



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2022/0778**

**To** White Agus Partnership  
Office One  
34 Victoria Road  
Barnsley  
S70 2BU

**DESCRIPTION** Variation of condition 1 (approved plans) of reserved matters approval 2018/1040 to vary the approved plans from a development of 27no dwellings to 18no dormer and chalet bungalows. Application 2018/1040 was the reserved matters of outline permission 2018/0029 (as approved by appeal APP/R4408W/18/3213202), seeking approval over access, appearance, landscaping, layout and scale

**LOCATION** Land at Sandygate Lane, Ardsley, Barnsley, S71 5AW

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 29/07/2022 and described above.

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.
  - Site Layout Plans and Elevations 16-195-22 REV A rec'd 14/10/22
  - Landscape Layout IS-22-009-01 REV D rec'd 17/10/22
  - Arboricultural Report and Impact Assessment - AWA Tree Consultants ref AWA4406 dated June 22
  - External Works 1073-11-1H
  - Arboricultural Method Statement - AWA Tree Consultants ref AWA4406/AMS dated June 22
  - Plans and Elevations House Type B16-95 20 REV A
  - Plans and Elevations House Type B16-95 21 REV A
  - Engineering Layout (Impermeable) 1073-1IMP REV R
  - Engineering Layout 1073-1 REV R
  - Engineering Layout Section 1073-1 REV S
  - Technical Note - Environmental Noise Solutions Ltd dated 1st July 2022
  - Landscape Management Plan by CH Landscapes Ltd Revised Feb 2020

**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 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.**
- 3 All in curtilage planting, seeding or turfing comprised in the approved details of landscaping, plan IS-22-009-01 REV D 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'.**
- 4 All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping comprised in the approved details of landscaping plan IS-22-009-01 REV D shall be carried 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'.**
- 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**
- 6 The noise mitigation measures detailed within the Noise Technical Note produced by Environmental Noise Solutions Ltd dated 21st July 2022 shall be implemented in full before the development is brought into use and shall be retained thereafter for the lifetime of the development. These are:
- Habitable rooms in plots at the northern boundary of the development shall be provided with enhanced glazing rated at least 29 dB Rw+Ctr (such as 8 mm glass / 6-20 mm / 4 mm glass) in conjunction with acoustic trickle vents rated at least 39 dB Dn,e,w per 5000 mm<sup>2</sup> EA (vent open), and
  - A 2.2 metre close-boarded timber fence (or a combination of bund and fence) is installed along the south-western boundary of the application site
- Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**

- 7 Prior to commencement of construction works hereby permitted, a scheme for the parking of bicycles shall be submitted to and approved in writing by the LPA. 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 in accordance with Local Plan Policy T3 New Development and Sustainable Travel.**
- 8 Upon completion of the works in line with Verification Requirements for Cover Systems; Technical Guidance for Developers, Landowners and Consultants produced by Yorkshire and Lincolnshire Pollution Advisory Group version 3.4 dated November 2017, and the information submitted to discharge condition 7 of application 2018/0029, written confirmation validating the system shall be submitted to and approved in writing by the Local Planning Authority on completion of construction.  
**Reason: To ensure appropriate recording of validation and to protect residential amenity with respect to investigation of ground conditions in accordance with Local Plan Policy POLL1.**
- 9 When planning and undertaking Landscape Management Works in accordance with the approved Landscape Management Plan by CF Landscape dated REV Feb 2020, all works shall be in accordance with approved drawing reference Landscape Layout IS-22-009-01 REV D rec'd 17/10/22. Drawing reference BD/B/481/6 shall be omitted.  
**Reason: For the purposes of clarity and in the interest of Biodiversity, in accordance with Local Plan Policy BIO1.**
- 10 Prior to the first occupation of the development, a landscaped bund shall be provided to the rear of the dwellings as set out in approved plan External Works 1073-11-1H. Where the bund is less than 2.2m high, a close boarded timber fence shall be installed on top of the bund so that total height (bund+ fence) is not less than 2.2m  
**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**
- 11 All boundary treatments (other than those set out in condition 10 above) shall be implemented in full accordance with approved plan Landscape Layout IS-22-009-01 REV D prior to the first occupation of the development.  
**Reason: In the interests of visual amenity and biodiversity in accordance with Local Plan Policy BIO1.**

## 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 works will require a temporary closure of a public right of way. The developer is required to apply for the temporary closure, at cost, providing at least 4 weeks' notice and details of how public access will be managed throughout. No works affecting a public right of way may take place until a temporary closure order has been agreed in writing with the Council.
- 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.

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 21/10/2022



Joe Jenkinson  
Head of Planning, Policy 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.