Barnsley Metropolitan Borough Council
Development Control Section
Planning & Transportation
PO Box 604
Barnsley
S70 9FE

29th August 2012

Dear Sir / Madam

APPLICATION TO REMOVE CONDITION 6 OF APPLICATION – REF 2011/1284
SITE OF THE FORMER WARD GREEN PRIMARY SCHOOL, HIGH RIDGE, WORSBROUGH, BARNSLEY, S70 5HL

The application to remove Condition 6 of the above application has been submitted via the Planning Portal, ref.02166734

The application has been made as the condition is no longer relevant, and parts of the condition were never relevant.

The application is being made to remove Condition 6 of the approval as it fails to satisfy the tests of Circular 11/95: Use of Conditions in Planning Permission.
The Circular states 'conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on the applicants'.

The Circular also states that Conditions should only be imposed where they satisfy all the six test contained within. It is questionable that Condition 6 is necessary or relevant to the development.

The condition requires the reinstatement of redundant vehicular accesses - there is only one vehicular access to the site which is to be retained.
The removal of zig-zags and associated signs (for the school), which have already been removed and the school is no longer there.
Amendment to existing waiting restrictions – it is not necessary to amend the waiting restrictions, the single yellow line restrictions could remain in place in conjunction with the development.

The Circular also states that 'conditions should be tailored to tackle specific problems rather than impose unjustified controls'.

The reason for the Condition is '*In the interest of highway safety and the..*'

It is unclear how the development will have an impact on highway safety. The proposed development provides 24 no. parking spaces which are above the maximum required by the Councils parking standards. This would mean that there would be no requirements for any vehicles to park off site. There is also good visibility for any vehicles leaving or entering the site.
As no on street parking will be caused by this development, it is not considered necessary to amend the waiting restrictions.

In light of the parking provision it is questionable whether the condition is justified by the nature of the development permitted or its effect on the surroundings. There will be no detrimental impact on highway safety caused by this development.

In light of the comments made above it is felt that the condition is no longer required and does not satisfy the tests of Circular 11/95 therefore would request the application to remove the condition is considered favourably.

I trust you have all the necessary information to deal with the application.

If any further information is required then please do not hesitate to contact me at the address below, via email on tracey.kay@lntconstruction.co.uk or tel: 0113 3853810.

Yours faithfully for and on behalf of Ideal Care Homes.

Tracey Kay,
Planning Manager

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