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. 2019/1192

To Mr Michael Healey
IBI Group (UK) Limited
One Didsbury Point
2 The Avenue
Manchester
Lancashire
M20 2EY

DESCRIPTION Variation of condition 2 (approved plans) of planning permission 2018/0989 to enable changes to the parapet height and lift and pylon base - Erection of new pedestrian footbridge and associated works and structures including alterations to public realm.

LOCATION Jumble Lane Level Crossing, Kendray Street/Midland Street/Market Gate, Barnsley, S70 1DB

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 04 October 2019 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before 24th October 2021.
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 following plans and specifications as approved unless required by any other conditions in this permission:-

BGW2-IBI-XX-PN-A-F100-0011 rev P02; Site Location Plan;
BGW2-IBI-PB-XX-PN-A-F100-0015 rev 3; Proposed Site Plan;
BGW2-IBI-PB-XX-PN-L-G700-001 rev P03 Public Realm GA Plan;
BGW2-IBI-XX-EL-A F100-0017 rev P02 Proposed elevations - sheet 1 of 2;
BGW2-IBI-XX-EL-A F100-0018 rev P03 Proposed elevations - sheet 2 of 2
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 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 including decorative displays and facilities for public viewing, where appropriate
-Wheel washing facilities
-Measures to control the emission of dust and dirt during construction
-Measures to control noise levels during construction
Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Local Plan Policies T4 New development and Transport Safety and GD1 General Development and GD1 'General Development'.

4 Prior to any works 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. On 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 developer's 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 New development and Transport Safety.

5 No development shall take place until full foul and surface water drainage details, including a scheme to limit surface water run off has been submitted to and approved in writing with the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Local Plan Policy CC3 - Flood Risk.

6 Upon commencement of development full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the development being brought into use.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policy D1 High Quality Design and Place Making.

7 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 others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policy D1 High Quality Design and Place Making.

8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the development being brought into use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policy D1 High Quality Design and Place Making.

9 Upon commencement of development a scheme for the provision of lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to the development being brought into use and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Local Plan policy Poll1 Pollution Control and Protection.

10 No construction works in the relevant area (s) of the site shall commence until measures to protect the public sewerage and clean water infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority in consultation with the relevant statutory undertaker. The details shall include but not be exclusive to the means of ensuring that access to the pipes for the purposes of repair and
maintenance by the statutory undertaker shall be retained at all times. If the required stand - off or protection measures are to be achieved via diversion or closure of the infrastructure, the developer shall submit evidence to the Local Planning Authority that the diversion/closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area (s), the approved works have been undertaken.
Reason: In order to allow sufficient access for maintenance and repair work at all times in accordance with Local Plan Policy CC3.

11 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 road safety in accordance with Local Plan Policy CSP26

12 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

-Provision of pedestrian crossing facilities on Kendray Street/Pontefract Road to the east of the railway line;
-Measures to prevent vehicular/pedestrian movement at the level crossing;
-Provision of/amendments to Traffic Regulation Orders;
-Removal of redundant signal infrastructure to the west of the railway including the interface into the railway signal box;
-Changes to signal configurations;
-Provision of LED traffic signals with nearside/on crossing detection;
-Any necessary signing/lining;
-Provision of/any necessary alterations to street lighting;
-Provision of/any necessary alterations to highway drainage;
-Any necessary resurfacing/reconstruction.

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan policy T4 New development and Transport Safety.

13 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure a safe and adequate highway network, in accordance with Local Plan policy T4 New development and Transport Safety.

14 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: To ensure a safe and adequate highway network, in accordance 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.

Signed JM Jenkinson Dated 20 November 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.