BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0524

To Watson Batty Architects Ltd
Shires House
Shires Road
Guiseley
Leeds
West Yorkshire
LS20 8EU U

DESCRIPTION Residential development of 7 no. dwellings. (Outline)
LOCATION Land at Holly Bush Drive, Thurnscoe, Rotherham, South Yorkshire, S63 0LU

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 10 May 2011 and described above.

The approval is subject on compliance with the following conditions:

1 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 design and external appearance of the proposed development.
(b) landscaping

Reason: 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.

2 Application for approval of the matters reserved in Condition No. 1 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 before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

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

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 25 October 2011

Planning and Transportation Service **Telephone: 01226 - 772000**
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3 The development hereby approved shall be carried out in accordance with the following plan as approved with regards to the layout, scale and access for the development, unless required by any other conditions in this permission or if prior written consent is given by the Local Planning Authority to any variation:-

Drawing no 3898-01-PL01 - Rev D 'Proposed Site Layout' received 31st August 2011

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP29 'Design'.

4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to 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 Core Strategy Policy CSP29 'Design'.

5 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.

6 Landscaping details accompanying the reserved matters submission required by condition 1 shall be in substantial accordance with the proposed details shown on Drawing no 3898-01-PL01 - Rev D 'Proposed Site Layout', including the 3m wide buffer planting to the boundary with Thornhill bungalow using 'heavy standard' trees.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance Core Strategy Policy CSP29 'Design'.

7 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 protection plan (TPP)
Tree protection fencing details
Arboricultural method statement (AMS)

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.

8 No hedges or trees on the site (except those shown to be removed on the approved plan (3898-01-PL01 - Rev D), 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 and in accordance with Core Strategy CSP36 'Biodiversity and Geodiversity'.

9 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, 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.

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 Detailed plans shall accompany the reserved matters submission of the proposed boundary treatments for the development, which shall include the proposals detailed on approved Drawing no 3898-01-PL01 - Rev D 'Proposed Site Layout'. The boundary treatment shall be completed before the dwelling is occupied. 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 Core Strategy Policy CSP29 'Design'.

12 No development shall take place until an investigation and report, which assesses the extent to which the site may be affected by landfill gas and which demonstrates that the development can be safely undertaken and occupied, has been submitted and agreed with the Local Planning Authority. The report shall be prepared by a competent consultant experienced and specialised in the assessment and evaluation of landfill gas migration, and the period of monitoring provide an adequate reflection of environmental conditions (i.e. more than one monitoring visit).
The investigation and report shall:-
i Be based upon BS 10175:2000, Investigation of Potentially Contaminated Sites - Code of Practice; CIRIA Report CIRIA C659, Assessing risk posed by hazardous gas; NHBC 2007, Guidance on evaluation of development proposals on sites where methane and carbon dioxide are present.
ii 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.
iii Advise on any remedial measures which demonstrate that the development can be safely undertaken in strict accordance with the submitted remedial measures contained within the report.
Reason: 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 and in accordance with Core Strategy Policy CSP40 'Pollution Control and Protection'.

13 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme for surface water run-off limitation and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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.
Reason: To ensure proper drainage of the area

14 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interest of satisfactory and sustainable drainage

15 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading

16 No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.
Reason: To ensure that the development can be properly drained

17 Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that no foul water discharges take place until proper provision has been made for its disposal.

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwelling plots 5 and 6 as shown on approved plan ref 3898-01-PL01 - Rev B 'Proposed Site Layout', which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with in accordance with Core Strategy Policy CSP29 'Design'.

19 A noise assessment along with details of any necessary mitigation measures shall accompany the reserved matters submission. Thereafter, the dwellings shall not be occupied until the approved scheme has been fully implemented.
Reason: In order to ensure appropriate levels of residential amenity are provided for the occupants of the new dwellings.

20 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'.

21 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: To ensure safe and adequate access.

22 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;
-Measures to prevent mud/debris being deposited on the public highway.
Reason: In the interests of highway safety, residential amenity and visual amenity.

Reason(s) for Granting Permission

1 Unique In the opinion of the Local Planning Authority the proposed development is acceptable in that:-

The development of this site is infill of the urban area and would contribute towards new homes targets and making efficient use of land in accordance with Saved UDP Policy H8D.

The design of the layout is considered acceptable with regards to Core Strategy policies CSP14 'Housing Mix and Efficient Use of Land' and CSP29 'Design' in that it is generally consistent with policies on density and providing a mix of housing, landscaping, car parking and private rear gardens.

The development would adequately address residential amenity considerations for occupants of adjacent properties and provide adequate levels of residential amenity for future occupiers making the development acceptable with regards to the Supplementary Planning Document 'Designing New Housing Development' in support of CSP29 'Design'.

There is no highway safety objection making the development acceptable with regards to Core Strategy Policy CSP26 'New Development and Highway Improvement'.

It is considered no other material considerations exist to outweigh the above policies and guidance.

Informative(s)

1 The applicant should note the informative comments provided in the following formal consultation responses received by the Local Planning Authority:-

-Network Rail 18th May 2011
-Coal Authority 23rd May 2011
-Yorkshire Water 1st June 2011

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 vicinity. 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

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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