Reason(s) for Granting Permission

- 1 The proposal complies with Policy H8D in that
there would be no harm to the local environment or residential amenity.
it would not create any traffic problems.
it would not prejudice future development.

Informative(s)

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

H8 - Housing Policy Area

T2 - New development and the highway network

SPG2 - Residential development

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

- 2 Please note that conditions nos. 4 to 24 of permission B/05/0354/BA granted on 22/12/2005 are still in force.
- 3 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.

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.