



BARNLSLEY

Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1408

To Mr Richard Merrills
Watson Batty Architects
Shires House
Shires Road
Guislely
Leeds
LS20 8EU

DESCRIPTION Re-development of the existing Reema Estate and adjoining undeveloped land for residential development and formation of new road bridge over railway to Deightonby Street, Thurnscoe East (Outline)

LOCATION Reema Estate and adjoining land, off School Street, Thurnscoe, Rotherham

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 05 November 2009 and described above.

The approval is subject on compliance with the following conditions:

1 Development relating to Sites 1, 2 and 3 (as shown on approved drawing No. 3835-OLP-005) shall not commence on each respective site until the following reserved matters relating to that particular site have been approved in writing by 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) means of access
- e) 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 13 January 2010

- 2 Application for approval of the reserved matters shall be made for Site 1 (as shown on approved drawing No. 3835-OLP-005) within the expiration of 3 years of the date of issue of this permission. Thereafter development shall be begun before the expiration of 2 years from the date of approval of the last 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 Application for approval of the reserved matters shall be made for Site 2 (as shown on approved drawing No. 3835-OLP-005) within the expiration of 6 years of the date of issue of this permission. Thereafter development shall be begun before the expiration of 2 years from the date of approval of the last reserved matters to be approved.
Reason: In accordance with the powers allowed under Section 92 of the Town and Country Planning Act 1990 due to the scale of the development and phasing arrangements.
- 4 Application for approval of the reserved matters shall be made for Site 3 (as shown on approved drawing No. 3835-OLP-0050 within the expiration of 11 years of the date of issue of this permission. Thereafter development shall be begun before the expiration of 2 years from the date of approval of the last reserved matters to be approved.
Reason: In accordance with the powers allowed under Section 92 of the Town and Country Planning Act 1990 due to the scale of the development and phasing arrangements.
- 5 The submission of all reserved matters for all 3 phased sites and the implementation of development shall be carried out in substantial accordance with the following plans and specifications as approved:-
- Drawing No. 3835-OLP-001 'Location Plan', received 2 November 2009
 - Drawing No. 3835-OLP-005 Rev A 'Phasing Plan', received 15 December 2009
 - Indicative drawing No. 3836-OLP-003 Rev A 'Development Masterplan'. received 15 December 2009
 - Design and Access Statement, received 2 September 2009
 - Flood Risk and Drainage Impact Assessment, received 2 September 2009
- Reason: In order to define the scope of the permission.**
- 6 Detailed plans shall accompany the reserved matters submissions indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with UDP Policy BE6, Design Standards.
- 7 Unless otherwise agreed in writing with the Local Planning Authority, no development shall be commenced on the dwellings on Site 3 until full plan details for the new road bridge (as indicated on approved drawing No. 3835-OLP-005) have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the bridge to be completed within a reasonable timescale and the bridge shall be constructed in accordance with the approved details and timetable before any of the dwellings on this site are occupied.
Reasons: 1. Areas of the site are not allocated for development in the Barnsley UDP (Safeguarded Land) and the application is only supported as a Departure to policies GS10 and DE8 in the South Yorkshire Housing Market Pathfinder Renewal Area context. 2. In the interests of highway safety and the transport sustainability of the development.

8 No dwellings shall be occupied in relation to each site until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority for each respective site. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- i) The numbers, type, size and location on the site of the affordable housing provision to be made which shall consist of not less than 22% of housing units/bed spaces overall;
- ii) The mix of tenure to be social rented and shared equity unless otherwise agreed in writing with Local Planning Authority.
- iii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iv) The arrangements for the transfer of the affordable housing to an affordable housing provider including arrangements to ensure that affordable housing is provided elsewhere within the area should no transfer occur.
- v) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- vi) 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 ensure the satisfactory provision of affordable housing to meet the needs of the development in accordance with the Council's approved Planning Advice Note 34 on Affordable Housing.

9 No dwellings shall be occupied in each respective site until details of a scheme for the provision of public open space infrastructure in accordance with Policy H6 of the Barnsley UDP and SPG20, Open space provision on new housing developments, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a minimum 15% of the overall gross total site area as public open space and a timetable for such provision to be made and carried out in accordance with the approved details, unless alternative arrangements in accordance with Policy H6/SPG 20 are otherwise agreed in writing with the Local Planning Authority.

Reason: In order to meet the needs of the development for green space and public open space infrastructure in accordance with UDP Policy H6.

10 No dwellings shall be occupied in each respective site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including public open space, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

- 11 Unless otherwise agreed with the Local Planning Authority, no dwellings shall be occupied until details of a scheme for the enhancement of the bridleway route between the South East corner of the site and Houghton Road have been submitted to and approved in writing with the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
Reason: In order to meet the needs of the development for providing appropriate pedestrian access to surrounding areas in the interests of the sustainability of the site.
- 12 Unless otherwise agreed by the Local Planning Authority, no dwellings shall be occupied until details of a scheme for the provision of the following public transport infrastructure have been submitted to and approved in writing with the Local Planning Authority:-
- Bus shelter improvements to the stops of School Street/Ashberry Grove and School Street/Orchard Way.
- The full upgrade of the existing bus stops at Leys Lingamore/Willows Road.
- The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
Reason: To promote public transport provision in the interests of reducing the need for car travel to and from the site.
- 13 Unless otherwise agreed in writing no dwelling shall be occupied until a Personalised Journey Plan has been provided to the first occupier of each dwelling in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.
Reason: To promote public transport provision in the interests of reducing the need for car travel to and from the site.
- 14 In accordance with the LZC Feasibility Study report submitted in support of the planning application, received 2 September 2009, at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of the Planning Policy Statement 1 Supplement: Planning and Climate Change (December 2007). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by conditions 1,2,3,4 and 5. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of sustainable development.
- 15 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water mains, which cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 16 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the various sewers, which cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.

17 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

18 Unless otherwise agreed in writing with the Local Planning Authority development shall not be begun on any site 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: This condition is required to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

19 Development on Site 1 (as shown on approved drawing No. 3835-OLP-005) shall not commence until the following drainage details relating to that site have been submitted to and approved in writing by the Local Planning Authority:-

Full surface water drainage details, including a scheme for surface water run-off limitation and a programme of works for implementation.

The proposed means of disposal of foul water drainage and treatment, including details of any balancing works and off-site works.

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, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure proper drainage of the area.

20 Development on Site 2 (as shown on approved drawing No. 3835-OLP-005) shall not commence until the following drainage details relating to that site have been submitted to and approved in writing by the Local Planning Authority:-

Full surface water drainage details, including a scheme for surface water run-off limitation and a programme of works for implementation.

The proposed means of disposal of foul water drainage and treatment, including details of any balancing works and off-site works.

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, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure proper drainage of the area.

- 21 Development on Site 3 (as shown on approved drawing No. 3835-OLP-005) shall not commence until the following drainage details relating to that site have been submitted to and approved in writing by the Local Planning Authority:-

Full surface water drainage details, including a scheme for surface water run-off limitation and a programme of works for implementation.

The proposed means of disposal of foul water drainage and treatment, including details of any balancing works and off-site works.

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, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure proper drainage of the area.

- 22 No piped discharge of surface water from the site shall take place from each site of the development until works to provide a satisfactory outfall for surface water in accordance with conditions 16,17 and 18 relating to the particular site would have been completed.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

- 23 No dwellings shall be occupied or brought into use prior to completion of the approved foul drainage works for each site of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that no foul water discharges take place until proper provision has been made for its disposal.

- 24 Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant and experienced and specialising in the assessment and evaluation of Landfill Gas migration. The investigation report shall:
- a) be based upon BS 5930, Code of Practice for Site Investigations, the draft BS DD175: 1988 Code of Practice for the Investigation of Contaminated Land, Building Research Establishment, The Measures of Gas Emissions from Contaminated Land, and the advice provided in the Waste Management Paper Nos. 26 and 27.

b) Describe the methodology, techniques and equipment and circumstances of the survey and clearly relate final conclusions and recommendations to the results and findings of tests and investigations so that they may be understood by a third party.

c) Advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied. The development shall thereafter be undertaken in strict accordance with the submitted remedial measures contained within the report.

Reason: To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas and in accordance with UDP Policy ES9, Landfill Gas.

- 25 Not less than 5 working days notice of the date of the proposed tree work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998. Prior to the 5 working days notice and approved tree works being carried out on site, the branches/trees to be removed shall be clearly marked. The work shall thereafter be carried out to the satisfaction of the Local Planning Authority.
Reason: To ensure the work accords with good arboricultural practice in accordance with Policy GS22 of the adopted Unitary Development Plan and SPG9 (Trees and Hedgerows).
- 26 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 UDP Policy ES1, Pollution.
- 27 Plans submitted at the reserved matters stage for Site 3 shall include an appropriate landscape buffer for the total length of the northern boundary of the site in accordance with details to be submitted and approved in writing with the Local Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the approved details.
Reason: In order to protect the visual amenities of the adjacent Green Belt in accordance with Policy GS9 of the UDP.
- 28 Unless otherwise agreed in writing with the Local Planning Authority, plans submitted at the reserved matters stage shall make provision for the retention of the existing public footpath passing through the site as indicated on the attached plan.
Reason: In order to meet the needs of the development for providing appropriate pedestrian access to surrounding areas in the interests of the sustainability of the site.
- 29 No development of site 2 or site 3 shall commence until an assessment of the need for primary and secondary school places for each site has been undertaken. The assessment shall be undertaken at the submission of Reserved Matters stage. If the respective site does generate a need for school places, no dwellings on the respective site shall be occupied until a scheme to provide a contribution to meet the needs of the development in accordance with Planning Advice Note 33 'Financial Contributions to School Places or an equivalent replacement policy has been submitted to and approved by the Local Planning Authority. The scheme shall include a timetable for the provision to be completed within a reasonable timescale and shall be carried out in accordance with the approved details.
Reason: In order to mitigate against the effect of the development in the circumstance there are insufficient places at local schools when sites 2 and 3 are developed and to meet the needs generated.
- 30 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development on Site 1, an archaeological evaluation of the application site shall be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by, the Local Planning Authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be agreed in writing and then implemented to the satisfaction of the Local Planning Authority.
Reason: In order to satisfactorily ensure the recording of archaeological remains, in accordance with UDP Policy NE3 and PPG16: Archaeology and Planning.

- 31 Unless otherwise agreed prior to the submission of any reserved matters application for Sites 2 and 3, an archaeological evaluation of the application area shall be undertaken in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be agreed in writing and then implemented to the satisfaction of the Local Planning Authority.
Reason: In order to satisfactorily ensure the recording of archaeological remains, in accordance with UDP Policy BE3 and PPG16: Archaeology and Planning.
- 32 Further to the Ecological Assessment, Protection of Reptiles Method Statement and Bat Surveys and Assessment approved as part of the application, no demolition or development shall take place until there has been an internal inspection of all buildings, (subject to any Health and Safety restrictions regarding such inspections), and the results along with any necessary mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter works shall be carried out in accordance with the approved details.
Reason: To provide robust information on absence/presence of bats so that the mitigation strategy can be suitable informed and is commensurate with the protection of bats and their conservation status and to ensure that the local bat population, identified as a low risk from the development, is not adversely affected by the proposal.
- 33 Prior to the commencement of development on Site 1, a noise assessment along with details of any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.
Reason: In order to ensure appropriate levels of residential amenity are provided for the occupants of the new dwellings.
- 34 Prior to the submission of any reserved matters application for Sites 2 and 3, a noise assessment along with details of any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.
Reason: In order to ensure appropriate levels of residential amenity are provided for the occupants of the new dwellings.
- 35 Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence on Site 2 prior to the submission to and approval by the Local Planning Authority of construction details of that part of the spine road along the northern part of the site up to the site 2 boundary with site 3, as shown coloured blue on the attached plan, and no dwellings shall be occupied on that site until that part of the spine road is completed.
Reason: In the interests of providing a satisfactory road layout in the interests of highway safety and the transport sustainability of the development.
- 36 Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence on site 3 prior to the submission to and approval by the Local Planning Authority of construction details of that part of the spine road up the eastern boundary of the railway and the bridge across the railway, as shown coloured red on the attached plan, and no dwellings shall be occupied on that site until that part of the spine road and the railway bridge is completed.
Reason: In the interests of providing a satisfactory road layout in the interests of highway safety and the transport sustainability of the development.

37 Unless otherwise agreed in writing with the Local Planning Authority, details of the safeguarding of the public transport access route for the duration of the site 1 and site 2 works shall be submitted to and approved by the Local Planning Authority and the agreed details shall be thereafter implemented unless any alternative route has been agreed in writing with the Local Planning Authority.

Reason: In the interests of maintaining the transport sustainability of the development.

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.