



**GRANT OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0935

**To** Peacock & Smith  
Suite 9C  
Joseph Well  
Hanover Walk  
Leeds  
LS3 1AB

**DESCRIPTION** Removal of condition 32 of planning consent 2011/1562 - Erection of 145 no, dwellings, provision of public open space and associated works and infrastructure

**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 20 August 2012 and described above.

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'

-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'

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 Regulatory Services

Dated 13 November 2012

- 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'

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

- 2 Prior to the occupation of the dwellings (or an alternative timescale to be submitted to and agreed in writing with the Local Planning Authority), written arrangements shall be entered into to ensure that the following measures are implemented as necessary:-

1. The framework of measures stated in the approved Residential Travel Plan ref Bryan G Hall Ltd report ref 11-354-002.01

2. The provision of 1 year Travel Master Passes to the first occupiers of the affordable housing dwellings required by condition 5 of this planning permission.

**Reason: In the interests of sustainable travel in accordance with CSP25 'New Development and Sustainable Travel'**

- 3 The external facing materials for the development shall be constructed in accordance with drawing no MAT-01 'Materials Layout' received 27/04/2012 as part of the application for the approval of the details of planning approval reference 2011/1562 reserved by condition.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP29 'Design'.**
- 4 The finished floor levels of all buildings and structures; road levels; existing and finished ground levels shall be constructed in accordance with the following details received as part of the application for the approval of the details of planning approval reference 2011/1562 reserved by condition:-
- James Eaton Design Ltd drawing no 12/562/5820 'Engineering Layout'
  - James Eaton Design Ltd drawing no 12/562/5825 'Road Layout: Centreline levels'
  - Topographical survey sheets 1, 2 and 3
  - email from Gleeson Homes 01/06/2012
- 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'.**
- 5 The 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 and in order to comply with Core Strategy policy CSP15 'Affordable Housing'.**
- 6 The 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 of the public open space shown on plan no PL-03 rev P 'Proposed Site Layout' and for the enhancement of public open space off site in accordance with the Councils greenspace needs assessment carried out on the application and the LDF Supplementary Planning Document 'Open Space Provision on New Housing Developments'. The development shall proceed in accordance with the approved scheme and timescales.
- Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with LDF Supplementary Planning Document 'Open Space Provision on New Housing Developments'**

- 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) 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.**
- 8 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 received as part of the application for the approval of the details of planning approval reference 2011/1562 reserved by condition.
- 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 interest of highway safety.**
- 10 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.**
- 11 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 interests of highway safety and in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement'.**
- 12 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'.**
- 13 No 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 first dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
- Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP29 'Design'.**

- 14 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.**
- 15 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 as part of the application for the approval of the details of planning permission reference 2011/1562 reserved by condition 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.**
- 16 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 for the site and the 10m wide landscaping belt adjacent Engine Lane shown on plan no PL-03 rev P 'Proposed Site Layout', including road surface materials, 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 shall be implemented prior to the occupation of the dwellings.  
**Reason: In the interests of the visual amenities of the locality.**
- 17 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.**
- 18 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.**
- 19 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.**

- 20 The foul and surface water drainage details shall be constructed in accordance with the following details received 03/09/2012 as part of the application for the approval of the details of planning approval reference 2011/1562 reserved by condition:-
- James Eaton Design drawing no 12/562/5820C 'Engineering Layout - on site works and part off site sewer'
- James Eaton Design drawing no 12/562/5821A 'Engineering Layout - part off site works and sewer outfall'
- 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 the proper drainage of the area.**
- 21 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.**
- 22 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.**
- 23 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.**
- 24 The development shall be constructed in accordance with the following approved measures for the treatment of shallow mine workings and the recorded mine entry received 27/04/2012 as part of the application for the approval of the details of planning approval reference 2011/1562 reserved by condition:-
- 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'
- Reason: In order to address potential land instability issues in accordance with CSP39 'Contaminated and Unstable Land'.**
- 25 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, without the written consent of the Local Planning Authority.  
**Reason: To prevent any potential impacts on protected species in accordance with Core Strategy Policy CSP36 'Biodiversity and Geodiversity'.**

- 26 The development shall be constructed in accordance with the following approved scheme of biodiversity enhancement received 27/04/2012 as part of the application for the approval of the details of planning approval reference 2011/1562 reserved by condition:-

Drawing no 5545-501 'condition 28 bird box details location plan'

The approved details shall be implemented prior to occupation of the dwellings and retained as such thereafter in perpetuity, 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 CSP36 'Biodiversity and Geodiversity'.**

- 27 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'.**

- 28 No 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'.**

### **Reason(s) for Granting Permission**

- 1 Unique In the opinion of the Local Planning Authority, the proposed removal of 2011/1562 condition 32 (provision of one year travel master passes to the first occupants of every dwelling) is acceptable in that the Council considers that the Travel Plan sets out an adequate range of measures designed to target a modal shift away from car usage along with a programme for monitoring and sanctions if the targets are not achieved (subject to a new condition formal written arrangements being entered into to secure its delivery). In addition the applicant has agreed to provide the first occupants of the affordable houses with 1 year travel master passes to assist persons on low incomes with access to public transport without cost during this period, which would also be subject of a new replacement condition. The proposals are considered to be in accordance with Local Development Framework Core Strategy policy CSP25 'New Development and Sustainable Travel' on that basis and do not raise any highway safety concerns on that basis. In the opinion of the Local Planning Authority, there are no other material considerations to indicate a decision should be taken against the above.

## 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](http://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](http://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.