



**APPROVAL OF RESERVED MATTERS**

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2021/0939**

**To** Quod  
Capitol House  
First Floor East  
Russell Street  
Leeds  
LS1 5SP

**Proposal:** Reserved matters application for 21 dwellings in connection with outline planning permission 2017/0088 with matters of appearance, layout, scale and landscaping under consideration

**At:** Land south of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ

**Approval is hereby given** for the proposals which were the subject of the Application and Plans registered by the Council on 02/08/2021 and described above, being matters reserved in the permission granted on 13/07/2018 under Application 2017/0088.

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 carried out strictly in accordance with the plans and specifications as approved  
S100 Rev B Proposed Site Plan 21 Units  
P001 Location Plan 21 Units  
TS-A2.04 Ground Floor Plan  
TS-A2.05 First Floor Plan  
TS-A2.06 Elevations  
TS-A3.01 Ground Floor Plan  
TS-A3.02 First Floor Plan  
TS-A3.03 Elevations  
TS-N306.01 Lower Ground Floor  
TS-N306.02 Ground Floor Plan  
TS-N306.03 First Floor Plan  
TS-N306.04 Elevations  
TS-N306.05 Lower Ground Floor  
TS-N306.06 Ground Floor  
TS-N306.07 First Floor Plan

TS-N306.08 Elevations  
TS-N403A.01 Ground Floor Plan  
TS-N403A.02 First Floor Plan  
TS-N403A.03 Elevations  
TS-N404.01 Ground Floor Plan  
TS-N404.02 First Floor Plan  
TS-N404.03 Elevations  
TS-N407.01 Ground Floor Plan  
TS-N407.02 First Floor Plan  
TS-N407.03 Elevations  
TS-N407.04 Ground Floor Plan  
TS-N407.05 First Floor Plan  
TS-N407.06 Elevations  
TS-N411.01 Ground Floor Plan  
TS-N411.02 First Floor Plan  
TS-N411.03 Elevations  
TS-N411.04 Ground Floor Plan  
TS-N411.05 First Floor Plan  
TS-N411.06 Elevations  
TS-502-01 Elevations  
TS-502-02 Ground Floor  
TS-502-03 First Floor  
43733/003 External Works  
TS-G.01 Garages

unless required by any other conditions in this permission.

**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.**

- 2 Prior to commencement of development, full details of the proposed landscaping as shown on Planning Layout S100 Rev B, including ecological enhancements suggested in sections 39-42 of the Preliminary Ecological Appraisal Brooks Ecological, October 2016, 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 visual amenity and biodiversity to accord with Local Plan Policies D1 and BIO1.**

- 3 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.

**Reason: In order to ensure compliance with Local Plan Policy I1.**

- 4 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.**

- 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 plots 2-14 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 character and appearance of the conservation area and residential amenity in accordance with Local Plan Policies D1 and HE3 and Neighbourhood Plan Policy BE2.**

- 6 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.**

- 7 Upon commencement of construction works, details of electric vehicle 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.**

- 8 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 with Local Plan Policy POLL1.**

- 9 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 with Local Plan Policy POLL1.**

- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 11 No development shall commence until full construction, engineering, drainage and street lighting details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter be constructed in accordance with the approved details.  
**Reason: In the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.**
- 12 Prior to the first occupation of each plot of the development hereby permitted, all pedestrian and cycle access and egress links, bicycle and motorised vehicle parking areas and space for all vehicles to turn and re-enter the highway in a forward gear, shall be constructed in full in accordance with the approved plans and in accordance with cycle parking standards set out in adopted SPD Sustainable travel in accordance with cycle parking standards Section 8 and table 2 contained therein.  
All such areas shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the LPA and retained thereafter available for that specific use  
**Reason: In interests of satisfactory development and highway safety in accordance with Local Plan Policy T4 new development and Transport Safety.**
- 13 Pedestrian inter-visibility splays, having dimensions 2m x 2m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 900mm above the nearside channel level of the adjacent highway.  
**Reason: In the interest of highway safety, in accordance with Local Plan policy T4.**
- 14 The rooflights hereby approved in the rear of plots 2-4 shall be conservation style rooflights, details to be submitted to and agreed in writing by the planning authority prior to installation.  
**Reason: To safeguard the character and appearance of the conservation area in accordance with Local Plan Policy HE3 and Neighbourhood Plan Policy BE2.**

## 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 applicant is reminded that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability. The question of instability has been a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied; in particular, the granting of planning permission does not give a warranty of support or stability.
- 2 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.

- 3 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 should 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).
- 4 Planning permission does not infer any other consent is given and it is the responsibility of the applicant to ensure that all other permissions are in place before development commences. The developer must contact Highways, Engineering & Transportation on 01226 773555 prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of vehicular accesses to the highway.
- 5 S38 Streets to be Adopted - 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. 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 conditions within this consent. Road Safety Audit - appropriate RSA's are required in accordance with DMRB GG119 as part of the S38 adoption process. All relevant technical information shall be made available to the safety audit team.

- 6 The development hereby approved may include 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.
  - 7 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.
  - 8 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 requires you to have a licence. 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)
- Public Right of Way - The development abuts / incorporates a Public Right of Way, Footpath /Bridleway / BOAT. You are advised that before undertaking any work you must contact the PROW team to discuss requirements, including the need for any Temporary Traffic Regulation Order to close or divert the PROW for the duration or part of the works on grounds of public safety. For more information, please call on 01226 773555
- 9 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.
  - 10 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.

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 22/12/2021



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.