

Application No. B/93/1144/BA

BARNSELY METROPOLITAN BOROUGH COUNCIL  
TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

**E. J. Lidster Construction Ltd.,  
per Nylo Design,  
To: 50 Church Street,  
Brierley,  
Barnsley S72 9HT**

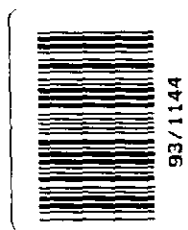
In pursuance of its powers under the above mentioned Act and Orders the Barnsley Metropolitan Borough Council as the local planning authority hereby grants permission for the development the subject of the plan(s) and application submitted to the Council on **29th September, 19 93**

and therein described as:-  
**Use of land for temporary siting of soil screener and materials selection,  
Land adjacent junction of Pontefract Road/Burton Road, West Green,  
Monk Bretton, Barnsley.**

The permission is subject to compliance with the following conditions:-

1. The development for which permission is hereby granted shall be begun within a period of five years from the date of this permission.

**SEE ATTACHED SHEETS FOR CONDITIONS 1 TO 14**



The reasons for the Council's decision to grant permission for the development subject to the conditions specified above are:-

1. In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

**SEE ATTACHED SHEET FOR REASONS 1 TO 14**

Dated the **thirteenth** day of **January,** 19 **94**

Central Offices,  
Kendray Street,  
Barnsley. S70 2TN.

Signed *John Sanderson*  
**Deputy** Director of Planning.

Note: Attention is drawn to the fact that any failure to adhere to the details of approved plans and specifications or to comply with conditions attached to the permission constitutes a contravention of the Town and Country Planning Act 1990 in respect of which enforcement action may be taken.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements \*, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or County Council, London borough or District Council in which the land is situated as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act 1971.

\* The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.

It is therefore recommended that planning permission is granted for a temporary period of 12 months, subject to the following conditions:-

1. The planning permission hereby granted shall be for a limited period of 12 months only from the date of this permission by which date all operations shall have ceased, all plant, equipment, materials and structures shall have been removed and the site shall be restored to its condition that existed prior to the commencement of this operations authorised by this permission except as required by the requirements and conditions of planning permission No. B/92/1021/BA which shall in all cases take precedence.
2. Prior to the commencement of screening operations the works required by virtue of the conditions attached to planning permission B/85/1029/BA shall be implemented in their entirety.
3. The permission hereby granted shall enure for the sole benefit of E.J. Lidster Construction Ltd. in connection with their business as a Plant Hire/Excavation Contractor and the site shall not be used for the importation of trade or commercial waste materials or skip wastes.
4. Prior to the commencement of screening operations a plan shall have been submitted to and approved in writing by the Local Planning Authority showing details of the layout of the material storage areas and the provision of enclosures to retain the materials. The storage enclosures shall thereafter be provided, used and retained for the duration of this permission. No material shall be stored on the site except within such approved storage areas and the height of any storage materials shall not exceed the height of the storage bays.
5. No burning of materials of any description shall occur on any part of the site at any time.
6. Except with the prior written approval of the Local Planning Authority, working operations upon the site shall be limited to the hours between 0900 hours and 1700 hours on Monday to Friday, 0900 hours and 1300 hours on Saturdays, and not at all on Sundays and Bank Holidays.
7. The best practicable means shall be employed to minimise the emission of noise from operations on the site. In particular, (but without prejudice to the generality of the foregoing) all plant, machinery and vehicles shall be equipped with the most effective commercially available silencers to the satisfaction of the Local Planning Authority. Noise from the screening process and ancillary workings shall not cause the A weighted equivalent continuous sound pressure level (LAeq) measured on a slow response to exceed 64 dB(A) at a point situated at a height of 1.2 m and 3.5 m from the facade of the nearest residential property in Burton Road and 48.5 dB(A) at a point situated at a height of 1.2 m and 3.5 m from the nearest residential property at Bleachcroft Farm, Barnsley Road, Cudworth, in any 1 hour period during the authorised working hours.

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8. All reasonable steps shall be taken to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit slurry, mud, coal or other material from the site onto the highway. In particular (but without prejudice to the generality of the foregoing) efficient means shall be installed, maintained and used for cleaning the wheels of all vehicles leaving the site before they enter onto a public highway.

The access/site haul roads shall be maintained in a clean condition for the duration of the development. Notwithstanding such arrangements should any material nevertheless be accidentally deposited on the public highway such material shall be immediately removed by the operator.

9. All loaded vehicles leaving the site shall be securely sheeted to the satisfaction of the Local Planning Authority.
10. The best practicable means shall be employed to reduce dust caused by the permitted operations. Suitable provision shall be made for the arrestment of airborne dust and particulates from the screening process including where necessary, use of water spraying equipment to the satisfaction of the Local Planning Authority.
11. Prior to the commencement of screening operations, the site shall be provided with a perimeter fence or other means of enclosure, the design of which shall have received the prior written approval of the Local Planning Authority.
12. The development shall be carried out in such a manner so as to prevent the contamination, blockage or diversion of any watercourse or settling ponds with material resulting from or used in connection with any work involved.
13. Prior to the commencement of the development, details of the surface water drainage arrangements with levels and cross sections shall be submitted to, and approved in writing by, the Local Planning Authority. No development shall commence until the approved drainage scheme is installed in its entirety and such scheme shall be thereafter maintained for the duration of this permission. No surface water shall be discharged to the drainage system, without the use of petrol/oil/grit interceptors.
14. No materials shall be stored or any structure or plant shall be erected within 4.5 metres of the bank top of Small Bridge/Cudworth Dyke.

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Reasons

1. In order to restrict the period of operations in the interests of the amenity of the locality.
- 2, 8 & 9. In the interests of highway safety.
3. Owing to the special circumstances of the applicant and to limit the number of vehicular movements in the interests of highway safety.
- 4, 5, 6, 7 & 10. In the interests of the amenities of the locality.
11. In the interests of site safety and security.
- 12, 13 & 14. To ensure the proper drainage of the site and to prevent the contamination of existing watercourses.