



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2023/0579

To Johnson Mowat Planning and Development Consultants
Coronet House
Queen Street
Leeds
LS1 2TW

DESCRIPTION Variation of condition 3 (parameters plan) of application 2019/1244 (Outline planning permission for residential development (Use Class C3) of up to 46 homes, highway works including access off Darton Lane, landscaping, ground works, and other ancillary works. All matters are reserved apart from access) to allow for an additional private drive off Darton lane as part of the parameters plan

LOCATION Land to the south of Darton Lane, Darton, Barnsley

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 26/06/2023 and described above.

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 following conditions:

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before 18th November 2024 and the development, hereby permitted, be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) the layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

3 The detailed design submitted with the reserved matters application(s) shall be in accordance with the parameters plan 01 and shall include the widening of the existing footway along the site frontage to 2m..

Reason: To ensure the development is in compliant with Local Plan Policies HS2 and BIO1.

4 Detailed plans shall accompany the reserved matters submission(s) indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to 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 in accordance with Local Plan Policy D1 High Quality Design and Place Making.

5 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be 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 order to ensure compliance with Local Plan Policy I1.

6 Upon commencement of construction works, details of electric vehicle charge points shall be submitted and approved in writing by the LPA. The EVCPs will have a minimum "Mode 3" (7 kW, 32 AMP) capability and shall be installed in accordance with the approved details prior to first occupation of the development and thereafter in accordance with the approved details.

Reason: To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.

7 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-

1. A survey of the extent, scale and nature of contamination.
2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
3. An appraisal of remedial options, and proposal of the preferred option(s).
4. A remediation statement summarising the works to be undertaken (if required).
5. A Validation Report to confirm remediation works have been undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: In accordance with Local Plan Policy CL1 Contaminated and Unstable Land.

- 8 The site is located within a Coal Authority coal mining referral area due to the probable presence of shallow coal. As detailed in the Wardell Armstrong coal mining risk assessment and Phase one geo-environmental desk top study reports, the land could therefore be at risk from mining legacy risks such as ground instability if shallow coal mine workings are present.

Prior to the commencement of development, and as advised by a suitably qualified engineer, site investigations must be undertaken to confirm ground conditions. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable.

A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe development rests with the developer and/or landowner.

Reason: In accordance with Local Plan Policy CL1 Contaminated and Unstable Land and NPPF sections 178 a,b,c. 179 and 170 e & f.

- 9 No building or other obstruction including landscape features shall be located over or within 4 (four) metres either side of the centre line of the public sewer i .e. a protected strip width of 8 (eight) metres, that crosses the site . If the required stand -off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
Reason: In order to allow sufficient access for maintenance and repair work at all times in accordance with Local Plan Policies CC3 and CC4.

- 10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interest of satisfactory and sustainable drainage and to accord with Local Plan Policies CC3 and CC4.

- 11 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
Reason: To ensure that the site is properly drained and in order to prevent overloading in accordance with Local Plan Policy CC3 and CC4.

- 12 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC3 and CC4.

- 13 The Reserved Matters Application(s) shall be accompanied by a scheme for the provision and implementation of a surface water run-off limitation into the culverted watercourse. Once approved in writing by the Local Planning Authority, the scheme shall be implemented in accordance with an approved programme and details.
Reason: To prevent the increased risk of flooding in accordance with Local Plan Policy CC3.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any watercourse.
Reason: To prevent damage to the existing culverted watercourse in accordance with Local Plan Policy CC3.
- 15 Full details of the structural condition, including CCTV survey, and exact route of the watercourse shall be submitted with the Reserved Matters Application and approved in writing by the Local planning Authority to demonstrate its adequacy and clearance is maintained.
Reason: To maintain the structural integrity and proper functioning of the existing culverted watercourse in accordance with Local Plan Policy CC3.
- 16 The reserved matters application(s) shall include a lighting design strategy for light-sensitive biodiversity in the Darton Lane development. The strategy shall show how external lighting in the Darton Lane development will be installed. Through the provision of external lighting contour plans and technical specifications, it must be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas of the site by bats and other species of wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK. All external lighting shall be installed in accordance with the specification and locations set out in the strategy and maintained as such. Any luminaries used should be of the LED type which provides a lower intensity of light. Lighting in the warm white spectrum (preferably 2700Kelvin) should be adopted to reduce the blue light component with a wavelength exceeding 550nm. The lighting plan should also take into consideration the light spill from internal areas of the properties and measures to reduce this light spill such as low light transmission glazing.
Reason: In accordance with Local Plan Policy BIO1.
- 17 The reserved matters application(s) shall be accompanied by the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree Survey
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with policies BIO1 and D1.**

- 18 Prior to the first occupation of the development hereby permitted a vehicular access (and / or pedestrian / cyclist) shall be provided and thereafter retained in at the position shown on the submitted plan(s) (AMA_20276_SK008.1, AMA_20276_SK008.2, AMA_20276_SK008.3, AMA_20276_SK008.4 and AMA_20276_SK008.5). and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway and in the interests of highway safety in accordance with Local Plan Policy T4.
- 19 The gradient of the vehicular access shall not exceed 1 in 12 as measured from edge of the adjacent carriageway.
Reason: In interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.
- 20 Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay shall be provided in full accordance with the details indicated on the submitted plan(s) (AMA_20276_SK008.1, AMA_20276_SK008.2, AMA_20276_SK008.3, AMA_20276_SK008.4 and AMA_20276_SK008.5). The splay shall thereafter be maintained at all times free from any obstruction exceeding 900mm above the level of the adjacent highway carriageway.
Reason: In interests of highway safety in accordance with Local Plan Policy T4.
- 21 No building or use hereby permitted shall be occupied (or use commenced) until pedestrian visibility splays of 2 x 2m to the back edge of the footway / verge shall be provided at the proposed access (or drive). Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the public highway, in the interest of highway safety in accordance with Local Plan Policy T4.
- 22 Prior to the first occupation of the development hereby permitted, parking provision will be in accordance with the standards set out within Barnsley's Parking SPD November 2019 (or its successor). Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with Local Plan Policy T4.
- 23 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.
Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety. In accordance with Local Plan Policy T4.

24 The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 as measured from the edge of adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.

25 The reserved matters application(s) shall include details of secure and covered parking for bicycles for every dwelling. The scheme shall be implemented and secure cycle parking provided before individual dwellings are occupied.

Reason: In interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T3.

26 No development shall be commenced until full engineering, drainage and street lighting and construction details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety in accordance with Local Plan Policy T4.

27 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Darton Lane in accordance with details of a completion plan to be submitted and approved in writing by the LPA.

Reason: To ensure streets are completed prior to occupation and satisfactory development of the site in accordance with Local Plan Policy T4.

28 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

Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of highway safety and to accord with Local Plan Policy T4.

- 29 No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:
- i. A plan to a scale of 1:1250 showing the location of all defects identified
 - ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety.

- 30 The development hereby permitted shall not be commenced until a Travel Plan has been submitted, approved and signed off by the LPA. The scheme shall then proceed in accordance with the approved details.

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

- 31 The reserved matters application shall be accompanied by an updated Ecological Management Plan and Ecology Addendum, to include detailed monitoring proposals in accordance with the The Biodiversity Metric 2.0 Technical Supplement. The monitoring proposals shall include a timetable and methodology for reporting to the LPA at agreed intervals. The updated reports shall be agreed in writing by the LPA and the development and long term ecological management shall be carried out in accordance with the approved details.

Reason: To ensure that no net loss in biodiversity is achieved in accordance with Local Plan Policy BIO1 and the accompanying Biodiversity and Geodiversity SP.

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 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 The development hereby approved includes the creation of/carrying out of alterations to vehicular access (es). You are advised that before undertaking work on the adopted highway you will require a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/> or please contact at email Streetworks@barnsley.gov.uk or call to 01226 773555.

3 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.

4 Street lighting design and installation is generally 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. Streetlighting@barnsley.gov.uk as soon as possible.

5 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.

6 Whilst no information is given at this stage about the method of disposal of highway drainage, I am 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. It should be noted that no pipes, culverts, water attenuation tanks or similar greater than 900mm can 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.

7 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.

8 If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact 01226 772182.

9 If the developer is to carry out works within or in the proximity of any watercourse he must gain the relevant permissions from the Lead Local Flood Authority - Contact 01226 772182.

- 2 10 A permissive path runs alongside and through the proposed development site. Safe public access on the right of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the path, and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time then a temporary closure should be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information, contact: publicrightsofway@barnsley.gov.uk

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: 7 September 2023

Development Management

For and on behalf of Group Leaders,
Andrew Burton and Matthew Smith

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 given 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.