BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0305

**To** Mr Paul Thornton
Persimmon Homes (West Yorkshire)
3 Hepton Court
York Road
Leeds
LS9 6PW

**DESCRIPTION** Substitution of house types Plots 139-141 and erection of 1 no. additional house.
**LOCATION** Land off Upper Sheffield Road, Barnsley, South Yorkshire,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 26 March 2013 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 strictly in accordance with the amended plans (No. WENT-2013:10) and specifications as approved unless required by any other conditions in this permission.
**Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.**

3 The measures to control noise, dust and to prevent mud on the road set out in the letters from Sirius (dated 19th and 23rd March 2010) and the Memo from Matt Oldfield (dated 24th March 2010) shall be implemented throughout the duration of the development.
**Reason: In the interest of residential amenity and highway safety, in accordance with Core Strategy policies CSP 26 and CSP 40.**

Stephen Moralee

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Head of Planning, Building Control and Sustainability

Dated 22 April 2013

**Development Service**
**PO Box 604, Barnsley, S70 9FE**
**Telephone: 01226 - 772000**
**Fax: 01226 - 772591**

4 No part of the development shall be occupied or brought into use until the approved scheme drainage scheme (Dwg Nos. 3322_C-D1-01 Rev M) has been fully implemented. The scheme shall be retained throughout the life of the development.
**Reason: To ensure proper drainage of the area in accordance with Core Strategy policy CSP 4.**

5 Within three months of the occupation of the development, the developer shall provide each household with a public transport season ticket
**Reason: To encourage the use of sustainable transport modes in accordance with Core Strategy policy CSP 25.**

6 The boundary treatment to each plot as shown on the approved plans shall be completed before the plot is occupied.
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy policy CSP 29.**

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 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy policy CSP 40.**

8 The remediation of the site shall be undertaken in accordance with the Specification for Remedial & Preparatory Works (Sirius Report No. C3987A, dated December 2011). On completion of the remediation a Validation Report shall be submitted to and approved in writing by the Local Planning Authority.
**Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy policy CSP 39**

9 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**

**Reason(s) for Granting Permission**

1 Unique The proposed substitution of house types and 1no. additional house ensures adequate levels of amenity are provided for existing and proposed residents, would reflect the character and appearance of the previously approved scheme and the wider area, would maintain highway safety and would be acceptable in respect of other material considerations. The scheme therefore complies with Core Strategy policies CSP 4, CSP 10, CSP 14, CSP 25, CSP 26, CSP 29, CSP 39, CSP 40 and CSP 42, saved UDP policies BA7/7 and H8A, the 'Designing New Housing' and 'Parking' SPDs and relevant policies in the NPPF.

**Informative(s)**

*Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.*

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

2 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

3 Where plans are referred to in the decision notice that show the wider site, they are only applicable to this decision in respect of the areas within the red line boundary.

4 The applicant is reminded that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability. The question of instability has been a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied; in particular, the granting of planning permission does not give a warranty of support or stability.

**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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