



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/0338

To Mr Lee Foxon
Duchy Homes Ltd
3125 Century Way
Thorpe Park
Leeds
LS15 82B

DESCRIPTION Variation of condition 2 (approved plans) of planning permission 2021/0142 to change the external facing materials plan - Residential development of 42no. dwellings and associated works including provision of on-site open space

LOCATION Land south of Mill Rise, Mount Vernon, Worsbrough, Barnsley, S70 4FG

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 08/04/2022 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 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 development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved:
 - 2040.01 REV V 2021 - Planning Layout received 24/05/21
 - 2040.02 Location Plan
 - 2040.03 REV AA - Boundary and Finishes Plan
 - 2040.09 - POS Area Plan
 - Mount Vernon Housetype Portfolio - Issue 05 - rec'd 09/04/21
 - R-2416-1 REV H - Landscape Masterplan rec'd 25/05/21
 - R-2416-2D Landscape Details 1 of 2 rec 25/05/21
 - R-2416-3C Landscape Details inc LAP 2 of 2 rec 25/05/21
 - 45521_118D - External Works - Sheet 1 received 24/05/21
 - 45521_119D - External Works - Sheet 2 received 24/05/21
 - 45521_100 REV C Engineering Layout received 24/04/21
 - 45521_103C S38 layout received 24/05/21
 - 45521_107C surfaces and kerbing layout rec 24/05/21
 - 45521_002 REV B Drainage Appraisal
 - SL20-51 Street Lighting Plan
 - SI-5129-01 - Climbed Endoscope Tree Inspection

- P-5129-01 - Ecological Report
- Arboricultural Impact Assessment and Tree Survey AR-5129-02.01 by Brooks Ecological received 24/05/21
- Bird and Bat Box Plan by Brooks Ecological
- GeoEnvironmental Appraisal by Lithos
- Transport Statement by SCP
- Existing Housing Stock Dormer Analysis
- Construction Management Plan dated 21/10/20
- Heritage Statement by MB Heritage
- DH-SD-701 rev B Entrance Feature received 24/05/21

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 Archaeological investigation, recording and assessment shall be undertaken in accordance with the approved Written Scheme of Investigation by Archaeological Services, Durham. The development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.
Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated, in accordance with Local Plan Policy HE6.

- 3 On completion of the development, a second highway condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development by comparing with the approved first Mt Vernon Road Dilapidation Survey. The second survey 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 and in accordance with Local Plan Policy T4.

- 4 On commencement of construction tree protection shall be installed in accordance with approved document Arboricultural Impact Assessment by Brooks Ecological Ref AR-5129-02.01 Revised May 2021. The approved tree protection shall remain in place throughout the construction period
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

- 5 The development shall be constructed in accordance with the approved details for full construction, engineering, drainage and street lighting details of the streets proposed for highway adoption as set out on the following plans:
- 45521/101/C -Long-sections Sht 1
 - 45521/102/E -Long-sections Sht 2
 - 45521/103/G - S38 Layout
 - 45521/104/C -S38 Highway Construction Details Sht 1
 - 45521/105/D -S38 Highway Construction Details Sht 2
 - 45521/106/C -Road Contours Layout
 - 45521/107/G -Surfaces and Kerbing Layout
 - 45521/109/G -S104 Layout
 - 45521/110/B -S104 Construction Details
 - 45521/113/F -Manhole Schedules
 - Duchy Homes Attenuation Tank Details Rev A
 - SL20-51-A -S38 Street Lighting Design
- Reason: In the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.**
- 6 No part of the development shall be occupied or brought into use until the approved drainage scheme on the following plans has been fully implemented:
- 45521/101/C -Long-sections Sht 1
 - 45521/102/E -Long-sections Sht 2
 - 45521/109/G -S104 Layout
 - 45521/110/B -S104 Construction Details
 - 45521/113/F -Manhole Schedules
 - 45521/115/C -Plot Drainage Layout Sht 1
 - 45521/116/D -Plot Drainage Layout Sht 2
 - 45521/125/B -Demarcation Chamber Schedule
 - 45521/130/B -MHS102 Hydrobrake Details
 - Duchy Homes Attenuation Tank Details Rev A
 - Worsborough -S104 Technical Approval Notice
- The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection**
- 7 Development shall take place on the site in accordance with Construction and Environmental Management Plan REV C dated 21/10/21.
- The approved statement shall be adhered to throughout the construction period.**
- Reason: In the interests of highway safety.**
- 8 Bicycle Parking shall be provided on site in accordance with approved document Drawing 2040.01 REV AA Proposed Layout with cycle parking and 2040.CS Cycle Store. The approved 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.**
- 9 Finished floor levels of all buildings and structures; road levels; existing and finished ground levels shall be constructed in accordance with approved plan 45521/118/E-External Works Sht 1, 45521/119/D-External Works Sht 2.
- 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**

- 10 Prior to occupation of the dwellings hereby permitted, Gigabit-capable full fibre broadband shall be provided in accordance with Drawing number FN0022448-1_1 of 1 Appendix Plan of Ducting.
Reason: In order to ensure compliance with Local Plan Policy I1 and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.
- 11 Prior to the first occupation of the development, one EVCP's shall be installed at each dwelling to a minimum specification of "mode 3", minimum 7 kW (32 AMP) and retained thereafter available for that specific use.
Reason: In interests of promoting sustainable travel opportunities in accordance with Policy I1 of the Local Plan. and in accordance with Local Plan Policy T3 New Development and Sustainable Travel.
- 12 Prior to the occupation of any dwelling hereby approved the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway (Mount Vernon Road) in accordance with details submitted to and subsequently approved in writing by the LPA.
Reason: To ensure satisfactory development of the site and in the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.
- 13 Prior to the first occupation of the development hereby permitted a visibility splay having dimensions of 2.4m x 43m shall be provided at the junction with Mount Vernon Road. The splay shall thereafter be maintained at all times free from any obstruction exceeding 900mm above the level of the adjacent highway carriageway.
Reason: To ensure satisfactory development of the site and in the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.
- 14 Prior to the completion of the development the approved scheme of ecological mitigation, enhancement and maintenance as set out in the Bird and Bat Box Plan shall be implemented in full. Thereafter the development shall be carried out in accordance with the approved measures.
Reason: In the interests of biodiversity and in accordance with Local Plan Policy POLL1.
- 15 Construction and deliveries shall only take place between Monday to Friday 0800-1800 and Saturday 0900-1300. There shall be no work or deliveries on Sundays or Bank Holidays.
Reason: For the protection of the residential amenity of existing residents in accordance with Local Plan Policy Poll 1.
- 16 All in curtilage planting, seeding, turfing or landscape mitigation measures comprised in the approved details of landscaping shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.

- 17 All out of curtilage planting, seeding, turfing or ecological mitigation measures comprised in the approved details of landscaping shall be carried out in full in accordance with the timetable shown on approved plan DH-WORS-POS-001.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.
- 18 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.
- 19 The gradient of the vehicular access shall not exceed 1 in 12 as measured from edge of the adjacent carriageway.
Reason: In interests of the safety of persons using the access and users of the highway.
- 20 Pedestrian visibility splays having dimensions of 2m x 2m shall be safeguarded at the drive entrance/exit. 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 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: In the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.
- 21 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.
- 22 All redundant vehicular accesses shall be reinstated as kerb (and footway) prior to the development being brought into use.
Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

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 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.

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).

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.

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>

- 2 The granting of planning permission does not affect 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
- 3 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.

- 4 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.
- 5 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.
- 6 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.
- 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 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.
- 9 In accordance with the adopted Sustainable Travel SPD, there is a requirement for the applicant to provide a contribution towards sustainable transport and active travel measures. Contributions will be sought on developments of 10 dwellings or more. The following formula will be used to determine the level of contribution:
Number of residential units x person trip rate x £figure to be determined x reduction factor
For residential schemes the proposed scheme cost is £101.26 per trip. It is proposed to round this figure to £100 per trip (Scheme costs divided by total number of trips. (14,824,908 / 146410 = 101.26))
The £100 per trip figure will then be applied to individual residential schemes of 10 dwellings or over.
Where applicable this will be reduced, depending on location.

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 28/06/2022

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

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.