BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0963

To Richard Ward Design
2 Burtram Close
Weston Favell
Northampton
NN3 3PH

DESCRIPTION Residential development - erection of 60 no dwellinghouses and associated works and infrastructure.
LOCATION Land at Lowfield Road, Bolton Upon Dearne, S63 2TF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 08 August 2011 and described above.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT/UNILATERAL UNDERTAKING MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

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

-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'

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 08 December 2011

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

4 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development 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 CSP29 'Design'.

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
-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.

6 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.

7 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 a 2m wide footway on Lowfield Road for the entire site frontage;

b) provision of pedestrian drop crossing facilities on Lowfield Road to connect with footway on the opposite side;

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

d) provision of/ any necessary alteration to drainage;

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

f) 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.

8 Within 28 days of 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. Within 28 days of 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 by the Local Planning Authority.
Reason: In the interest of highway safety.

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

10 The travel plan shall be implemented in accordance with the measures and timescales set out in Bryan G Hall Ltd report ref 11-235-002.01. The results shall be submitted to the Local Planning Authority within 12 months of the travel plan becoming operational.
Reason: In the interests of sustainable travel.

11 Unless otherwise agreed in writing no dwelling shall be occupied until a 1 year Travel Master Pass has been provided to the first occupier of each dwelling in accordance with details to be submitted and agreed in writing with the Local Planning Authority.
Reason: In the interests of reducing the need for car travel to and from the site.

12 No development or other operations being undertaken on site shall take place until the following document has been submitted to and approved in writing by the Local Planning Authority:

Tree protective fencing
Tree protection plan (TPP)

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 ensure the continued well being of the trees in the interests of the amenity of the locality.

13 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 boundary treatments, 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 approved hard landscaping details and boundary treatments shall be implemented prior to the occupation of the buildings.
Reason: In the interests of the visual amenities of the locality.

14 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.

15 Prior to the commencement of development, full details of screening/landscaping of the areas of the site lying between the adjacent waste water treatment works and the nearest residential properties, including a scheme for the removal of existing hard standings and replacement soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Development in accordance with the agreed scheme shall be carried out and, unless otherwise agreed in writing by the Local Planning Authority, any planting shall take place no later than in the first available planting season following commencement of the development
Reason: In order to protect the amenity of future occupiers of the development

16 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'.

17 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme for surface water run-off reduction by at least 30% 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 in accordance with Core Strategy Policy CSP4 'Flood Risk'.

18 Unless otherwise agreed in writing by the local planning authority, 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

19 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 or surface water discharges take place until proper provision has been made for their disposal

20 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'.

21 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.

22 Unless otherwise agreed in writing with the Local Planning Authority, 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'.

23 The development shall be carried out strictly in accordance with the noise mitigation measures set out in report ref RK712/11196 'Noise and Vibration Assessment' by Spectrum Acoustic Consultants, unless prior written consent is given by the Local Planning Authority to any variation.
Reason: In the interests of the amenities of future residents.

Reason(s) for Granting Permission

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

The proposed development is considered acceptable in that the principle of re-developing the site for residential purposes has already been accepted by the Council.

In addition the site is previously developed and located in an area where it is expected to accommodate housing growth as per Core Strategy Policies CSP8, CSP9 and CSP10. The 60 dwellings provided would contribute towards Core Strategy targets being met on the number of new homes to be built in the Borough and in the Dearne Towns.

The proposal is also acceptable in that it would contribute a mixture of housing in terms of accommodation size and tenure, including an amount of affordable housing provision in accordance with Core Strategy policies CSP14 and CSP15 subject to the completion of a S106 Agreement.

In addition, it would achieve the most up to date design standards required by the Core Strategy and established Council standards on the layout and design of new housing as per Core Strategy policies CSP29 and the draft Supplementary Planning Document 'Designing New Housing Development

The proposal also satisfactory addresses residential amenity considerations for existing and future residents on that.

The proposal is considered acceptable with regards to highway safety considerations subject to conditions to include mitigation provisions in accordance with Core Strategy policy CSP26.

The proposal is also acceptable with regards to other considerations including flood risk, drainage, ground considerations, ecology and sustainable construction matters.

In the opinion of the Local Planning Authority, there are no other material considerations to indicate a decision against 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:-

-Yorkshire Water 12th September 2011

2 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.

3 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

4 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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