
May 2010

Burton Road, West Green, Barnsley

**Planning Support Statement To Support
The Substitution of Residential House
Types to an Extant Planning Permission**

On behalf of

Ben Bailey Homes

Prepared by

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Appendix 1 - Extant Planning Approvals

1.0 Introduction and Description of Proposed Development

- 1.1 This planning statement has been prepared on behalf of Ben Bailey Homes to support the substitution of a number of plot types to an extant residential development site at Burton Road, West Green, Barnsley.
 - 1.2 The submitted planning application seeks to remove 118 units from the extant approval and replace these with 128 units. The extant planning permissions which gave approval for the site to be developed out for the purposes of residential are noted as follows;
 - **Application No. B/04/0769/BA : Residential Development with Open Space (Outline). Approved 8th December 2004.**
 - **Application No. B/05/0307 : Residential Development of 234 Dwellings Comprising Houses and Apartments (Reserved Matters) (Amended Plans and House Types). Approved 21st March 2006.**
 - 1.3 The extant planning approval incorporated a number of residential property types that are not considered to be unattractive to the open market and, as such, in order to deliver the scheme it is the case that a number of the properties have had to be amended to ones that are more 'appropriate' given the current economic climate.
 - 1.4 As such, a number of apartments and traditional dwellings have had to be removed and replaced with properties that are not only more affordable but ultimately ones that are considered to respond to specific market demand within the local area.
 - 1.5 The extant planning approval gave permission for 234 residential properties in total. As the re-planning of the site has subsequently altered the house types proposed, it is also the case that the number of properties to be completed on the site has also changed.
 - 1.6 As such it is proposed that the site can now deliver 244 residential properties which is, as can be seen, 10 more than was previously given permission for.
 - 1.7 This amendment is however considered to be acceptable. The extant point of access is considered to be wholly safe and, as such, the additional units which only represent a marginal increase of 4% over and above the approved development.
 - 1.8 The key point however is that in amending the scheme it is envisaged and hoped that the development will subsequently become economically deliverable and that the site can be unlocked.
 - 1.9 This is an exceptionally important point as, not only is the site partially developed at this moment in time but also that in delivering 244 dwellings the
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site will assist the Local Authority in delivering much needed new local housing to meet its future housing growth targets.

1.10 The planning submission comprises: -

- **Design and Access Statement (incorporated within this Planning Statement);**
- **Planning Support Statement;**
- **Topographical Survey;**
- **Full plans and elevations;**
- **Summary of Geo-Environmental Issues;**
- **Drainage Summary; and**
- **Sustainability Statement.**

1.11 A number of technical reports were lodged and approved with the extant planning approvals that have subsequently been implemented. For clarity, and the avoidance of lodging unnecessary technical data, these elements have been held back. It is the case however that should the Local Planning Authority consider that reference to these documents should be made that these can be lodged for completeness in due course.

1.12 An assessment of the development proposals against those policies is then undertaken in order to determine whether the proposed development is considered to be in accordance with the relevant planning policy.

1.13 In forming the development proposals for the site, the characteristics of the surrounding area and the relationship of the site to adjacent buildings have been carefully considered.

1.14 In this context, it should be emphasised that in developing the proposals for the site, careful consideration has been given to the following key criteria: -

- i. **The site's brownfield status and the appropriateness of residential development in the context of the site sustainability and the adjoining land uses.**
- ii. **The need to provide a high quality design in order to make a positive contribution to the local environment and street scene.**
- iii. **The requirement to provide a scheme which creates a high degree of residential amenity for its occupiers without prejudicing the amenities of existing occupiers of both the adjoining residential properties.**

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- iv. **The delivery of an important residential development site within the locality of Barnsley in order to aid the Local Planning Authority to achieve and deliver much needed new housing.**

1.15 In seeking to achieve such a high quality scheme, the requirements of the Statutory Development Plan for the area have been borne in mind, as has the national and regional planning context. This scheme is assessed against these material considerations in the following sections and will also be considered against both national and local planning policies.

2.0 National Planning Policy

Planning Policy Statement 1 Delivering Sustainable Development

- 2.1 Planning Policy Statement 1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It advises at paragraph 5 that:

"Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- Making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;**
- Contribution to sustainable economic development;**
- Protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;**
- Ensuring high quality development through good and inclusive design, and the efficient use of resources; and**
- Ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community."**

- 2.2 PPS 1 further emphasises in paragraph 27 the general approach to delivering sustainable development which includes: -

"Promote urban and rural regeneration to improve the wellbeing of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mixed use developments for locations that allow the creation of linkages between different uses and can thereby create more vibrant places."

"Provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport, rather than having to rely on access by car, while recognising that this may be more difficult in rural areas."

"Promote the more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. Planning should seek actively to bring vacant and unused previously developed land and buildings back into beneficial

use to achieve the targets the government has set for development on previously developed land."

2.3 Good design is also emphasised in the PPS advising that this should: -

- Address the connections between people and places by considering the needs of people to access jobs and key services;
- Be integrated into the existing urban form and the natural and built environments;
- Be an integral part of the process for ensuring successful, safe and inclusive villages, towns and cities;
- Create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and
- Consider the direct and indirect impact on the natural environment."

2.4 PPS 1 is clear that all new development should be underpinned by the principle of sustainable development. To that end new residential development sites should be positioned so as to make the best use of local amenities including public transport.

2.4 The development seeks to redevelop an existing brownfield site that is located within an existing residential area. The application site is a short distance to local amenities such as public transport, daily conveniences and employment opportunities.

2.5 It is therefore considered that this is a wholly sustainable site and suitable for redevelopment. Planning permission was granted by the Local Authority originally for the development of the site as it was acknowledged that the scheme brought a significant amount of major enhancements to the living conditions of existing residents. The Local Planning Authority noted that;

"Permission was granted on the basis that the proposals represented a significant environmental improvement to the area of West Green, such as improving the living conditions for local residents, the appearance of the area, providing access to open space and securing the comprehensive remediation of the site. Two large scrap yards, which operated under historic planning permissions with few planning controls would be removed and the land would undergo rigorous decontamination and remediation."

2.6 The site has, as noted, the benefit of planning permission for residential development already and, accordingly, the revised proposals are merely seeking to substitute a number of the approved house types in order that

these will be more attractive to the open market and thus enable the site to be finally delivered.

Planning Policy Statement 3: Housing (April 2007)

- 2.7 Planning Policy Statement 3, 'Housing', was introduced by Government in November 2006 although was not adopted until 1st April 2007.
- 2.8 PPS 3 states that the planning system should deliver;
- **"High quality housing that is designed and built to a high standard;**
 - **Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure."**
- 2.9 PPS 3 is clear that the specific outcome of the planning system should be to deliver high quality housing that is built within accessible areas. New developments should aim to provide new housing that will then be accessible to the market in order to address the specific housing requirements of the community.
- 2.10 PPS 3 continues to promote the key development theory of sustainability. The premise is that all new housing development should be located in such a way that it is accessible to local amenities and employment opportunities.
- 2.11 A requirement is then placed on the Local Planning Authority to ensure that there is a consistent five year supply of housing land in order to meet the short term needs of the local area.
- 2.12 The five year supply is not solely the delivery of planning permission for new development but also to ensure that the level of housing completions within the district is at a level which will ultimately ensure that the market is met with the necessary supply to meet anticipated demand.
- 2.13 The guidance within PPS 3 specifies that it is the Government's target to achieve 60% of all new development on previously developed land, i.e. brownfield land.
- 2.14 The key theme for development is however that it should be sustainably located, a point which is further noted in paragraph 41 of PPS 3 which then recognises that not all land, in particular brownfield land will be suitable for development if it poorly located in relation to existing amenities.
- 2.15 Ultimately, it is important that the site is developed in order to aid the Local Planning Authority in meeting their requirement to ensure an appropriate supply of housing within the District. The key point to note is that the extant planning approval is not considered to be appropriate and, as such, it is the case that at this moment in time the site cannot be delivered.
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- 2.16 The approved layout and house types have therefore had to be amended in order to achieve a scheme that is considered to be more attractive to the open market and thus deliverable.
- 2.17 On that basis the proposed re-planning of the site is in line with the guidance contained within PPS 3.

Planning Policy Guidance Note 13: Transport (March 2001)

- 2.18 Planning Policy Guidance Note 13 sets out the over arching principles of sustainable travel and methods of movement that should be considered when assessing development proposals.
- 2.19 The key theme of sustainability, as noted in PPS 1 is carried through PPG 13 to ensure that developments are located in such a way so as to enable accessible movement.

- 2.20 To that end Paragraph 13:-

"To promote more sustainable patterns of development and make better use of previously developed land, the focus for additional housing should be existing towns and cities. PPG3 requires Local Planning Authorities to build in ways which exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services."

- 2.21 PPG 13 also requires Local Planning Authorities to: -

"Place the needs of people before the ease of traffic movement in designing the layout of residential development; and

Seek to reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local services and local amenity and by planning for mixed uses."

- 2.22 The development site is located within an area of high accessibility to local amenities, employment opportunities, modes of public transport and also recreational open space. On this basis it is considered that the application site is within an existing sustainable location that is suitable for further housing development.
- 2.23 The application site is located within an existing urban area which is well located to necessary amenities such as public transport. On that basis it is considered that this is a wholly sustainable site suitable for residential development.
- 2.24 It is also the case that the extant planning approval gave permission for a specific quantum of development and, as the re-planning of the site has yielded a marginal increase in the number of units proposed, that the site's access will still operate in an appropriate and safe manner.
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- 2.25 As such the proposed redevelopment will therefore not detrimentally impact upon highway safety in the local area. On that basis the proposal is considered to be wholly appropriate when determined against national planning policy guidance.

Conclusions

- 2.26 It is considered that the proposed development is wholly compatible with the terms of national planning policy. The application site is an existing brownfield site located within an urban area and, on that basis it is determined that this is a fully sustainable location for new residential development.
- 2.27 Furthermore, the proposed re-planning of the site has been specifically to enable the scheme to be responsive to the local housing need and as such it is envisaged that in re-drafting the proposals the site will be deliverable.

3.0 Development Plan Assessment

- 3.1 The Statutory Development Plan for the area comprises the Barnsley Metropolitan Borough Council Unitary Development Plan.
- 3.2 There are a number of 'saved' policies within the Unitary Development Plan that are relevant to the proposed development. The Local Planning Authority is at present working towards producing the Local Development Framework which ultimately will replace the extant Unitary Development Plan.
- 3.3 However, at this moment in time the Local Development Framework (LDF) remains a work in progress and, as such, the extant Unitary Development Plan's (UDP) saved policies will guide development in the District.
- 3.4 These policies can be summarised as;
- **Housing Policies;**
 - **Built Environment Policies;**
 - **Environment Standards;**
 - **Transport Policies;**
 - **Utilities; and**
 - **Relevant Supplementary Planning Guidance.**

- 3.4 The proposed development has been assessed against these groups of policies in the following sections.

Housing Policies

- 3.5 Policy **H2** states that the Local Planning Authority will ensure that there is a sufficient supply of land is available in order to meet the future housing demand within the District.
- 3.6 Policy **H5** then notes that the Authority will encourage a diversity in residential property types in order to ensure that all needs of the market are fully met by new housing development.
- 3.7 Policy **H6** then states that all residential development above a specific threshold must incorporate sufficient public open space in order to meet the future needs of the end residents.

Built Environment Policies

- 3.8 Policy **BE5** identifies that the Local Authority will seek to enhance the environmental quality of existing housing, commercial and industrial areas.
- 3.9 Policy **BE6** then notes that the Local Planning Authority will seek to ensure that good design is achieved in all new developments in order to form a development that is considered compatible with its surroundings.
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Environment Standards

- 3.10 Policies **ES7** states that where the Local Planning Authority are aware that a site is potentially contaminated, it is the case that the Council will seek to ensure that the necessary remediation work is undertaken in order to bring such a site forward for development safely. The site has been completely contaminated in accordance with conditions previously set down by the Local Authority and as such the site is considered to be 'clean'.

Transport Policies

- 3.11 Policy **T2** states that development will only be allowed where it can be demonstrated that the site can be accessed safely and without the detriment or harm to the adjacent highway network.
- 3.12 Policy **T17** states that all new development proposals should be designed in accordance with the Local Planning Authority's requisite parking standards. The basis for this is to ensure that all new proposals are formed in such a way so as to provide a sufficient level of private, off street parking which in turn will ensure that the adopted highway remains free from parked vehicles.
- 3.13 Policy **T27** then notes that all new development proposals will be required to take into account the needs of pedestrians and, as such, layouts should be appropriately designed.

Utilities Policies

- 3.14 Policy **UTL2** identifies that all new development should be capable of being accommodated or served by the existing utilities network. In particular, any development which cannot be accommodated in such a way will therefore be refused permission unless appropriate mitigation and improvements can be secured through the planning process.

Supplementary Planning Guidance 2 : The Design and Layout of New Housing Development

- 3.15 Supplementary Planning Guidance 2 (SPG 2) supports the relevant planning policies saved and retained within the extant Unitary Development Plan.
- 3.16 The submitted revisions are considered to be wholly appropriate and in line with the guidance as set out in SPG 2. The extant approved scheme was clearly designed in order to ensure that the proposals led to an acceptable level of amenity for both the future and the adjacent occupiers.
- 3.17 The Local Planning Authority noted that the scheme was considered to be wholly appropriate and, as such the proposals should be supported by the Local Authority.
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- 3.18 The revisions seek further to enhance both the proposed layout and finished residential properties in order to provide a scheme that reflects and incorporates the local vernacular whilst at the same time creating a clear sense of identity.

Assessment

- 3.19 The proposed redevelopment of this existing residential site is considered to be wholly in line with the relevant planning policies contained within the UDP.
- 3.20 The application site is an existing brownfield site located within an urban area, and, on that basis the proposed redevelopment of the site to provide new residential properties is considered to be wholly appropriate and in line with both national and local planning policy.
- 3.21 The submitted planning application provides an opportunity to enhance the visual amenity of the surrounding area whilst at the same time forming a scheme that is reflective with the local vernacular whilst also forming a clear sense of identity.
- 3.22 It is important to note that the application site has been partially developed and, as a direct result of the economic downturn and, in particular how this impacted upon the residential development market, the site was stalled as funding was subsequently withheld.
- 3.23 This viability of the site was further delayed as a further result by the financial institutions withholding mortgages and funding for members of the public and, as such, given the paucity of investors and homeowners who could secure a clear line of available funding the development of the site had to be withheld.
- 3.24 Following a detailed review of the scheme by Ben Bailey Homes it is now deemed that in substituting a number of the approved house types that these will be more attractive to new potential owners and, as such, there is renewed confidence that the scheme can be delivered.

4.0 Design and Access Statement

- 4.1 This statement takes account of the advice set out in DCLG Circular 01/2006, "Guidance on Changes to the Development Control System". It has also taken account of the CABE publication, "Design and access statements – how to write, read and use them".

- 4.2 These documents have a common approach to the form and content of a design and access statement:

"A design and access statement is a short report accompanying and supporting a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way" (S60, Circular 01/2006)

"The level of detail required in a design and access statement will depend on the scale and complexity of the application, and the length of the statement will vary accordingly. Statements must be proportionate to the complexity of the application, but need not be long." (S62, Circular 01/2006)

- 4.3 Both documents also indicate the issues to be addressed, these being **amount** of development, **layout** of buildings, **routes** and spaces, **scale** of buildings, **landscaping** and **appearance**: the CABE document also make reference to **use**: all six matters are addressed herein.
- 4.4 It is worthwhile noting that Circular (01/2006) accompanies the requirements for Design and Access statements. Paragraph 62 of the Circular is clear insofar as Design and Access statements will vary according to the type and scale of development to which they will support.
- 4.5 To that end as the proposed form of development is relatively simple in that it seeks approval to substitute a number of plots within an approved scheme, it is considered that a full raft of assessment is not required in this instance.

The Proposed Development

- 4.6 The attached planning application seeks permission to form demolish the existing two residential dwellings on site and in their place construct 4 detached residential properties.

Relevant Planning Policy Considered

- 4.7 Regard to Section 3 of this formal Planning Statement should be made in relation to the relevant national and local planning policy that has been considered.

Amount

- 4.8 The attached planning application seeks permission to substitute approximately 118 plots from the extant planning approval and replace these with 128 units which are considered to be more attractive and thus deliverable to the open market.

Layout

- 4.9 The proposed layout is similar to that previously granted planning permission. There are however some subtle changes in the orientation of the internal road network which has been redesigned so as to ensure that a more appropriate configuration is delivered which in turn has an impact in relation to the number of properties that can be integrated as part of the development as a whole.

Routes

- 4.9 This is considered to be inappropriate. As noted above, the layout of the revised proposals is not considered to be too dissimilar to that previously approved by the Local Planning Authority. Nonetheless, the changes in the delineation and orientation of the internal estate road is considered to be appropriate in relation to the form of the site as a whole.

Scale

- 4.10 The proposed dwellings will be of a two, two and half storey and three storey construction.

Landscaping

- 4.11 The proposed development incorporates areas of public open space and private landscaping. The location of the internal greenspace is as previously approved and, given that there is only a marginal increase in the number of residential units this is considered to be wholly appropriate.
- 4.12 Nonetheless, the extant planning approval incorporated the provision of a payment to Barnsley following laying out of the approved area of publicly access open space. That land has not yet been laid out and as such the requirement is still considered to be valid.

Appearance

- 4.13 The proposed residential properties are considered to be of a form and scale that is reflective of the properties to be retained. It is important to note the schedule of materials as stated on the submitted plans are consistent with those properties that have either been constructed or, are in the process of being constructed.

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- 4.14 Notwithstanding this point the proposed dwellings have sought to take reference from the immediate adjacent properties, as ultimately it will be the case that they are seen in context of these properties. The use of brick and render for the proposed materials is one that is consistent within the locality and as such would be wholly appropriate when viewed in this local context.

Access

- 4.15 DCLG Circular 01/2006 describes the purpose of this component of the Design and Access Statement as being to

“explain how access arrangements will ensure that all users will have equal and convenient access to buildings and spaces and the public transport network”

- 4.15 As noted the wider development site already benefits from an extant planning permission. The site is considered to be in an accessible location where the end users will have access to the public transport network.
- 4.16 Furthermore, as part of the original planning approval it is the case that the developer has agreed to enter into a formal legal agreement to provide bus passes to the first occupants of each dwelling.
- 4.17 As a number of properties have already been completed and subsequently occupied, the company has responded to this agreement by providing the requisite bus passes. The company are still committed to this provision and as such the residents of the re-planned 128 properties will also benefit from a free bus pass as previously agreed.

5.0 Conclusions

- 5.1 The development proposed has been carefully formed, laid out and designed so as to ensure that the end scheme will be fully consistent with the surrounding area in terms of form, layout and appearance.
- 5.2 The proposal has a number of significant benefits deriving from it and should be supported by the Local Planning Authority for the following reasons: -
- The site clearly falls within the definition of previously developed land as set out in PPS 3;
 - The site benefits from an extant planning permission for 234 units of which it is proposed to remove 118 dwellings and, in their place, form 128 new residential properties;
 - The re-planning of the site and the subsequent substitution of 188 of the approved plots will facilitate the development to be unlocked and thus aid the Local Authority in the delivery of new homes which are considered important to meet the area's demand;
 - Given the brownfield status and the site's location within the urban area, the site should be accorded first priority as a residential development opportunity;
 - The site enjoys a sustainable location whereby public transport and local services and facilities are readily available. Furthermore, there is a provision in place to provide occupants of each dwelling a bus pass in order to encourage sustainable travel;
 - The scheme would generate clear and unequivocal environmental gains through the securing of the redevelopment of an unattractive site which is presently sat idle and it's replacement with aesthetically pleasing structures.
 - The scheme fully satisfies all residential amenity policies of the UDP and incorporates areas of fully usable public and private space; and
- 5.3 The proposed development is considered to be wholly appropriate and thus planning permission should be granted for the substitution of 118 of the approved plots within the extant planning permission for 128 properties of a slightly varied design.

APPENDIX 1



BARNSLEY

Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/04/0769/BA

To Ben Bailey Homes Ltd.,
c/o JVH Town Planning Ltd
Houndhill Courtyard
Houndhill
Marchington
Staffs. ST14 8LN

Proposal Residential Development with open space (Outline).
At Land at Burton Road, West Green/Monk Bretton, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 15 April 2004 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 either:-

i) before the expiration of five years from the date of this permission, or

ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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 siting of the proposed development.

(b) the design of the proposed development.

(c) the external appearance of the proposed development.

(d) the means of access to the site.

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 8 December 2004

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226 - 772000
Fax: 01226 - 772591

(e) landscaping for the site.

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.

3. The development hereby approved shall be carried out in strict accordance with the amended plans and specifications received on 5th August 2004 in respect of the layout and location of the public open space unless prior written consent has been given by the Local Planning Authority to any minor variation.

For the avoidance of doubt as amendments have been submitted during the course of processing the application.

4. No hedges or trees on the site (except those shown to be removed on any subsequent plan), or their branches or roots, shall be lopped, topped, felled, or severed without the written approval of the Local Planning Authority.

To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.

5. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details

To prevent the increased risk of flooding.

6. Floor levels of properties adjacent to the watercourse should be a minimum of 600mm above site ground level

To prevent flooding of the properties.

7. 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 3 metres, measured horizontally, of any sewer or culverted watercourse.

To prevent damage to the existing (sewer, watercourse or culverted watercourse).

8. No development shall take place until details of the foul and surface water drainage 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.

To ensure the proper drainage of the area.

9. Prior to the commencement of the development a report, endorsed by a competent engineer experienced in ground contamination shall be submitted to the Local Planning Authority. The report shall, amongst other matters, include the following:-

1. Measures to physically identify the extent of made ground and measures to test and evaluate the area for the purposes of identifying the extent of any contaminated areas requiring remediation.

2. Measures to treat or remove any contaminated material identified.
3. Measures to test and evaluate any imported soils or capping material imported onto the site to ensure they contain no levels of contamination which would render any part of the site unsuitable for its intended use.
4. The subsequent certification 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.
To ensure that the site is properly assessed for ground contamination and subsequently suitably remediated to enable the site to be subsequently safely developed and occupied.

- 10 Visibility splays, having the dimensions 4.5m x 90m, shall be safeguarded at the junctions with Burton Road such that there is no obstruction to visibility and any part of the adopted highway
In the interests of road safety.
- 11 Development shall not commence until arrangements have been made to secure highway works to mitigate the effect of the development, and such measures shall include: a] Measures to improve the A628 / Burton Road junction in terms of both alignment and visibility; b] Point closure of Tumbling Lane; c] A right turning lane shall be provided along the entire site frontage to accommodate all junctions into and opposite the site; d] A 2m footway to adoptable standards shall be provided along the entire site frontage; e] Improvements to street lighting along the entire frontage and to link with existing lighting; f] Provision of signing and lining associated with the works; g] Relocation of any existing bus stops / shelters; h] Improvements to footways and lighting on Tumbling Lane
In the interests of highway safety.
- 12 Development shall not commence until a condition survey of the adjacent highways to be used by construction traffic has been carried out to the satisfaction of the Local Planning Authority; a further survey shall be carried out following the completion of the works and any necessary remedial works completed prior to the development being brought into use
In the interests of highway safety.
- 13 Prior to the commencement of the development a scheme shall be submitted to, and approved in writing by, the Local Planning Authority describing the methodology to be employed to suppress dust arising from the operations in the form of a Dust Action Plan. Such measures may include water bowsers; sprayers mobile and fixed; or similar equipment; regulating the speed of vehicles on the site; and such other steps as are appropriate. The operations shall thereafter be undertaken in complete accordance with the approved scheme. At such times, when due to site conditions the prevention of dust is not possible all site works contributing to the dust problem should cease until such time as conditions improve to allow a resumption of works.
In the interests of local amenity and to protect the environment.
- 14 Prior to the commencement of the development a scheme shall be submitted to, and received the written approval of the Local Planning Authority, identifying measures to be taken to ensure that all vehicles leaving the site are in such condition as not to leave dust, slurry or mud on the highway. The development shall thereafter be undertaken in accordance with the

details of the approved scheme. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.

In the interests of highway safety.

- 15 A visibility splay, having the dimensions of 2.4m x 90m, shall be safeguarded at the Tumbling Lane junction such that there is no obstruction to visibility forming part of the adopted highway

In the interests of highway safety.

- 16 Unless otherwise agreed in writing by the Local Planning Authority, no building, other structure or obstruction shall be located over or within 3.0m either side of the centre line of the rising main and 4.0m of the 900mm diameter public surface water sewer crossing the site

To allow sufficient access for maintenance.

- 17 No development shall take place until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant and experienced and specialising in the assessment and evaluation of Landfill Gas Migration.

The investigation report shall:

1. be based upon BS 5930, Code of Practice for Site Investigations, the draft BS DD175: 1988 Code of Practice for the Investigation of Contaminated Land, Building Research Establishment, The Measures of Gas Emissions from Contaminated Land and the advice provided in the Waste Management Paper Nos. 26 and 27.
2. describe the methodology, techniques and equipment and circumstances of the survey and clearly relate final conclusions and recommendations to the results and findings of tests and investigations so that they may be understood by a third party.
3. advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied. The development shall thereafter be undertaken in strict accordance with the submitted remedial measures contained within the report. To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas.

- 18 Prior to the commencement of the development a scheme shall be submitted to, and approved in writing by, the Local Planning Authority describing the methodology to be employed to suppress dust arising from the operations in the form of a Dust Action Plan. Such measures may include water bowsers; sprayers mobile and fixed; or similar equipment; regulating the speed of vehicles on the site; and such other steps as are appropriate. The operations shall thereafter be undertaken in complete accordance with the approved scheme. At such times, when due to site conditions the prevention of dust is not possible all site works contributing to the dust problem should cease until such time as conditions improve to allow a resumption of works.

In the interests of local amenity and to protect the environment.

- 19 Prior to the commencement of the development a scheme shall be submitted to, and received

the written approval of the Local Planning Authority, identifying measures to be taken to ensure that all vehicles leaving the site are in such condition as not to leave dust, slurry or mud on the highway. The development shall thereafter be undertaken in accordance with the details of the approved scheme. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.

In the interests of highway safety.

- 20 Before the development hereby permitted commences a scheme shall be submitted to and approved by the Local Planning Authority which shall specify the provisions to be made for the control of noise emanating from the site, and the development shall be carried out in strict accordance with the approved scheme.

To restrict noise emission from the site, to safeguard the amenities of local residents.

- 21 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 & 1800 Monday to Friday and 0900 & 1400 on Saturdays and at no time on Sundays or Bank Holidays.

In the interests of the amenities of local residents.

- 22 Details of the layout, to be submitted with the reserved matters, shall include 15% of the site to be developed as a play area/open space or any equivalent off site provision.

To ensure the provision of a satisfactory play area for the benefit of future residents.

- 23 The development shall proceed in accordance with the approved flood risk assessment incorporating the accepted mitigation measures into the construction of the development

To minimise the impacts of flooding.

- 24 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways

To prevent pollution of the water environment.

- 25 Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted and approved in writing by the Local planning Authority. The approved scheme shall be retained throughout the construction period

To prevent pollution of the water environment.

- 26 No dwelling shall be occupied until a 1 year travel master pass has been provided to the first occupier of each such dwelling in accordance with details to be submitted to and agreed in writing with the Local Planning Authority

In the interests of reducing the need for car travel to and from the site.

Informatives

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:

BA40 West Green Regeneration Area

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 given 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 of the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.



28.07.04	A. Amended to include footpath route and planted buffer to the south of the development.		RB
	DATE	REVISIONS	
			BY

DESIGN		TECH SERVICES		BUYING	
DRAWN		QUANTIFIED		ORDERS	
CHECKED		CHECKED		CHECKED	

Ben Bailey
HOMES LIMITED

Elizabeth House
Cliff Street
Mexborough
South Yorkshire S64 8HQ
Tel No : 01709 588281
Fax No : 01709 570006

TITLE Development Proposal

JOB Burton Road,
West Green,
Barnsley

Scale 1:1000

Drawn RB Date 20/01/04

Drawing no.

2131/OL

Revision

A



BARNSELEY

Metropolitan Borough Council

APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. B/05/0307/BA

To Ben Bailey Homes Ltd
Elizabeth House
Cliff Street
Mexborough
S64 9HU

Proposal Residential Development of 234 dwellings comprising houses and apartments
(Reserved Matters) (Amended Plans & House Types)

At Land off Burton Road, West Green, Barnsley.

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 21 February 2005 and described above, being matters reserved in the permission granted on 8 December 2004 under Application B/04/0769/BA.

The approval is subject on compliance with the details specified in the application, the approved plans and conditions of the outline permission and, additionally, is subject to the following conditions:-

1. The development, hereby permitted, shall be begun either:-

i) before the expiration of five years from the date of the outline permission, or

ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

In order to comply with the provision of Section 92 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 Drawing No. 2131/01 Rev H, unless prior written consent has been given by the Local Planning Authority to any minor variation.

For the avoidance of doubt as amendments have been submitted during the course of processing the application.

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.

In the interests of the visual amenities of the locality.

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 21 March 2006

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN

Telephone: 01226 - 772000
Fax: 01226 - 772591

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, in particular the boundary treatment to the southern boundary of the site. The boundary treatment shall be completed before the dwellings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property.

5. 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.

To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.

6. 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.

To safeguard existing trees, in the interests of the visual amenity.

7. 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 for the buffer strip and new footpath along the souther boundary of the site, including details of the species, positions and planted heights of all proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained.

In the interests of the visual amenities of the locality.

8. 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 within a period of 5 years from the completion of the development die, 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.

In the interests of the visual amenities of the locality.

9. Floor levels of properties adjacent to the watercourse shall be a minimum of 600 mm above site ground level.

To prevent the increased risk of flooding.

- 10 No development approved by this permission shall be commenced until a scheme for the provision and implementation of the surface run-off limitation has been submitted to and approved in writing by the Local Planning Authority.
The scheme shall be implemented in accordance with the approved programme and details.

To prevent the increased risk of flooding.

- 11 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the rising main (protected strip width of 6.0 metres) and 4.0 metres (protected strip width of 8.0 metres) of the 900mm diameter public surface water sewer, which crosses the site.

In order to allow sufficient access for maintenance and repair work at all times.

- 12 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 Authority.

To ensure that the development can be properly drained.

- 13 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.

To ensure that no foul or surface water discharges take place until proper provision has been for their disposal.

- 14 An acoustic 2.0 metres high fence shall be erected along the eastern boundary of the site, in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the dwellings are occupied and thereafter so retained.

To reduce the likelihood of noise nuisance from adjacent premises.

- 15 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

To prevent pollution of the water environment.

- 16 The development shall proceed in accordance with the approved flood risk assessment incorporating the accepted mitigation measures into the construction of the development.

To minimise the impacts of flooding.

- 17 Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.
To prevent pollution of the water environment.
- 18 Prior to the commencement of the development a report, endorsed by a competent engineer experienced in ground contamination shall be submitted to the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. Measures to physically identify the extent of made ground and measures to test and evaluate the area for the purposes of identifying the extent of any contaminated areas requiring remediation.
 2. Measures to treat or remove any contaminated material identified.
 3. Measures to test and evaluate any imported soils or capping material imported onto the site to ensure they contain no levels of contamination which would render any part of the site unsuitable for its intended use.
 4. The subsequent certification 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.
To ensure that the site is properly assessed for ground contamination and subsequently suitably remediated to enable the site to be subsequently safely developed and occupied.
- 19 No development shall take place until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant and experienced and specialising in the assessment and evaluation of Landfill Gas Migration.

The investigation report shall:

1. be based upon BS 5930, Code of Practice for Site Investigations, the draft BS DD175: 1988 Code of Practice for the Investigation of Contaminated Land, Building Research Establishment, The Measures of Gas Emissions from Contaminated Land and the advice provided in the Waste Management Paper Nos. 26 and 27.
 2. describe the methodology, techniques and equipment and circumstances of the survey and clearly relate final conclusions and recommendations to the results and findings of tests and investigations so that they may be understood by a third party.
 3. advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied. The development shall thereafter be undertaken in strict accordance with the submitted remedial measures contained within the report.
- In order to ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas.**

20 Development shall not commence until arrangements have been made to secure such highway works to mitigate the effect of the development, and such measures shall be complete prior to the development being brought into use. The works shall include:-

- A) Point closure of Tumbling Lane, in the interest of road safety;
- B) A right turning lane shall be provided for the entire site frontage to accommodate all junctions into and opposite the site, including pedestrian refuges/central islands, in the interest of road safety;
- C) A 2m footway to adoptable standards shall be provided along the entire site frontage;
- D) Improvements to street lighting along the site frontage and to link to existing street lighting;
- E) Provision of signing and lining associated with the work;
- F) Relocation of existing bus stop/shelter;
- G) Improvements to footways and lighting on Tumbling Lane;
- H) Provision of turning head on Tumbling Lane;
- I) Provision of annual public transport season tickets for each household;
- J) Provision of parking lay-by on Burton Road fronting numbers 480-502.

In the interests of highway safety.

21 Visibility splays, having the dimensions 4.5m x 90m, shall be safeguarded at the junctions with Burton Road such that there is no obstruction to visibility and any part of the adopted highway.
In the interests of road safety.

22 Development shall not commence until a condition survey of the adjacent highways to be used by construction traffic has been carried out to the satisfaction of the Local Planning Authority; a further survey shall be carried out following the completion of the works and any necessary remedial works completed prior to the development being brought into use.
In the interests of highway safety.

23 Development shall not commence until details of the means of access for construction access has been submitted and approved in writing by the Local Planning Authority, and such access arrangements shall be retained for the entire duration of the works.
In the interest of road safety.

24 Development shall not commence until the detailed plans to show the phasing of the development works have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development is progressed in a safe and appropriate manner, in the interest of road safety.

25 Development shall not commence until details of the siting of the sales cabin and staff/customer-parking provision have been submitted and approved in writing by the Local Planning Authority and such facilities shall be retained for the entire construction period.
In the interest of road safety.

- 26 Development shall not commence until details of measures to prevent parking within the visibility splays, within the site boundary, have been submitted and approved, in writing, by the Local Planning Authority, and such measures shall be implemented prior to the development being brought into use and thereafter retained.
In the interest of road safety.
- 27 Development shall not commence until details of areas within the site to be used 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 shall be retained for the entire construction period.
In the interest of road safety.
- 28 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.
- 29 Pedestrians intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at each drive entrance/exist such that there is no obstruction to visibility at a height exceeding 600mm above the nearside channel level of the adjacent highway.
In the interest of road safety.
- 30 The parking/manoeuvring areas, indicated on the approved plan, shall be provided prior to the development being brought into use and shall be retained for that sole purpose thereafter.
In the interests of road safety.
- 31 Development shall not commence until full highway engineering construction details have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
In the interest of road safety.
- 32 Development shall not commence until detailed plans to show a turning facility for a fire appliance to serve Plots 52-56 have been submitted and approved by the Local Planning Authority. The development shall be completed in accordance with the approved plans prior to the occupation of those dwellings.
In the interest of road safety.
- 33 Development shall not commence until detailed plans to show the treatment of cycletrack/footpath at the junction with Tumbling Lane have been submitted and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.
In the interest of road safety.

- 34 No dwelling shall be occupied until a 1 year travel master pass has been provided to the first occupier of each such dwelling in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

In the interests of reducing the need for car travel to and from the site.

- 35 Prior to the commencement of the development a scheme shall be submitted to, and approved in writing by, the Local Planning Authority describing the methodology to be employed to suppress dust arising from the operations in the form of a Dust Action Plan. Such measures may include water bowzers; sprayers mobile and fixed; or similar equipment; regulating the speed of vehicles on the site; and such other steps as are appropriate. The operations shall thereafter be undertaken in complete accordance with the approved scheme. At such times, when due to site conditions the prevention of dust is not possible all site works contributing to the dust problem should cease until such time as conditions improve to allow a resumption of works.

In the interests of local amenity and to protect the environment.

- 36 Before the development hereby permitted commences a scheme shall be submitted to and approved by the Local Planning Authority which shall specify the provisions to be made for the control of noise emanating from the site, and the development shall be carried out in strict accordance with the approved scheme.

To restrict noise emission from the site, to safeguard the amenities of local residents.

- 37 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 & 1800 Monday to Friday and 0900 & 1400 on Saturdays and at no time on Sundays or Bank Holidays.

In the interests of the amenities of local residents.

- 38 Prior to the commencement of the development a scheme shall be submitted to, and received the written approval of the Local Planning Authority, identifying measures to be taken to ensure that all vehicles leaving the site are in such condition as not to leave dust, slurry or mud on the highway. The development shall thereafter be undertaken in accordance with the details of the approved scheme. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.

In the interests of highway safety.

- 39 The development shall be carried out in full accordance with the recommendations and findings of the Noise Assessment, prepared by Kirby Charles Associates Limited, dated June 2005.

In the interests of residential amenity and to ensure that the development can be satisfactorily occupied.

40 Prior to the new open space and footpaths links being brought into use the motorcycle barriers shall be installed in accordance with the details shown on the approved plans, and thereafter maintained.

In the interests of pedestrian safety.

Informatives

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.

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:

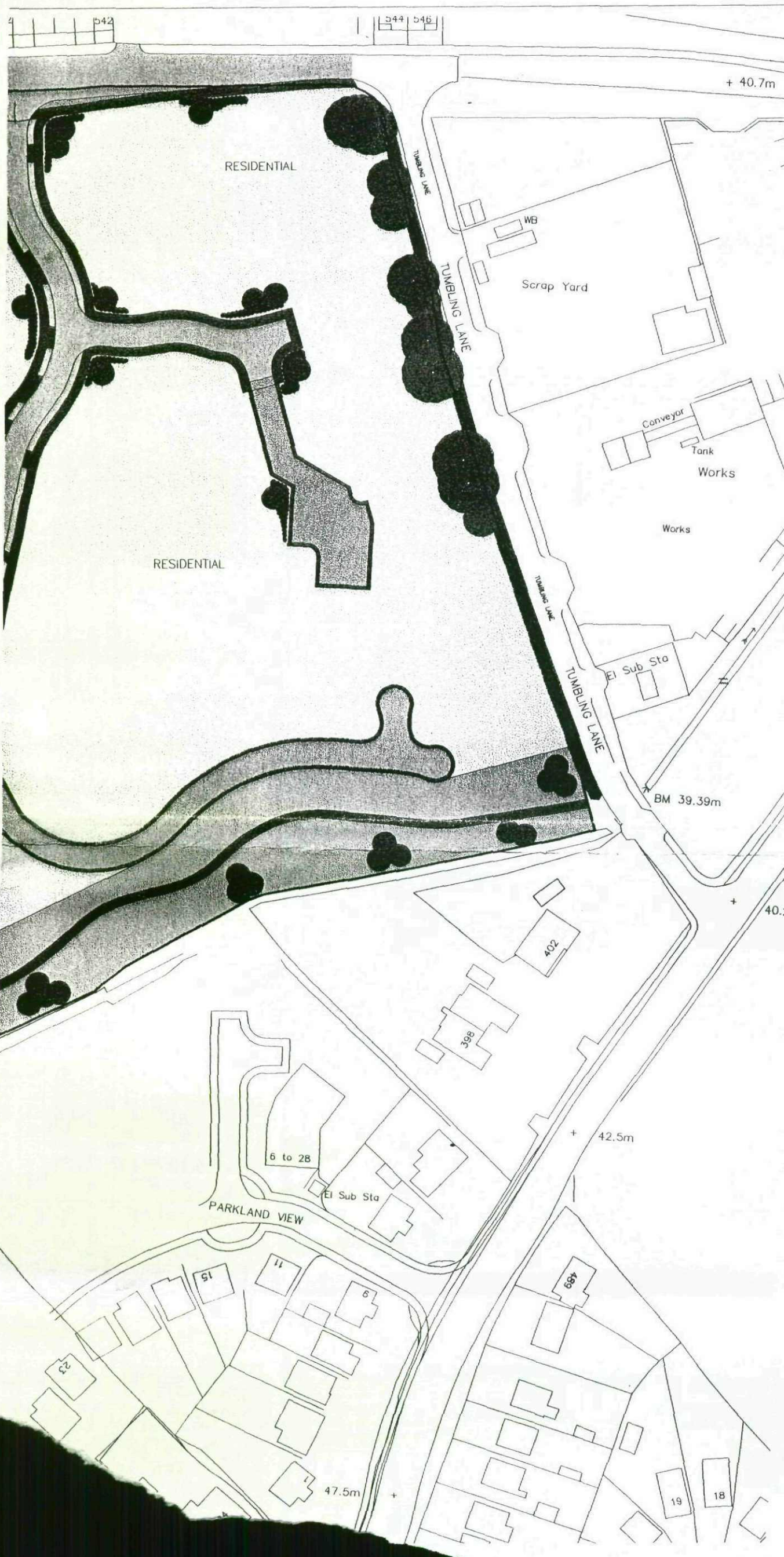
BA40 West Green Regeneration Area

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:-

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, Transport and Regions in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements*, to the provisions of the development order, and to any directions given under the order. He does not, in practice, refuse to entertain appeals solely because the local planning was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or the Secretary of State for the Environment, Transport and Regions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or County Council, London Borough or District Council in which land is situated as the case may be, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. 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 of the application to him. These circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act 1971.

*The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.



NOTES

**BARNSLEY**
Metropolitan Borough Council

08 DEC 2004

APPROVED TOWN PLANNING

28.07.04	A: Amended to include footpath route and planted buffer to the south of the development.	RB.
DATE	REVISIONS	BY

DESIGN	TECH. SERVICES	BUYING
DRAWN	QUANTIFIED	ORDERS
CHECKED	CHECKED	CHECKED

Ben Bailey
HOMES LIMITED

Elizabeth House
Cliff Street
Mexborough
South Yorkshire S84 9HQ
Tel No : 01709 586281
Fax No : 01709 570006

TITLE Development Proposal

JOB Burton Road,
West Green,
Barnsley

Scale 1:1000

Drawn RB Date 20/01/04

Drawing no. 2131/OL	Revision A
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