



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2023/1033

To JRB Designs Ltd.
1 Saville Street
Cudworth
Barnsley
S72 8LT

DESCRIPTION Variation of condition 2 of application 2020/1473 (Erection of 5no. dwellings) to allow for changes in house design of plots 1 and 5

LOCATION Land to the rear of Lesmond Crescent, Middlecliffe, Barnsley, S72 0EZ

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 29/11/2023 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 02 December 2025.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990 and the associated application 2021/0930.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 001, 002, 003, 004) and specifications as approved 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.
- 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 D, High Quality Design and Place Making.

- 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 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.
- 6 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.
- 7 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.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: To prevent damage to the existing culverted watercourse in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 9 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.
Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with Local Plan Policies CC3 and CC4.
- 10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interest of satisfactory and sustainable drainage, in accordance with Local Plan Policies CC3 and CC4.

- 11 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.
- 12 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 Pol1.
- 13 No building or use hereby permitted shall be occupied (or use commenced) until pedestrian visibility splays of 2m x 2m to the back edge of the footway/verge/shared accessway shall be provided at the proposed accesses (or drives). Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.6m to the rear of the footway/verge/shared accessway which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the accessway, in the interests of safety. In accordance with Local Plan Policy T4.
- 14 Prior to the first occupation of the development hereby permitted, the proposed access, driveways, on-site car parking and turning areas 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.
- 15 No building or use hereby permitted shall be occupied (or use commenced) 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 (or building) 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.

- 16 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, in accordance with Local Plan Policies D1 and BIO1.**
- 17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, 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. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
- Reason: In the interests of the visual amenity of the locality and to ensure habitat mitigation is maximised, in accordance with Local Plan Policies D1 and BIO1.**
- 18 Prior to commencement of development Biodiversity Enhancement Management Plan (BEMP) detailing the long-term management of the ecological mitigation in the approved Preliminary Ecology Appraisal (Ref:210906/Rev 1), Ecological Impact Assessment (210906/Rev1), Hedgerow Advice Note (Ref: 16785b/DK) and the accompanying Biodiversity Metric 3.0, along with the Landscape Masterplan, secured by condition, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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.**
- 19 No development (including construction, land raising and demolition if required) shall be carried out until a Construction Environment Management Plan (CEMP), detailing protection measures in accordance with the approved ECIA, is first submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the agreed details.
- Reason: To ensure measures are in place to protect species or habitats in accordance with Local Plan Policy BIO1 and the accompanying Biodiversity and Geodiversity SPD.**

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 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

- 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 If any unrecorded routes have been used unchallenged by the public for 20+ years, or for a lesser period under common law, those routes may have acquired public access rights. Members of the public may apply to have such rights formally recorded and if an application is made, the Council has a legal duty to research the claimed rights and reach a decision based exclusively on the available evidence about the status of the claimed routes. If such an application is made and accepted, the route would have to be accommodated within any development proposals. If the applicant has questions about any unrecorded routes, they should contact publicrightsofway@barnsley.gov.uk to discuss.

- 4 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.

- 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 the Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.

- 6 It is an offence under the Highways Act 1980 for anyone to deposit anything on the highway which may cause a nuisance or possible danger to road users. The contractor shall ensure that no vehicle leaving the development hereby permitted enters the public highway unless its wheels and chassis are clean.
- 7 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.
- 8 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.

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: 23 January 2024



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

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.