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. 2019/0378

To Peter Thompson
Architectural Design Consultant
Linwood
Barnsley Road
Dodworth
Barnsley
S75 3JR

DESCRIPTION Erection of 2 storey building to be used as electrical contractors office and store [mixed B1/B8 use], provision of associated parking, landscaping and 1.8m high security fencing around site perimeter

LOCATION Workshop, Oakwell Lane, Barnsley, S71 1HB

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 25 April 2019 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 amended plans and specifications as approved unless required by any other conditions in this permission.

Plan Nos -
- Mr A Fearon - Sketch Plans & Elevations - Rev C
- Proposed Electrical Contractors Depot & Office Oakwell Lane - Site Plan 1:500 - Rev E

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3 Upon commencement of development details of the proposed external materials shall be 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 Local Plan Policy D1 High Quality Design and Place Making.

4 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.

5 Operations and vehicle manoeuvres associated with the use shall only take place on-site between the hours of 0800 & 1800 Monday to 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 and Poll1.

6 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.

Approved Specification:
- Proposed Electrical Contractors Depot & Office Oakwell Lane - Landscape Specification
- Proposed Electrical Contractors Depot & Office Oakwell Lane - Site Plan 1:500 - Rev E

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

7 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 are provided in the interests of highway safety and the free and safe flow of traffic, and in accordance with Local Plan Policy T4 New Development and Transport Safety

8 Vehicular and pedestrian gradients within the site shall not exceed 1:20 to ensure safe and adequate access.
Reason: In the interests of highway safety in line with Local Plan Policy T4 New Development and Transport Safety

9 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 600mm above the nearside channel level of the adjacent highway.
Reason: In the interests of highway safety in line with Local Plan Policy T4 New Development and Transport Safety

10 Site lines having the dimensions 2m x site boundary shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interests of highway safety in line with Local Plan Policy T4 New Development and Transport Safety

11 The 6m wide double gated access indicated on the approved plans shall be provided prior to the development being brought into use and shall thereafter be retained.
Reason: In the interests of highway safety in line with Local Plan Policy T4 New Development and Transport Safety

12 The 6m wide double gates shall be hung so as to open inwards into the site and not out onto the adopted highway.
Reason: In the interests of highway safety in line with Local Plan Policy T4 New Development and Transport Safety

13 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interests of highway safety in line with Local Plan Policy T4 New Development and Transport Safety

14 Full foul and surface water drainage details are to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The details are to be provided and conform to the following written specifications:

a) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways, and;
b) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways, and;
c) A hydrogeological report should be carried out to confirm that any water from soakaways would not percolate into the live railway cutting.

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: In the interests of the effective drainage of the site and integrity of the railway network in line with Local Plan Policy T4 New Development and Transport Safety

15 A report is to be submitted to and approved in writing by the Local Authority prior to commencement of the development that is composed of a risk assessment to the railway, the development's method of construction and a construction traffic management plan to ensure that the development's construction is carried out in a "fail-safe" manner in line with the requirements of Network Rail's Asset Protection Project Manager. The method statement should include the details of any demolition, vibro-impact machinery, scaffolding or crane vehicles to be used in the construction of the development and shall provide for:

* The parking of vehicles of site operatives and visitors.
* Loading and unloading of plant and materials.
* Storage of plant and materials used in constructing the development.

The approved statement shall be adhered to throughout the construction period.

Reason: In the interests of the safe development of the site and integrity of the railway network in line with Local Plan Policy T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.

16 Any hedging/shrubs planted adjacent to Network Rail's boundary fencing should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it.
Reason: In the interests the integrity of the railway network in line with Local Plan Policy T4 New Development and Transport Safety

17 Prior to commencement of the development details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.
Reason: In the interests the safe operation of the railway network in line with Local Plan Policy T4 New Development and Transport Safety

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.

1	The developer must contact Highways, Engineering & Transportation on 01226 773555 prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of vehicular accesses to the highway.
2	The applicant is reminded that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability. The question of instability has been a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied; in particular, the granting of planning permission does not give a warranty of support or stability.
3	The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BRE Digest Standard 365.
4	The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.
5	Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
6	All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

7	All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Signed JM Jenkinson Dated 12 June 2019
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.