



BARNSLEY

Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0081

To Mr Richard Lawton
Firth Partnership
15 Regent Street
Barnsley
S70 2EG

DESCRIPTION Residential development of 4 no. detached dwellings. (Outline)
LOCATION Land Between 73 & 77 Park Street, Wombwell, Barnsley, S Yorks

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 28 January 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:-
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (e) 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 Morales

Assistant Director, Planning and Transportation

Dated 23 March 2010

- 3 The development hereby approved shall be carried out strictly in accordance with the plans and specifications (2283/05 and 1840AT/1 and 2283/04) 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.
- 4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with UDP Policy BE6, Design Standards.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/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.
- 6 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. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
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.
- 7 All tree protection, tree works and tree planting shall be carried out as described and detailed in the 'Arboricultural Report, Impact Assessment and Planting Scheme' prepared by Crown Consultants and submitted as part of the application
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.
- 8 The access/parking/manoeuvring facilities indicated on the approved 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 highway safety.
- 9 All on-site vehicular areas shall be surfaced and drained in an approved manner prior to the development being brought into use.
Reason: to prevent mud/debris from being deposited on the public highway to the detriment of highway safety.
- 10 Nothing shall be permitted to be planted or erected within a strip of land 2.4m deep measured from the adjacent channel of Park Street which exceeds 1.05m in height above the level of the adjoining channel.
Reason: In the interests of highway safety

- 11 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 600mm above the nearside channel level of the adjacent highway.
Reason: in the interests of highway safety.
- 12 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interests of highway safety.
- 13 Development shall not commence before arrangements have been entered into to secure highway works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. The works (which shall include any Traffic Regulation Order required as a result of the development) shall include without limitation: - Removal of existing bus shelter and installation of replacement bus shelter.
Reason: In the interests of Highway Safety
- 14 Development shall not commence before details of measures to prevent mud/debris from being deposited on the public highway to the detriment of highway 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 highway safety.
- 15 Development shall not commence before 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 areas shall be retained for the entire construction period.
Reason: In the interests of highway safety.
- 16 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme for surface water run-off limitation and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- 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
- 17 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 4 (four) metres of the line of the sewer, which crosses the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times

- 18 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interest of satisfactory and sustainable drainage
- 19 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.
Reason: To ensure that the development can be properly drained
- 20 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal

Reason(s) for Granting Permission

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| 1 Residential Areas - Policy H8A | The proposal complies with Policy H8A in that

the proposed development meets the standards set out in SPG2 , The Design and Layout of New Housing, on density/house type/ mix/layout/parking/access/spacing.

the proposed development meets the standards set out in SPG 3, Infill Residential Development, on residential amenity, access and parking. |
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Informative(s)

- 1 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.
- 2 the developer must contact Mr G Handley 01226 772026 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 to the highway.
- 3 On the Statutory Sewer Map, there is a 375mm diameter public combined sewer recorded to cross the red line site boundary.

A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

The applicant/agent is being contacted under separate cover on this matter and prior to determining this application you should be satisfied that due regard has been had to the impact the presence of infrastructure will have on the development. Owing to the repeal of section 18 of the Building Act 1984, in this instance, Yorkshire Water feels that an appropriate planning condition is necessary to adequately protect the pipe from being built over or near to. It is perceived that this will also be in the interests of future occupiers who may otherwise be dissatisfied. In this instance, a stand-off distance of 4 (four) metres is required at each side of the sewer i.e. a protected strip width of 8 (eight) metres. The submitted site layout (on drawing no. 2283/04, dated 15.12.09, prepared by Firth Partnership Architects) shows the line of the sewer within the site, however, the stand-off distance shown is only a 6 strip width and not the 8 metres we require and have previously requested. Therefore, the site layout is not acceptable to Yorkshire Water. I strongly advise that, prior to determination of this application, the site layout is amended to allow for adequate protection of the sewers.

The development of the site should take place with separate systems for foul and surface water drainage. The separate system should extend to the public sewer.

The domestic foul water should discharge to the 375mm diameter public combined water sewer recorded traversing the site. Furthermore, it is not possible to determine if the site is low-lying relative to the location(s) of the public sewer network. Amongst other things, where the ground level of a site or the level of any basement is below the ground level at the point where the drainage is to connect to a public sewer, the developer may have to take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having (a) pumped discharge(s) from the site and/or the installation of (a) anti flooding valve(s). If sewage pumping is required the rate must not exceed 3 (three) litres per second.

The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site.

Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to PPS25. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.

The developer and LPA are advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. It is understood that a watercourse may be located through/to the north-east of the site.

An off site surface water sewer may be required. This may be provided by the developer.

Alternatively, the developer may be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991.

- 4 The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and there is no highway drain available and if capacity is available within the public sewer network. In this event, the developer will be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non-domestic flows into the public sewer network.

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.