BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2006/1954

To Peter Thompson
Linwood
Barnsley Road
Dodworth
Barnsley
S75 3JR

DESCRIPTION Erection of 14 apartments
LOCATION Ballfield Service Station, 12 Ballfield Lane, Kexborough

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 20 November 2006 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

3 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use, to prevent mud/debris from being deposited on the public highway to the detriment of road safety.
Reason: In the interests of road safety

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 07 February 2007

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4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be provided prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interests of road safety

5 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 road safety

6 Development shall not commence until details of measures to prevent mud/debris, dust or deposit material 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 interests of road safety

7 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 and 1800 Monday to *Friday and 0800 and 1300 on Saturdays and at no time on Sundays or Bank Holidays.*
Reason: In the interests of neighbouring amenities

8 The windows on the side elevations of the building shall at all times be fitted with obscure glass
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential properties.

9 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless prior written consent has been given by the Local Planning Authority to any variation.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

10 Sight lines, having the dimensions 2.4m x the site frontage, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety.

11 Development shall not commence until details of all areas of 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 road safety

12 Development shall not commence until details of the siting of a sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local planning Authority, and such facilities shall be retained for the entire construction period.
Reason: In the interests of road safety

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13 No development shall take place unless and until:
a) 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 lifetime of the development unless otherwise agreed in writing with the Local planning Authority.
b) Porosity tests are carried out on accordance with BRE 365 to demonstrate that suitable subsoil and adequate land area is available for the soakaway
Reason: To ensure the proper drainage of the area

14 A dust management scheme shall be submitted to and approved by the local planning authority prior to any engineering works commencing on site.
Reason: To protect the amenity of occupiers of neighbouring land from excessive dust.

15 Any floodlighting/security lighting installed on the site shall be so arranged so as not to shine directly towards neighbouring premises.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light.

16 Sufficient space for the storage of waste and recycling bins shall be provided within the cartilage of the development
Reason: To ensure the waste is managed in a responsible manner, to prevent nuisance due to litter and vermin, to reduce fire safety concerns and therefore protect local air quality

17 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 use hereby permitted is commenced] or [before the building(s) is/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.
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.

18 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.

19 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation matters, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-

1. An assessment as to the degree to which the site may be affected by any contamination, including borehole and trial pit results.

2. Measures to test and evaluate the site for the purposes of identifying contamination throughout the duration of the development.

3. Measures to treat or remove any contaminated materials encountered and the methodology to be employed. These procedures should be summarised in a remediation statement.

4. Steps to be taken to prevent any environmental pollution by any such contaminated material encountered.

5. Measures to prevent risks to health and safety of the general public and any persons working on the site.

6. Consideration of any Waste Management issues of any remediation measures.

7. The subsequent certification/validation reports are submitted, showing that the site has been satisfactorily remediated and that the development of the site can be safely occupied.

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

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

Reason(s) for Granting Permission

1 The proposal complies with Policy H8A in that

the scale, layout, height and design of the dwellings does not cause any significant detriment to residential amenity for new or existing residents.

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 development meets the criteria in SPG 30 Sequential Approach to Determining Applications for Residential D

Informative(s)

1 The developer should contact Mr. S Gibbons - Highways and 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

2 The developer is required to advise the BMBC Demolition Officer of the intended demolition in good time

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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