



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/1415

To Mark Smith Architectural Design
3 Dene Road
East Dene
Rotherham
S65 2SE

DESCRIPTION Variation of condition 2 (approved plans) of planning permission 2019/0637 to provide rooms within the roof void and addition of rooflights on plots 3 and 4 -
Erection of 4no dwellinghouses with associated parking

LOCATION Former Burton Grange Nursery, Abbey Lane, Lundwood, Barnsley, S71 5QD

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 05/11/2021 and described above.

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 following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 23/4/2023
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990 and the time scales of permission 2019/0637.
- 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:
 - 19012-010 Site Layout Plan
 - 19012-004 REV C Schematic Proposals Plots 1 and 2 amended plan rec'd 29/10/19 MS/AL/2021-01 Proposed dwellings Plots 3 & 4 by Mark Smith Architectural design amended plan received 09/11/21
 - Phase 2 Arboricultural Report by Wharnccliffe Trees and Woodland Consultancy, dated 9 December 2019.**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 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 and the setting of Monk Bretton Priory and Scheduled Ancient Monument in accordance with Local Plan Policy HE1.

4 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:

- 1 The programme and method of site investigation and recording.
 - 2 The requirement to seek preservation in situ of identified features of importance.
 - 3 The programme for post-investigation assessment.
 - 4 The provision to be made for analysis and reporting.
 - 5 The provision to be made for publication and dissemination of the results.
 - 6 The provision to be made for deposition of the archive created.
 7. Nomination of a competent person/persons or organisation to undertake the works.
 - 8 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: In the interests of archaeology in accordance with Local Plan Policy HE6.

5 No development shall take place until

(a) Full 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.

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways. are all approved in writing by the Local Planning Authority.

Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC4.

6. Upon commencement of development details of the proposed external materials for all plots shall have been submitted to and approved in writing by the Local Planning Authority. For plots 3 and 4 and the garages the following design specifications shall be adhered to:-

1. The facing stone shall be coarse grit sandstone, matching traditional walling in the vicinity and similar to that of the adjacent Monk Bretton Priory in terms of colour, general grain size, type of face dressing, and method of coursing.
2. The roof will be covered by good quality artificial riven slates laid in courses with matching ridges bed in mortar. Pointing shall be recessed 2-3mm to a gently concave joint (not strap pointed).

3. Gutters to be ogee section on brackets with circular rainwater pipes and downpipes all in black.
4. Windows, doors, and frames shall be decorated anthracite grey and mounted at least 75mm in the reveal. Rooflights to be genuine conservation style rooflights, vertically emphasised with black framing, a single vertical divider, and low in profile.

Reason: In the interests of the historic environment and in accordance with Local Plan Policy HE3 and HE4.

7. Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

9. On commencement of development, ecological mitigation and enhancement measures, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall include measures to provide a "hedgehog highway", bird and bat boxes, and shall thereafter be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1.

10. Prior to the occupation of the development hereby approved a written scheme shall be submitted to the Local Planning Authority detailing the design and construction of the crossing over the footpath/verge. The scheme will need to be approved in writing by the Local Planning Authority and shall thereafter be implemented in full prior to the occupation.

Reason: In the interests of new development and transport safety in accordance with Local Plan Policy T4.

11. 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.

12. Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.

Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

13. 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.
14. All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.
15. All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

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 The granting of planning permission does not affect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk
- 2 The owner/developer should be aware that there is a telegraph pole which appears to be located within the site at the corner with Abbey Lane and Lang Avenue and there may be a requirement to have this relocated, any costs of which will be the full responsibility of the owner/developer.
- 3 The owner / developer should be aware that the hedgerow running alongside the footpath will remain their responsibility and future maintenance arrangements should be made to prevent encroachment onto the path.
- 4 The footpath should remain safely open and unaffected for access throughout the duration of works. Appropriate steps should be taken to protect pedestrians using the right of way, including fencing alongside plot 2. If a temporary closure is required for any reason, the developer should contact publicrightsofway@barnsley.gov.uk to organise a formal closure of the route (at cost, minimum 4 weeks' notice required).
- 5 The development hereby approved includes the creation of/carrying out of alterations to vehicular access (es). You are advised that before undertaking work on the adopted highway you will require a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/> or please contact at email Streetworks@barnsley.gov.uk or call to 01226 773555.
- 6 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 emailHighwaysDC@barnsley.gov.uk or call to 01226 773555.
- 7 The Superfast South Yorkshire Team is available to offer advice and discuss connectivity solutions to new sites with developers and can be emailed athello@superfastsouthyorkshire.co.uk For more information please visit: <http://www.superfastsouthyorkshire.co.uk/sfsy/developments>

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 29/11/2022



Joe Jenkinson
Head of Planning, Policy 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.