BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/1088

**To** Mr Peter Barraclough-Smith
Gleeson Homes and Regeneration
6 Europa Court
Sheffield Business Park
Sheffield
S9 1XE

**DESCRIPTION** Removal of condition 7 of approved app 2011/0963 - relating to the provision of a 2m footway along the frontage of the site.

**LOCATION** Land at Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 02 October 2012 and described above.

The approval is subject on compliance with the following conditions:

1 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:-

-drawing no 344/2D 'Planning Layout'
-drawing no 344/3 'Site Sections'
-drawing no 201/1A '201 dwelling type'
-drawing no 202/1B '202 dwelling type'
-drawing no 301/1B '301 dwelling type'
-drawing no 302/1B '302 dwelling type'
-drawing no 304/1A '304 dwelling type'
-drawing no 307/1C '307 dwelling type'
-drawing no 309/1 '309 dwelling type'
-drawing no 401/1A '401 dwelling type'
-drawing no 403/1B '403 dwelling type'
-drawing no 404/1B '404 dwelling type'
-drawing no 405/1A '405 dwelling type'
-Soft Landscaping -Popplewell drawing no 2292/1 Rev B
-Noise mitigation - The measures set out in report ref RK712/11196 'Noise and Vibration Assessment' by Spectrum Acoustic Consultants

Reason: To define the permission, for the avoidance of doubt.

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
Assistant Director, Planning and Regulatory Services

Dated 21 December 2012

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2 Prior to the occupation of the dwellings (or an alternative timescale to be submitted to and agreed in writing with the Local Planning Authority), written arrangements shall be entered into to ensure that the measures proposed to meet the targets in the approved travel plan ref and Bryan G Hall Ltd report ref 11-235-002.01 are implemented as necessary
Reason: In the interests of sustainable travel in accordance with CSP25 'New Development and Sustainable Travel'

3 Sightlines, having the dimensions 2.4m x 90m, shall be safeguarded at the junction of the site with Lowfield Road, 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 highway safety.

4 Within 2 months of the date of this permission, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

a) The implementation of the details shown on approved drawing numbers 12/126/TR/004 and 12/126/001.

b) provision of/any necessary alteration to signing and lining;

c) provision of/ any necessary alteration to drainage;

d) provision of /any necessary alteration to street lighting;

e) any necessary resurfacing/reconstruction.

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 interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

5 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety.

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality.

7 The dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
Reason: In the interest of sustainable development and to comply with Core Strategy Policy CSP2 'Sustainable Construction'.

8 No building or other obstruction (to include trees) shall be located over or within 5.0 metres of either side of the centre lines of the sewer, that crosses the site. Furthermore a scheme of protection for the sewer during the construction of the development shall, prior to commencement of development, be submitted to and approved by the Local Planning Authority
Reason: In order to allow sufficient access for maintenance and repair work at all times

9 No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal

10 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 CSP40 'Pollution Control and Protection'.

11 Prior to importation of any soil onto the site a validation report shall be submitted to and approved in writing by the Local Planning Authority to certify the procedures highlighted within Eastwoods Report (Ref 33662-06). This report should include the following:
-Details of who carried out the work.
-Details and justifications of any changes from the original methodology.
-Records of chemical characteristics of any imported capping soils/materials.
The soil shall be imported on to the site in accordance with the approved details.
Reason: To protect the environment and ensure the site is suitable for the proposed use.

12 All windows and doors shall be recessed by 75mm.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP29 'Design'.

13 Prior to the occupation of the dwellings (or an alternative timescale to be submitted to and agreed in writing with the Local Planning Authority), written arrangements shall be entered into to ensure the provision of affordable housing. Such provision should be equivalent to the arrangements for affordable housing made pursuant to the development granted planning permission under planning reference 2011/0963. The affordable housing shall be provided in accordance with the approved details.
Reason: To meet identified housing need in accordance with Core Strategy Policy CSP15 'Affordable Housing'.

14 Prior to the occupation of the dwellings (or an alternative timescale to be submitted to and agreed in writing with the Local Planning Authority), written arrangements shall be entered into to ensure the provision of off site public open space enhancements. Such provision should be equivalent to the arrangements for off site public open space enhancements made pursuant to the development granted planning permission under planning reference 2011/0963. Provision shall be made in accordance with the approved arrangements.
Reason: To meet identified need for pubic open space in accordance with Core Strategy Policy CSP 35 'Green Space' and Supplementary Planning Document 'Open Space Provision on New Housing Development'

15 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with Tree Protection Plan - drawing no 5536 TPO1 rev A 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 ensure the continued well being of the trees on the site in the interests of the amenity of the locality.

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16 Provisions for full foul and surface water drainage shall be carried out in accordance with James Eaton Design drawings 11/549/5621 (revision F) dated 03/01/2012, 11/549/5626 (revision A) dated 28/09/2011, 11/549/5627 (revision E) dated 03/01/2012,11/549/5675 (revision B) dated 23/12/2011. No part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP4 'Flood Risk'.

17 The approved construction method statement (drawing no 5536-101) shall be adhered to throughout the construction period.
Reason: In the interests of highway safety, residential amenity and visual amenity

18 Within 28 days of completion of the development a second highway 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 developers expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety

**Reason(s) for Granting Permission**

1 Unique In the opinion of the Local Planning Authority, the proposed variation of planning permission reference 2011/0963 condition 7 is acceptable in that the plans set out a satisfactory alternative means of ensuring adequate footway provision across site frontage taking into account highway safety considerations. The proposals are therefore considered to be in accordance with Local Development Framework Core Strategy policy CSP26 'New Development and Highway Improvement'. In the opinion of the Local Planning Authority, there are no other material considerations to indicate a decision should be taken against the above

**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 granting of planning permission does not effect the status of species such as birds during the breeding season which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk

2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:

- Collapse of shallow coal mine workings;
- Collapse of, or risk of entry into, mine entries (shafts and adits);
- Gas emissions from coal mines including methane and carbon dioxide;
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
- Transmission of gases into adjacent properties from underground sources through ground fractures;
- Coal mining subsidence
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vacinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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| 3 | This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant |

**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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