



**GRANT OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2014/1020

**To** Claire Temple  
Planning Potential  
14-15 Regent Parade  
Harrogate  
HG1 5AW

**DESCRIPTION** Erection of a food store with car parking, landscaping and associated works (Full) and erection of residential development (Outline) (Hybrid application)  
**LOCATION** Land North of Barnsley Road. Highgate, Goldthorpe, Rotherham

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 28 August 2014 and described above.

The approval is subject on compliance with the following conditions:

- 1 Excluding the area subject to the outline application, as shown on Dwg No. 1187-100A-Proposed Overall Site Plan (referred to elsewhere as 'the outline area'), 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 Application for approval of the matters reserved in Condition No. 3 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development of the land within the outline area, 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

Service Director Economic Regeneration, Development, Environment & Culture

Dated 20 November 2014

- 3 The development of the land within the outline area 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 layout of the proposed development.
  - (b) scale of building(s)
  - (c) the design and external appearance of the proposed development.
  - (d) 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.**

- 4 Excluding the outline area, the development hereby approved shall be carried out strictly in accordance with the plans (1187-50 Location Plan, 1187-100A Proposed Overall Site Plan, 1187-101A Proposed Site Plan, 1187-102A Proposed GA Plan, 1187-103B Proposed Elevations, 1124-104A Proposed Sections, 1124-105A Roof Plan, 1187-60A Constraints Map I, V1187 L01 Landscape Plan, 1187-G101,02 Proposed Visual, 1187 SDAR Goldthorpe Elevations 103, 1187 SDAR Goldthorpe Landscape Plan, 1187 SDAR Goldthorpe Site Plans V07 V07 Travel Plan (August 2014), Transport Assessment (August 2014), T262-05A Swept Path and Indicative Highway Boundary, Planning and Retail Statement (August 2014), Planning and Affordable Housing Statement (August 2014) Design & Access, Site Waste Management and Sustainability Report (11/08/14) Statement of Community Involvement (August 2014) Flood Risk Assessment (August 2014), Phase 1 Geo-Environmental Assessment (04.04.14) NAA Cultural Heritage Appraisal (October 2014) Preliminary Ecological Appraisal (October 2014) and specifications.

**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 5 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:
  - Human health,
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and
  - service lines and pipes,
  - Adjoining land,
  - Groundwaters and surface waters,
  - Ecological systems,
  - 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.**

- 6 The applicant shall ensure that the development is undertaken in compliance with CIRIA32 guidance Construction over abandoned mine workings in consultation with the Coal Authority; where shallow mine workings within 10 times the extraction thickness of the foundations must be stabilised.

**Reason: In the interests of ground stability and in accordance with the NPPF.**

- 7 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
  - The requirement to seek preservation in situ of identified features of importance.
  - The programme for post-investigation assessment.
  - The provision to be made for analysis and reporting.
  - The provision to be made for publication and dissemination of the results.
  - The provision to be made for deposition of the archive created.
  - Nomination of a competent person/persons or organisation to undertake the works.
  - The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

**Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.**

- 8 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:
- Provision of right turn lane;
  - Provision of tactile paving at all junctions;
  - Provision of any necessary alterations to street lighting;
  - Provision of any necessary alterations to highway drainage;
  - Any necessary signing/lining;
  - Resurfacing/reconstruction as required;
  - Provision of two bus stops on the site frontage and any necessary associated infrastructure.

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.**

- 9 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.**

- 10 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/hedges in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

- Tree/hedge protection plan (TPP)
- Arboricultural implication assessment (AIA)
- 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/hedges in the interests of the amenity of the locality.**

- 11 The erection of fencing for the protection of any retained tree/hedge 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/hedges, in the interest of visual amenity.**

- 12 Prior to the commencement of each part of the development, a Construction Method Statement for that part shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of that part. 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 and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**

- 13 Prior to the commencement of each part of the development, full details of the proposed external materials for that part shall be submitted to and approved in writing by the Local Planning Authority. The development of each part shall be carried out in accordance with the approved details.

**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**

- 14 Prior to the commencement of each part of the development:

(a) Full foul and surface water drainage details, including a scheme to maintain or reduce existing greenfield run-off rates and a programme of works for implementation, for that part of the development shall be submitted to and approved in writing by the Local Planning Authority;

(b) Where necessary, porosity tests shall be carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Where necessary, calculations based on the results of these porosity shall be submitted 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 for that part has been fully implemented. Thereafter, the scheme shall be retained throughout the life of the development.

**Reason: To ensure proper drainage of the area.**

- 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 in writing 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 in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 16 All planting, seeding or turfing comprised in the approved details of landscaping (V1187 L01 Landscape Plan) 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 others of similar size and species.  
**Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 17 The planting areas shall be maintained for a minimum of 5 years after practical completion of development in accordance with details contained in the approved Landscape Specification (V1187 L01 Landscape Plan)  
**Reason: In the interests of the visual amenities of the locality.**
- 18 The Ecological Enhancement Measures within paragraph 7.1.1 of the Preliminary Ecological Appraisal dated October 2014 shall be implemented prior to the occupation of the foodstore.  
**Reason: In order to ensure that proper biodiversity mitigation and enhancement measures are put in place in accordance with Core Strategy policy CSP36 Biodiversity and Geodiversity.**
- 19 Prior to the occupation of the foodstore a plan indicating the position of boundary treatments to be erected along the perimeter of the boundaries shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the foodstore opens to the public and shall be maintained as such thereafter.  
**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.**
- 20 Prior to occupation of the foodstore, full details of security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the foodstore and shall be retained as such thereafter.  
**Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Core Strategy Policy CSP 40.**
- 21 The foodstore shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.  
**Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.**
- 22 Deliveries shall be only take place between the hours of 0700 & 2300 Monday to Saturday and 0800 & 1800 on Sundays and Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**
- 23 Fixed plant installed shall be designed to operate so that the noise rating level (as defined in BS 4142 : 1997) at the nearest neighbouring properties is no louder than 35dBA at all times.  
**Reason: In the interest of residential amenity in accordance with Core Strategy Policy CSP 40.**

- 24 Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.  
**Reason: To reduce the risk of pollution to the water environment.**
- 25 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.**
- 26 The measures contained within the Travel Plan, dated August 2014, shall be implemented, monitored and reviewed in accordance with the submitted details.  
**Reason: In the interests of promoting sustainable forms of transport, in accordance with policy CSP25.**
- 27 Detailed plans shall accompany the reserved matters submission for the development indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Details shall include finished floor levels 150mm above external ground levels in accordance with the recommendation within the Flood Risk Assessment. 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 LDF Core Strategy Policy CSP 29, Design.**
- 28 A Noise Assessment shall accompany the reserved matters submission, undertaken by a competent person, to assess the impact of road noise on the proposed residential development. The assessment shall demonstrate the noise levels on the site and the proposed monitoring methodology shall be agreed with the Local Planning Authority prior to being undertaken. Where necessary, the Assessment shall include proposals to mitigate the effects of noise. The development shall be carried out in accordance with the approved details.  
**Reason: To protect the amenity of existing and future occupiers from road noise in accordance with Core Strategy Policy CSP 40.**
- 29 The outline area shall be cleared and levelled and the access installed in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority prior to commencement of development. The approved scheme shall be implemented in accordance with the approved details prior to the foodstore being brought into use.  
**Reason: To ensure that access to adjoining land is not prejudiced in the interests of comprehensive and sustainable planning in accordance with policy CSP 26.**
- 30 The residential development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision or enhancement to on site and off-site public open space in accordance with Core Strategy policy CSP 35 and the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the on site and off site open space shall be provided prior to completion of the development in accordance with the approved scheme.  
**Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 35 and the Open Space Provision on New Housing Developments SPD.**

- 31 The residential development shall not begin until a scheme for the provision of affordable housing as part of the development 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 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces;
  - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
  - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v. 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 meet identified housing need in accordance with Core Strategy Policy CSP 15.**
- 32 The dwellings shall achieve the minimum requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme) in accordance with details submitted to the Local Planning Authority as part the reserved matters. Details shall include measures to achieve the Code Level applicable at the time of the reserved matters submission. Thereafter the development shall be carried out in accordance with the approved details and no dwelling shall be occupied until a Final Code Certificate has been submitted to the Local Planning Authority certifying that the relevant Code Level has been achieved.
- Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.**
- 33 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of the access road with Barnsley Road, such that there is no obstruction to visibility and forming part of the adopted highway.
- Reason: In the interests of road safety in accordance with policy CSP26.**
- 34 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
- Reason: To ensure safe and adequate access.**
- 35 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.**
- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3.5 metres, measured horizontally either side of the centre line of sewers, which cross the site.
- Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

## **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.*

## **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.