BARNSLEY
Metropolitan Borough Council

Growth and Sustainability
Regeneration and Culture
Planning, Policy and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/0945

To jg-d
The Studio
Stepaside Coal
Pit Lane
Brighouse
HD6 4HW

DESCRIPTION Variation of conditions 2 (approved plans) and 3 (external facing materials) of planning approval 2021/0958 - Erection of 5no dwellings and associated works including access road, garages and landscaping (Reserved matters of outline planning permission 2018/0665 relating to appearance, landscaping, layout and scale)

LOCATION Land North of Keresforth Road, Dodworth, Barnsley

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 21/09/2022 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before 05/11/2023.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990 and condition 1 of application 2019/0958.

2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved (shown below) unless required by any other conditions in this permission. For clarity the materials referenced in the key associated with the plans below are not approved and are instead referenced in condition 3.
(21903)1_Site Plan
(21903)2_Lower Ground Floor
(21903)3_Ground Floor Plan
(21903)4_First Floor Plan
(21903)11_Eastern Elevation
(21903)12_Southern Elevations
(21903)13_Western Elevations
(21903)14_Northern Elevation
(21903)20_Landscape Proposals
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 materials used in the development hereby approved shall be reconstituted stone for the walling (Marshalls Epoch Rumbled Walling, or very similar) and thin leading edge concrete tiles (Wienerberger TLE Dark Grey, or very similar) for the roofs. 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 Local Plan Policy D1 High Quality Design and Place Making.

4 All in curtilage planting, seeding or turfing comprised in the approved details of landscaping ((21903)20_Landscape Proposals) 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'.

5 The Electric Vehicle Charge Points with minimum "Mode 3" (7 kW, 32 AMP) capability approved under application 2022/0873 shall be installed in accordance with the approved details prior to first occupation of the development and retained as such thereafter.
Reason: To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.

6 The development hereby approved shall be carried out in accordance with the mitigation measures set out in the Air Quality Assessment by Redmore Environmental dated 19th Oct 2021 (Ref: 2100-1r1). The mitigation measures shall be implemented prior to the occupation of the dwellings and retained as such thereafter.
Reason: In accordance with CSP 41 'Development in Air Quality Management Areas'.

7 The annex accommodation associated with plot 4 hereby approved shall be used incidentally to and in association with plot 4 and shall at no time be severed therefrom to form a separate residential unit.
Reason: In the interests of the residential amenity enjoyed by residents, in accordance with Local Plan Policy GD1: General Development.

8 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 plots 1 and 4 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 visual amenity in accordance with Local Plan Policy D1 and residential amenity in accordance with Local Plan policy GD1.

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.

2 The granting of planning permission does not affect the status of species such as owls and bats, which have protection under other legislation. These may be present and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk

3 The development hereby approved includes the creation of/carrying out of alterations to vehicular access (es). You are advised that before undertaking work on the adopted highway you will require a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/ or please email Streetworks@barnsley.gov.uk or call 01226 773555.

4 Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 13. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.

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 14/11/2022



Joe Jenkinson
Head of Planning, Policy 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.