



BARNSLEY

Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0059

To Firth Partnership
15 Regent Street
Barnsley
S70 2EG

DESCRIPTION Residential development of 4 no. detached dwellings (Outline) (2010/0081
Extension of time limit)

LOCATION Land between 73 & 77 Park Street Wombwell, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 24 January 2013 and described above.

The approval is subject on compliance with the following conditions:

1 Application for approval of the matters reserved in Condition No. 1 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.
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:-

(b) scale of building(s)

(c) the design and external appearance of the proposed development.

(e) landscaping

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.

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

Signed *Stephen Moralee*
Assistant Director, Planning and Regulatory Services

Dated 05 March 2013

- 3 The development hereby approved shall be carried out strictly in accordance with the plans as approved (numbers 2283/05 and 1840AT/1 and 2283/04) unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.
- 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. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality
- 7 All tree protection, tree work and tree planting shall be carried out as described and detailed in the 'Arboricultural Report, Impact Assessment and Planting Scheme' prepared by Crown Consultants and submitted as part of the application.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality
- 8 The access/parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 9 Nothing shall be permitted to be planted or erected within a strip of land 2.4m deep measured from the adjacent channel of Park Street which exceeds 1.05m in height above the level of the adjoining channel.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 10 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 11 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
Reason: In the interests of the proper drainage of the area in accordance with Core Strategy Policy CSP4 Flood Risk
- 12 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements (including any Traffic Regulation Order) which secure the removal of the existing bus shelter on the site frontage and installation of replacement bus shelter to an appropriate new location on Park Street. The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays
 - Wheel washing facilities
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 14 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and 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 CSP4.
- 15 No building or other obstruction shall be located over or within 4 (four) metres of the line of the sewer, which crosses the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times

Reason(s) for Granting Permission

- 1 Unique In the opinion of the Local Planning Authority the proposed development is acceptable in that:-

The site is located in a UDP Housing policy area where small scale residential developments are acceptable in principle in accordance with saved policy H8A.

This site is classed as sustainable in terms of the adopted Local Development Framework Core Strategy in that the site is located in the Wombwell Principal Town which is the priority to accommodate new housing growth (policies CSP8, 9, 10).

The proposal should be considered in the context of the presumption in favour of sustainable development in the NPPF.

The proposal is also considered adequate with regards to visual and residential amenity considerations taking into account the Designing New Residential Development SPD and existing trees on the site.

Subject to a condition requiring mitigation work, the proposal would not give not rise to any significant highway safety concerns having regards to CSP26 'New Development and Highway Improvement.

In the opinion of the Local Planning Authority there are no other material considerations which indicate a decision should be made at variance to the above policies and guidance.

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 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 2 The applicant is advised of the following comments from Yorkshire Water:-

On the Statutory Sewer Map, there is a 375mm diameter public combined sewer recorded to cross the red line site boundary. A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

In this instance, a stand-off distance of 4 (four) metres is required at each side of the sewer i.e. a protected strip width of 8 (eight) metres.

The development of the site should take place with separate systems for foul and surface water drainage. The separate system should extend to the public sewer. The domestic foul water should discharge to the 375mm diameter public combined water sewer recorded traversing the site. Furthermore, it is not possible to determine if the site is low-lying relative to the location(s) of the public sewer network. Amongst other things, where the ground level of a site or the level of any basement is below the ground level at the point where the drainage is to connect to a public sewer, the developer may have to take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having (a) pumped discharge(s) from the site and/or the installation of (a) anti-flooding valve(s). If sewage pumping is required the rate must not exceed 3 (three) litres per second.

The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site. It is noted that the planning application states 'Soak away' for surface water disposal. Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPSA's attention is drawn to PPS25. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.

The developer and LPA are advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. It is understood that a watercourse may be located through/to the north east of the site.

An off site vehicular surface water may be required. This may be provided by the developer. Alternatively, the developer may be able to requisition off site sewers under Section 98 of the Water Industry Act 1991.

The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network.

Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and this no highway drain available and if capacity is available within the public sewer network. In this event, the developer will be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non domestic flows into the public sewer network.

Water Supply

A water supply can be provided under the terms of the Water Industry Act 1991.

- 3 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant

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.