BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0130

To Ben Bailey Homes
First Floor
Icon
First Point
Balby Carr Bank
Doncaster
DN4 5JQ

DESCRIPTION Erection of a three storey block of twelve apartments with associated parking following demolition of existing building.
LOCATION The Grange, Park Street, Wombwell, Barnsley, S73 0AS

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 11 February 2010 and described above.

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 in strict accordance with the amended plans and specifications (Drawing No's: Figure 1 'Tree Constraints Plan (Below Ground); Figure 2 'Tree Constraints Plan' (Above Ground); Figure 3 'Tree Protection Plan'; 2361.1/01 Rev. H (Site Layout); 12B- APP Rev. A (Apartments Plans and Elevations) unless prior written consent has been given by the Local Planning Authority to any minor variation.
Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with Barnsley UDP Policy BE6, Design Standards.

3 The 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.

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 21 April 2010

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4 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 and facilities for public viewing, where appropriate
" Wheel washing facilities
" Measures to control the emission of dust and dirt during construction
" Measures to control noise levels during construction
" A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety, residential amenity and visual amenity.

5 The mitigation measures, detailed in Section 6 and Appendix B of the Protected Species Report (Produced by Richard Fox and dated the 10th Feb 2010), shall be fully adhered to, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To conserve protected species and their habitat and in accordance with Barnsley UDP Policy GS15, Protecting Habitats and Species.

6 No development shall take place until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme 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 proper drainage of the area.

7 No development shall take place until a site specific Arboricultural Method Statement is provided and approved in writing by the Council which details all necessary tree protection measures and specifies construction techniques that will be employed to ensure that the retained trees are not damaged by the development e.g no dig construction of hard surfaces etc. The Method Statement shall indicate any required excavations (ground level changes, service installation, foundations and hard surfacing where these might impact on tree roots) and how these are to proceed without damaging retained trees - in particular where ground levels require altering.
Reason: To safeguard existing trees, in the interest of visual amenity.

8 No development shall take place until a tree planting scheme is produced and approved in writing by the Local Planning Authority detailing the number of trees to be planted, their location, species, size and details of planting specification and maintenance. Provision should be made within the Arboricultural Method Statement, that wherever possible areas highlighted for tree planting are protected from compaction and contamination by protective fencing.
Reason: To safeguard existing trees, in the interest of visual amenity.

9 No development shall take place until the protective fencing, detailed on the approved Tree Protection Plan (Dwg No. Figure 3), and boundary fencing proposed on the approved Site Plan (Dwg No. 2361.1/01) is erected and inspected by the Tree Officer and written approval given before any works on site (except the agreed tree works) are undertaken.
Reason: To safeguard existing trees, in the interest of visual amenity.

10 Prior to the approved works being carried out on site, the branches/trees to be removed shall be clearly marked and 5 days notice shall be given to the Local Planning Authority. The work shall thereafter be carried out to the satisfaction of the Local Planning Authority and to the standards set out in BS3998.
Reason: To ensure the work accords with good arboricultural practice.

11 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 residential amenity.

12 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of hard landscaping works. The approved details shall be implemented prior to the occupation of the apartments.
Reason: In the interests of the visual amenities of the locality.

Reason(s) for Granting Permission

1 Unique The proposal complies with Policy H8A and the guidance contained in SPG2 in that it will not adversely affect the amenities of the occupiers of adjoining dwellings, protected species or trees, the local street scene or highway safety.

Informative(s)

1 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

2 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats &c.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0845 1300 228.

3 The developer must contact Mr G Handley - Highways & Engineering prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of permanent or temporary vehicular access(s) to the highway.

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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