



**BARNSELEY**  
Metropolitan Borough Council

## APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0786

To ID Planning  
Atlas House  
31 King Street  
Leeds  
LS1 2HL

**Proposal** Amended layout and substitution of plots 1-84, 93-111, 116-120, 225-244 (122 units in total) on extant residential development B/04/0769/BA and B/05/0307/BA

**At** Land at Burton Road, West Green, Barnsley

**Approval is hereby given** for the proposals which were the subject of the Application and Plans registered by the Council on 01 July 2010 and described above, being matters reserved in the permission granted on 08 December 2004 under Application B/04/0769/BA.

**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 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 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.**

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed *Stephen Moralee*  
Assistant Director, Planning and Regulatory Services

Dated 06 August 2012

- 2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved, unless required by any other conditions in this permission or if prior written consent is given by the Local Planning Authority to any variation.

- planning application forms
- drawing 2131 'Location Plan'
- APS Surveying Services drawing no BBH03-48 'Topographical Survey'
- drawing no 2131/01 Rev W 'Site Layout'
- drawing no 2131/11 Rev G 'Landscape Layout'
- drawing no ME/Planning/09 'Meteor Planning Layout'
- drawing no Hc/Planning/09 'Hurricane Planning Layout'
- drawing no Dv/Planning/09 'Dove Planning Layout'
- drawing no Ts/Planning/09 'Tempest Planning Layout'
- drawing no Tn/Planning/09 'Tornado Planning Layout'
- drawing no Bf/Planning/09 'Bradford Planning Layout'
- drawing no Tc/P/09-p94&95-BR 'Tresco Planning Layout'
- drawing no FI2/Planning/09 'Fontwell 2 Planning Layout'
- drawing no Fs2/Planning/09 'Felixtowe 2 Planning Layout'
- drawing no Hk/Planning/09 'Hawker Planning Layout'
- drawing no Hy/Planning/09 'Handley Planning Layout'
- drawing no Lh/Planning/09 'Lockheed Planning Layout'
- drawing no Vt/Planning/09 'Victor Planning Layout'
- drawing no Vc/Planning/09 'Vulcan Planning Layout'
- drawing no Ww/Planning/09 'Whitworth Planning Layout'
- drawing no GARAGE/07/01 'Detached Single Garage'
- drawing no GARAGE/07/05 'Detached Double Garage'
- drawing no GARAGE/07/04 'Right Hand Side Single Garage'
- drawing no GARAGE/07/03 'Mid Single Garage'
- drawing no GARAGE/07/02 'Left Hand Side Single Garage'
- drawing no 0.45dm '0.45m High Demarcation Fence'
- drawing no 1.2m High Feature Railings (2008)
- drawing no 1.8sf High Screen Fence
- drawing no 1.8p&p '1.8m High Pier & Panel Wall (2008)
- drawing no 2.0asf '2.0m High Acoustic Screen Fence'
- drawing no 2.1p&p (ac) '2.1m High Pier & Panel Wall with acoustic boarding'
- drawing no 1.2&4r '1.2m High Post6 & 4 Rail Fence (2008)

**Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.**

- 3 No development shall take place until full details of the proposed external materials have been 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 UDP Policy BE6, Design Standards.**

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.

**Reason: In the interests of the visual amenities of the locality.**

- 5 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 UDP Policy BE6, Design**
- 6 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
  - \* A scheme for recycling/disposing of waste resulting from demolition and construction works
- Reason: In the interests of highway safety, residential amenity and visual amenity.**
- 7 Floor levels of properties adjacent to the watercourse shall be a minimum of 600 mm above site ground level.  
**Reason: To prevent the increased risk of flooding.**
- 8 No development approved by this permission shall be commenced until a scheme for the provision and implementation of the surface run-off limitation has been submitted to and approved in writing by the Local Planning Authority.  
**Reason: To prevent the increased risk of flooding.**
- 9 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the rising main (protected strip width of 6.0 metres) and 4.0 metres (protected strip width of 8.0 metres) of the 900 mm diameter public surface water sewer, which crosses the site.  
**Reason: In order to allow sufficient access for maintenance and repair work at all times.**
- 10 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Authority.  
**Reason: To ensure that the development can be properly drained.**
- 11 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.  
**Reason: To ensure that no foul or surface water discharges take place until proper provision has been for their disposal.**
- 12 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.  
**Reason: To prevent pollution of the water environment.**

- 13 The development shall proceed in accordance with the approved flood risk assessment incorporating the accepted mitigation measures into the construction of the development.  
**Reason: To minimise the impacts of flooding.**
- 14 An acoustic 2.0 metres high fence shall be erected along the eastern boundary of the site, in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the dwellings are occupied and thereafter so retained.  
**Reason: To reduce the likelihood of noise nuisance from adjacent premises.**
- 15 Prior to the commencement of any works on site, a scheme for the removal of suspended solids from surface water run-off during the construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period and all surface water shall pass through it.  
**Reason: To prevent pollution of the water environment and in accordance with UDP Policy ES3, Water Pollution.**
- 16 Development shall not commence until arrangements have been made to secure such highway works to mitigate the effect of the development, and such measures shall be complete prior to the development being brought into use. The works shall include:-
- A) Point closure of Tumbling Lane, in the interest of road safety;
  - B) A right turning lane shall be provided for the entire site frontage to accommodate all junctions into and opposite the site, including pedestrian refuges, central islands, in the interest of road safety;
  - C) A 2 m footway to adoptable standards shall be provided along the entire site frontage;
  - D) Improvements to street lighting along the site frontage and to link to existing street lighting;
  - E) Provision of signing and lining associated with the work;
  - F) Relocation of existing bus stop/shelter;
  - G) Improvements to footways and lighting on Tumbling Lane;
  - I) Provision of annual public transport season tickets for each household;
  - J) Provision of parking lay-by on Burton Road fronting numbers 480-502.
- Reason: In the interests of highway safety.**
- 17 Within 28 days of works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. Within 28 days of completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developers expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.  
**Reason: In the interest of highway safety.**
- 18 Visibility splays, having the dimensions 4.5 m x 90 m, shall be safeguarded at the junctions with Burton Road such that there is no obstruction to visibility and any part of the adopted highway.  
**Reason: In the interests of road safety.**
- 19 Pedestrian intervisibility splays, having the dimensions 2 m x 2 m, shall be safeguarded at the drive entrances/exits such that there is no obstruction to visibility at a height exceeding 1m.  
**Reason: In the interest of highway safety.**

- 20 Development shall not commence until details of measures to prevent parking within the visibility splays, within the site boundary, have been submitted and approved, in writing, by the Local Planning Authority, and such measures shall be implemented prior to the development being brought into use and thereafter retained.  
**Reason: In the interest of road safety.**
- 21 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use.  
**Reason: To prevent mud/debris from being deposited on the public highway to the detriment of road safety.**
- 22 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: In the interest of highway safety.**
- 23 Development shall not commence until detailed plans to show the treatment of cycle track/footpath at the junction with Tumbling Lane have been submitted and approved, in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.  
**Reason: In the interest of road safety.**
- 24 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 UDP Policy ES1, Pollution.**
- 25 No dwelling shall be occupied until a 1 year Travel Master Pass has been provided to the first occupier of each dwelling in accordance with details to be submitted and agreed in writing with the Local Planning Authority.  
**Reason: In the interests of reducing the need for car travel to and from the site.**
- 26 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
**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.**

- 27 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason: In the interest of sustainable development.**

- 28 The development shall be carried out in full accordance with the recommendations and findings of the Revised Noise Assessment prepared by Kirby Charles Associates Limited, dated May 2010.

**Reason: In the interests of residential amenity and to ensure that the development can be satisfactorily occupied.**

- 29 Prior to the new open space and footpaths links being brought into use the motorcycle barriers shall be installed in accordance with the details shown on the approved plans and thereafter maintained.

**Reason: In the interests of pedestrian safety.**

### **Reason(s) for Granting Permission**

- 1 Unique The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations including Supplementary Planning Guidance:-

H8A Existing Residential Areas

H6 Open Space Provision

BE6 Design Standards

T2 Development and the Highway Network

SPG2 Design and Layout of New Residential Development

In the opinion of the Local Planning Authority the proposed development is in accordance with the above policies in that:-

-Residential development is the most appropriate use of the site given the existing planning permission and surrounding form of development

-The proposal has been designed to a sufficiently high standard with regards to the layout, buildings and landscaping and is acceptable from a visual amenity point of view.

-It would lead to the construction of high quality new housing which would utilise modern and sustainable construction methods and be energy efficient.

-The proposal would deliver acceptable standards of residential amenity for new and existing residents, due to the space standards between buildings and provision of adequate private garden areas

-The proposal has been satisfactorily designed to meet design and safety standards, encompassing the design of the private drive, access points and junctions and parking provision.

## **Informative(s)**

- 1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

## **NOTES:-**

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, Transport and Regions in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposal development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements\*, to the provisions of the development order, and to any directions given under the order. He does not, in practice, refuse to entertain appeals solely because the local planning was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or the Secretary of State for the Environment, Transport and Regions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or County Council, London Borough or District Council in which land is situated as the case may be, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. 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 of the application to him. These circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act 1971.

\* The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.

