



**APPROVAL OF RESERVED MATTERS**

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2022/0663**

**To** Niemen Architects  
Deck 2  
The Waterscape  
42 Leeds and Bradford Road  
Leeds  
LS5 3EG

**Proposal:** Demolition of former care home, existing farm house and farm buildings and residential development of 72no dwellings and associated works (Reserved matters of outline planning permission 2019/0991 seeking approval of the details of layout, scale, appearance and landscaping)

**At:** The Belmont Centre, Cross Street, Monk Bretton, Barnsley, S71 2DY

**Approval is hereby given** for the proposals which were the subject of the Application and Plans registered by the Council on 16/08/2022 and described above, being matters reserved in the permission granted on 2019/0991 under Application 6<sup>th</sup> April 2021.

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 this approval.  
**Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990 and condition 1 of application 2019/0991.**
  
- 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.
  - 0026-001-NIE-SI-ZZ-DR-A-005-P32
  - PL\_100-P2 'House Type A'
  - PL\_101-P1 'House Type A2'
  - PL\_104-P1 'House Type D'
  - PL\_105-P1 'House Type E'
  - PL\_107-P1 'House Type G'
  - PL\_109-P1 'House Type I'
  - PL\_112-P1 'Apartments A/B'
  - PL\_116-P1 'House Type G Variant'
  - PL\_119-P1 'House Type D(AS)-Semi
  - PL\_122-P3 'House Type M'
  - PL\_123-P3 'House Type N'
  - PL\_124-P1 'Double Garage'

- MKB-NIE-SI-ZZ-DR-A-90\_107-P8 'Street Elevations'
- MKB-NIE-SI-ZZ-DR-A-90\_108-P6 'Street elevations'
- MKB-NIE-SI-ZZ-DR-A-90\_109-P1 'Site Section Key'

**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 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.  
**Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D1, High Quality Design and Place Making.**
- 4 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Garden House Lane and Back Lane in accordance with details of a completion plan to be submitted and approved in writing by the LPA. Thereafter the development shall be constructed in accordance with the approved details and specifications.  
**Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.**
- 5 Notwithstanding the details indicated on the submitted drawings the development hereby approved shall not be occupied until a detailed scheme for the off-site highway works as indicated on drawing 0026-001-NIE-SI-ZZ-DR-A-005 P32 Proposed Site Layout has been submitted to and approved in writing by the LPA. The works shall be installed in accordance with the approved details prior to first occupation of the development.  
**Reason: To ensure that the highway works are designed to an appropriate standard in the interest of highway safety.**
- 6 Prior to the first occupation of the development a scheme for the parking of bicycles shall be submitted to and approved in writing by the LPA. The scheme shall be fully implemented in accordance with an agreed timetable and thereafter retained for this purpose.  
**Reason: In interests of encouraging use of sustainable modes of transport.**
- 7 Prior to the first occupation of the development hereby permitted 2 x vehicular accesses and pedestrian/cyclist accesses shall be provided and thereafter retained in at the position shown on Drawing 0026-001-NIE-SI-ZZ-DR-A-005 P32 Proposed Site and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.  
**Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway and in the interests of highway safety.**
- 8 Prior to the first occupation of the development, details of bin collection points shall be submitted to and approved in writing by the LPA. The works shall be installed in accordance with the approved details and timetable and thereafter retained as such.  
**Reason: To ensure that highways are not obstructed and in interests of highway safety.**

- 9 Development shall not commence until details of retaining structures 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 New Development and Transport Safety.**
- 10 Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 43m shall be provided as measured to back from the centre line of the access or give way point and extending 43m along the nearside carriageway edge to each side of the access and such splays with no obstruction exceeding a height of 1.05m above the level of the adjacent carriageway  
**Reason: In interests of highway safety.**
- 11 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 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.**
- 12 No building hereby permitted shall be occupied until a visitor car park management plan setting out how the visitor car parking will be managed, secured and retained has been prepared, submitted to and approved in writing by the LPA. The measures shall thereafter be implemented in accordance with the approved visitor car park management plan for the lifetime of the development.  
**Reason: To prevent obstruction on the highway and in the interests of highway safety.**
- 13 No building hereby permitted shall be occupied until a management plan setting out how trees will be managed, secured and retained has been prepared, submitted to and approved in writing by the LPA. The measures shall thereafter be implemented in accordance with the approved visitor car park management plan for the lifetime of the development.  
**Reason: To ensure the future maintenance and retention of trees.**
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any Order revoking and / or re-enacting that Order), the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the LPA.  
**Reason: To retain the garage / car spaces for parking purposes.**

15 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.**

16 No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Thereafter the development shall be carried out in accordance with the approved details.

**Reason: In the interest of public health and maintaining the public sewer network.**

## 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 A public right of way runs alongside the proposed development site. Safe public access on the right of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the path and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time then a temporary closure must be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information contact [publicrightsofway@barnsley.gov.uk](mailto:publicrightsofway@barnsley.gov.uk)
- 2 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](mailto:HighwaysDC@barnsley.gov.uk) or call to 01226 773555
- 3 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](mailto: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 this condition.
- 4 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](mailto:Streetlightingdesign@barnsley.gov.uk) as soon as possible.
- 5 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](mailto:HighwaysDC@barnsley.gov.uk) for further information prior to commencement.

- 6 Road Licences - 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 requiring you to have a licence. No such works shall be undertaken on the public highway without the requisite licences and permissions in place. Further details are available on the BMBC website at: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/> or by contacting [Streetworks@barnsley.gov.uk](mailto:Streetworks@barnsley.gov.uk)
- 7 The development hereby approved is subject to Independent Road Safety Audits to be carried out in accordance with the requirements of the Local Highway Authority and Design Manual for Roads & Bridges GG119 Road Safety Audits. All relevant technical information is to be made available to the Road Safety Audit team.
- 8 The Yorkshire Common Permit Scheme applies to all streets in Barnsley and is designed to minimise any delay, disruption and inconvenience to road users caused by roadworks. Anyone carrying out works in a street must apply for a permit. Agreement under the Yorkshire Common Permit Scheme's provisions must be granted before any works can take place. There is a fee involved for the coordination, noticing and agreement of the works. Details relating to the scheme, fees and payment methods are available via [www.barnsley.gov.uk/services/roads-travel-and-parking/roadworks-and-road-maintenance/yorkshire-common-permit-scheme](http://www.barnsley.gov.uk/services/roads-travel-and-parking/roadworks-and-road-maintenance/yorkshire-common-permit-scheme)
- 9 The contractor shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the public highway is an offence under provisions of the Highways Act 1980.
- 10 Any highways structures will require technical approval in accordance with the approval procedure based on DMRB CG300 - Technical Approval of Highways Structures. The developer will be responsible for preparing and submitting the relevant documentation, with the technical approving authority being the Highway Authority. The approval procedure is to be followed for the construction or alteration of any highway structure whether to be adopted or not.

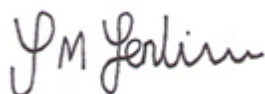
Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- 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 19/04/2023

A handwritten signature in black ink, appearing to read 'JM Jenkinson', written in a cursive style.

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.