



BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0817

To Mr Paul Thornton
Persimmon Homes (West Yorkshire)
3 Hepton Court
York Road
Leeds
LS9 6PW

DESCRIPTION Substitution of house types Plots 90-141 and erection of 3 no additional houses.
LOCATION Former Yorkshire Traction Site and Vernon Works, Upper Sheffield Road,
Barnsley, South Yorkshire,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 25 July 2012 and described above.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT/UNILATERAL UNDERTAKING MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. 3322-C-D1-05 Rev K, Went-2012:01A, Went-2012:03A, Went-2012:04, Went-2012:07, Went-2012:08, Went-2012:10, Went-2012:11, Went-2012:12, Went-2012:13, Went-2012:14, Went-2012:15, Went-2012:16, Went-2012:17, Went-2012:18, Went-2012:19) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

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 Regulatory Services

Dated 03 December 2012

- 3 The site compound and sales area shall be laid out in accordance with Materials, Sales and Compound Plan (WENT 2012:999).
Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy policy CSP 40.
- 4 The measures to control noise, dust and to prevent mud on the road set out in the letters from Sirius (dated 19th and 23rd March 2010) and the Memo from Matt Oldfield (dated 24th March 2010) shall be implemented throughout the duration of the development.
Reason: In the interest of residential amenity and highway safety, in accordance with Core Strategy policies CSP 26 and CSP 40.
- 5 The development shall be carried out in accordance with the approved external materials schedule (Dwg: WENT 2012:999).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy policy CSP 29.
- 6 The development shall be undertaken in accordance with the approved Remedial Completion Report (C 3987A). Validation that the site has been satisfactorily remediated shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings.
Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy policy CSP 39.
- 7 No part of the development shall be occupied or brought into use until the approved scheme drainage scheme (Dwg Nos. 3322_C-D1-01 Rev M) has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area in accordance with Core Strategy policy CSP 4.
- 8 The development shall proceed in accordance with the approved arboricultural method statement and the approved fencing (Dwg: 1683/9 Rev B) shall be installed before machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.
Reason: To safeguard existing trees, in the interest of visual amenity in accordance with Core Strategy policy CSP 29.
- 9 The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality.
- 10 The route of the footpath running diagonally across the public space (as shown on the approved layout plan Went-2012:01A) is indicative only. The exact route of the footpath and full construction details shall be submitted to and approved in writing by the Local Planning Authority prior to the transfer of the area of public open space. The footpath shall be installed in accordance with the approved details prior to transfer of the area of public open space.
Reason: In order to ensure that the route of the footpath correlates with the position of the play area and in accordance with Core Strategy policy CSP 25.

- 11 All planting, seeding or turfing comprised in the approved details of landscaping (Dwg Nos: 1683/8 Rev D) 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, in accordance with Core Strategy policy CSP 29.
- 12 Development shall proceed in accordance with the approved highway construction details and retaining walls (3322-C-D3-01 Rev A & 5967-23-19-01).
Reason: In the interest of highway safety, in accordance with Core Strategy policy CSP 26.
- 13 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, in accordance with Core Strategy policy CSP 25.
- 14 The highway improvement works shall be completed in their entirety in accordance with the approved details (3322-C-D9-10 Rev C, 3322-C-D9-11 Rev F, 3322-C-D9-12 Rev E, 3322-C-D9-13 Rev D, 3322-C-D9-14 Rev C, 3322-C-D9-15 Rev F, 3322-C-D9-16 Rev C, 3322-C-D9-17 Rev C, 3322-C-D9-18 Rev C) prior to occupation of the development.
Reason: In the interests of highway safety, in accordance with Core Strategy policy CSP 26.
- 15 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 in accordance with Core Strategy policy CSP 25.
- 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 Core Strategy policy CSP 29.
- 17 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 Core Strategy policy CSP 40.
- 18 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 in accordance with Core Strategy policy CSP 4.
- 19 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 in accordance with Core Strategy policy CSP 4.

- 20 No piped discharge of surface water from the application site shall take place until work to provide a satisfactory outfall for surface water has been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained in accordance with Core Strategy policy CSP 4.

- 21 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the junction of the access road with Upper Sheffield Road, such that there is no obstruction to visibility and forming part of the adopted highway.

Reason: In the interest of road safety, in accordance with Core Strategy policy CSP 26.

Reason(s) for Granting Permission

- 1 Unique The proposed substitution of house types and three additional houses ensures adequate levels of amenity are provided for existing and proposed residents, would reflect the character and appearance of the previously approved scheme and the wider area, would maintain highway safety and would be acceptable in respect of other material considerations. The scheme therefore complies with Core Strategy policies CSP 4, CSP 10, CSP 14, CSP 25, CSP 26, CSP 29, CSP 39, CSP 40 and CSP 42, saved UDP policies BA7/7 and H8A, the 'Designing New Housing' and 'Parking' SPDs and relevant policies in the NPPF.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

- 1 Where plans are referred to in the decision notice that show the wider site, they are only applicable to this decision in respect of the areas within the red line boundary.
- 2 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.

- 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 applicant is reminded that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability. The question of instability has been a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied; in particular, the granting of planning permission does not give a warranty of support or stability.

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.