BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0406

**To** Mr Andrew Spiers
Persimmon Homes West Yorkshire
3 Hepton Court
York Road
Leeds
West Yorkshire
England
L59 6PW

**DESCRIPTION** Variation of condition 40 of previously approved application 2006/1894 to allow occupation of additional plots prior to the scrap yard being decommissioned and remediated in its entirety.

**LOCATION** Former Yorkshire Traction site and Vernon Works, Upper Sheffield Road, Barnsley, S Yorks

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 13 April 2010 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications:
- Site Planning Layout (Dwg No: 06-027-1 Rev E)
- House Type Details shown on Dwg Nos: 06-027-02, 06-027-03, 06-027-04, 06-027-04.1, 06-027-05, 06-027-06, 06-027-07, 06-027-08, 06-027-09, 06-027-10, 06-027-11, 06-027-12, 06-027-12.1, 06-027-13, 06-027-14, 06-027-15, 06-027-16, 06-027-17, 06-027-18, 06-027-19, 06-027-20, 06-027-21, 06-027-22, 06-027-22.1, 06-027-23, 06-027-23.1, 06-027-24,
- Standard Garage Details (Dwg No: PSY-SGD Rev B)
- Standard Fence Details (Dwg No: PSY-SFD)
-Landscape Proposals (Drawing Nos. 1683/6, 1683/7 and 1683/8)
-Road Construction Details - Dwg No. 05967-23-13-01 Rev B,
-Long Sections - Dwg Nos. 05967-23-12-01, 05967-23-12-02 Rev B & 05967-23-12-03,
-Engineering Layout - Dwg No: 05967-23-10-01 Rev E
-External Works Details (Dwg Nos: 05967-23-11-01 Rev A, 05967-23-11-02 Rev A & 05967-23-11-03)
-The Sales/Compound Plan (Dwg: S/C/01)
- Existing Trees on Site (Drawing 1683 Rev B)
- Arboricultural Method Statement by Popplewell Associates, dated August 2007

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

Stephen Moralee

Signed
Assistant Director, Planning and Transportation

Dated 05 October 2010

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- The details submitted in the letters from John Paul Bowden on behalf of Sirius (dated 19th and 23rd March 2010) and the Memo from Matt Oldfield (dated 24th March 2010)
- The Ecological Report by ADAS, dated 1st February 2007
**Reason: For the avoidance of doubt**

2 The remediation of the part of the site that includes plots 1-150 shall be undertaken in accordance with the Geoenvironmental Appraisal, Remediation Strategy and Verification Plan. On completion of the remediation for this part of the site a Validation Report shall be submitted to and approved in writing by the Local Planning Authority.
**Reason: To protect the environment and ensure the site is suitable for the proposed use.**

3 Prior to the commencement of any development works on plots 151-200, a remediation scheme, endorsed by a competent engineer experienced in ground contamination, shall be submitted to the local Planning Authority for approval. This report shall, amongst other matters, include the following:-

1. Methodology to identify and remove any contaminated material.

2. Measures to test and evaluate any imported soils onto the site to ensure they are suitable for the intended use.

3. Chemical testing suite, frequencies and threshold levels.

4. Procedures to confirm capping levels have been achieved on plots.

5. The subsequent validation 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 protect the environment and ensure the site is suitable for the proposed use.**

4 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.**

5 Windows and glazing to the doors of Plots 4 to 26 and 139 to 150 facing Upper Sheffield Road shall be double glazed and capable of 34dBA sound reduction. Such windows shall be provided with trickle vents capable of the same level of sound attenuation.
**Reason: To safeguard the amenities of future residents.**

6 Within three months of the occupation of the development, the developer shall provide each household with a public transport season ticket
**Reason: To encourage the use of sustainable transport modes**

7 Prior to the occupation of the development the developer shall implement the Travel Plan by Sanderson (consulting engineers) Ltd, dated June 2010.
**Reason: To encourage sustainable travel**

8 Unless otherwise agreed in writing by the local planning authority no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the water main, which crosses the site.
**Reason: In order to allow sufficient access for maintenance and repair work at all times**

9 Unless otherwise agreed in writing by the local planning authority no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the sewer, which crosses the site.
**Reason: In order to allow sufficient access for maintenance and repair work at all times**

10 No part of the development shall be occupied or brought into use until the approved foul and surface water drainage scheme, as shown on Engineering Layout Plan: Dwg No: 05967-23-10-01 Rev E, 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.**

11 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with the details shown on Engineering Layout Plan (Drwg No: 05967-23-10-01 Rev E).
**Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading**

12 Prior to the occupation of the dwellings a report detailing the findings of the archaeological survey shall be submitted to and approved in writing by the local planning authority.
**Reason: To ensure that arrangements are made to record archaeological remains.**

13 The development shall be carried out in accordance with the approved Flood Risk Assessment by Encia Consultants Ltd (report no. 5967/FR1A) and shall incorporate all the proposed mitigation measures detailed in the FRA.
**Reason: So as to reduce the risk of flooding and to accord with PPG25.**

14 No hedges or trees on or overhanging 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.**

15 The external materials shall include Edgemere Interlocking Roof Slates for the plots fronting Upper Sheffield Road (Nos 1-26 and 139-150) and, other than the roof slates for plots 1-26 and 139-150, the development shall be carried out in accordance with the materials shown on External Materials Schedule Dwg: EM/YT/01.
**Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.**

16 The boundary treatment to each plot as shown on the approved plans shall be completed before the plot is occupied.
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with U.D.P. Policy BE6, Design Standards.**

17 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.**

18 Existing trees on the site (expect those shown to be removed on the approved plan) shall be protected during construction in accordance with the details shown on the Tree Protection Fencing Drawing No. 1683/5. The fencing shall be erected before work on site is commenced as indicated on the approved plan, and no excavations, tipping or storage of materials shall take place within the fenced area.
**Reason: To safeguard existing trees/hedges in the interests of the visual amenity of the locality.**

19 Retaining walls within the site shall be installed in accordance with the details shown on Dwg No: 3322-S-D-001 - 'Structural Details for Standard Retaining Walls' prior to the occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.
**Reason: In the interests of the visual amenities of the locality.**

20 Within the first planting season following the felling of the trees within woodland group W5 (shown on Landscape Proposals Drawing No. 1683/2 Revision D) the felled trees shown shall be replaced by a woodland of a species, planted height and spacing to be agreed first in writing by the Local Planning Authority. The exact location shall be also agreed first in writing by the Local Planning Authority but will be within the undeveloped part of the site to the south of Plots 193 to 200. Development shall thereafter be carried out in accordance with the approved details.
**Reason: In the interests of the visual amenities of the locality.**

21 Prior to the commencement of the construction of the 50th dwelling highway improvement works shall be completed in their entirety. Such works shall comprise of:- carriageway widening; radius improvements; provision of visibility splays; relocation of bus stops, provision of new shelters, bus border kerbing and ribbed tactile paving slabs; carriageway and footway resurfacing; provision of 2 no. pedestrian refuges and associated tactile paving and white lining; alterations to white lining, highway drainage and street furniture as appropriate; provision of waiting restrictions under Traffic Regulation Order legislation; formation of main junction into site to achieve 6.0m carriageway.
**Reason: In the interests of highway safety and the proper development of the site.**

22 Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at all drives within the development 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 road safety**

23 Unless otherwise agreed in writing by the Local Planning Authority, the dwellings located on plots 58-63 (inclusive), 69-121 (inclusive) and 151-200 (inclusive), as detailed on the approved plan (DWG: C/40/01 Rev A: 'Condition 40 Plot Restriction'), shall not be occupied until the scrap yard use located on the eastern part of the site (shown as plots 151-200) has completely ceased and the site has been remediated in its entirety
**Reasons: In the interests of the amenities of the future occupiers and highway safety.**

**Reason(s) for Granting Permission**

1 Unique The proposed variation to condition 40 is considered acceptable in terms of the impact on the amenity of occupiers of the proposed dwellings and highway safety. As such the proposal complies with requirements of Unitary Development Plan policies H8A and T2.

**Informative(s)**

1 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.

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