BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0459

To Quill Architecture
25 Hough Lane
Wombwell
Barnsley
S73 0DP

DESCRIPTION Demolition of existing buildings and erection of 6 no. apartments (Outline)
LOCATION Foulstone Forge, Foulstone Row, Wombwell, Barnsley, South Yorkshire, S73 0AU

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 April 2010 and described above.

The approval is subject on compliance with the following conditions:

1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

(a) the layout of the proposed development.
(b) scale of building(s)
(c) the design and external appearance of the proposed development.
(d) means of access
(e) landscaping
Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

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

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 01 July 2010

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PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

3 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 residential amenity.

4 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.

5 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
" Storage of plant and materials used in constructing the development
Reason: In the interests of highway safety, residential amenity and visual amenity.

6 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 1m above the nearside channel level of the adjacent highway.
Reason: In the interests of highway safety.

7 Prior to the submission of any reserved matters application, an Enhanced Archaeological Desk Based Assessment of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority. Drawing upon the results of this Enhanced Archaeological Desk Based Assessment, a mitigation strategy for any further archaeological works and/or preservation in situ will be agreed in writing and then implemented to the satisfaction of the Local Planning Authority.
Reason: To ensure the preservation of any archaeological remains which survive on the site, in accordance with the guidance contained in PPS5: Planning and the Historic Environment.

8 Detailed plans shall accompany the reserved matters submission indicating full foul and surface water drainage details, including a scheme for surface water run-off limitation and a programme of works for implementation. Where soakaways are proposed, porosity tests shall be carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and calculations based on the results of these porosity tests shall be submitted 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 drainage scheme has been fully implemented and 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.

9 Details of any noise mitigation measures which will be incorporated into the development to protect the future occupiers of the apartments from noise disturbance associated with the adjoining club/bar, should be submitted with any reserved matters application.
Reason: In the interest of residential amenity.

10 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 interest of residential amenity.

Reason(s) for Granting Permission

1 Policy H8D The proposal complies with Policy H8D in that there would be no harm to the character of the area or residential amenity as a result of the redevelopment of this site.

Informative(s)

1 - The Environment Agency considers that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

- In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters [and relevance of regulatory regimes where the Environment Agency is the enforcing authority.

- Informative/ advice to applicant: The Environment Agency recommends that developers should:

1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
3) Refer to our website at www.environment-agency.gov.uk for more information.

2 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.

3 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 and removal of permanent or temporary vehicular access(es) to the highway.

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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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