BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2016/0630

To Mr Peter Smith
Gleeson Homes & Regeneration
Unit 5
Europa Court
Sheffield Business Park
Sheffield
S9 1XE

Proposal Removal of condition 6 of app 2015/0436 - Variation of Conditions 18 and 22 of application 2014/1219 - Erection of 97 no. dwellings with garages including parking spaces together with the provision of associated roads, sewers and infrastructure.
At Land at Ellwood, Off Wilson Grove, Lundwood, Barnsley, S71 5JF

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 01 June 2016and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

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 driveway specification is considered to be contrary to the interests of highway safety. The tarmac apron has proved ineffective at preventing loose material (gravel) from being deposited onto the public highway, a matter clearly evidenced by the applicants preference for this design on their existing developments located elsewhere in the Borough. Consequently the Council is of the opinion that the displacement of the material poses a safety hazard for users of the highway which includes motorists but especially cyclists, wheelchair users and pedestrians who are particularly vulnerable. The applicant has stated that the condition is not in line with sustainable development, but insufficient justification has been put forward to justify this which would outweigh the concerns expressed. As such it is not considered that the requirements of the condition can be varied as the proposed driveway design would be contrary to requirements of Core Strategy Policy CSP26 'New Development and Highway Improvement' which require new developments to be served with safe and convenient access arrangements.

Signed

Head of Planning and Building Control

Dated 24 August 2016

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2 In addition the Local Planning Authority also objects to the proposals on visual amenity grounds. The displacement of material onto the highway that results from the substandard design of the driveway specification results in marking and damage occurring to the highway surface. This would have an unsightly appearance that would detract from the overall quality, appearance and finish of the development. As such it is considered to be contrary to the requirements of Policy CSP 29 'Design' and the aspirations of the NPPF.

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NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to refuse permission for the proposed development 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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