



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0649

To Mr Michael Harper
53 Bartholomew Street
Wombwell
Barnsley
South Yorkshire
S73 8LB

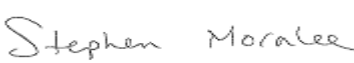
DESCRIPTION Variation of condition 2 of application 2008/0167 (Erection of 3 dwellings (Reserved Matters)) - Minor alterations to approved layout
LOCATION Land adjacent 49 Lund Avenue, Lundwood, Barnsley, South Yorkshire, S71 5NW

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 02 June 2010 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development shall be begun before the 20th January 2011.
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 and the outline planning permission.
- 2 The development hereby approved shall be carried out in strict accordance with the amended plans and specifications received on the 1st July 2010 (Drawing No. 2007-53-100 Rev. A) and those received on the 11th March 2008 (Drawing No's 2007-53-02 Rev A; 2007-53-03 Rev A; 2007-53-05 Rev A; 2007-53-04 Rev A; 2007-53-01 Rev A; 8004AW) 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 UDP 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 UDP Policy BE6.

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 05 October 2010

- 4 No trees, or shrubs within the site which are shown as being retained on the approved plan (Entitled: Appendix 5 Site Plan Ref: 8004Aw Dated: 25th January 2008) 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 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 Barnsley UDP Policies GS22 & GS22A.
- 5 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:
- * a tree constraints plan (TCP) including illustration of shade of full canopy now and in 50 years when tree has grown.
 - * tree protection plan (TPP)
 - * details of no-dig construction proposals for areas of car park and drive including cross-sections and plans showing relevant area.
- No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.
- 6 Prior to occupation of the dwellings hereby approved the over mature oak (Detailed in the 'Arboricultural Survey' and given Ref: T25) shall be replaced by 1 No. extra heavy standard sized oak in the position shown on approved plan. If the replacement tree should fail in the first 5 years of planting, it should be replaced by tree of original specification of size, location and species.
Reason: In the interests of the visual amenities of the locality.
- 7 The parking/manoeuvring facilities indicated on the approved plan shall be laid out in a solid bound material and provided prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interests of road safety and in accordance with Barnsley UDP Policy T2.
- 8 No development shall take place unless and until full 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.
- 9 Except with the prior written approval of the Local Planning Authority, all site works including deliveries shall be limited to the hours between 0800 hours and 1700 hours on Monday to Friday, 0900 hours and 1300 hours on Saturdays, and not at all on Sundays and Bank Holidays.
Reason: In the interests of residential amenity.

- 10 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 buildings are occupied. 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 Barnsley UDP Policy BE6.

Reason(s) for Granting Permission

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| 1 | Infill/backland development | The proposal complies with Policy H8D in that it will not significantly harm the local environment or residential amenity. |
| 2 | Trees - Policy GS22 | The proposed development would not significantly harm the amenity of trees covered by Area A1 TPO 2/2007. |

Informative(s)

- 1 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 vehicular accesses to the highway.
- 2 In accordance with condition 5, the Tree Protection Plan and associated details should include the following:
 - (a) Construction method statement, construction exclusion zones, existing and proposed contours and levels and detailed service layout, foul & surface water drainage proposals.
 - (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place and the Local Authority is notified.
 - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- 3 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

- 4 The tree works shown on the approved plan (Entitled: Appendix 5 Site Plan Ref: 8004Aw Dated: 25th January 2008) shall be carried out by a competent arboriculturalist to the standards set out in BS3998:1989 Recommendations for Tree Works.
- 5 The applicant is reminded of the requirements of the unilateral legal agreement, signed and delivered on the 15th January 2009 and attached to application 2008/0168.
- 6 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.