BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1474

To Mr Ian Corner
Strata Homes Ltd
Quay Point
Lakeside
Doncaster
DN4 5PL

DESCRIPTION Variation of condition 2 of application 2009/1549 for proposed minor material amendment to plots 22-47.

LOCATION Land off Burntwood Road, Grimethorpe, Barnsley, S72 7

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 09 December 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:

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 23 February 2012

Planning and Regulatory Services **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

1 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.

Site Layout, drawing number 29134/SL01 Rev P
Indicative Street Scene, drawing number 29134/SC/4
Dwelling Materials Plan, drawing number 29134/MAT/01 Rev J
Materials Surfacing Plan, drawing number 29134/MSP/01 Rev B
Boundary Treatment Plan, drawing number 29134/BTP/01 Rev H
Dwelling Massing Plan, drawing number 29134/MAS/01 Rev F
Renewable Energy Plan, drawing number, 29134/REP/01 Rev E
Integral Garage Unit Plan, drawing number, 29134/IGU/01 Rev F
Roma Planning Drawing, drawing number Glife4/09
Cadiz Planning Drawing, drawing number Glife5/10 Rev A
Geneva Planning Drawing, drawing number Glife26/10
Verbier 2 Planning Drawing, drawing number Glife32/10 Rev A
Rouen 3 Planning Drawing, drawing number Glife12-3/10 Rev A
Verona Planning Drawing, drawing number Glife13-3/11
Reason: To define the permission for the avoidance of doubt

2 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 (details to be substantially in accordance with no BRG/TS/01 'Topographical Survey' and RAB Engineering Design Ltd drawing no 913-1 'Engineering Layout' previously approved as part of Council planning permission 2009/1549) Thereafter the development shall proceed in accordance with the approved details.
Reason: In the interests of visual and residential amenity

3 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

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

5 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 (details to be substantially in accordance with. FDA landscaping drawing no's R/1062/1D, 2, 3 & 4 previously approved as part of Council planning permission 2009/1549) 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.

6 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.

7 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.

8 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

9 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

10 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in the Ecological Assessment from BE Brooks Ecological Ltd report ref BE-R-0594-01.2
Reason: To ensure biodiversity considerations are satisfactorily taken into account of in accordance with Core Strategy Policy CSP36 'Biodiversity and Geodiversity'

11 No development shall commence development until suitable arrangements are in place to ensure the provision of affordable housing. Such arrangements should be equivalent to the arrangements for affordable housing made pursuant to the development granted planning permission under planning reference 2009/1549. The affordable housing shall be provided in accordance with the approved details.
Reason: To meet identified housing need in accordance with Core Strategy Policy CSP15 'Affordable Housing'.

Reason(s) for Granting Permission

1 Unique In the opinion of the Local Planning Authority the proposed amendments to planning permission reference 2009/1549 are minor material and acceptable in that:-

Dwelling numbers would be kept the same and the floor area sizes and house designs kept similar. In addition the proposals would lead to an overall reduction in building storey heights. Therefore the development is considered to be of a standard considered to be in accordance with 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.

Public open space and affordable housing provision agreed as part of 2009/1549 by way of a S106 Agreement would not be affected.

The proposals do not raise any adverse concerns with regards to highways issues.

The proposal is also acceptable with regards to other considerations including drainage, remediation, biodiversity enhancements and renewable energy.

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 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 vacinity. 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.

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