



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0675

To Mr A Rivero
Network Rail (Commercial Property)
George Stephenson House
Floor 1B/ 46
Toft Green
York
YO1 6JT

DESCRIPTION Formation of new station footbridge with approach stairways/footways.
(Resubmission)

LOCATION Railway Station, Lowfield Road, Bolton Upon Dearne, Rotherham

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 27 May 2009 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.

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

Signed *Stephen Moralee*
Assistant Director, Planning and Transportation

Dated 08 July 2009

2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved, unless prior written consent is been given by the Local Planning Authority to any minor variation:-

- Planning application forms
- Design and Access Statement
- drawing no B50034-213 rev A 'Proposed Details'
- drawing no B50034-212 rev A 'Proposed Sections'
- drawing no B50034-901 'Landscape Plan'
- drawing no B50034-211 Rev A 'Proposed General Arrangement'
- The recommendations of the Arboricultural Implications Assessment written by English Tree Care
- Ecological Scoping Report written by Ecoloserve
- Landscape Management Plan written by Axis

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

3 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.

4 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 buildings 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.

5 No development shall take place until a scheme for the protection of the retained trees or hedging in accordance with Section 7 BS5837, including 14 days notice prior to any works on site including demolition and a scheme for supervision for arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented in accordance with the approved details prior to any equipment, machinery or materials being brought onto the site for the purposes of development, including demolition and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels in those areas shall not be altered and no excavations shall be made, without the prior written consent of the Local Planning Authority.

Reason: To ensure the work accords with good arboricultural practice in accordance with Policy GS22 of the adopted Unitary Development Plan and SPG9 (Trees and Hedgerows).

6 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
 - 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.**

7 No development shall take place until surface water drainage details, including a scheme for surface water run-off limitation and a programme of works for implementation has been submitted to and approved in writing by the Local Planning Authority:

Thereafter no part of the development shall be 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

8 Unless otherwise agreed in writing with the Local Planning Authority, the proposed stepped access from Lowfield Road to the eastern side of the station shown on drawing B50034-211 rev A 'Proposed General Arrangement' shall be provided prior to the approved development first being brought into use.

Reason: To assist meet the aims of UDP Policy T10 including encouraging the use of public transport and improvement of mobility for disadvantaged groups.

9 Unless otherwise agreed in writing with the Local Planning Authority no construction works shall take place 11pm-07.30am on any day except:-

1st November, 00:01-09:30
7th November, 23:35-08:05
14 November, 23:35-08:05
21st November, 23:35-08:35
5th December, 23:35-08:05

Reason: In the interests of the reasonable residential amenity for the occupants of neighbouring properties.

10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development hereby permitted is brought into use or in accordance with a timetable agreed in writing with the Local Planning Authority. 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 the amenities of occupiers of adjoining property and in accordance with UDP Policy BE6, Design Standards.

Reason(s) for Granting Permission

- 1 Unique In the opinion of the Local Planning Authority, the proposed development is necessary and justified due to the public safety risks associated with the existing railway crossing. The proposal would lead to the loss of trees subject of a Tree Preservation Order and inappropriate development in the Green Belt, however the risk to public safety provides very special circumstances required to justify inappropriate development in the Green Belt. In addition the effect on openness would not be significant and would be compensated for by a replacement landscaping scheme and details of management for the area. Matters of visual and residential amenity, ecology and drainage have all been assessed without raising any material considerations that would be sufficient to outweigh the reasons for supporting the proposal.

Accordingly the proposal is considered acceptable with regards to UDP Policies T9, T10, GS8, GS22, PPG2 - Green Belts and PPS9 Biodiversity and Geological Conservation.

Informative(s)

- 1 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant.
- 2 The granting of planning permission does not effect 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

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.