BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1341

To D.J.A.S
8 Westgate
Ripon
North Yorkshire
HG4 2AT

DESCRIPTION Demolition of existing bungalow and outbuildings, erection of 40 no. dwellings and formation of an area of openspace (Extension of Time Limit of application 2008/0764)

LOCATION Lilac Garage, Lilac Farm, Church Street, Brierley, Barnsley, S72 9JG

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 27 October 2011 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 plans and specifications as approved (Dwg No's: RB/BY-01 Rev. B; RB/BY-02 Rev. B; RR/BY-03; RR/BY-04; RR/BY-05; RR/BY-06 Rev. B; RR/BY 07) unless prior written consent has been given by the Local Planning Authority to any variation.
Reason: In the interests of the visual amenities of the locality and in accordance with Barnsley 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 Barnsley LDF Core Strategy Policy CSP 29, Design.

Stephen Moralee

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

Signed
Assistant Director, Planning and Regulatory Services

Dated 19 December 2011

Planning and Regulatory Services **Telephone: 01226 - 772000**
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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: In the interest of highway safety.

5 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m.
Reason: In the interest of highway safety.

6 Parking bays shall have the dimensions of 2.5m x 5m.
Reason: In the interests of highway safety.

7 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
" The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
" Wheel washing facilities
" Measures to control the emission of dust and dirt during construction
" Measures to control noise levels during construction
" A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety, residential amenity and visual amenity.

8 Within 28 days of works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. Within 28 days of completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developers expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety.

9 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme for surface water run-off limitation which maintains present Greenfield surface run off rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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 proper drainage of the area.

10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works for the gardens, areas of shared amenity space and the formal area of on-site 'open space' including details of the species, positions and planted heights of any proposed trees and shrubs. The approved hard landscaping details shall be implemented prior to the occupation of the dwellings.
Reason: In the interests of the visual amenities of the locality and in accordance with Barnsley LDF Core Strategy Policy CSP 35 and SPG 20.

11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality.

12 Prior to the substantial occupation of the dwellings a scheme for the management and maintenance of the on-site public open space shall be submitted to and agreed in writing with the Local Planning Authority. The management/maintenance of the openspace shall then be carried out in accordance with the approved details.
Reason: In the interests of visual amenity and in accordance with Barnsley LDF Core Strategy Policy CSP 35, Greenspace.

13 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:

- Root protection areas (RPA)
- Tree protection plan (TPP)
- Arboricultural implication assessment (AIA)
- Arboricultural method statement (AMS

No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.

14 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Barnsley LDF Core Strategy Policy CSP 35, Green Space and SPG20. The provision or enhancement of the off-site public open space shall be provided prior to completion of the development in accordance with the approved scheme.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Barnsley LDF Core Strategy Policy CSP 35 and SPG20.

15 Construction or remediation work and 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: In the interests of the amenities of local residents and in accordance with Barnsley LDF Core Strategy Policy CSP 40, Pollution Control and Protection.

16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and in accordance with Barnsley LDF Core Strategy Policy CSP 29, Design.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings 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: In the interest of residential amenity and in accordance with Barnsley LDF Core Strategy Policy CSP 29, Design.

18 At least 15% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of sustainable development and in accordance with Barnsley LDF Core Strategy Policy CSP 5, Including Renewable Energy in Developments.

19 The development shall not begin until a scheme for the provision of 15% of affordable housing, in accordance with the requirements of PAN 34 and Barnsley LDF Core Strategy Policy CSP 15, Affordable Housing, as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and phased to the satisfaction of the Local Planning Authority. The scheme shall include:-

1. The numbers, type and location of the affordable housing provision to be made.
2. The timing of the construction of the affordable housing.
3. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing.
4. The occupancy criteria to be used for the determining of the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy will be enforced.

Reason: To ensure the satisfactory provision of affordable housing in accordance with PAN 34 and the Barnsley LDF Core Strategy Policy CSP 15, Affordable Housing.

20 No development shall take place until the applicant, their agent, or their successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: In the interests of protecting potential archaeological remains at the site.

21 Prior to the commencement of development detailed plans shall be submitted 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 Barnsley LDF Core Strategy Policy CSP 29, Design.

Reason(s) for Granting Permission

1 Unique The proposed scheme would be partly within a Housing Policy Area and partly within an area of green space. The residential development would allow adequate compensatory provision for the loss of the green space, which doesn't currently allow public access, which would be of benefit to the local community. The design and layout of the residential development proposed would not have a significant detrimental impact on highway safety, residential amenity, visual amenity, or trees and vegetation subject to compliance with the conditions attached. The design and scale of the houses proposed are also considered to preserve the character of the Conservation Area. The proposal complies with Barnsley UDP Policy H8A and Barnsley LDF Core Strategy Policies CSP 15, CSP 35 and CSP 19.

Informative(s)

1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:

- Collapse of shallow coal mine workings;
- Collapse of, or risk of entry into, mine entries (shafts and adits);
- Gas emissions from coal mines including methane and carbon dioxide;
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
- Transmission of gases into adjacent properties from underground sources through ground fractures;
- Coal mining subsidence
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

2 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.

3 The developer must contact Highways prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of permanent or temporary vehicular access(es) to the highway.

4 The compensation for loss of greenspace may be met through a commuted sum, obligation or other legal agreement.

5 The term 'affordable housing' means housing below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a Registered Social Landlord.

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.

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