



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/1570

To MBooth Design
Fairfield House
Berneslai Close
Barnsley
S70 2FL

DESCRIPTION Erection of two storey detached dwellinghouse including provision of associated attached garages, vehicular access with gates and external parking area
LOCATION Land adjacent The Cottages, Berry Lane, Howbrook, Sheffield, S35 7EJ

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 06 January 2020 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 unless required by any other conditions in this permission.

Plan Nos -

- Proposed Site Plan & Section - 18.38 - P1 Rev D
- Proposed Plans & Elevations - 18.38 - P1 Rev B
- Location Plan - 18.38 - OS1 - Rev A (19.03.2020)

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

- 3 The external materials shall match those indicated on the elevation plans (Ref. 18.38-P1 Rev B) in every respect.

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

- 4 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.

Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Local Plan Policy GB1 Protection of Green Belt.

- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

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 Local Plan Policy T4 New Development and Transport Safety.

- 7 No development shall take place unless and until full foul and surface water drainage details, have been 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. 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 in line with Local Plan Policy I1 Infrastructure.

- 8 Part A: No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- * The programme and method of site investigation and recording.
- * The requirement to seek preservation in situ of identified features of importance.
- * The programme for post-investigation assessment.
- * The provision to be made for analysis and reporting.
- * The provision to be made for publication and dissemination of the results.
- * The provision to be made for deposition of the archive created.
- * Nomination of a competent person/persons or organisation to undertake the works.
- * The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use):

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in line with Local Plan Policy H6.

- 9 Prior to occupation, evidence shall be submitted to the Local Planning Authority demonstrating the following biodiversity mitigation and enhancements required by the Preliminary Ecological Appraisal conducted by Middleton Bell on the 6th August 2019:

Mitigation:

- Photographic imagery presenting the installation of the bat box on the western gable elevation.
- Evidence of site clearance between March to August, otherwise submission of a nesting bird check conducted by a qualified ecologist from September to February.
- Submission of a document evidencing how cotoneaster and rhododendron species were removed during site clearance.

Enhancement:

- Submission of a landscaping plan detailing the planting areas for locally native species of trees and shrubs and the access points for the free movement of hedgehogs across the boundaries of the site.

Reason: In the interests of wildlife in and around the site in accordance with Local Plan Policy BIO1 - Biodiversity and Geodiversity.

- 10 The Arboricultural Method Statement (Ref 190619 MS) shall be adhered to throughout the construction period particularly in regard to protective fencing across Root Protection Areas and the removal of hard surfaces within a Root Protection Area. Any changes in ground level within a Root Protection Area shall require written approval from the LPA prior to work being undertaken. (Root Protection Areas are indicated on p.12 of the Tree Survey Conducted by James Royston (Ref 190619)).

Reason: In the interests of the trees upon and neighbouring the site in accordance with Local Plan Policies BIO1 - Biodiversity and Geodiversity and D1 - High Quality Design and Placemaking

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.

Please be aware that the Council monitors construction sites and open land within the vicinity 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 the approved development is disposed of via approved methods and that documents are retained to prove this.

- 1 The proposed new vehicular access to this property is taken from a track that is shared with a public footpath, as shown on the attached plan. This is not out of character as other properties take access off the track and, provided that private vehicular access rights are in place, should be acceptable with regards to public rights of way.

Public access on the footpath should remain open and unobstructed throughout and after any construction work on the site., with no encroachment onto the path. Construction (and other) vehicles should be aware of the public using the footpath, should not park on the path and should reinstate any damage caused. The plans do not appear to show any alterations to the lane itself, but if any changes are proposed the applicant should contact publicrightsofway@barnsley.gov.uk to discuss.

The applicant should be aware that the Council's responsibilities on the track are limited to ensuring that the footpath is open and safe for pedestrians to use. The Council is not responsible for maintaining the track to a standard for motor vehicles.

- 2 If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Lead Local Flood Authority to discharge flows at an agreed rate - Contact Wayne Atkins (01226 772182)

If the developer is to carry out works within or in the proximity of any watercourse he must gain the relevant permissions from the Lead Local Flood Authority - Contact Wayne Atkins (01226 772182)

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 25 March 2020

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.