



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2024/1000

To Ropergate Architecture
The Old Post Office
20b Ropergate
Pontefract
WF8 1LY

DESCRIPTION Erection of 2no. two-storey residential blocks for use as assisted living accommodation, consisting of 14no. apartments across the two blocks with shared amenity space, parking, cycle storage and bin stores, with associated highways/access works.

LOCATION Land between Cromford Avenue and Blackheath Road. Athersley South, Barnsley, S71 3SZ, ,

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 12/12/2024 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans:
Location Plan, Drawing No: HR-RA-XX-XX-DR-A-(03)01, Rev: A
Proposed Site Plan, Drawing No: HR-RA-XX-XX-DR-A-(03)04, Rev: E, Received: 7/3/2025
Unit A Proposed Plans & Elevations, Drawing No: HR-RA-A-XX-DR-A-(03)05, Rev: E, Received: 7/3/2025
Unit B Proposed Plans & Elevations, Drawing No: HR-RA-B-XX-DR-A-(03)06, Rev: D, Received: 7/3/2025
Proposed Site Sections Sheet 1, Drawing No: HR-RA-XX-XX-DR-A-(03)07, Rev: B, Received: 7/3/2025
Proposed Site Sections Sheet 2, Drawing No: HR-RA-XX-XX-DR-A-(03)08, Rev: B, Received: 7/3/2025
Window Details, Drawing No: HR-RA-XX-XX-DR-A-(03)11, Rev: B, Received: 28/3/2025
Landscaping Details, Drawing No: R/2839/1, Received: 7/3/2025
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 The Biodiversity Gain Plan shall be prepared in accordance with the Ecological documents submitted with the application: Ecological Impact Assessment (Section 5) by Whitcher Wildlife Ltd, reference 240954/EcIA/1 and dated 7th March 2025 (Received 7/3/2025).

Reason: In the interests of clarification and to help deliver a biodiversity net gain on site in accordance with Schedule 7a of the Town and Country Planning Act 1990.

4 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved by the Local Planning Authority. The HMMP shall include:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, and approved in writing by, the local planning authority.
- f) A timetable for implementation and completion of creation and enhancement works.
- g) Notice in writing shall be given to the Council within 10 working days of the implementation of the HMMP
- h) Notice in writing shall be given within 10 working days of the completion of the habitat creation and enhancement works as set out in the HMMP and a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.
- i) Thereafter the created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP] for a period of 30 years following the completion of the development.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Local Plan Policy BIO1 and Schedule 7A of the Town and Country Planning Act 1990.

5 Prior to the commencement of development, elevational drawings including materials and colours of the proposed cycle store building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle store building shall be constructed in complete accordance with the approved details and maintained as approved for the lifetime of the development .

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

6 Prior to the commencement of development, elevational drawings including materials and colours of the proposed bin store buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the bin store buildings shall be constructed in complete accordance with the approved details and maintained as approved for the lifetime of the development .

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

7 Prior to the commencement of development, details of external materials to be used on the buildings hereby approved including specifications, supplier and colour codes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed building(s) shall be constructed in complete accordance with the approved details and maintained as approved for the lifetime of the development .

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

- 8 Prior to the commencement of development, full details of the highways works shall be submitted to and agreed in writing by the Local Planning Authority. The information shall include arrangements to secure the relevant works. Such works shall comprise of:-
- Formation of access
 - Reinstatement of footways
 - Any necessary alterations to street lighting;
 - Any necessary alterations to highway drainage;
 - Any necessary signing/lining;
 - Any necessary reconstruction/resurfacing
 - Timetable of works
- The works shall be implemented in accordance with the approved details, prior to occupation of the development.

Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.

- 9 Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by, the Local Planning Authority. 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.
 - Measures to control noise and dust

The approved statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety and to reduce any adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.

- 10 Prior to the commencement of development, a condition survey of the adopted highway to be used by construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed shall be agreed by the Local Highway Authority prior to the survey being undertaken. The survey shall consist of:
- A plan to a scale of 1:1250 showing the location of all defects identified
 - 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. The second survey shall be submitted to the Local Planning Authority and 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. Any remedial work shall be completed prior to the occupation of the development.

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 accordance with Local Plan Policy T4: New development and Transport Safety.

- 11 No development shall take place until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, 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: Flood Risk.

- 12 The visibility splays, as shown on the approved site plan (Proposed Site Plan, Drawing No: HR-RA-XX-XX-DR-A-(03)04, Rev: E, Received: 7/3/2025) shall be safeguarded at the drive entrance/exit. There shall be no obstruction to visibility or any development/structure exceeding 1.05m in height erected adjacent to the highway, for the lifetime of the development.

Reason: In the interests of highway safety in accordance with Local Plan Policy T4: New development and Transport Safety.

- 13 Prior to the occupation of the development, the on-site vehicular areas shall be hard surfaced and drained in an approved manner.

Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.

- 14 Prior to the occupation of the development, the parking/manoeuvring facilities, as indicated on the approved site plan (Proposed Site Plan, Drawing No: HR-RA-XX-XX-DR-A-(03)04, Rev: E, Received: 7/3/2025) shall be implemented and shall be retained for that sole purpose for the lifetime of the development.

Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.

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

Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.

- 16 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

- 17 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- evidence of existing positive drainage to public sewer and the current points of connection; and
- the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

- 18 During construction and demolition activities, works 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: Pollution Control and Protection.

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 Town and Country Planning Act has been amended to make every grant of planning permission deemed to have been granted subject to the following General Biodiversity Gain Condition:
The development may not be begun unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority; and
(b) the planning authority has approved the plan.
The purpose of the General Biodiversity Gain Condition is to secure the 'Biodiversity Objective', which requires the post-development biodiversity value to exceed the pre-development biodiversity value of the on-site habitat by at least 10%.
Biodiversity net gain can be achieved through habitat creation or enhancement on-site or off-site; the purchase of biodiversity units from a habitat bank; or as a last resort through the purchase of statutory credits; or a mixture of these.
- 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.
- 3 HMMP template and other information can be found at this link:
<https://publications.naturalengland.org.uk/publication/5813530037846016>
- 4 If Secured by Design standards are not adopted, attention and consideration should be given to the following areas:-
 - Doors are to comply with PAS24, LPS1175SR2 (or equivalent) as a minimum.
 - Windows (including any curtain walling) under 2.4m in height are to comply with the PAS24 specification (where the PAS specification is a draft British Standard).
 - Prior to the commencement of development (including ground works), a scheme detailing any street lighting to all private (un-adopted) sections of secondary roads/drives/courtyards should be submitted to and approved in writing by the Local Planning Authority. The scheme should not include low-level or bollard lighting. No dwellings accessed from private (un-adopted) roads/drives/courtyards shall be brought into use until the street lighting so approved has been installed and brought into use, and the street lighting shall be retained as such thereafter.
https://www.securedbydesign.com/images/PCPI_LIGHTING_GUIDE_web.pdf
Attention should be paid in particular to the robust nature of the boundary and demarcation fences between the buildings.

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 April 2025

A handwritten signature in black ink, consisting of a circular scribble followed by a horizontal line extending to the right.

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>