



APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/0633

To Miss Jenny Nicholson
5 Europa Court
Sheffield Business Park
Sheffield
S9 1XE

Proposal Residential development of 221no dwellings and associated works (Reserved matters of outline planning permission 2017/1451 seeking approval of the details of layout, scale, appearance and landscaping)

At Land at Wakefield Road, Smithies, Barnsley, S71 1NX

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 15/08/2022 and described above, being matters reserved in the permission granted on 25/06/2019 under Application 2017/1451.

The approval is subject on compliance with the details specified in the application, the approved plans and conditions of the outline permission and, additionally, is subject to the following conditions:-

- 1 The development, hereby permitted, shall be begun before the expiration of two years from the date of approval.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved and listed below unless required by any other conditions in this permission.

Layout Plans:

- Dwg no. 1225.05 Rev AG - Proposed Site Layout (1:1000)
- Dwg no. 1225.06 Rev AG - Proposed Site Layout (1:500)
- Dwg no. 1225.08 Rev AG - Proposed Site Layout (Colour 1:500)
- Dwg no. 1225.10 Rev N - Proposed Site Layout - Boundary Treatments
- Dwg no. 1225.12 Rev E - Garden Areas
- Dwg no. 1225.11 Rev C - Proposed Site Layout - Mine Shafts

Offsite Highways Works:

- Dwg no. 22/137/SKH/005 Rev G - Proposed Access Arrangement with safeguarded land for future bus lane

Detailed Landscaping plans:

- Dwg no. 3836/1 Rev F - Detailed Landcape Proposals (1 of 4)
- Dwg no. 3836/2 Rev F - Detailed Landcape Proposals (2 of 4)
- Dwg no. 3836/3 Rev F - Detailed Landcape Proposals (3 of 4)
- Dwg no. 3836/4 Rev F - Detailed Landcape Proposals (4 of 4)
- Dwg no. 3836/6 Rev B - Composition Plan

Housetype drawings:

- Dwg no. 21-201-R-0001 Rev C02
- Dwg no. 21-201-U-0001 Rev C02
- Dwg no. 21-202-U-0001 Rev C02
- Dwg no. 21-202-R-0001 Rev C02
- Dwg no. 21-350-R-0001 Rev C01
- Dwg no. 21-351-U-0001 Rev C01
- Dwg no. 21-351-R-0001 Rev C01
- Dwg no. 21-354-U-0001 Rev C01
- Dwg no. 21-354-R-0001 Rev C01
- Dwg no. 21-355-U-0001 Rev C01
- Dwg no. 21-355-R-0001 Rev C01
- Dwg no. 21-358/9-U-0001 Rev C01
- Dwg no. 21-358/9-R-0001 Rev C01
- Dwg no. 21-401-U-0001 Rev C02
- Dwg no. 21-401-R-0001 Rev C02
- Dwg no. 21-403-U-0001 Rev C02
- Dwg no. 21-403-R-0001 Rev C02
- Dwg no. 21-436-U-0001 Rev C02
- Dwg no. 21-436-R-0001 Rev C02
- Dwg no. 21-212-U-0001 Rev C03
- Dwg no. 21-212-R-0001 Rev C03
- Dwg no. 21-350-U-0001 Rev C05

- Dwg no. 21-357-U-0001 Rev C03
- Dwg no. 21-357-R-0001 Rev C03
- Dwg no. 21-360-U-0001 Rev C04
- Dwg no. 21-360-R-0001 Rev C04
- Dwg no. 21-455-U-0001 Rev C03
- Dwg no. 21-455-R-0001 Rev C03

Tree Protection:

- Dwg no. 3836/5
- Arboricultural Method Statement

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- Prior to the occupation of the effected dwellings, the noise mitigation measures described in report 'Noise Assessment' produced by Tetra Tech dated 25th May 2022, ref: 784-B039427, shall be implemented, specifically relating to ventilation, glazing and acoustic fencing, and maintained as such thereafter.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.
- 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: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.
- No development (including construction, land raising and demolition if required) shall be carried out other than in accordance with a Construction Environment Management Plan (CEMP) that is first submitted to, and approved by, the local planning authority.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.
- No building or use hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption as maintainable at public expense within the site have been submitted to and approved in writing by the LPA. On occupation of the first dwelling (or building) within the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users in accordance with Local Plan Policy T4 .
- Development shall not commence until details of all highway retaining structures including construction status drawings and specifications have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.

8 The development hereby approved shall be carried out in accordance with the mitigation and management measures set out in the Landscape Ecology Management Plan (LEMP) V3. The measures shall be retained as such thereafter.

Reason: In the interest of ecology and biodiversity, in accordance with Local Plan Policy BIO1 and SPD 'Biodiversity and Geodiversity'.

9 Notwithstanding the submitted details, prior to first occupation of the site, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be reviewed and produced by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:

- Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
- A drawing showing dark corridors and buffer areas;
- A report and drawings showing how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to breeding sites/resting places, this should include;
- Technical descriptions, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- A description of the luminosity of lights and their light colour;
- A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

Reason: In the interests of Biodiversity and in accordance with Local Plan Policy BIO1 and SPD 'Biodiversity and Geodiversity'.

10 Within six months of first occupation of any phase of development hereby approved, a detailed travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of specific measures / initiatives, targets, timescales and budgets to encourage sustainable travel and allow for regular monitoring and reporting to be undertaken. The plan shall be fully implemented in accordance with the approved details thereafter.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 Any highways structures will require technical approval in accordance with the approval procedure based on DMRB CG300 - Technical Approval of Highways Structures. If an AIP is required, the developer will be responsible for preparing and submitting the AIP, with the technical approving body being the Highway Authority. The completed design, including proprietary designs, cannot be implemented until Highway Authority is in receipt of certified confirmation that the implementation documents are accurate and fully in compliance with the requirements of the AIP. Designs that do not require an AIP (typically category 0 but not limited to) will also need to be submitted to Highway Authority for review in accordance with DMRB CG300.
- 2 Whilst no information is given at this stage about the method of disposal of highway drainage, we are mindful of restrictions on surface water disposal and the emphasis on the use of sustainable solutions. The use of a soakaway system has to be located outside the carriageway and at least 5m from any building which may affect the layout shown. It should be noted that a commuted sum to be used towards the future maintenance costs of each highway drain soakaway, shall be agreed with and paid to the Council, prior to the issue of the Part 2 Certificate.
- 3 Agreement shall be sought for all pipes, culverts, water attenuation tanks or similar greater than 900mm that are proposed to be placed beneath the area to be defined as public highway. All drainage installed under the Highway is to be adopted by the sewerage undertaker or, in the case of highway drainage, the Local Highway Authority.
- 4 Fees associated with the required condition survey together with any necessary remedial works and any relevant s278 agreement are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement.
- 5 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.

- 6 The development hereby approved includes the construction of new highway. To be considered for adoption and on-going maintenance at public expense, it must be laid out and constructed to the BMBC engineering standard details and to the terms of phasing of the development. You are advised that you must enter into a highway agreement under s38 of the Highways Act 1980. The development will be bound by the Sections 219 to 225 of the Highways Act 1980 (the Advances Payments Code). Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control on email HighwaysDC@barnsley.gov.uk or call to 01226 773555 prior to any work commencing on site. Please note that it is necessary to gain all technical and legal approvals for all street road details from the LHA prior to submission of such approved details to the LPA to discharge condition x of this consent.
- 7 You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), or to place any equipment, materials in, on, above or abutting a highway requires you to have a licence. Further details are available on the BMBC website at: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/> or my contacting Streetworks@barnsley.gov.uk
- 8 Street lighting design and installation is undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with the authorities Street Lighting Team, Tel 01226 770770. Email. Streetlightingdesign@barnsley.gov.uk as soon as possible.
- 9 Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 13. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 31 October 2024



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

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 given 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.