



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0953

To Mr Steve Gamble
Gleeson Homes
Unit 6
Europa Court
Sheffield Business Park
Sheffield
S9 1XE

DESCRIPTION Removal of conditions 2, 5 and 6 of planning approval 2012/0935 (Erection of 145 dwellings and associated works) and replacement with Section 106 Agreement to cover Travel Plan, Affordable Housing and Public Open Space.
LOCATION Land off Barnburgh Lane, Goldthorpe, Rotherham, S63 9NX

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 29 August 2013 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 approved shall be carried out strictly in accordance with the 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.
 - plan no PL-03 rev P 'Proposed Site Layout'
 - plan no PL-20 'House Type 201 Urban Core'
 - plan no PL-21 'House Type 201 Country Lane'
 - plan no PL-22 'House Type 202 Urban Core'
 - plan no PL-23 'House Type 202 Country Lane'
 - plan no PL-24 'House Type 301 Urban Core'

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


Signed
Head of Planning, Building Control and Sustainability

Dated 28 May 2014

- plan no PL-25 'House Type 301 Country Lane'
- plan no PL-26 'House Type 302 Urban Core'
- plan no PL-27 'House Type 302 Country Core'
- plan no PL-28 'House Type 303 Urban Core'
- plan no PL-29 'House Type 303 Country Lane'
- plan no PL-30 'House Type 304 Urban Core'
- plan no PL-31 'House Type 304 Country Lane'
- plan no PL-32 'House Type 309 Urban Core'
- plan no PL-33 'House Type 309 Country Lane'
- plan no PL-34 'House Type 310 Urban Core'
- plan no PL-35 'House Type 310 Country Lane'
- plan no PL-36 'House Type 400 Urban Core'
- plan no PL-37 'House Type 400 Country Lane'
- plan no PL-38 'House Type 401 Urban Core'
- plan no PL-39 'House Type 401 Country Lane'
- plan no PL-40 'House Type 403 Urban Core'
- plan no PL-41 'House Type 403 Country Lane'
- plan no PL-42 'House Type 405 Urban Core'
- plan no PL-43 'House Type 405 Country Lane'
- plan no PL-44 'House Type 406 Urban Core'
- plan no PL-45 'House Type 406 Country Lane'
- plan no PL-15 'Single Garage'
- plan no PL-16 'Double Garage'
- plan no PL-17 'Garage between dwellings'
- plan no MAT-01 'Materials Layout'
- James Eaton Design Ltd drawing no 12/562/5820 'Engineering Layout' (Levels)
- James Eaton Design Ltd drawing no 12/562/5825 'Road Layout: Centreline levels'
- Topographical survey sheets 1, 2 and 3
- Peter Smith email from Gleeson Homes 01/06/2012 (levels)

-Rosetta Landscaping Design drawing numbers 2303/3 and 2303/4 Revisions P received 13th August 2013 (soft landscaping)

-James Eaton Design drawing no 12/562/5820C 'Engineering Layout - on site works and part off site sewer' (drainage)

-James Eaton Design drawing no 12/562/5821A 'Engineering Layout - part off site works and sewer outfall' (drainage)

-Eastwood and Partners drawing no 34041/010 Rev A 'Sketch of area requiring grouting'

-Eastwood and Partners drawing no 34041/011 Rev A 'Mine Shaft Capping Detail'

-biodiversity precautionary mitigation protection measures identified in SLR Report ref 424.02437.00004 'Great Crested Newt Survey'.

Reason: In order to define the permission for the avoidance of doubt.

- 2 No further development shall commence until details of arrangements which secure the following highway improvement works have been submitted to and approved in writing by the Local Planning Authority:
- a) measures to prevent parking on Barnburgh Lane;
 - b) provision of 2m wide footway on the site frontage;
 - c) provision of/alteration to street lighting;
 - d) provision of / alterations to drainage;
 - e) any necessary signing/lining

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.

- 3 The development shall be constructed in accordance with the mitigation measures and phasing arrangements detailed on drawing no 55-45-101 rev A 'Construction Phase and Method Statement Plan' received 27/04/2012 and the email from Gleeson Homes 01/06/2012. The approved Statement shall be adhered to throughout the construction period
- Reason: In the interests of highway safety, residential amenity and visual amenity.**

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

- 5 The access/parking/garaging/manoeuvring facilities indicated on the approved plan shall be provided 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 and in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement.**

- 6 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 interests of highway safety and in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement'.**

- 7 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'.
- 8 No further development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
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.
- 9 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.
- 10 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with Drawing no TP01 'Tree Protection Plan' received 27/04/2012 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.
- 11 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
Reason: In the interests of the visual amenities of the locality.
- 12 No existing hedges or trees on the site (except those shown to be removed on the approved Tree Survey), 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.
- 13 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality.
- 14 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 metres, measured horizontally, of any watercourse.
Reason: To prevent damage to the existing culverted watercourse.

- 15 No building or other obstruction shall be located over or within 4.0 (four) 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 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.
- 17 The biodiversity precautionary mitigation protection measures identified in SLR Report ref 424.02437.00004 'Great Crested Newt Survey' shall be implemented 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.
Reason: To prevent any potential impacts on protected species in accordance with Core Strategy Policy CSP36 'Biodiversity and Geodiversity'
- 18 The development shall be constructed in accordance with the following approved scheme of biodiversity enhancement:-

Drawing no 5545-501 'bird box details location plan'

The approved details shall be implemented prior to occupation of the dwellings and retained as such thereafter in perpetuity.
Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation in accordance with CSP36 'Biodiversity and Geodiversity'.
- 19 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'.
- 20 No further development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
3. An appraisal of remedial options, and proposal of the preferred option(s).
4. A remediation statement summarising the works to be undertaken (if required).
The above 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 only be implemented in accordance with the approved details including any mitigation measures which are identified as being necessary.
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 and in accordance with Core Strategy Policy CSP40 'Pollution Control and Protection'.

- 21 No further development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of hard landscaping works. The approved hard landscaping details shall be implemented prior to the occupation of the dwellings.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

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 owls and bats 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 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
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.
4	The applicant should note the informative comments provided in the following formal consultation responses received by the Local Planning Authority:- -Yorkshire Water 1st February 2012

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.