



BARNSLEY

Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2006/0008

To Ben Bailey Homes Ltd
Elizabeth House
Cliff Street
Mexborough
S Yorks
S64 9HQ

DESCRIPTION Erection of 51 dwellings and conversion of 'The Grange' into 12 apartments.
LOCATION Land off Park Street (MP Burke site and The Grange), Wombwell, Barnsley, S Yorks, (between 76-82 Park Street)

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 04 January 2006 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 strictly in accordance with the plans and specifications as approved 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 UDP Policy BE6, Design Standards.

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 30 June 2006

- 3 The development hereby approved shall be carried out in strict accordance with the amended plans and specifications that follow unless prior written consent has been given by the Local Planning Authority to any minor variation:

Site Layout 2361/01 Rev C received 24 March 2006

Sewer Layout received 2361/PSL received 26 January 2006

1.8m High Screen Fence (2005 specification) received 27 February 2006

1.8m High Pier and Panel Wall with Fence (2005 specification) received 27 February 2006

Landscape Layout 2361/11 Rev A received 24 March 2006

Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy BE6, Design Standards.

- 4 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

- 5 The development shall proceed in accordance with the approved proposed ground levels, finished floor levels of all dwellings and associated structures and road levels as shown on drawing number 2361/SECTION.

Reason: To safeguard the amenities of the residents of 76 Park Street in accordance with UDP Policy H8A and SPG2.

- 6 Prior to the commencement of development, report endorsed by a competent engineer experienced in ground contamination, shall be submitted to the local Planning Authority for approval. The reports shall, amongst other matters, address the following:-

1. Detailed Quantified Risk Assessment regarding both human and controlled water receptors, to assess the exposure risks to the contamination that exist on the site.

2. Remediation Method Statement to show how the remediation objectives will be achieved.

3. The subsequent validation that the site has been satisfactorily remediated and that the development of the site can be safely undertaken and occupied.

The development shall thereafter be undertaken in full accordance with the submitted reports.

Reason: To protect the environment and ensure the site is suitable for the proposed use.

- 7 Prior to the commencement of any development details of how the surface water discharges to the public sewer will be restricted to the level of run-off (i.e same point(s) and rate(s) of discharge from the previous use of the site) will be submitted to and approved by the Local Planning Authority.

Reason: To demonstrate that the site can be suitably drained.

- 8 The site shall be developed with separate systems of drainage for foul and surface water.

Reason: In the interests of satisfactory drainage.

- 9 A detailed management plan for the landscaped areas around the Grange and details of the management company who will maintain the areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of any of the Grange apartments.

Reason: To ensure the maintenance of open space within the site.

- 10 The boundary treatment shown on the approved plans shall be completed before any adjacent buildings are occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with U.D.P. Policy BE6, Design Standards.

- 11 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.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.
- 12 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.
- 13 Prior to the commencement of development, existing trees on site (except those shown to be removed on the approved plan) shall be protected by a chestnut pale and scaffold fence erected around the trees' canopies to British Standard 5837. Thereafter no excavations, tipping or storage of materials shall take place within the fenced area.
Reason: To safeguard existing trees, in the interests of the visual amenity.
- 14 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use, to prevent mud/debris from being deposited on the public highway to the detriment of road safety.
Reason: In the interests of road safety.
- 15 Pedestrian intervisibility splays, having the dimensions 2 m x 2 m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 600 mm above the nearside channel level of the adjacent highway.
Reason: In the interests of road safety.
- 16 The parking/manoeuvring facilities, indicated on the submitted plan, shall be provided prior to the development being brought into use and shall be retained for that sole purpose at all times.
Reason: In the interests of road safety.
- 17 Visibility splays, having the dimensions 2.4 m x 90 m shall be safeguarded at the junction of Park Street with the access road, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interests of road safety.
- 18 Development shall not commence until arrangements have been entered into, to secure such works to mitigate the effect of the development and such works shall be completed prior to the development being brought into use. Such works shall comprise of:-
a) Provision of 2 m wide footway along the entire site frontage
b) Relocation/provision of any necessary street furniture including signs, lighting columns etc
c) Any necessary alterations to drainage
d) Any necessary alterations to lining and Traffic Regulation Orders
Reason: In the interests of road safety.
- 19 Development shall not commence until details of measures to prevent mud/debris from being deposited to the public highway to the detriment of road safety, have been submitted to and approved in writing by the Local Planning Authority, and such measures shall be retained for the entire construction period.
Reason: In the interests of road safety.

- 20 Development shall not commence until details of all areas for the parking of all employees' vehicles, the storage of building materials and plant have been submitted and approved in writing by the Local Planning Authority and such facilities shall be retained for the entire construction period.
Reason: In the interests of road safety.
- 21 Development shall not commence until details of the siting of the sales cabin and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority and such facilities shall be retained for the entire construction period.
Reason: In the interests of road safety.
- 22 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developers expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of road safety.
- 23 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interests of road safety.
- 24 Development shall not commence until details of the means of access for construction traffic have been submitted to and approved in writing by the Local Planning Authority and such an access shall be retained for the entire construction period.
Reason: In the interests of road safety.

Informative(s)

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

UDP Policy H8A - Residential Developments

UDP Policy GS22A - Trees

UDP Policy T2A - Access and road layouts

SPG2 - The Design and Layout of Residential Development

SPG9 - Trees

SPG32 - Parking

The site lies within a Housing Policy Area wherein residential development is acceptable in principle.

The application will secure improvements to the access and also give the Council the opportunity to discontinue the commercial use of the site.

The proposals provide adequate separation between the new development and existing dwellings in accordance with UDP Policy H8A and SPG2.

The overall design and layout is acceptable.

The proposals provide sufficient separation from the protected trees.

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

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.