BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/1299

To Townsend Planning Consultants
10 Rishworth Street
Wakefield
WF1 3BY

DESCRIPTION Residential Development of 12 no. dwellings. (2009/1575 Extension of time limit)
LOCATION Hoyle Mill, Hoyle Mill Lane, Thurlstone, Sheffield, S36 9PZ

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 28 November 2012 and described above.

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 plans and specifications as approved under drawings:

0961/122, 0961/123, 0961/124, 0961/125, 0961/117, 0961/118, 0961/119, 0961/120, 0961/121, 0961/113, 0961/112, 0961/115, 0961/116, 0961/110, 0961/111, H/C/163/1A and H/C/163/2a.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

3 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 CSP 29, Design.

4 No development shall take place until the developer has secured the implementation of a programme of archaeological work (including recording) in accord with recommendations contained in the desk top assessment submitted with the application (Report no 2006/281.R01)
Reason: To ensure that arrangements are made to record the buildings and any archaeological remains present on the site as mitigation

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 07 February 2013

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

5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Cromwell Wood Estate Company Limited dated November 2009, reference Hoyle Mill FRA 20/11/2009 and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 600 mm above the existing site levels.
Reason: To reduce the risk of flooding to the proposed development and future occupants and in accordance with policy CSP4 relating to flood risk.

6 The development hereby permitted shall not be commenced until such time as a scheme to achieve a 30% reduction in existing runoff rates using sustainable drainage principles as stated in the FRA has been submitted to, and approved in writing by, the local planning authority.

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 sitend in accordance with policy CSP4 relating to flood risk.

7 No development shall take place until a detailed scheme for foundation design and all new ground works has been approved by the Local Planning Authority and that scheme shall be monitored to the satisfaction of the Local Planning Authority.
Reason: To ensure that ground disturbance is restricted to the minimum required by the development and that it is carried out in the agreed manor. To protect archaeological remains to be preserved in situ, in accordance with policy CSP 30.

8 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 sewer or water mains.
Reason: To prevent damage to the existing [sewer, watercourse or water mains], in accordance with policy CSP4 relating to flood risk.

9 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 policy CSP40, Pollution.

10 All landscaping works as shown in the Landscape Details Plan (Drawing No H/C/163/2a) shall be implemented in the first planting season following commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, 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 and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity
Reason:

11 Prior to the commencement of any works on site the public footpath shall be temporarily diverted to a route to be agreed with the Local Planning Authority. Until such time as the replacement riverside path is constructed the route (as diverted) shall be available throughout the construction process.
Reason: To ensure a footpath is available at all times, in accordance with policy CSP 23.

12 Reason: Prior to the occupation of any dwelling the riverside path shall be fully constructed and available to users.
Reason: In the interests of footpath users, in accordance with policy CSP 23.

13 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 thereafter be undertaken in full accordance with the submitted report.
Reason: To ensure that the site is properly assessed for ground contamination and subsequently suitably remediated to enable the site to be subsequently safely developed and occupied and in accordance with policy CSP39.

14 Prior to development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
Reason: To ensure any remediation is completed to a satisfactory standard, in accordance with policy CSP39.

15 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 any contamination not identified previously is remediated, in accordance with policy CSP39.

16 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: To ensure any contamination in the subsurface is not mobilised, to adhere to policies CSP39 and 40.

17 Prior to the occupation of the first unit the 6 m wide vehicle passing place and turning area shown in drawing no. 0961/110 shall be fully provided and hard surfaced.
Reason: In the interests of highway safety, in accordance with policy CSP26.

18 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by 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.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

19 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 in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Root protection areas (RPA)
Tree constraints plan (TCP)
Tree protection plan (TPP)
Arboricultural implication assessment (AIA)
Arboricultural method statement (AMS)
Details of no-dig construction proposals for areas of car park and drive including cross-sections and plans showing relevant area.

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 in the interests of the amenity of the locality, in accordance with policy CSP 36.

20 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are 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 Policy CSP29 Design Standards

21 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety and in accordance with policy CSP26.

22 Before the development is brought into use the part of the site to be used by vehicles shall be laid out in accordance with the approved plan, surfaced in a solid bound material and marked out. Thereafter the area shall be permanently retained for vehicle use.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with policy CSP26.

23 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
-Loading and unloading of plant and materials
-Storage of plant and materials used in constructing the development
-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.

24 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 in accordance with Core Strategy Policy CSP2.

Reason(s) for Granting Permission

1 Unique The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Core Strategy set out below and to all relevant material considerations, including Supplementary Planning Guidance:

CSP34 - Development within the Green belt
CSP26 - New Development and Highway Improvement.
CSP30 - The Historic Environment
CSP36 - Biodiversity and Geodiversity
CSP39 - Contaminated Land
CSP40 - Pollution Control and Protection
CSP29 - Design Standards

Although the site is located within the Green belt wherein strict control is excised over new development the proposal will secure the removal of an inappropriate industrial use operating from a visually unsatisfactory collection of buildings. The overall environmental benefits constitutes the very special circumstances for setting aside the usual policy presumptions

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 proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

2 All foul drainage, including contaminated surface water run-off must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse.

3 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

4 The applicant is advised that Condition [3] , relating to the Code for Sustainable Homes, applies specifically to the aspects of the Code not covered by the Building Regulations. The development will therefore need to comply with the standards applicable under the Building Regulations, which may be higher than Code 3 if Building Regulations Approval is obtained from 2013 onwards.

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.

Planning and Regulatory Services **Telephone: 01226 - 772600**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772599**