BARNSLEY
Metropolitan Borough Council

Growth and Sustainability
Regeneration and Culture
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/1387

To Garry Greetham Associates
Westwood House
18 Carr Lane
Tankersley
Barnsley
S75 3BE

DESCRIPTION Residential development of 7no. dwellings and associated works
LOCATION Land at Roughbirchworth Lane, Oxspring, Sheffield

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 06/04/2021 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 amended plans and specifications as approved:

Redline Plan 0001 (Dated 04/05/2022)
Soft Landscape Proposals Ref: G3HO/0SZP/001 Rev E
Site Layout Ref 940-02 Rev D
External Works Ref: 1135-11 Rev J
Drainage Layout Ref: 1135-1 Rev D
Type A Planning Elvations Ref: 940-04
Type A Planning Layouts Ref:940-05
Type B Planning Elevations Ref: 940-08
Type B Planning Layout Ref: 940-09
Type C Elevations Ref 940-12
Type C Layout Ref: 940-13
Type D Elevations Ref: 940-16
Type D layout Ref 940-17
Arboricultural Report and Impact Assessment (Ref: AWA3548)
Flood Risk Assessment (ref:19346-FRA-001 Rev D)
Bat Transect Survey (Ref SF3339, July 2022)

unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3 Notwithstanding the approved plans, the residential use and gardens hereby approved shall not extend outside beyond the '8m from river edge' line as defined on the Site Layout Ref: 940-02 Rev D or beyond the redline '100Yr River Level'.
Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

4 An Invasive Non-Native Species Management Plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The plan shall detail measures to be implemented in order to minimise the spread of Himalayan balsam on site.
Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

5 Prior to the commencement of works on site a detailed Construction Environmental Management Plan (CEMP) undertaken by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should include the following;
- A Detailed lighting scheme including the location, orientation, angle and luminance of the lighting and a horizontal illuminance contour plan. No lighting will be directed onto the River Don and its associated woodland habitats, and dark corridors should be maintained along these features to ensure species such as bats and otter are not negatively impacted by the scheme. The lighting scheme should be produced in line with the following guidance: Bat Conservation Trust publications 'Artificial Lighting and Wildlife' (2014); Bats and Artificial Lighting in the UK' (2018) and Emma L Stone (2015).
- All riverside trees are to be retained and an 8 m buffer from the banks of the River Don will be maintained to prevent negative impacts to the river and associated riparian habitats. To ensure no encroachment within this area, the 8 m buffer area and the Root Protection Area (RPA) of the trees will be marked off using appropriate tree protection fencing with signage attached to prevent encroachment.
- A detailed scheme to prevent pollution of the River Don and adjacent habitats during site clearance and construction.
- Precautionary measures will be applied within the nesting bird season which runs from March – August inclusive. Impacts to nesting habitat will be avoided during this period. However, where this is not possible, a pre-works nesting bird survey should be completed. Any nesting birds identified would be cordoned off with a suitable buffer zone applied. Vegetation removal should re-commence once a suitably qualified ecologist has deemed the area to be free of nesting birds.
- Precautionary measures should be adopted on site to avoid harm and disturbance to otter and water vole that may be present along the River Don during construction works and once the site is operational.
- A detailed scheme to include the provision of bat roosting and bird nesting habitat in each dwelling should be provided. Integrated bat and swift nesting bricks should be installed within each of the properties on site.
Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

6 Prior to commencement of development Biodiversity Enhancement Management Plan (BEMP) detailing the long-term management of the ecological mitigation in the approved Biodiversity Net Gain Assessment (Ref: SF3339 Dated June 2022) and the accompanying Biodiversity Metric 3.0 and Landscape Masterplan (ref: G3HO/0XSO/001 Rev E) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and managed in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

7 Upon commencement of development details of the proposed external materials 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.
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.

8 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making

9 Upon commencement of construction works, details of electric vehicle charge points shall be submitted and approved in writing by the LPA. The EVCPs will have a minimum “Mode 3” (7 kW, 32 AMP) capability and shall be installed in accordance with the approved details prior to first occupation of the development and thereafter in accordance with the approved details.
Reason: To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 – New Development and Sustainable Travel.

10 Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance Local Planning Policy GD1.

11 Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance Local Planning Policy GD1.

12 Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance Local Planning Policy GD1.

13 Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance Local Planning Policy GD1 and T4.

14 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
Reason: In the interest of satisfactory and sustainable drainage and to accord with Local Plan Policy CC4.

15 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

16 The development shall be carried out in accordance with the submitted flood risk assessment from Topping Engineers Doc (ref19346-FRA-001, Revision D dated 12 March 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 176.650metres above Ordnance Datum (AOD) as stated in Section 3 Headed Flood Risk Mitigation, sub section 3.1.2 Finished Floor Levels.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
Reasons; To reduce the risk of flooding to the proposed development and future occupants in accordance with Local Plan Policy CC3.

17 Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 1.00m above the level of the adjacent highway carriageway.
Reason: In the interests of highway safety in accordance with Local Plan Policy T4.

18 Prior to the first occupation of the development hereby permitted, the proposed accesses, driveways, on-site car parking and turning shall be laid out in accordance with the approved plan. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with Local Plan Policy T4.

19 No dwelling 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 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.

20 The gradient of the vehicular accesses shall not exceed 1 in 12 for the first 5m into the site as measured from edge of the adjacent carriageway.
Reason: In interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.

21 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:

- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

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 in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022.

3 The boundary treatment required by condition shall include:
fencing on site sympathetic to allow the passage of small mammals, particularly hedgehog through the site. Gaps should be cut in boundary fencing to allow this, hedgehog signage should also be attached to the fences to inform residents of their purpose and prevent the blocking the gaps. Habitat piles should be created within areas of woodland that are to be retained to provide additional refuge habitat for hedgehog.
A 6 foot high fence with a foot high inverted panel will be located in the fenceline of the properties that backs on to the River Don and landscaped habitats to the north. The purpose of this is to prevent the tipping of garden waste into the adjacent greenspace.

4 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.

5 You are advised that as a result of the proposed layout and construction of the internal access street, it will not be accepted for adoption by the LHA under S38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 of the Highways Act 1980 (the Advanced Payments Code) unless you agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary. Contact Highways Development.

6 Flood resistance and resilience We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following document may also be useful:

Ministry of Housing, Communities and Local Government: Preparing for floods

http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf

Ministry of Housing, Communities and Local Government: Improving the flood performance of new buildings:

https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

7 The applicant has stated that in addition to the flood resilient techniques mentioned within the FRA a safe place of refuge should be provided for the building, the site is situated within an Environment Agency Flood Alert Area. The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding –time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit

https://www.gov.uk/prepare-for-flooding

To get help during a flood, visit

https://www.gov.uk/help-during-flood

For advice on what do after a flood visit

https://www.gov.uk/after-flood

8 Please note that the Council's Environmental Health Service have a legal duty to investigate any complaints about noise, smoke or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the planning conditions and to the steps that may be required to prevent a noise nuisance from being created.

9 A Biodiversity Enhancement Management Plan (BEMP) which would include the following:
- a plan of the areas to be maintained, enhanced and/or created;
- a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
- a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved. Monitoring would be required within years 2, 5, 10, 20 and 30; and
- schedule of actions to be undertaken in case signs of failing are identified.
- the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.

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 26/08/2022



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 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.