



APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2016/0552

To Spawforths
Junction 41 Business Court
East Ardsley
Leeds
WF3 2AB

Proposal Approval of reserved matters (appearance, landscaping, layout and scale), pursuant to outline planning application 2014/0807 at Land at Carrington Avenue comprising of 80 dwellings, associated car parking and landscaping and biodiversity mitigation and enhancement

At Land at Carrington Avenue, Barnsley S75 1BW

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 25 May 2016 and described above, being matters reserved in the permission granted on 25 September 2015 under Application 2014/0807.

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 2 years from the date of this approval of reserved matters.
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:-

811121.02 Site Location Plan - April 2016
811121.01 Rev E Planning Layout (Black and White)
811121.04 Rev A Street Scenes
811121.05 Rev D Cross Sections
811121.06 Rev B Boundary Treatment Layout
811121.11 Rev F Indicative Finished Floor Levels Plan
22 January 2016 Rev A House Type Booklet
2371-102 Rev F Landscape Layout
Drain/01 Indicative Drainage
237-103 Rev C Tree Retention, Removal and Protection
811121-12 Rev B Acoustic Mitigation Measures
September 2016 - Issue 4 Design and Access Statement
May 2016 - 2371-501A Landscape Management Strategy
May 2016 Biodiversity Mitigation and Enhancement Measures

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 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 LDF Core Strategy Policy CSP 29, Design.
- 4 The boundary treatment indicated on plan ref 811121.06 Rev B 'Boundary Treatment layout' shall be completed prior to the occupation of the individual dwellings.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.
- 5 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 Core Strategy Policy CSP 40.
- 6 The development shall be carried out strictly in accordance with the noise mitigation measures detailed on Acoustic Mitigation Measures Plan Ref 811121 dwg no.12 Rev B.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 7 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 8 Vehicular and pedestrian gradients within the site shall not exceed 1:12
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 9 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 others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

- 10 Prior to the commencement of development full details of the LEAP standard play area including, management responsibilities and maintenance schedules and a programme for installation shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable for installation.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy CSP 35 of the Core Strategy.
- 11 The development shall be carried out in strict accordance with the Biodiversity mitigation and Enhancement Measures report Prepared by Ecus (May 2016). The Local Planning Authority shall be notified in writing when these works have been completed.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 12 Prior to the commencement of the first dwelling 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 for approval in writing to the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s) and the soft landscaping within a timetable to be agreed.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

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.

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 
Joe Jenkinson
Head of Planning and Building Control

Dated 12 December 2016

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

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.