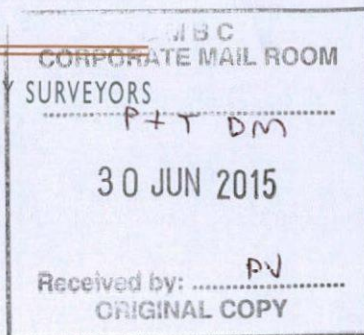




FIRTH PARTNERSHIP

PROJECT MANAGEMENT CONSULTANTS • ARCHITECTS • QUANTITY SURVEYORS
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£36.00

002321

The Firth Partnership
Practice Account

30th June 2015

Dear James **Private and Confidential – Commercial in Confidence**

Re: Jimmy's Wholesale Fireworks – Warehouse and Storage Area

I am instructed by Jimmy's Fireworks Limited to write to you concerning the above facility that is located at Maple Road, Tankersley, Barnsley S75 3DL.

My letter is intended to advise Barnsley Council of Jimmy's Fireworks Limited present and future plans for the development of their facility at Tankersley and to request assistance from the Council to enable the plans to be delivered. My letter is unavoidably complex as it concerns regulation of the storage of explosive materials. In such circumstances I would have preferred an initial meeting to explain the position but being aware of the required system now in place to request pre-application advice this letter is issued to comply with the pre-application advice system as a first stage in the process leading to the submission of a further planning application. Notwithstanding the Council's systems I should be grateful to meet with you to discuss this letter and options that are available that will achieve support from the Council's planning department.

The company history of Jimmy's Fireworks Limited is as follows: -

The company has over the past thirty years established a successful business trading in the import and sale of fireworks. I understand that the company now operates from the largest distribution showroom for fireworks in the UK based at Maple Road, Tankersley. The company is now firmly based in Barnsley and continues to operate with a successful record of achievement.

Jimmy's Fireworks Limited commenced trading from premises in Bradford in 1984 and moved its operation to Batley in 2000 from where it continued to trade successfully. In 2010 the business moved to the new facility at Tankersley. Jimmy's Fireworks Limited is a family owned business. Jhalman Singh and Sukvir P Singh are Directors of the company and Sukvir P Singh is the Company Secretary. Jimmy's Fireworks Limited is highly respected by everyone in contact with the business.

Mr. Jhalman Singh acquired the Maple Road site at Tankersley in 2004 at a cost of approximately £800,000 with bank funding assistance of approximately £500,000. In 2005 planning permission was granted by Barnsley Metropolitan Borough Council to Jimmy's Fireworks Limited for the erection of a distribution depot and associated car park at Wentworth Industrial Park, Maple Road, Tankersley. Application No. B/05/0014/WO.

The establishment of a facility to trade in the storage, sale and distribution of fireworks is complex and requires operational compliance on the basis of a licence issued by The Health and Safety Executive. The HSE licence prescribes strict conditions for the storage and distribution of fireworks. Storage is controlled relative to where fireworks are contained and by stipulation of required storage distance from other buildings and installations both on and off site. The Tankersley site acquired by Mr. Jhalman Singh continues to be able to satisfy stringent Health and Safety requirements concerning minimum building to building separation limits. This in part is due to the distribution site, in the ownership of the company, including an undeveloped conservation area.

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Re: Jimmy's Wholesale Fireworks – Warehouse and Storage Area

The development of the site approved by Barnsley MBC and The Health and Safety Executive provides for the construction of an office/showroom facility, an unpacking / packing building, a warehouse building and extensive external works areas to connect the buildings and provide external storage facilities and parking.

The relocation of Jimmy's Fireworks Limited to Tankersley has required significant increase in capital expenditure to that originally planned. This is due to several factors that have occurred since the original planning application was granted approval by Barnsley MBC. The factors that have impacted upon the ability of the company to complete the planned development are as follows: -

- 1 The construction cost of the development to achieve Health and Safety approval standards and the consequent provision of site development costs and abnormal external works.
- 2 The UK recession and the consequential impact on customer purchasing for the type of product available from Jimmy's Fireworks Limited.
- 3 The UK banking crisis and the consequential restriction to available development finance.
- 4 Changes in Health and Safety legislation concerning the storage of fireworks.
- 5 Relocation of temporary storage units consequent upon the erection of the adjacent premises operating as The Company Shop to maintain building to building separation standards.

The above factors have resulted in the need to reduce planned development expenditure until sales revenue is achieved to satisfy the required expenditure. The consequential delay to the warehouse construction has also impacted upon the profitability of the business. In addition to the Tankersley facility Jimmy's Fireworks Limited utilise a storage facility in Lincoln. The Lincoln storage is provided by rental bunker storage at the Sky Dock facility that is licenced for the storage of explosive materials. It was the intention of Jimmy's Fireworks Limited to curtail the expense of the rental bunker storage directly the Tankersley warehouse building became operational.

At the time the planing permission was granted the storage capacity of the approved warehouse was able to accommodate the complete storage requirement of the company. This has now changed as a consequence of a revision to the default classification rules originally devised by the HSE's Explosives Inspectorate and the fireworks industry (HSE default), but now replaced by a default system devised by the United Nations Committee on Dangerous Goods. I have further explained this in my letter.

Previous correspondence with the Planning Office explains the reasons for the delay to the construction of the approved warehouse and the basis upon which alternative storage facilities on site have received planning permission to facilitate the delay in construction of the warehouse. Jimmy's Fireworks have been able to continue to operate from the Tankersley site as a result of Barnsley Metropolitan Borough Council agreement to the temporary siting of storage units in approved locations on the site. Temporary permission for siting of storage units was granted by planning application 2008/0929, extended by application 2011/1036 and by application 2014/1036.

The change to the classification of fireworks rules has been introduced since Application B/05/0014/WO was approved on the 16th March 2005. I am advised that Jimmy's Fireworks Limited, operating from the Maple Road, Tankersley site is licenced under the Explosives Regulations 2014(ER) (preceded by the Manufacture and Storage of Explosives 2005(MSER). The design of an explosive storage site is dependent upon the quantity and hazard types of the explosives stored and related to the nature of the surrounding area.

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Re: Jimmy's Wholesale Fireworks – Warehouse and Storage Area

Jimmy's Fireworks store and distribute Hazard Type 4 and Hazard Type 3 products. Hazard Type 4 requires much reduced safety distances from building to building than applies in the case of Hazard Type 3. The construction of The Company Shop located to the rear of Jimmy's Fireworks Tankersley site establishment has resulted in previously approved temporary storage unit locations having to be revised in agreement with Barnsley MBC Planning Officers. Application 2014/1036 provided for the revised temporary storage locations to accommodate the position of The Company Shop building and extended the period allows for the temporary storage units to be in place until the 12th February 2017.

A further complication has now arisen as a consequence of the change to the classification of fireworks rules. The change to the classification impacts upon the approved warehouse storage building that was included as part of the B/05/0014/WO Grant of Planning Permission. Prior to 2007, fireworks in the UK were classified by reference to firework default rules devised by the HSE Explosives Inspectorate. Under these rules the fireworks included in the Jimmy's Fireworks Limited range were classified as 1.4G and regarded as Hazard Type 4. I am advised that the B/05/0014/WO Grant of Planning Permission allowed the maximum storage of 30,000kg of Hazard Type 4 product in the approved warehouse building.

I am advised that in 2008 the United Nations firework default rules (UN default) came into force that reclassified a significant proportion of Jimmy's Fireworks Limited product from 1.4G to 1.3G that was then to be regarded as Hazard Type 3. The maximum storage of 1,700kg of Hazard Type 3 product then applied to the warehouse as approved by the B/05/0014/WO Grant of Planning Permission. This reduction in allowed storage capacity of Hazard Type 3 product to 1,700kg has the effect of removing the viability of the warehouse as approved in the context of required storage capacity for the business. The effect of this change to classification has to a limited extent been accommodated by the approved planning permissions for the siting of storage units granted by planning application 2008/0929, extended by application 2011/1036 and further extended by application 2014/1036. Increased storage capacity for Hazard Type 3 product has been able to be accommodated in separately provided storage units positioned to achieve minimum separation distance between each storage unit in contrast to the one originally planned warehouse storage facility that would be limited to 1,700kg Type 3 product. The temporary storage units, positioned on Drawing 2389/13 attached to the planning permission, has resulted in an allowable storage capacity for Hazard Type 3 product of 4,000kg compared with 1,700 kg Type 3 product that is the maximum allowable contained in the one storage unit approved by the B/05/0014/WO permission.

Whilst the current total storage capacity of Hazard Type 3 and Type 4 product falls a long way short of the 30,000kg storage capacity originally planned and approved, Jimmy's Fireworks Limited has maintained business viability by retaining the Lincoln Sky Dock facility to provide additional storage.

In the circumstances explained I am instructed, on behalf of Jimmy's Fireworks Limited, to attempt to achieve a storage solution to replace that intended when the B/05/0014/WO permission was granted. To enable the business to continue I am advised that a minimum permanent storage facility for Hazard Type 3 product of 5,000kg together with 4,000kg of Hazard Type 4 needs to be in place in advance of the summer 2016 period when maximum storage is required in advance of the November 2016 and year end high volume sales periods. I am advised that the permanent storage facility is required at that time to replace the 2014/1036 temporary permission that expires on the 12th February 2017.

I have considered various locations for a revised permanent on site storage of 5,000kg Hazard Type 3 and 4,000 Hazard Type 4 product. In the circumstances that one storage building was to replace that approved by the B/05/0014/WO permission a prescribed distance of 100 metres from other buildings, on and off site will apply.

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Re: Jimmy's Wholesale Fireworks – Warehouse and Storage Area

Given that the available distance between the location of the approved warehouse as the B/05/0014/WO permission and The Company Shop is approximately 60 metres I have determined that one such storage facility, to satisfy the revised re-classification, is not achievable at Tankersley. I have considered options to provide an alternative site location to possibly accommodate the minimum required 5,000 kg of Hazard Type 3 product but provided in two storage units rather than one unit. I am advised that providing two storage buildings each to hold a maximum of 2,500 kg of Hazard Type 3 product will require a minimum separation distance of 80 metres from other buildings and minimum separation distance between the two storage units of 18 metres.

I have considered possible site areas that could provide the required 80 metres separation distance from other buildings and noted this as a blue boundary line area on the plan attached at Appendix 1. I have however established that providing two such storage units with the required separation distances is not feasible due to the restricted area available bounded by the blue line on the attached plan. To further complicate this location as a possible site for Hazard Type 3 storage I have established that the area bounded by the blue line is extensively located beyond the fence line that forms the boundary between the operational site area for Jimmy's Fireworks and the designated conservation area.

From the above analysis I have concluded that the minimum storage capacity required by Jimmy's Fireworks Limited at Tankersley is only realistically available within the boundary of the currently positioned temporary storage units provided in accordance with the planning permission dated 13th February 2014. Siting as the 2014/0024 permission satisfies the safe storage required conditions by providing an approved number of smaller individual storage units at minimum store to store separation distance. I have included a marked up Drawing 2389/13 at Appendix 2 to confirm the proposed storage arrangement that I am advised satisfied the terms of the current Health and Safety Explosives Regulations 2014(ER).

Having considered the options available to Jimmy's Fireworks Limited to continue to operate from Maple Road, Tankersley I propose a further planning application to provide the minimum 5,000kg required Hazard Type 3 and Type 4 product stored in smaller units similar to that currently provided in the case of the more recently approved temporary storage facility. In such circumstances planning advice concerning this proposal is requested together with the opportunity for discussion concerning possible screening options prior to the submission of a formal planning application.

To assist you to accept this request I have attached this letter to the required Minor Development Pre-Application Advice Request Form.

Following consideration of the Advice Request I should be most grateful to meet either at the Planning Office or on site at Tankersley to discuss the current position and the preferred approach to a further planning application.

Yours sincerely

Gordon Firth

**GORDON E. FIRTH FRICS
FIRTH PARTNERSHIP**

E-Mail: g.firth@firth.co.uk



BARNSELEY
Metropolitan Borough Council

Planning Development Management
Barnsley Metropolitan Borough Council
PO Box 634
BARNSELEY
S70 9GG
developmentmanagement@barnsley.gov.uk

Minor Development Pre-Application Advice Request Form

1. Persons Responsible	
APPLICANT	AGENT (if any)
Name: <u>Jimmy's Fireworks Ltd.</u>	Name: <u>FIRTH PARTNERSHIP</u>
Address: <u>WENTWORTH BUSINESS PARK</u> <u>MAPLE ROAD TANKERSLEY</u>	Address: <u>15 REHEW STREET</u> <u>BARNSELEY</u>
Postcode: <u>S73 3BL</u>	Postcode: <u>S70 2EG</u>
Tel. No.: _____	Tel. No.: <u>01226 206021</u>
Email address (an acknowledgement of receipt will be sent if you provide this): _____	Email address (an acknowledgement of receipt will be sent if you provide this): <u>g.firth@firth.co.uk</u>
2. The Site	
Site address: <u>AS APPLICANT</u>	Site area is <u>1.5 ha</u> ☒ <small>ha</small>
	Proposed floor space is _____ m ²
Postcode: _____	
Is land adjoining the application owned/controlled by the applicant?	Please delete as applicable: Yes No Don't know
Does the site include, or is it close to a listed building?	Please delete as applicable: Yes No Don't know
Is the site within, or immediately adjacent to a conservation area?	Please delete as applicable: Yes No Don't know
Does the site include, or is it close to a Scheduled Ancient Monument?	Please delete as applicable: Yes No Don't know
Is the site within, or close to a registered park or garden of special historic interest?	Please delete as applicable: Yes No Don't know
Does the site include anything of archaeological interest?	Please delete as applicable: Yes No Don't know
Does the site include or is it close to anything of historic merit?	Please delete as applicable: Yes No Don't know
3. The Proposal	
What is the present use of the site?	<u>STORAGE AND DISTRIBUTION OF FIREWORKS</u>
What is the proposal for?	<u>CONTINUATION OF PRESENT USE</u>
Is the proposal solely for the benefit of a disabled person(s)?	Please delete as applicable: Yes No

PLEASE CONTINUE ON PAGE 2

ATTACHED INFORMATION	
Without the following, the process will not continue. For complex sites, further information may be requested.	
1:2500 location plan	Y es
1:500 layout plan	Y es
Full details of existing site or buildings	Y es
Full description of proposal and drawings	Y es
Any additional drawings/photo's/models to assist description	Y es

Please confirm your £36 (£30 + VAT) payment:

- ☐ I have already paid by card, and my reference number is _____
- ☒ I enclose a cheque for £36 made payable to 'Barnsley MBC'

If you have already paid by card, you can scan and email this form and any attachments to developmentmanagement@barnsley.gov.uk Alternatively, you can post these to the address below.

If you are paying by cheque, please post it with this form and any attachments to:

Planning Development Management
Barnsley Metropolitan Borough Council
PO Box 634
BARNSELEY
S70 9GG

I (the undersigned) hereby request the views of Barnsley Council on the pre-application proposal.

Signed Gordon Firth Date 26.06.2015

On behalf of Firth Partnership

- ☒ Please tick if the request/application contains commercially sensitive or confidential information and should not be disclosed under the Freedom of Information Act.

We will only use personal information for the services we provide to you. You can find more information on our website at www.barnsley.gov.uk/privacy



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Re: Jimmy's Wholesale Fireworks – Warehouse and Storage Area

Appendix 1

1.500 Layout Plan as Approved