



## APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0891

To BDW Homes, Commercial Estate Projects Ltd, HLM Ltd.  
Vico Court  
Ring Road  
Lower Wortley  
Leeds  
LS12 6AN

**Proposal Residential development with associated public open space, landscaping and link road. (2013/0280 - Reserved Matters )**

**At Land to the south-east of Dearne Hall Road and 1 and 3 Claycliffe Road, Low Barugh, Barnsley, S75 1LX**

**Approval is hereby given** for the proposals which were the subject of the Application and Plans registered by the Council on 28 July 2015 and described above, being matters reserved in the permission granted on under Application

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 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.**

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

Signed   
Head of Planning and Building Control

Dated 25 February 2016

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. The relevant plans and documents are outlined below:

- 1414.01 'Planning Layout Rev.G
- 1414.CS 'Street Scenes'
- 1414.04 'Street Scenes'

#### House Types & Layouts

- 1414.100 to 1414.145 inclusive

#### Garages

- 1414.200
- 1414.201
- 1414.202

#### Boundary Treatments

- 1414.300
- 1414.301
- 1414.302

#### Documents

- Garden Noise Assessment - 14/0561/R01
- Planning Noise Assessment - 13/0190/R1//Revision 6
- Drainage Details - Ref: E14/6120/MH/PW/010
- Great Crested Newt Survey Report - June 2014

**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 Core Strategy Policy CSP 29, Design.**

4 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.**

5 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.

**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**

6 Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.

**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**

7 Prior to the commencement of development, details shall be submitted in writing to the Local Planning Authority of arrangements which secure the following highway improvement works:

- Provision of bus stop clearways
- Provision of Highway Warning Signs
- Measures to restrict parking/loading on the main spine road
- Measures to prevent parking on verges
- Any necessary signing/lining

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**

8 Development shall not commence until details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority.

**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**

9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.

**Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

10 Within 3 months of the commencement of the development the following landscaping details shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be retained thereafter:

- i) proposed finished levels or contours;
- ii) public open areas;
- iii) soft landscaping;
- iv) means of enclosure;
- v) other vehicle and pedestrian access and circulation areas;
- vi) hard surfacing materials;
- vii) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); and
- viii) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, indicating lines, manholes, supports etc.)

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

- 11 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree protection plan and barrier details (TPP)  
Arboricultural method statement (AMS)

No development or other operations shall take place except in complete accordance with the approved methodologies. The erection of barrier's for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**

- 12 No development shall commence until a detailed scheme has been submitted to and approved by the Local Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation to the south east of the site, as shown on plan IL21235-020 Rev B, upon noise levels within the dwellings hereby permitted. The scheme shall broadly accord with the Cole Jarman Planning Noise Assessment submitted as part of the application dated 13 June 2013 (Report 13/0190/R1 Revision 6) and shall:

- a) demonstrate that internal noise levels at the 100Hz one-third octave band centre frequency shall not exceed an unweighted 48dB Leq 5 min during the day (0700-2300h) and 43 dB L eq 5 min at night (2300-0700h) respectively at any location with the dwellings due to the operation of the electrical substation; and  
b) include specifications for the installed performance of external building fabric such as windows and include the provision of alternative means of background ventilation in order to achieve the noise levels set out in (a) above.

The development shall be carried out in accordance with the approved scheme

**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**

- 13 The development hereby permitted shall not commence until a detailed scheme has been submitted and approved by the Local Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation to the south east of the site, as shown on plan IL21235-020 Rev B, upon noise levels within the gardens of the dwellings hereby permitted. The scheme shall broadly accord with the Cole Jarman Planning Noise Assessment submitted as part of the application dated 13 June 2013 (Report 13/0190/R1 Revision 6) and shall demonstrate that within each garden there is provision for an area subject to noise levels at the 100Hz one -third octave band centre frequency shall not exceed an unweighted 54 dB L eq 5 min due to the operation of the electrical substation.

The development shall be carried out in accordance with the approved scheme.

**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**

14 Prior to the completion of the new pond, a plan indicating the position of boundary treatment to be erected for the area located around the existing and new pond shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to the occupation of the first dwelling or in accordance with a timescale to be agreed in writing with the LPA. Development shall be carried out in accordance with the approved details.

**Reason: In the interests of the visual amenities of the locality and the amenities and safety of occupiers of adjoining properties in accordance with Core Strategy policy CSP 29**

15 Your attention is brought to the requirements of condition no.17 (Provision of Affordable Housing) of the Outline Planning permission 2013/0280. The requirements of this condition will need to be satisfied prior to the commencement of any development at the site.

## **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.*

- 1 The granting of planning permission does not affect the status of biodiversity species which have protection under other legislation.
- 2 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant.
- 3 The applicant is advised by Regulatory Services of the requirement to provide the following information in order to satisfy condition 20 where applicable:-

Glazing specifications and ventilation system specifications, including the results of laboratory tests to verify the acoustic performance of the system proposed.

An assessment of room modes within the rooms with a view of the substation will be required in order to ensure that they do not occur around the 100 Hz frequency (i.e. the dominant tone from the substation).

- 4 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.

## 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.