BARNSLEY
Metropolitan Borough Council

APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0078

To Laing O'Rourke North
Digital Media Centre
County Way
Barnsley
S70 2JW

Proposal Demolition of existing school and erection of Advanced Learning Centre with associated parking, bus and parent drop off area, hard and soft landscaping, sports pitches and bridge link between the new school and sports pitches (Reserved Matters)

At Penistone Grammar School, Huddersfield Road, Penistone, Sheffield

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 15 January 2009 unless otherwise superseded by the amended plans received on 28th January, 2009, 3rd February, 2009, 12th February, 2009, 2nd March, 2009 and 9th March, 2009 described above, being matters reserved in the permission granted on 18th October, 2006 under Application No. 2006/1053.

The approval is subject on compliance with the details specified in the application, the approved plans and conditions of the outline permission and, additionally, is subject to 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.

Stephen Moralee

Signed
Assistant Director, Planning and Transportation

Dated 12 March 2009

Planning and Transportation Service
PO Box 604, Barnsley, S70 9FE
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2 Unless otherwise agreed in writing by the Local Planning Authority no trees, or shrubs within the application site and within the adjacent land shown to be within the applicants ownership which are shown as being retained on the approved plans shall be felled, uprooted, damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any such trees or shrubs removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees or shrubs of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason: To safeguard existing trees or shrubs, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland and Trees and GS22A.
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3 The existing hedges which are shown as being retained on the approved plans shall not be cut down, grubbed out or otherwise removed, or topped or lopped without the written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced with hedging plants of such size and species as may be agreed with the Local Planning Authority. Any hedges dying or becoming seriously diseased within five years of the completion of the development shall be replaced with hedging plants of such size and species as may be agreed with the Local Planning Authority.
Reason: To safeguard existing 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 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs.
Reason: In the interests of the visual amenities of the locality.

5 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.

6 a) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place and the Local Authority is notified.
(b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
(c) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

7 Before the development hereby permitted is commenced a scheme for the improvement and maintenance of playing field drainage, based upon an assessment of the existing playing field quality and including an improvement and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The playing fields shall thereafter be improved and maintained in accordance with the approved scheme.
Reason: To ensure the quality of pitches is satisfactory and they are available for use prior to development.

8 Within 12 months of the commencement of the development/use hereby permitted:
i. A detailed assessment of ground conditions of the proposed playing field within the curtilage of the site shall have been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

ii. Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field, especially in relation to those areas where playing fields are proposed on the site of existing buildings.

9 Notwithstanding the details shown on the submitted plans before development commences revised details of the number and layout of parking spaces to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter retained as such.
Reason: In order to comply with the maximum parking standards set out in SPD 32 Parking, Transport Assessments and Travel Plans.

10 Prior to the occupation of the building full details (including the location, number, colour, height and design of the lighting columns and cowls, the angle/direction of the light source and luminance of the light fittings) of the proposed floodlighting (including security lighting) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in full accordance with the approved details and thereafter retained as such.
Reason: In the interests of the residential amenity of the occupiers of nearby properties and the visual amenity of the area.

Reason(s) for Granting Permission

1 Unique The proposal complies with the outline planning permission granted for the development and policy EDS1 of the Barnsley Education Sites Development Plan Document (DPD), which has been found to be sound by an Inspector appointed by the Secretary of State.

Informative(s)

1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

2 The effective management of construction works is very important given that the site is close to existing houses. Undertakings given regarding adoption of good practice, following Council policies and the imposition restrictions on hours of working should be strictly adhered to at all times.

3 This permission does not extend to ancillary items such as tractor sheds, conservatories, tensile structures and any other items for which details have not been submitted.

4 There are still outstanding details for matters such as site drainage that need to be agreed before development commences on site

5 There is clear presumption in favour of all existing trees on or adjacent to the site that are not directly affected by the development being properly protected during construction and thereafter retained. Therefore, the submitted Arboricultural Report has not been approved and its recommendations are not to be taken as superceeding the primacy of the requirements of the above conditions to protect and retain trees and hedges.

NOTES:-

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, Transport and Regions 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 Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay, 2 The Square, Temple Quay, Bristol, BS1 6PN). 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 proposal 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 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 the Secretary of State for the Environment, Transport and Regions 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 a 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 land is situated as the case may be, a purchase notice requiring the 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 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 of the application to him. These 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.