



APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/0680

To Mr Newton, Handscombe and Crix
Avant Homes Yorkshire
Unit 2
Mariner Court
Wakefield
WF4 3FL

Proposal: Residential development of 113no dwellings, associated infrastructure and public open space (Reserved matters of outline planning permission 2020/0577 seeking approval of the details of scale, appearance, landscaping and layout)

At: Land south of Hay Green Lane, Birdwell. Barnsley

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 05/07/2022 and described above, being matters reserved in the permission granted on 24/03/2022 under Application 2020/0577.

The approval is subject to compliance with the details specified in the application, the approved plans, conditions and the S106 Agreement which constitute the outline permission and, additionally, is subject to the following conditions:

- 1 The development, hereby permitted, shall be begun before the expiration of two years from the date of approval.

Reason: In order to comply with the provision of Section 92 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 (listed below) unless required by any other conditions in this permission.

Layouts

- Location Plan, Drawing Number 4203/01.
- Colour Planning Layout, Drawing Number 4203/04 Revision J.
- Materials Layout, Drawing Number 4203/06, Revision C.
- Storey Height Layout, Drawing Number 4203/07, Revision C.
- Street Scenes, Drawing Number, 4203/SC, Revision B.
- Accommodation Plan, Drawing Number 4203/07, Revision B.
- Desire Routes to Local Amenity Plan, Drawing Number 4203/50 Revision A.
- Detailed Landscape Layouts (sheet 1), Drawing Number 3903/1, Revision G.
- Detailed Landscape Layouts (sheet 2), Drawing Number 3903/2, Revision G.

Supporting Information and Reports

- Tracking Layout for Refuse Vehicle (sheet 1 of 3), Drawing Number, HGL-BWB-GEN-XX-DR-TR-101, Revision. P1
- Tracking Layout for Refuse Vehicle (sheet 1 of 3), Drawing Number, HGL-BWB-GEN-XX-DR-TR-102, Revision. P1
- Tracking Layout for Refuse Vehicle (sheet 1 of 3), Drawing Number, HGL-BWB-GEN-XX-DR-TR-103, Revision. P1
- Biodiversity Nett Gain Report and associated Metric 3.1 (all planting specification and quantities to remain equal to previously assessed to avoid re-consultation). Revision P02 Dated November 2022
- Design & Access Statement - Dated February 2023.

House Type Plans and Elevations

- Askham Elevations, Drawing Number, AV22/ASK/0-002
- Askham Floor Plans, Drawing Number, AV22/ASK/0-003
- Baildon Elevations, Drawing Number, AV22/BAI/0-002 Revision C.
- Baildon Floor Plans, Drawing Number, AV22/BAI/0-001 Revision C.
- Cookridge Elevations, Drawing Number, AV22/COO/0-002 Revision C.
- Cookridge Floor Plans, Drawing Number, AV22/COO/0-001 Revision D.
- Fernlee Elevations, Drawing Number, AV22/FER/0-002 Revision B.
- Fernlee Floor Plans, Drawing Number, AV22/FER/0-001 Revision B.
- Horbury Elevations, Drawing Number, AV22/HOR/0-002 Revision C.
- Horbury Floor Plans, Drawing Number, AV22/HOR/0-001 Revision D.
- Leyburn Elevations, Drawing Number, AV22/LEY/0-002 Revision B.
- Leyburn Floor Plans, Drawing Number, AV22/LEY/0-001 Revision B.
- Maltby Elevations, Drawing Number, AV22/MAL/0-002
- Maltby Floor Plans, Drawing Number, AV22/MAL/0-001
- Netherton Elevations, Drawing Number, AV22/NET/0-002
- Netherton Floor Plans, Drawing Number, AV22/NET/0-001
- Oakwood Elevations, Drawing Number, AV22/OAK/0-002 Revision B.
- Oakwood Floor Plans, Drawing Number, AV22/OAK/0-001 Revision B.
- Ripon Elevations, Drawing Number, AV22/RIP/0-002 Revision B.
- Ripon Floor Plans, Drawing Number, AV22/RIP/0-001 Revision B.
- Saltaire Elevations, Drawing Number, AV22/SAL/0-002 Revision C.
- Saltaire Floor Plans, Drawing Number, AV22/SAL/0-001 Revision C.
- Walburn Elevations, Drawing Number, AV22/WAL/0-002 Revision C.
- Walburn Floor Plans, Drawing Number, AV22/WAL/0-001 Revision D.

Boundary Treatments

- 1.8m High Screen Fence Detail, Drawing Number, 2101/208.15
- 1.8m High Pier & Panel Wall Detail, Drawing Number, 2101/208.01
- 1.2m High Post & Rail Fence Detail, Drawing Number, 4143/208.11
- 0.45m High Knee Rail, Drawing Number, 4153/208.18

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 The development shall be completed in line with the Biodiversity Net Gain Assessment V2 (January 2023) and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1.

- 4 The development shall be carried out in accordance with the following biodiversity mitigation and enhancement measures. The measures listed below shall be implemented in full, prior to first occupation of each dwelling. Full details including photographic evidence along with plans showing the location of the enhancement measures should be submitted to the Local Planning Authority prior to occupation of the final dwelling, unless otherwise agreed in writing by the Local Planning Authority; the features shall thereafter be permanently retained.
- 25% of the dwellings on site to comprise integrated bat roosting boxes and bee bricks, to be installed in suitable locations within the new dwellings;
 - 100% of the dwellings to comprise integrated swift boxes, to be installed in suitable locations within the new dwellings; and
 - Hedgehog highways to be installed in all boundary fencing, including fences between dwellings. The hedgehog highways will be signposted to prevent residents blocking the gaps.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1.

- 5 A Biodiversity Enhancement Management Plan (BEMP), completed by a suitably qualified ecologist will be submitted to the Local Planning Authority prior to the commencement of works on site. The BEMP will include the following:
- A recent landscape plan detailing the location of mitigation works and the size of each habitat/linear feature to be enhanced and/or created;
 - Management aims and prescriptions detailing the methods required to create and/or enhance each habitat/linear feature at the required quality for a period of 30 years;
 - A timetable of delivery for each habitat/linear feature created and/or enhanced;
 - A schedule of ecological monitoring for a minimum 30 year period, identifying when key indicators of habitat/linear feature maturity should be achieved;
 - Details on the monitoring of habitats and linear features and the provision of a report, which shall be provided to the LPA on the 1st November of each year of monitoring (years one-three after creation, years five, ten and every ten years thereafter), which will assess the condition of all habitats and linear features created and/or enhanced and any necessary management or replacement/remediation measures required to deliver the Net Gain values set out in the BEMP;
 - A schedule of actions to be undertaken in case signs of failing are identified; the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1.

- 6 Notwithstanding the submitted details, prior to first occupation of the site, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be provided by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:
- A drawing showing sensitive areas, dark corridors and buffer areas;
 - Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
 - A description of the luminosity of lights and their light colour;
 - A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;

- Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

Reason: In the interests of residential amenity in accordance with policy Poll1.

- 7 Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- Risk assessment of potentially damaging construction activities;
 - Identification of 'biodiversity protection zones';
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - The times during construction when specialist ecologists may need to be present on site to oversee works;
 - Responsible persons and lines of communication;
 - The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1.

- 8 No building or use hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption as maintainable at public expense within the site have been submitted to and approved in writing by the LPA. On occupation of the first dwelling (or building) within the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users in accordance with Local Plan Policy T4.

- 9 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.

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 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.

- 2 Vegetation clearance should be undertaken outside of the bird nesting season (March-August inclusive). Should this not be possible then a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to the start of works. Should active nests be found, works should cease until the nests are no longer active and the chicks have fledged and the ecologist has deemed the area to be free of nesting birds.
- 3 If a protected species (such as any bat, great crested newt, badger, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works, all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.
- 4 **Great Crested Newts (European Protected Species)**
There is a low risk that Great Crested Newt (GCN) may be present at the application site. The Local Planning Authority considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within a green and amber impact zone as per the modelled district level licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If GCN are discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence. The following recommendations are provided to further reduce the likelihood of impacts on this species:

- Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped;
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter; and
- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

- 5 If a bat or evidence of the presence of bats is discovered on site prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017.

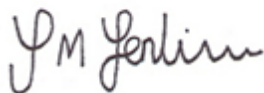
Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- 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 15/02/2023



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.