



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/0965

To BMBC
Westgate Plaza
Westgate
Barnsley
S70 9FA

DESCRIPTION Signalised gyratory roundabout with improvements to the existing Dodworth Road / Broadway / Pogmoor Road junction and re-configuration of park

LOCATION Penny Pie Park, Dodworth Road/Pogmoor Road, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 31 July 2018 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 following plans and specifications as approved unless required by any other conditions in this permission:-
-HD/7122127/C/LP rev A 'Location Plan'
-HD/7122127/C/2 SITE BOUNDARY
-HD/7122127/C/1 rev A 'GENERAL LAYOUT'
-HD/7122127/C/2 rev A 'STORY TRAIL PLAN'
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design and Local Plan policy D1.

- 4 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: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26 and Local Plan policy T4.

- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40 and Local Plan policies T4 and Poll 1.

- 6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:-
- a) Provision of gyratory with traffic signal controls;
 - b) Provision of/any necessary alterations to street lighting;
 - c) Provision of/any necessary alterations to highway drainage;
 - d) Any necessary resurfacing/reconstruction;
 - e) Any necessary signing/lining;
 - f) Measures to prevent/control parking and loading.
- e) Provision of bus stops

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26 and Local Plan policy T4.

- 7 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26 and Local Plan policy T4.

- 8 No development shall take place until full foul and surface water drainage details, including a scheme to limit surface water run off has 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 and the scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area, in accordance with Core Strategy

policies CSP1, CSP3 and CSP4 and Local Plan policies CC1, CC3 and CC4.

- 9 Upon commencement of development, 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policies CSP1, CSP 29, CSP 35 and CSP 36 and Local Plan policies SD1, GD1, D1, GS1, CC1 and BIO1.
- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policies CSP1, CSP 29, CSP33, CSP35 and CSP36 and Local Plan policies SD1, GD1, D1, GS1, BIO1 and CC1.
- 11 Prior to commencement of development details of tree protection fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed before machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity and in accordance with Core Strategy Policies CSP1, CSP 29, CSP33, CSP35 and CSP36 and Local Plan policies SD1, GD1, D1, GS1, BIO1 and CC1.
- 12 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.
- 13 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:
-Tree protective barrier details
-Tree protection plan
-Arboricultural method statement
- No development or other operations shall take place except in complete accordance with the approved methodologies.
- Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality and in accordance with Core Strategy Policies CSP1, CSP 29, CSP33, CSP35 and CSP36 and Local Plan policies SD1, GD1, D1, GS1, BIO1 and CC1.**
- 14 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 and Local Plan policies GD1 and Poll1.

- 15 Prior to commencement of development, full details of the boundary treatments indicated on plan HD/7122127/C/1 rev A 'GENERAL LAYOUT' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the development is first brought into use and shall be maintained in thereafter for the lifetime of the development.

Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29 and Local Plan policies GD1 and D1.

- 16 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The development shall be carried out in accordance with the approved report including any remedial options.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39 and Local Plan policy CL1.

- 17 Prior to commencement of the development full details of the mitigation measures identified in the Ecological Survey (Wildscapes report ref , including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policies CSP1, CSP33 and CSP 36 and Local Plan policies SD1, GD1 GS1, BIO1 and CC1.

- 18 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26 and Local Plan policy T4.

- 19 Development shall not commence until full highway engineering construction details have been submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved details..

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26 and Local Plan policy T4.

- 20 Development shall not commence until locations for parking bays for signal control maintenance have been submitted to and approved in writing by the Local Planning Authority. Once approved the bays shall be provided prior to the development being brought into use and retained for that sole purpose thereafter.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26 and Local Plan policy T4.
- 21 Prior to commencement of the development precise details of a scheme for the relocation of the existing equipped children's play area, multi used games court and existing park trail within the park including design specifications have been submitted to and approved in writing with the Local Planning Authority. Details shall substantially accord with the indicative locations indicated on plans HD/7122127/C/1 rev A 'GENERAL LAYOUT' and HD/7122127/C/2 rev A 'STORY TRAIL PLAN' and shall consist of the equipped childrens play area being upgraded from a Local Equipped Local Equipped Area for Play (LEAP) and Neighbourhood Equipped Area for Play (NEAP). Thereafter the development shall be implemented in accordance with the approved details and timescales.
Reason: In order to safeguard and enhance the existing play functions in the park in accordance with Core Strategy policies CSP29, CSP33 and CSP35 'Green Space' and Local Plan policies SD1, GD1, D1 and GS1.
- 22 Prior to commencement of the development precise details of a scheme for the provision of enhancements at Pogmoor and Sugdens Recreation Ground including design specifications have been submitted to and approved in writing with the Local Planning Authority. Details shall include the upgrade of the equipped childrens play area from Equipped Play Area (EPA) to Neighbourhood Equipped Area for Play (NEAP) standard and provision of footpath, benches and dog fouling bins at Pogmoor Recreation Ground. Thereafter the development shall be implemented in accordance with the approved details and timescales.
Reason: In order to provide suitable compensation for the loss of Green Space in accordance with Core Strategy policies CSP29, CSP33 and CSP35 'Green Space' and Local Plan policies SD1, GD1, D1 and GS1.
- 23 No development shall commence until a phasing plan and arrangements have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26 and Local Plan policy T4.
- 24 Prior to commencement of the development a scheme for the provision of a public art feature within the confines of the park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.
Reason: In the interests of the visual amenities in accordance with Core Strategy policies CSP 29 and CSP35 and Local Plan policies SD1, GD1, D1 and GS1.
- 25 The development hereby approved shall be carried out in accordance with the noise mitigation measures as specified in Option C of the report dated 9th November titled Noise and Vibration assessment Technical Note - Comparison of alternative noise mitigation options, with construction of the mitigation measures (walls and fences) to be carried out and completed before the gyratory is in operation. Details of the specifications of the acoustic fences shall be submitted to and approved by the Local Planning Authority prior to installation. The approved details shall be implemented prior to the development being brought into use and shall be retained as such thereafter.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection and Local Plan policies SD1, GD1 and Poll 1.

26 Prior to the development commencing a scheme taking account of the Noise Insulation Regulations 1975 (as amended) designed to mitigate adverse noise levels experienced by nearby residents shall be submitted to and approved in writing with the Local Planning Authority and the approved scheme shall be complied with in conjunction with the implementation of the development.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40 and Local Plan policies SD1, GD1 and Poll 1.

27 No development shall commence until a scheme for the provision of lighting for the new areas of highway and the combined cycle and footways including the location of columns and light levels has been submitted to and approved in writing with the local planning authority. Therefore the development shall be constructed in accordance with the approved details and maintained thereafter.

Reason: In the interests of residential and visual amenity and biodiversity and promoting walking and cycling in accordance with Core Strategy policies CSP26, CSP29, CSP35 and CSP40 as well as Local Plan policies SD1, GD1, T3, D1, GS1, BIO1 Poll1.


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.

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 18 February 2019

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

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.