BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0889

To ID Planning
Atlas House
31 King Street
Leeds
LS1 2HL

DESCRIPTION Residential development (Outline). (2006/2061 Extension of time limit)
LOCATION Land at Wath Road, Elsecar, Barnsley, S Yorks

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 July 2010 and described above.

The approval is subject on compliance with the following conditions:

1 Application for approval of the matters reserved in Condition No. 2 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:-

(a) the layout of the proposed development.
(b) scale of building(s)
(c) the design and external appearance of the proposed development.
(d) 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 Transportation

Dated 26 January 2011

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3 This permission relates to the site indicated by the red line boundary as detailed on amended drawing no Y81.567.01 received by the Local Planning Authority on the 25th May 2007.
Reason: In the interests of clarity as amended plans have been submitted during consideration of the proposals.

4 The areas hatched green on the approved drawing shall be provided as the public open-space requirement in the development of this site in accordance with UDP policy H6 . The area marked A shall be laid out as a multi-user route way in a manner and to a timetable to be agreed in writing by the Local Planning Authority at the expense of the developer. The route way shall be retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority. The area marked B shall form an area of open space and shall be laid out and landscaped in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the substantial completion of the development. That area shall not thereafter be used for any purpose other than as open space.
Reason: In the interests of amenity and to ensure the provision of satisfactory open space in the area in accordance with UDP policy H6.

5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality.

6 No development shall take place until the applicant, their agent, or their successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to or approved in writing by the Local Planning Authority.
Reason: to ensure that any archaeological remains are recorded or preserved in accordance with an agreed scheme.

7 The development shall be carried out in accordance with the approved Flood Risk Assessment BWB Consulting ref GN/AJM/LDS 118 dated 11/10/2006 and shall incorporate all the proposed mitigation measures detailed in that FRA.
Reason: So as to reduce the risk to the property in the event of flooding and to accord with PPS25.

8 Floor levels shall be a minimum of 600mm above existing site ground level.
Reason: So as to reduce the risk to the property in the event of flooding and to accord with PPS25.

9 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

10 Development shall not commence until a scheme for the provision of foul and surface water drainage works, including details of any balancing works and off site works, has been submitted to and approved in writing by the Local Planning Authority. Details shall also include a scheme for the provision and implementation of a surface water run-off limitation into the culverted watercourse 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 the proper drainage of the area.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) order 1995 (or any Order revoking or re-enacting that Order with or without modification) no building or structure shall be placed or erected within five metres measured horizontally of any watercourse.
Reason: To prevent damage to the existing culverted watercourse.

12 Development shall not commence until full details of the structural condition including CCTV survey and exact route of the watercourse have been submitted to and approved in writing by the Local Planning Authority to demonstrate its adequacy and clearance is maintained.
Reason: To maintain the structural integrity and proper functioning of the existing culverted watercourse.

13 Unless otherwise agreed in writing by the Local Planning Authority development shall not commence until a scheme detailing provision of public transport improvements, specifically the upgrading of bus stops in proximity to the site to shelters, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to completion of the development.
Reason: To encourage the use of sustainable modes of transport in accordance with PPG13.

14 Unless otherwise agreed in writing by the Local Planning Authority, the developer shall provide a public transport season ticket to the first household occupying each unit within 3 months of their occupation.
Reason: To encourage the use of sustainable modes of transport in accordance with PPG13.

15 No development works shall commence until a report endorsed by a competent engineer experienced in ground contamination and remediation matters has been submitted to and agreed in writing by the Local Planning Authority. The report amongst other matters shall include the following:

1. measures to further evaluate the site for the purposes of identifying contamination in line with the recommendation made within WSPs Site Investigation (Report ref 12111053).
2. measures to treat or remove any contaminated materials encountered and the methodology to be employed. These procedures should be summarised in a remediation statement.
3. steps to be taken to prevent any environmental pollution by any such contaminated material encountered.
4. measures to prevent risks to health and safety of the general public and any persons working on the site.
5. consideration of any Waste Management issues of any remediation measures.
6. the subsequent certification/validation reports are submitted showing the site has been satisfactorily remediated and that the development of the site an be safely occupied.

The development shall thereafter be undertaken in full accordance with the submitted report. For further information see BMBC's Supplementary Planning Guidance 28 "Developing Contaminated Land".

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

16 The hours of operation for the construction of the development including site preparation, demolition and deliveries to the site shall not take place except between the hours between 8am and 6pm Monday to Fridays and 9am to 1 pm Saturday. There shall be no working permitted on Sundays or public holidays.

Reason: In the interests of residential amenity.

17 Details submitted with the reserved matters application, in accordance with condition 2, shall include an assessment, undertaken by a competent person, of the impact of noise from the adjacent steam railway on residents of the proposed development, based on PPG24 and BS4142 together with any other relevant standards. The developer shall provide sufficient detail to demonstrate how the design, orientation and construction of the proposed dwellings and private garden areas provide mitigation for any impact demonstrated by the assessment and comply with the aforementioned standards. The development shall be carried out in accordance with these details.

Reason: in the interests of residential amenity.

18 Visibility splays, having the dimensions 4.2m x 90m, shall be safeguarded to the NE of the junction and 4.5m with 45m to the SW of the junction with Wath Road, such that there is no obstruction to visibility and forming part of the adopted highway.

Reason: In the interest of road safety.

19 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.

Reason(s) for Granting Permission

1 Unique This application seeks an extension of time to implement the permission and this is considered reasonable given that there no significant changes of circumstances that would lead to a different decision being made.

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 and the particular circumstances summarised below:

HN9 and GS25 - Recreation Areas of Borough-wide Significance
ED7 - Employment Policy Areas
BE1 - Conservation Areas
GS26 - multi-user recreational routeways
H8A - residential Amenity
H6 - provision of open space
BE6 - Good quality Design - Extensions to dwellings

SPG2 - design and layout of residential development
SPG24 - re-use of employment sites.

In reaching this decision the Planning Regulatory Board were mindful of the particular circumstances of this application, namely:
The re-development of this site for residential purposes will bring specific benefits to residential and visual amenity, with particular benefit to the Conservation Area and historic character of the area;
The development provides an opportunity to secure significant improvements to the Trans-pennine Trail.
The proposal can be accommodated without harm to highways safety and residential amenity.
The proposal will not result in a significant loss of jobs or employment land.

Informative(s)

1 The principle of developing the site for residential use only has been established but no layout has been approved. The reserved matters proposals will be judged on whether they enhance or preserve the character of the conservation area or the setting of the listed buildings / scheduled ancient monument. These might include a buffer area / minimum distance of development adjacent to the monument, and detailed requirements for design, scale, massing, details and materials.

Any reserved matters application must be accompanied by a Design and Access Statement which shall address how the new development, both built form, including such matters as materials, massing, height, layout and scale, and open spaces, landscaping and vistas within this, relate to the existing historic character of the local area.

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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