



APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0113

To MBooth Design Ltd
Fairfield House
Berneslai Close
off Churchfield
Barnsley
S70 2FL

Proposal Residential development of 8no dwellings and associated works (Reserved matters of outline planning permission 2017/0352 relating to layout, scale, design and external appearance and landscaping)

At Land adjacent to Folly Way, Monk Bretton, Barnsley, S71 2SP

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 31/01/2020 and described above, being matters reserved in the permission granted on 31/08/2017 under Application 2017/0352.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

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 approved, 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.
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2	<p>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:</p> <p>P1 REV B Site Plan amended plan received 1/6/2020 P2 REV B House Type A Amended plan rec 1/6/2020 P3 REV A House Type B P4 REV A House Type B1 P5 REV A Garage Details CS19-01 Landscape Proposals</p> <p>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.</p>
3	<p>No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details</p> <p>Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety, in accordance with Local Plan Policy T4.</p>
4	<p>Prior to the commencement of construction works, details of Electric Vehicle Charging Points shall be submitted to and approved in writing by the Local Planning Authority. The works shall be installed in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details.</p> <p>Reason: In interests of promoting sustainable travel opportunities.</p>
5	<p>Prior to commencement of construction works hereby permitted, a scheme for the parking of bicycles shall be submitted to and approved in writing by the LPA. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.</p> <p>Reason: In interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T3 New Development and Sustainable Travel.</p>
6	<p>Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwellings to the adjoining public highway in accordance with details of a completion plan to be submitted and approved in writing by the LPA.</p> <p>Reason: To ensure streets are completed prior to occupation and satisfactory development of the site in the interests of new development and transport safety in Local Plan Policy T4.</p>
7	<p>Any boundary treatments to the front of the plots shall be set at a height no greater than 900mm above the level of the near side channel line of the public highway.</p> <p>Reason: To ensure the visibility thus provided shall thereafter be maintained as such in accordance with Local Plan Policy T4 development and transport safety.</p>
8	<p>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.</p> <p>Reason: In the interest of highway safety, in accordance with Local Plan policy T4 New development and Transport Safety.</p>

9	<p>The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 as measured from the edge of adjacent carriageway. Reason: In the interests of the safety of persons using the access and users of the highway.</p> <p>Reason: In the interest of highway safety, in accordance with Local Plan policy T4 New development and Transport Safety.</p>
10	<p>All in curtilage planting, seeding or turfing comprised in the approved details of landscaping (plan refs) shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.</p>
11	<p>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.</p> <p>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.</p>
12	<p>Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: In order to ensure compliance with Local Plan Policy I1.</p>
13	<p>No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:</p> <p>Tree protection barrier details Tree protection plan</p> <p>Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.</p>

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 works will require a temporary closure of a public right of way. The developer is required to apply for the temporary closure, at cost, providing at least 4 weeks' notice and details of how public access will be managed throughout. Any works affecting a public right of way must not take place until a temporary closure order has been agreed in writing with the Council. Details are available via publicrightsofway@barnsley.gov.uk.
- 2 Public rights of way run alongside the proposed development works. Safe public access must remain available at all times, with no obstruction or encroachment onto the width of the paths, including building debris, storage of materials and parked vehicles. If safe access is not possible at any time, a temporary closure should be arranged. If there is any doubt about these requirements, clarification should be sought from the Council. For further information contact publicrightsofway@barnsley.gov.uk.
- 3 The applicant should confirm the proposed width from the western boundary fence to the top of the ridge. This fence line should also be marked out on site and checked by public rights of way, and the remaining path cleared of any overgrown vegetation, before any permanent fencing is installed.
- 4 Any boundary, fence, hedge or building to Plot 3 is required to be set back a minimum of 2m at the end of turning heads or cul-de-sacs to avoid damage resulting from the overhang of manoeuvring vehicles.
- 5 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.
- 6 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.

- 7 Whilst no information is given at this stage about the method of disposal of highway drainage, there are 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.
- 8 It should be noted that no pipes, culverts, water attenuation tanks or similar greater than 900mm can 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.
- 9 Street lighting design and installation is generally 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. Streetlighting@barnsley.gov.uk as soon as possible.

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.

Signed

Dated 19/03/2021



Joe Jenkinson
Head of Planning and Building Control

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.