BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1083

To Peter Dimberline RIBA
2 Tipsey Court
Wakefield Road
Staincross
Barnsley
S75 6FZ

DESCRIPTION Variation of condition 2 of 2011/0558 to allow for a sunken courtyard to be incorporated in house design

LOCATION Site of Former Norcroft Garden Centre, Norcroft Lane, Cawthorne, Barnsley, S75 4DY

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 07 September 2011 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before the 11th July 2011.
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 plans and specifications as approved under drawings numbered 2011/01/01 REV A, 2011/01/02 and 2011/01/03 unless prior written consent has been given by the Local Planning Authority to any variation.
Reason: In the interests of the visual amenities of the locality and in accordance with CSP29, Design.

3 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.

Stephen Moralee

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

Dated 04 October 2011

Planning and Transportation Service **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

4 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety.

5 The access and hard landscaping shall be implemented in accordance with the approved details prior to the occupation of the dwelling and retained as such thereafter.
Reason: In the interests of highway safety and visual amenity.

6 The new dry stone wall shall be fully completed in accordance with the approved details prior to occupation of the dwelling and retained as such thereafter.
Reason: In the interest of visual amenity.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with CSP34, Development in the Green Belt.

8 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 CSP40, Pollution.

9 The garages shall not be used for any trade or commercial purpose.
Reason: In the interests of the amenities of local residents and in accordance with CSP 40, Pollution.

Reason(s) for Granting Permission

1	Green belt - Policy GS8	It is considered that very special circumstances have been demonstrated to outweigh any harm by reason inappropriateness. In addition, it is not considered that the proposal gives rise to any "other harm". As such, the application accords with the requirements of Core Strategy Policies CSP29, CSP34, CSP35 and the advice in PPG2.

Informative(s)

1 The application is granted on the basis that the proposal does not exceed 100% of the size of the original dwelling (it provides a total floor area of 706sqm whereas UDP policy GS8E would permit total additions of up to 762sqm). As such, additional floor space exceeding 56sqm would more than double the size of the originally approved dwelling. This current application should not therefore be considered to constitute permission for an 'original dwelling' for the purposes of calculating whether any additional extensions/alterations would be permitted.

2 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.

3 Your attention is drawn to the fact that it will be necessary for you to contact Mr Steve Gibbons on Barnsley (01226) 772017 in respect of the vehicular footway crossing required.

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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