



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2026/0291

To PB Planning Ltd
PB Planning Ltd PO Box 778
York
YO1 0LT

DESCRIPTION Variation of condition 2 (Approved Plans) of application 2022/0633 (Residential development of 221no dwellings and associated works (Reserved matters of outline planning permission 2017/1451 seeking approval of the details of layout, scale, appearance and landscaping)) - to amend the configuration of the sales area at plots 217-221.

LOCATION Land at Wakefield Road, Smithies, Barnsley, S71 1NX

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 15/04/2026 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before 31st October 2026
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990 and condition 1 of application 2022/0633.

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved and listed below unless required by any other conditions in this permission.

Layout Plans

1225.06-AI - Proposed Site Layout
1225.08-V - Proposed Site Layout
1225.11-E - Proposed Site Layout - Mine Shafts
1225.10-P - Proposed Site Layout - Boundary Treatments
1225.14-A - Sales Arena
1225.12-G - Garden Areas

Detailed Landscaping plans:

3836/1 Rev F - Detailed Landscape Proposals (1 of 4)
3836/2 Rev F - Detailed Landscape Proposals (2 of 4)
3836/3 Rev F - Detailed Landscape Proposals (3 of 4)
3836/4 Rev F - Detailed Landscape Proposals (4 of 4)
3836/6 Rev B - Composition Plan
3836/7-A- Sales Arena Detailed Landscape Proposals
3836/8 - Sales Area Detailed Landscape Proposals

Housetype drawings:

21-201-R-0001 Rev C02
21-201-U-0001 Rev C02
21-202-U-0001 Rev C02
21-202-R-0001 Rev C02
21-350-R-0001 Rev C01
21-351-U-0001 Rev C01
21-351-R-0001 Rev C01
21-354-U-0001 Rev C01
21-354-R-0001 Rev C01
21-355-U-0001 Rev C01
21-355-R-0001 Rev C01
21-358/9-U-0001 Rev C01
21-358/9-R-0001 Rev C01
21-401-U-0001 Rev C02
21-401-R-0001 Rev C02
21-403-U-0001 Rev C02
21-403-R-0001 Rev C02
21-436-U-0001 Rev C02
21-436-R-0001 Rev C02
21-212-U-0001 Rev C03
21-212-R-0001 Rev C03
21-350-U-0001 Rev C05
21-357-U-0001 Rev C03
21-357-R-0001 Rev C03
21-360-U-0001 Rev C04
21-360-R-0001 Rev C04
21-455-U-0001 Rev C03
21-455-R-0001 Rev C03

Tree Protection:

3836/5

Arboricultural Method Statement

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 Prior to the occupation of the effected dwellings, the noise mitigation measures described in report 'Noise Assessment' produced by Tetra Tech dated 25th May 2022, ref: 784-B039427, shall be implemented, specifically relating to ventilation, glazing and acoustic fencing, and maintained as such thereafter.
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.
- 4 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: 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.
- 5 The Development shall be carried out in accordance with the Construction Environment Management Plan (CEMP) prepared by SLR Consulting Limited dated 22 April 2025 (Ref: 405.065719.00001 - Rev 01).
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.
- 6 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 .
- 7 Development shall not commence until details of all highway retaining structures including construction status drawings and specifications have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.
- 8 The development hereby approved shall be carried out in accordance with the mitigation and management measures set out in the Landscape Ecology Management Plan (LEMP) V3. The measures shall be retained as such thereafter.
Reason: In the interest of ecology and biodiversity, in accordance with Local Plan Policy BIO1 and SPD 'Biodiversity and Geodiversity'.
- 9 All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved Lighting Design report by SLR Consulting Limited dated 21 July 2025 (Ref: 416.066156.00001 - Rev 03). They shall be maintained thereafter in accordance with the approved details.
Reason: In the interests of Biodiversity and in accordance with Local Plan Policy BIO1 and SPD 'Biodiversity and Geodiversity'.

- 10 Within six months of first occupation of any phase of development hereby approved, a detailed travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of specific measures / initiatives, targets, timescales and budgets to encourage sustainable travel and allow for regular monitoring and reporting to be undertaken. The plan shall be fully implemented in accordance with the approved details thereafter.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

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 Any highways structures will require technical approval in accordance with the approval procedure based on DMRB CG300 - Technical Approval of Highways Structures. If an AIP is required, the developer will be responsible for preparing and submitting the AIP, with the technical approving body being the Highway Authority. The completed design, including proprietary designs, cannot be implemented until Highway Authority is in receipt of certified confirmation that the implementation documents are accurate and fully in compliance with the requirements of the AIP. Designs that do not require an AIP (typically category 0 but not limited to) will also need to be submitted to Highway Authority for review in accordance with DMRB CG300.
- 2 Whilst no information is given at this stage about the method of disposal of highway drainage, we are mindful of restrictions on surface water disposal and the emphasis on the use of sustainable solutions. The use of a soakaway system has to be located outside the carriageway and at least 5m from any building which may affect the layout shown. It should be noted that a commuted sum to be used towards the future maintenance costs of each highway drain soakaway, shall be agreed with and paid to the Council, prior to the issue of the Part 2 Certificate.
- 3 Agreement shall be sought for all pipes, culverts, water attenuation tanks or similar greater than 900mm that are proposed to be placed beneath the area to be defined as public highway. All drainage installed under the Highway is to be adopted by the sewerage undertaker or, in the case of highway drainage, the Local Highway Authority.
- 4 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.
- 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 The development hereby approved includes the construction of new highway. To be considered for adoption and on-going maintenance at public expense, it must be laid out and constructed to the BMBC engineering standard details and to the terms of phasing of the development. You are advised that you must enter into a highway agreement under s38 of the Highways Act 1980. The development will be bound by the Sections 219 to 225 of the Highways Act 1980 (the Advances Payments Code). 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 on email HighwaysDC@barnsley.gov.uk or call to 01226 773555 prior to any work commencing on site. Please note that it is necessary to gain all technical and legal approvals for all street road details from the LHA prior to submission of such approved details to the LPA to discharge condition x of this consent.
- 7 The development hereby approved includes the construction of new highway. To be considered for adoption and on-going maintenance at public expense, it must be laid out and constructed to the BMBC engineering standard details and to the terms of phasing of the development. You are advised that you must enter into a highway agreement under s38 of the Highways Act 1980. The development will be bound by the Sections 219 to 225 of the Highways Act 1980 (the Advances Payments Code). 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 on email HighwaysDC@barnsley.gov.uk or call to 01226 773555 prior to any work commencing on site. Please note that it is necessary to gain all technical and legal approvals for all street road details from the LHA prior to submission of such approved details to the LPA to discharge condition x of this consent.
- 8 Street lighting design and installation is 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. Streetlightingdesign@barnsley.gov.uk as soon as possible.
- 9 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.

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: 9 June 2026



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

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.

STATUTORY BIODIVERSITY NET GAIN CONDITION

DEEMED CONDITION

(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021)

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the plan.

The Biodiversity Gain Plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- h) a description of the development and planning permission reference number (to which the plan relates);
- i) the [relevant date](#), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- j) [the completed biodiversity metric calculation tool\(s\)](#), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the [relevant date](#), and post-development biodiversity value;
- k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the [relevant date](#), and drawn to an identified scale and showing the direction of North;
- n) a description of any [irreplaceable habitat](#) on the land to which the plan relates which exist on the [relevant date](#), and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- o) if [habitat degradation](#) has taken place:
 - i. a statement to this effect,
 - ii. the date immediately before the degradation activity,
 - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
 - iv. any available supporting evidence for the value.

INFORMATIVE 1

When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

INFORMATIVE 2

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

INFORMATIVE 3

A Biodiversity Net Gain Template can be found here:

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

INFORMATIVE 4

The statutory deemed condition above is relevant to all major applications submitted since 12th February 2024 and to all non-major applications submitted after 2nd April 2024, unless exempt.

The onus is on the applicant/agent to notify the Local Planning Authority at developmentmanagement@barnsley.gov.uk if the application was exempt and provide the reasons for the exemption. Exemptions can be found at this link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>