BARNSLEY
Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0983

To Mr John Dickinson
Arndale Court
Otley Road
Headingley
Leeds
West Yorkshire
LS22 7XU

DESCRIPTION Residential Development (Outline) - (2006/1402 Extension of time limit).
LOCATION Former Goldthorpe Colliery (westpart), And Adjacent Land Off Doncaster Road, Goldthorpe, South Yorkshire

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 12 August 2010 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

(a) the layout of the proposed development.
(b) scale of building(s)
(c) the design and external appearance of the proposed development.
(d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

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 Transportation

Dated 28 October 2010

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

2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

3 Prior to the commencement of development a report, endorsed by a competent engineer experienced in ground contamination, shall be submitted to the Local Planning Authority. The report shall, amongst other things, include the following:

a) Measures to physically identify the extent of made ground and measures to test and evaluate the area for the purposes of identifying the extent of any contamination areas requiring remediation.
b) Measures to treat or remove any contaminated material.
c) Measures to test and evaluate any imported soils or capping material imported onto the site to ensure they contain no levels of contamination which would render any part of it unsuitable for its intended use.
d) The subsequent certification that the site has been satisfactorily remediated and that the development of the site can be safely undertaken and occupied

The development shall, thereafter by undertaken in full accordance with the approved details.

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

4 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.

5 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 consultation 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.

6 Except with the prior written approval of the Local Planning Authority, all site works including deliveries shall be limited to the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays. This condition shall apply in all cases apart from emergency. Essential maintenance involving engine starting and running shall occur wherever possible in accordance with the above hours but such maintenance shall not occur between the hours of 2100 hours and 0800 hours on Mondays to Saturdays and not at all on Sundays and Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.

7 There shall be no vehicular access from the appeal site to Beever Street, within the area shown as Phase 3, other than for emergency vehicles, unless the Local Planning Authority gives its approval in writing.
Reason: In the interest of highway safety

8 No development shall take place until a detailed noise assessment scheme for protecting future residents of the development from noise arising from the commercial/industrial premises has been submitted to and approved in writing by the Local Planning Authority. Any works need in connection with the approved scheme shall be completed before any dwelling within 50 metres of the nearby industrial premises is occupied.
Reason: In the interest of the amenity of occupants of the proposed dwellings

9 In determining applications for approval of detailed plans, submitted pursuant to this permissions, due regard shall be had for the parameters and principles contained in the Illustrative Built Form Masterplan (plan no. pod-r-001-01-02) and to the emerging or adopted masterplan resulting from the Council's masterplanning exercise for the wider Housing Market Renewal Area.
Reason: In the interests of design quality and sustainability in support of the Housing Market Renewal regeneration objectives.

10 The detailed plans referred to in Condition 1 above shall provide for a suitable mix of housing in terms of tenure, size, price and affordability.
Reason: In the interests of creating mixed and balanced sustainable communities.

11 No development shall take place until a report identifying how the predicted CO2 emission of the development will be reduced to at least 10% below that of a comparable conventionally designed development. Thereafter, the development, shall be constructed in accordance with the approved report with all agreed equipment installed before any dwelling is occupied.
Reason: In the interests of sustainable development.

12 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interests of satisfactory and sustainable drainage

13 Unless otherwise agreed in writing with the Local Planning Authority, no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: In order to allow sufficient access for maintenance and repair work at all times

14 No development shall take place until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be retained throughout the life of the development of the development, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure proper, sustainable drainage of the area

15 The development hereby permitted shall not be commenced until a scheme to improve the existing surface water disposal system has been submitted to and approved in writing with Local Planning Authority. The approved 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

16 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

17 The reserved matters submission referred to in Condition 1 shall be accompanied by a scheme for the provision of appropriate public open space facilities for the proposed development in accordance with Unitary Development Plan Policy H6. The development hereby permitted shall not begin until the scheme has been approved in writing by the Local Planning Authority and the public open space facilities provided in accordance with a programme to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy H6 of the Unitary Development Plan.

18 The reserved matters submission referred to in Condition 1 shall be accompanied by a scheme for the provision of affordable housing as part of the development and the development shall not begin until this has been approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:
i. The numbers, type, tenure and location on the site of the affordable housing provision to be made;
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 ;
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.

Reason(s) for Granting Permission

1 Unique In the opinion of the Local Planning Authority, there are no new significant material planning considerations since the appeal decision was made that indicate that the application should be refused for the following reasons:-

The appeal decision established the principle of developing the site for housing and development on the site is now an important part of the emerging Goldthorpe Housing Market Renewal Area Masterplan.

The closure of some of the adjacent employment uses and the emerging Goldthorpe Housing Market Renewal Area Masterplan aspiration to see the former colliery site phase 3 development housing has reduced concerns about amenity levels for future occupants of dwellings because of noise.

The outline planning permission granted on appeal is up to date with regards to the most up to date national and local policy requirements (principally PPS's 1 'Delivering Sustainable Development and its Supplement Planning and Climate Change', 3 'Housing', 25 'Development and Flood Risk', including on sustainable drainage, sustainability and affordable housing provision matters.

It has been demonstrated that there are no new significant natural or ecological constraints.

Informative(s)

1 The applicant should note the informative comments provided in the following formal consultation responses received by the Local Planning Authority, already provided to the applicant's agent:-

-Natural England letter 25/08/2010 on the recommendations of the updated phase 1 habitat survey being followed with regards to need to survey for reptiles before the commencement of development and on the treatment of Japanese Knotweed. Please also note the comments on designing in biodiversity enhancements in future proposals.

-Yorkshire Water letter dated 18/08/2010 regarding issues with the indicative layout showing sewers being affected.

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 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

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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PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772599**