BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/1273

To Roger Lee Planning Ltd
18 Leeds Road
Methley
Leeds
LS26 9EQ

DESCRIPTION Removal of conditions 14 and 19 of application 2011/1341 - Demolition of existing bungalow and outbuildings, erection of 40 no. dwellings and formation of an area of open space (Extension of Time Limit of application 2008/0764)

LOCATION Former 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 18/11/2019 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby approved shall be carried out strictly in accordance with the plans as approved under planning permission 2011/1341 apart from the site layout plan which shall be in accordance with Drawing titled Proposed Site Plan No. 100 Rev K (showing 38 dwellings on the site) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

2 The development shall be carried out in accordance with the external materials outlined in the letter dated 12th April 2012, and accompanying External Materials Schedule, as approved through the discharge of conditions submission for application 2011/1341
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3 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 Local Plan Policy T4 New Development and Transport Safety.

4 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

5 Parking bays shall have the dimensions 2.5m x 5m
Reason: In the interests of highway safety in accordance with Local Plan Policy T4.

6 The development shall proceed in accordance with the Construction Method Statement that accompanied the letter dated 12th April 2012 and approved through the discharge of conditions submission for application 2011/1341. The approved scheme shall be adhered to throughout the construction period.
Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.

7 Within 28 days of works re-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 in accordance with Local Plan Policy T4.

8 The development shall proceed in accordance with the drainage scheme outlined in the letter dated 12th April 2012, and shown on plan no Lil01 p06.dc6, as approved under the discharge of conditions submission for application 2011/1341. The drainage system shall be fully implemented prior to the occupation of any of the remaining dwellings. The scheme shall be retained throughout the life of the development.
Reason: In the interests of ensuring adequate drainage to the scheme in accordance with Local Plan Policy CC3.

9 The development shall proceed in accordance with the hard landscaping details outlined within the letter dated 12th April 2012, and accompanying drawing no. Lil01p06.dc6, as approved through the discharge of conditions submission for application 2011/1341. The hard landscaping shall be implemented prior to the occupation of the buildings.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

10 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 remaining 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.
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 Upon re-commenecement of works on the site 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 open space shall then be carried out in accordance with the approved details.
Reason: In the interests of visual amenity and in accordance with Barnsley Local Plan Policy GS1.

12 The development shall proceed in accordance with the tree protection measures outlined in the letter dated 12th April 2012, and accompanying plan Lil01p05A, as approved through the discharge of conditions submission for application 2011/1341.
Reason: To ensure the continued well being of the trees in accordance with Local Plan Policy GD1.

13 Construction or remediation work comprising the use of plant, machinery or equipment, or 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

14 The development shall proceed in accordance with the boundary treatment details outlined in the letter dated 12th April 2012, and accompanying plan Lil01p06, as approved through the discharge of conditions submission for application 2011/1341.
Reason: In the interests of visual amenities in accordance with Local Plan Policy GD1.

15 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 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 interests of residential amenity in accordance with Local Plan Policy GD1.

16 The development shall proceed in accordance with the low carbon energy renewal plan outlined in the letter dated 12th April 2012, and, as approved through the discharge of conditions submission for application 2011/1341. The measures shall be retained through the lifetime of the development.
Reason: In the interests of climate change and in accordance with Local Plan Policy RE1.

17 The development shall proceed in accordance with the Archaeology Desk Based Assessment and Building Appraisal dated April 2012, as approved through the discharge of conditions submission for application 2011/1341.
Reason: In the interests of the historic environment in accordance with Local Plan Policy HE6.

18 The development shall proceed in accordance with the finished floor level details outlined in the letter dated 12th April 2012, and accompanying plan Lil01 p04.dc6A, as approved through the discharge of conditions submission for application 2011/1341.
Reason: In the interest of visual amenities in accordance with Local Plan Policy GD1.

Informative(s)

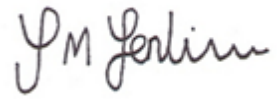
Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Please be aware that the Council monitors construction sites and open land within the vicinity 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 the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed Dated 18/09/2020



Joe Jenkinson
Head of Planning and Building Control

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.