



BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1549

To Signet Planning Ltd
The Hamlet
Hornbeam Park
Harrogate
North Yorkshire
HG2 8RE

DESCRIPTION Residential development of 108 no dwellings with associated car parking, landscaped areas and pedestrian access.

LOCATION Land at Burntwood Road, Grimethorpe, Barnsley, S Yorks

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 December 2009 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.

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 10 March 2010

- 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 or if prior written consent is given by the Local Planning Authority to any variation:-

Drawing no 29134/LP/01 'Red Line Location Plan' received 1st February 2010

Drawing no 29134/SL/01 Rev C 'Site Layout' received 19th February 2010

Drawing no 29134/MAS/01 Rev C 'Dwelling Massing Plan' received 19th February 2010.

Drawing no 29134/MAT/01 Rev C 'Dwelling Materials Plan' received 19th February 2010

Drawing no 29134/BTP/01 Rev C 'Boundary Treatment Plan' received 19th February 2010

Drawing no 29134/IGU/01 Rev C 'Integral Garage Unit Plan' received 19th February 2010

Drawing no 29134/REP/01 'Renewable Energy Plan' received 1st February 2010

Drawing no HH/GE/118 'Vigo' House Type registered 22nd December 2009

Drawing no HH/GE/105 'Lisbon' House Type registered 22nd December 2009

Drawing no HH/GE/106 'Lucca' House Type registered 22nd December 2009

Drawing no HH/MA/109 'Malmo' House Type registered 22nd December 2009

Drawing no HH/RO/110 'Rouen' House Type registered 22nd December 2009

Drawing no HH/LI/111 'Limoges' House Type registered 22nd December 2009

Drawing no HH/CA/106 'Cadiz' House Type registered 22nd December 2009

Drawing no HH/GE/102 'Colmar' House Type registered 22nd December 2009

Drawing no HH/AX/101 'Aix' House Type registered 22nd December 2009

Reason: As there have been amendments submitted during the course of the application and in order to define the permission for the avoidance of doubt in the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

- 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 UDP Policy BE6, Design and in the interests of protecting the residential amenities for the occupiers of adjacent dwellings.

- 4 Unless otherwise agreed in writing with the Local Planning Authority, construction work on any dwellings shall not be commenced until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
- (i.) The numbers, type, size and location on the site of the affordable housing provision to be made which shall consist of not less than 22% of housing units/bed spaces overall;
 - (ii) The mix of tenure to be social rented and shared equity unless otherwise agreed in writing with Local Planning Authority.
 - (iii.) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (iv.) The arrangements for the transfer of the affordable housing to an affordable housing provider including arrangements to ensure that affordable housing is provided elsewhere within the area should no transfer occur
 - (v.) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (vi.) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- Reason: To ensure the satisfactory provision of affordable housing to meet the needs of the development in accordance with the Council's approved Planning Advice Note 34 on Affordable Housing.**
- 5 Unless otherwise agreed in writing with the Local Planning Authority, no dwellings shall be occupied until details of a scheme for the enhancement to off-site public open has been submitted to and approved in writing by the Local Planning Authority in accordance with Unitary Development Plan Policy H6. The enhancement of the off site open space shall be provided in accordance with timescales to be agreed with the Local Planning Authority, or at the latest prior to completion of the development in accordance with the approved scheme.
- Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy H6 of the Unitary Development Plan**
- 6 Development shall not commence until arrangements have been entered into to secure works to mitigate the effect of the development on highway safety. Such work shall be completed prior to the development being brought into use and comprise of:-
- a) resurfacing/reconstruction of the footways as required;
 - b) resurfacing/reconstruction of the carriageway as required;
 - c) realignment of Nancy Road
 - d) relocation/provision of street lighting;
 - e) relocation/provision of drainage;
 - f) any necessary signing/lining
- Reason: In order to mitigate the effects of the development on the existing highway network in accordance with policy T2 of the Unitary Development Plan.**

- 7 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 interests of highway safety
- 8 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
-A scheme for recycling/disposing of waste resulting from demolition and construction works
Reason: In the interests of highway safety, residential amenity and visual amenity.
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interests of highway safety.
- 10 Prior to any works commencing on-site, a condition survey 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 with 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 developers' expense in accordance with a scheme to be agreed in writing with the Local Planning Authority.
Reason: In order to maintain the integrity of the highway network in the interests of highway safety.
- 11 Prior to the commencement of development, a Green Travel Plan shall be submitted to the Local Planning Authority for consideration. The Travel Plan shall include details of its implementation and the monitoring programme. The Travel Plan approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of promoting use of public transport, in accordance with U.D.P. policy T14
- 12 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. The submission of details and the implementation of development shall be carried out in substantial accordance with FDA Landscaping Drawing no R/1062/1 'Landscape Masterplan' registered 22nd December 2009 and 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.

- 13 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.
- 14 The development hereby permitted shall not be commenced until such time as a scheme for the following has been submitted to, and improved in writing, by the Local Planning Authority:
- The proposed surface water drainage system shall be designed with an allowance for climate change and restricted to a discharge rate at 30% below the original rate with appropriate attenuation proposals incorporated into the design (as stated in the Flood Risk Assessment item 7.5, page 16, dated December 2009 on behalf of Strata Group Limited). The design, detail and calculations shall be submitted to the local planning authority for approval prior to construction on site.
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
Reason: To prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site.
- 15 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times
- 16 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
- 17 No development shall take place until details of the proposed means of disposal of foul and surface 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
- 18 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and 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

- 19 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In order to ensure the protection of the water environment.

- 20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure the site is remediated to an acceptable standard

- 21 Prior to commencement of development details of a scheme for biodiversity enhancement to include bat bricks and bird nesting boxes in the development and that features to increase habitat for invertebrates shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation in accordance with PPS9: Biodiversity and Geological Conservation

- 22 In accordance with the Pasmoor Ltd Renewable Energy Assessment received 17 December 2009 and Drawing no 29134/REP/01 'Renewable Energy Plan' received 1st February 2010, at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of the Planning Policy Statement1 Supplement: Planning and Climate Change (December 2007). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of sustainable development in accordance with policy ENV5 of the 2008 Yorkshire and Humber Regional Spatial Strategy.
- 23 In accordance with approved drawing 29134/SL/01 Rev A 'Site Layout' received 1st February 2010 details of the garage easement along with eastern boundary of the site adjacent the rear of properties on Ladywood Road shall be submitted to and shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be implemented prior to occupation of the building and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to maintain satisfactory access and egress arrangements in the interests of residential amenity and highway safety.
- 24 In accordance with approved drawing 29134/SL/01 Rev A 'Site Layout' received 1st February 2010 precise details of the proposed footpath links shall be submitted to and shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be implemented prior to occupation of the building and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to meet the needs of the development for providing appropriate pedestrian access to surrounding areas in the interests of the sustainability of the site.
- 25 Prior to commencement of development precise details of window designs including cross sectional details, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reasons: in the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

Reason(s) for Granting Permission

- 1 In the opinion of the Local Planning Authority, the application proposal as limited by conditions is acceptable in that:-

-It would lead to development on an allocated UDP Housing Proposal site and contribute towards the Borough housing needs being met

-Represent sustainable development by delivering a good mix of market and affordable housing at a range of accommodation sizes, creating a mixed community with good linkages and pedestrian access to local shops and facilities

-It would contribute towards the enhancement of public open space facilities off site in accordance with policy H6 of the UDP.

-Achieve high quality design of layout, building types and landscaping in accordance with SPG2, Building for Life and Manual for Streets principles with the aim of environmental improvement and housing market renewal.

-Demonstrate acceptable relationships between existing and proposed properties against visual amenity and residential amenity considerations

-It would lead to renewable energy provisions being incorporated leading to 10% of the energy needs of the development being met by on site sources

-It would have an acceptable impact on the highway network with roads operating within capacity and sufficient car parking being provided as part of the development.

-As it would assist deliver the regeneration aims for Grimethorpe of the Green Corridor Programme due to a combination of the above factors which is a Regionally significant consideration in the 2008 Regional Spatial Strategy, in particular with regards to policies SY1 and H3. In this respect the proposal also satisfies the Council's Planning Advice Note 30 'Sequential Approach to Determining Planning Applications for Residential Development which allows for the development of greenfield sites in the interest of regenerating a particular area in exceptional circumstances.

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- 2 All other matters have been assessed including ecological issues, trees and landscaping, flood risk and drainage, contaminated/unstable land, educational needs and energy reduction and the proposals found to be in accordance with the relevant National, Regional and Local Planning Policies covering these matters.

Accordingly the proposed development on this allocated housing site is in accordance with the Barnsley UDP (principally policies H4, H6, BE6 and T2), National Planning Policies (principally PPS1 Delivering Sustainable Development and its Supplement Planning and Climate Change, PPS3 Housing and PPG13 Transport), the 2008 Yorkshire and Humber Regional Spatial Strategy and Planning Advice Note 30. In the opinion of the Local Planning Authority, there are no other material planning considerations which would indicate a decision should be made at variance to the above considerations.

Informative(s)

- 1 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

- 2 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.