



**APPROVAL OF RESERVED MATTERS**

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2023/0566**

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

**Proposal** Reserved Matters application for erection of 46no. homes and associated works with appearance, landscaping, layout and scale under consideration (Application in connection with outline approval 2019/1244 as amended by application 2023/0579) (Amended Plans)

**At** Land to the south of Darton Lane, Darton, Barnsley

**Approval is hereby given** for the proposals which were the subject of the Application and Plans registered by the Council on 14/09/2023 and described above, being matters reserved in the permission granted on 18/11/2021 under Application 2019/1244.

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.**

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. 2239.01 Rev AK, 2239.07, 2239.05 Rev D, 2239.05.02 Rev A, 2239.06, 2239.04 Rev C, 2239.03 Rev H, 2239.15, DH-SD-302 Rev A, Substation Plans, R/2675/4A, R/2675/2G, R/2675/3G, R/2675/1G, SPA 01. Rev C, Site Execution Plan DAR/002/SEP, SWMP dated April 2023, Road Safety Audit dated May 2024, BFHL Assessment dated December 2023, AMS dated May 2024, Construction Method Statement, Tree Survey dated February 2023, Design and Access Statement, Statement of Community Involvement, House Type Portfolio, Geo-Environmental Appraisal, Sustainability Report, Waste management plan, Site Inspection Report) and specifications as approved unless required by any other conditions in this permission.  
**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 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 enlargement, improvement or other alteration of the dwellings to plots 20, 21 and 22 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.  
**Reason: To safeguard the amenities of the proposed residents and to ensure that adequate amenity areas are maintained in accordance with Local Plan Policy GD1.**
- 4 The development shall be completed in line with the recommendations in the Biodiversity Management Plan (ER-6517-09), Biodiversity Net Gain Assessment (ER-6517-02C), Biodiversity Metric 3.1 (BM-6517-01D), Habitat Condition Assessment (CA-6517-01), Construction Environment Management Plan - CEMP: Biodiversity (ER-6517-10), Reptile Survey Report (ER-6517-04-A), Bat Activity Survey Report (ER-6517-03-A), Preliminary Ecological Appraisal Report, Badger Assessment & Report (ER-6517-050), Breeding Bird Survey, Invertebrate Survey (ER-6517-07) and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out and thereafter permanently maintained for the stated purposes of biodiversity conservation.  
**Reason: In the interests of Biodiversity in accordance with policy BIO1.**
- 5 The development shall be carried out in accordance with the submitted Biodiversity Management Plan (reference ER-6517-09B), to ensure that there is no net loss of biodiversity within a 30 year period as a result of the development. Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.  
**Reason: In the interests of Biodiversity in accordance with policy BIO1.**
- 6 The applicant, to ensure no net loss of biodiversity will undertake offsite mitigation (completed by the Yorkshire Wildlife Trust) at Smithies Marsh and the Barnsley Canal (Biodiversity Net Gain Assessment - ER-6517-02C). These works have been agreed under S106 agreement 2019/1244. Monitoring reports for the offsite mitigation areas will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.  
**Reason: In the interests of Biodiversity in accordance with policy BIO1.**

- 7 Prior to the occupation of the dwellings, the Scheme of Sound Insulation Works for glazing and ventilation described in report 'Proposed Residential Development Land to the South of Darton Lane, Darton, Barnsley, S75 5AF' produced by Environmental Noise Solutions Limited, dated 8th February 2024, ref: NIA-11287-23-11460.docx, Table 4.1 shall be implemented. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.  
**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**
- 8 Prior to the occupation of the dwellings, the external amenity mitigation described in report 'Proposed Residential Development Land to the South of Darton Lane, Darton, Barnsley, S75 5AF' produced by Environmental Noise Solutions Limited, dated 8th February 2024, ref: NIA-11287-23-11460.docx shall be implemented. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.  
**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**
- 9 During works, construction or demolition related activity shall only take place onsite 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**
- 10 All in curtilage planting, seeding or turfing comprised in the approved details of landscaping 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'.**
- 11 All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the landscaping shall be carried out in accordance with the approved details and timescales.  
**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'**

## **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.

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: 28 June 2024



**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 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.