BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2008/0007

To Bramhall Blenkharn
The Maltings
Malton
North Yorkshire
YO17 7DP

DESCRIPTION Residential Development of 58 dwellings and refurbishment of 3 existing dwellings.

LOCATION Land at Newhill Road, Smithies, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 03 January 2008 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 received on the 20th Feb 2008 and the 17th March 2008 (Drawing Title and No's: Site Elevations: 844 01 AR30 01 A & 844 01 AR30 02 A; Site Plan: 844 01 AR20 01 B; Site Diagram: 844 01 AR20 02 B; Elevations: 844 01 AR50 51 B; 844 01 AR50 52 B; 844 01 AR50 53 B; 844 01 AR50 54 C; 844 01 AR50 55 A; 844 01 AR50 57 B; 844 01 AR50 58 A; 844 01 AR50 60 A; 844 01 AR50 62 B; 844 01 AR50 63 B; 844 01 AR50 64 B; 844 01 AR50 65 B; 844 01 AR50 66 B; 844 01 AR50 67 B; 844 01 AR50 68 B; 844 01 AR50 69 B; 844 01 AR50 70 B; 844 01 AR50 71 B; 844 01 AR50 72 C; 844 01 AR50 73 B; 844 01 AR50 74 C; 844 01 AR50 75 B; 844 01 AR50 79; 844 01 AR50 76 B; 844 01 AR50 77B; 844 01 AR50 78), 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 Unitary Development Plan 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 20 March 2008

Planning and Transportation Service
PO Box 604, Barnsley, S70 9FE

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3 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 Barnsley Unitary Development Plan Policy BE6, Design Standards.

4 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 dwellings 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 dwellings and in accordance with Barnsley Unitary Development Plan Policy BE6, Design Standards.

5 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 enlargement, improvement or other alteration of the dwelling houses which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out, unless otherwise approved in writing by the Local Planning Authority.
Reason: To safeguard the health and safety of the occupiers of the residential properties, in accordance with Barnsley Unitary Development Plan Policy ES7.

6 Any development shall incorporate the gas protection measures agreed between the developer and Barnsley MBC, to ensure any risks to future occupiers are addressed. These measures shall be those recommended within the supporting information (ref 07T773 Site Investigation) and subsequent drawings (ref 07T773-0111 and 07T773-008/009). Further reports should be supplied to the LPA, for approval, to address the following;

1. Once these measures have been incorporated, both the foundation protection measures and venting system will require validation to certify the correct installation. Further information on how what procedures will be implemented to validate the venting system and plots foundations.

2. Further details should be provided regarding the gas protection measures to be incorporated within the properties to be refurbished

3. Health and Safety procedures for construction workers on the site to address potential risk from mines gas.

4. Details regarding the provision of information to future occupiers regarding the gas protection system incorporated into the development.

Reason - To ensure the site can be safely developed and occupied in accordance with Barnsley Unitary Development Plan Policy ES7.

7 All on-site vehicular areas shall be hard 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 road safety.

8 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 interest of highway safety and in accordance with Barnsley Unitary Development Plan Policy T2, Development and the Highway Network.

9 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 interest of highway safety and in accordance with Barnsley Unitary Development Plan Policy T2, Development and the Highway Network.

10 Development shall not commence until details of measures to prevent mud/debris from being deposited on 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 interest of highway safety and in accordance with Barnsley Unitary Development Plan Policy T2, Development and the Highway Network.

11 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 areas shall be retained for the entire construction period.
Reason: In the interest of highway safety and in accordance with Barnsley Unitary Development Plan Policy T2, Development and the Highway Network.

12 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interest of highway safety and in accordance with Barnsley Unitary Development Plan Policy T2, Development and the Highway Network.

13 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 interest of highway safety and in accordance with Barnsley Unitary Development Plan Policy T2, Development and the Highway Network.

14 Development shall not commence until full highway engineering construction details have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety and in accordance with Barnsley Unitary Development Plan Policy T2, Development and the Highway Network.

15 No development shall take place unless and 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 the proper drainage of the area

16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained.
Reason: In the interests of the visual amenities of the locality.

17 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.

Reason(s) for Granting Permission

1	Residential Areas - Policy H8A and *Housing Renewal* - Policy H9	The proposal complies with Policies H8A and H9 in that the scale, layout, height and design of the dwellings will not cause any *significant detriment to residential amenity for new or existing* residents and the scheme, as proposed, will improve the quality of the Boroughs housing stock.

Informative(s)

1 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 of vehicular accesses to the highway.

Planning and Transportation Service
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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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