



BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2006/0328

To GL Hearn Ltd
20 Soho Square
London
W1D 3QW

DESCRIPTION Residential development (Outline).
LOCATION Park Street Nursery Unit, Gypsy Lane, Wombwell, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 24 February 2006 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, whichever is the later.
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 siting of the proposed development.
 - (b) the design of the proposed development.
 - (c) the external appearance of the proposed development.
 - (d) the means of access to the site.
 - (e) landscaping for the site.

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 *AM*

Dated 15 June 2006

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.

- 3 Plans and particulars of the reserved matters referred to in condition 2 shall include a fully detailed tree survey.

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.

- 4 The site shall be developed for one dwelling only.

Reason: To protect the amenity of neighbouring properties and ensure that the existing trees can be retained.

- 5 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.

- 6 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.

- 7 All on site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use.

Reason: To prevent mud/debris from being deposited on the public highway to the detriment of road safety.

- 8 Pedestrian intervisibility splays, having the dimensions 2 m x 2 m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 600 mm above nearside channel level of the adjacent highway.

Reason: In the interest of road safety.

- 9 A parking/manoeuvring facility, shall be provided prior to the development being brought into use, and shall thereafter be retained for that sole purpose.

Reason: In the interest of road safety.

- 10 Sight lines having the dimension 2.4 m by site boundaries, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1.05 m above nearside channel level of the adjacent highway.

Reason: In the interest of road safety.

- 11 Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of:-

A 2 metre footway to adoptable standards along the entire site frontage and localised widening along the site frontage.

Reason: In the interest of road safety.

- 12 Development shall not commence until details of measures to prevent mud/debris from being deposited on the public highway to the detriment of road safety, have been submitted to and approved in writing by the Local Planning Authority, and such measures shall be retained for the entire construction period.
Reason: In the interest of road safety.
- 13 Development shall not commence until details of all areas for the parking of all employees' vehicles, the storage of building materials and plant have been submitted and approved in writing by the Local Planning Authority, and such areas shall be retained for the entire construction period.
Reason: In the interest of road safety.
- 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 the amenities of local residents and in accordance with UDP Policy ES1, Pollution.
- 15 Foul effluent from the site shall only be discharged directly to a public foul sewer.
Reason: To ensure the proper drainage of the area.
- 16 The site shall be developed with separate systems of drainage for foul and surface water.
Reason: In the interests of satisfactory drainage.
- 17 No surface water from the site shall be discharged directly or indirectly to any foul or combined sewer.
Reason: To ensure the proper drainage of the area.

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:

The site consists of a nursery building and the associated land. All of this site falls within the definition of previously developed land as set out in Annex C of PPG3. The site is also less than 0.4 hectares, and therefore does not require a sequential test. This site has become redundant following the provision of 3 purpose built primary schools in Wombwell. In the case of this nursery, a modern, replacement facility is being provided at Park Street. If the current function of this green space is 'surplus', then consideration should be given to other green space uses on this site to overcome any deficiency of other types of green space. However, this site is too small to be developed as either a valuable outdoor sports facility or as a meaningful Children's Play area other than in its current guise which is now surplus to educational requirements. The development complies with:

UDP Policy H8A - Scale, layout and design of new dwellings.
 UDP Policy CF2 - Existing Community Facilities
 UDP Policy GS34 - Urban Green Space
 UDP Policy GS35 - Urban Greenspace
 UDP Policy GS36 - Outdoor sport/recreation Space.
 LDF Policy C2 - Existing Community Facilities
 LDF Policy H3 - Housing Development on small non allocated sites
 LDF Policy OS1 - Protecting Existing Greenspace

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.

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.