



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/1546

To NPS Barnsley Ltd
Level 5
Gateway Plaza
Sackville Street
Barnsley
S70 2RD

DESCRIPTION Residential development of 35 no. dwellings and associated works

LOCATION Land off St Michaels Avenue, Monk Bretton, Barnsley

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 19/12/2019 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 plans and specifications as approved unless required by any other conditions in this permission.

The list of approved plans are;

NPS_XX_DR_A_067-P02 '2 Bed 3 Person Bungalow Elevations'
NPS-XX-ZZ-DR-A-047-P05 'Proposed 2 Bed 3 Person Bungalow Plans'
NPS_ZZ_DR_A_061-P05 '2Bed3P House Elevations'
NPS_XX_ZZ_DR_A_041 - P05 'Proposed 2 Bed House Type Plans'
NPS_ZZ_DR_A_063 - P02 '2Bed4P Bungalow Elevations'
NPS_ZZ_DR_A_072-P01 '2Bed4P Bungalow Elevations - Stone Option'
NPS-XX-ZZ-DR-A-043-P06 'Proposed 2 Bed 4 Person Bungalow Plans'
NPS_XX_DR_A_068-P02 '2 Bed House Mews Elevations'
NPS_XX_DR_A_074-P01 '2 Bed House Mews Elevations - Stone Option'
NPS_XX_ZZ_DR_A_048- P06 'Proposed 2 Bed House Type Plans (with Mews)'
NPS_XX_DR_A_060 - P04 '3Bed House Elevations'
NPS_XX_ZZ_DR_A_040-P08 'Proposed 3 Bed House Type Plan'
NPS_XX_DR_A_071-P01 '3Bed House Elevations - Stone Option'
NPS_XX_DR_A_070-P02 '3 Bed House Mews Elevations'
NPS_XX_DR_A_076-P01 '3 Bed House Mews Elevations - Stone Options'
NPS_XX_ZZ_DR_A_050-P04 'Proposed 3 Bed/2Bed House Type Plans (With Mews)'
NPS_XX_DR_A_064-P04 '4 Bed House'
NPS_XX_DR_A_073-P01 '4 Bed Elevations - Stone Option'
NPS-XX-ZZ-DR-A-044-P02 'Proposed 4 Bed 6 Person House Type Plans'
NPS_XX_DR_A_065-P04 'Apartments Elevations'
NPS-XX-00-DR-A-045-P08 'Apartment Block Ground Floor'
NPS-XX-01-DR-A-046-P06 'Apartment Block First Floor Plan'
NPS-DR-A-(00)-012-P20 'Proposed Site Plan'
NPS-DR-A-(00)-015-P5 'Highways Site Plan'
NPS-DR-A-(00)-016-P4 'Boundary Treatment Location Plan'
NPS-DR-A-(00)-017-P5 'Boundary Treatment Details'
NPS-DR-A-(00)-018-P1 'Street Scene Elevations'
NPS-DR-A-(00)-019-P2 'Vehicle Tracking'
NPS-DR-A-(00)-020-P4 'Acoustic Fence Plan'
NPS_XX_DR_A_069-P02 '2Bed4Person Bungalow Mews Elevations'
NPS_XX_DR_A_075-P01 '2Bed4Person Bungalow Mews Elevations -Stone Option'
NPS-XX-ZZ-DR-A-049 - P05 'Proposed 2 Bed Bungalow with Mews Plan'
12822-LD-01B 'Planting Plan & Plant Schedule'
12822-LD-02B 'Outline Specification and Maintenance'

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 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.
- 6 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.
- 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 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.

- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.

- 10 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.

- 11 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.

- 12 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

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

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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.

Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

- 13 The development shall be carried out in strict accordance with the details shown on the submitted report, Flood Risk Assessment prepared by JNP Group (Report dated December 2019) and the submitted drawing, S10774 JNP XX XX DR C 2001 (revision P02) dated 05/12/2019 that has been prepared by JNP Group, unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interest of satisfactory and sustainable drainage.

- 14 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).
 5. A Validation Report to confirm remediation works have been undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy Poll1.

- 15 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:

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

The development is to then be carried out in accordance with the approved details.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

- 16 The development shall be carried out in accordance with the mitigation measures set out in the Preliminary Ecological Appraisal (Ref: 12352-V2) by Ecus Environmental Consultants dated February 2019. The mitigation measures shall be completed prior to the occupation of the development and retained as such thereafter.

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

- 17 The development shall be carried out in accordance with the mitigation measures set out in paragraph 4.5 and plan 2814/SK1 Supplementary Environmental Noise Impact Assessment Acoustic consultancy report (adt 2814/enia2-Rev D) by ADT Ltd dated 17 August 2020. The mitigation measures include 2400mm high solid timber acoustic fencing along the length of the north-west boundary, and at 2000mm height along the northwest boundary of the neighbouring site as shown on the architectural drawing NPS-DRA-A-(00)-020, revision P4. The mitigation measures shall be completed prior to the occupation of the development and retained as such thereafter.
Reason: In the interests of the residential amenity levels of the future occupants of the development, in accordance with Local Plan Policies Poll1 and GD1.
- 18 Prior to the construction of any of the dwellings approved by this permission above ground level, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use in accordance with the approved details.
Reason: In interests of promoting sustainable travel opportunities in accordance with Policy T3 New Development and Sustainable Travel and Policy I1 Infrastructure and Planning Obligations of the Local Plan.
- 19 No development shall be commenced until full engineering, drainage and street lighting and constructional 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: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety.
- 20 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 St Michaels Avenue in accordance with details of a completion plan to be submitted and approved in writing by the LPA.
Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.
- 21 No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:
- A plan to a scale of 1:1250 showing the location of all defects identified
 - A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety.

22 No works shall commence on site until a scheme for the parking of bicycles has been submitted to and approved in writing by the LPA. The scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: In interests of encouraging use of sustainable modes of transport.

23 No development shall commence until details have been submitted to and approved in writing by the LPA which set out the arrangements for the provision of school places arising from the development in accordance with the requirements set out in the Council's Financial Contribution to Schools Supplementary Planning Document. Thereafter the provision of the school place provisions shall be provided in accordance with the approved details and timescales.

Reason: To ensure children can be accommodated in local primary and secondary schools in accordance with Local Plan Policy I1.

24 No development shall commence until a scheme has been submitted to and approved in writing by the LPA which sets out the arrangements for ensuring the provision of sustainable travel measures towards improving levels of accessibility to sustainable modes of travel arising from the development which is in accordance with the terms contained within the Council's Sustainable Travel Supplementary Planning Document. Thereafter the approved provisions shall be provided in full in accordance with the approved details and timescales.

Reason: In accordance with Local Plan Policies T3 New Development and Sustainable Travel and I1 Infrastructure and Planning Obligations.

25 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with Local Plan Policy H7 'Affordable housing' and SPD 'Affordable Housing'.

- 26 The development hereby permitted shall not begin until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which secure the provision of, or enhancement to, off-site public open space in accordance with Local Plan Policies GS1 & I1 and the Open Space Provision on New Housing Developments SPD. Thereafter the provision or enhancement of the off-site open space shall be provided in accordance with the approved details and timescales.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Local Plan Policy GS1 'Green Space' and the Open Space Provision on New Housing Developments SPD.

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.

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| 1 | <p>The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.</p> <p>It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water.</p> <p>Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> |
| 2 | <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> |

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| 3 | <p>The granting of planning permission does not effect 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</p> |
| 4 | <p>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.</p> <p>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.</p> |
| 5 | <p>Definition: What is full-fibre? Full-fibre networks use fibre optic cables to connect the exchange directly to each premises. Full-fibre connections are capable of delivering speeds greater than 1 gigabit per second (Gbps; 1 Gbps is equal to 1000 Mbps). Full-fibre networks are more reliable than copper-based networks and cheaper to maintain and operate. Full-fibre networks are also important for supporting high capacity mobile broadband networks, particularly future 5G networks. Full-fibre networks, also referred to as fibre-to-the-premises (FTTP) or fibre-to-the-home (FTTH), consist of fibre optic cables running from the local exchange directly to each premises. Fibre optic cables transmit data using light and can carry more data with faster speeds and significantly less signal loss with distance compared to copper cables.</p> |
| 6 | <p>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.</p> |
| 7 | <p>Roads other than agreed shared private drives shall be constructed to an adoptable standard and offered for adoption on completion under (the provisions) Section 38 of The Highways Act (1980). Engineering and surface water drainage details shall be submitted for inspection and approval in writing by the (Local Planning Authority) Highways Authority before works commence on site. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk as soon as possible to arrange the setting up of the agreement.</p> |
| 8 | <p>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.</p> |
| 9 | <p>Street lighting design and installation is generally 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. Streetlighting@barnsley.gov.uk as soon as possible.</p> |

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| 10 | Whilst no information is given at this stage about the method of disposal of highway drainage, I am mindful of restrictions on surface water disposal and the emphasis on the use of sustainable solutions. The use of a soakaway system has to be located outside the carriageway and at least 5m from any building which may affect the layout shown. It should be noted that a commuted sum to be used towards the future maintenance costs of each highway drain soakaway, shall be agreed with and paid to the Council, prior to the issue of the Part 2 Certificate. |
| 11 | It should be noted that no pipes, culverts, water attenuation tanks or similar, greater than 900mm, can be placed beneath the area to be defined as public highway. All drainage installed under the Highway is to be adopted by the sewerage undertaker, or if highway drainage, the Highway Authority. |
| 12 | 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 for further information prior to commencement. |

Please be aware that the Council monitors construction sites and open land within the vicinity 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 the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated 03/12/2020



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.