



BARNSLEY

Metropolitan Borough Council

GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0451

To GL Hearn Limited
20 Soho Square
London
W1D 3QW

DESCRIPTION Outline application for Demolition of existing Holgate school and petrol filling station and development of a new Advanced Learning Centre (Resubmission) (amended access arrangements)

LOCATION Holgate School, Shaw Lane, Barnsley, S70 6EP

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 02 April 2009 and described above.

The approval is subject on compliance with the following conditions:

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) the layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

The grant of this consent does not

constitute or imply permission,
approval or consent by the Local
Authority for any other purpose.

Signed

Stephen Morales

Assistant Director, Planning and Transportation

Dated 18 November 2009

- 3 The landscaping scheme required by condition 2 shall include details of compensatory greenspace to replace that presently located around public footpath no.363. The development shall be carried out in accordance with the approved details and thereafter be retained.
Reason: In accordance with UDP policy GS34 compensatory greenspace is required.
- 4 The details required by condition 2(a) shall include a scheme for the provision and layout of the playing field (including both summer and winter layout and other sports provision) shall be submitted to and approved in writing by the Local Planning Authority and shall include:
- 1) the siting and purpose of each sports pitch to be provided within or in the association with development;
 - 2) indoor sports provision to be made within or in association with the development;
 - 3) a scheme for the management of the sports provision to be made within or in association with the development, including provision to be made for use by other organisations/individuals within the local community
 - 4) A timescale for the implementation and phasing of construction of the agreed sports provision;
 - 5) The new sports facilities shall be designed in accordance with Sport England Technical Guidance Notes to include 'Access for the Disabled People 2002' unless otherwise agreed with the Local Planning Authority in consultation with Sport England
- No development shall take place until these details have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that playing field provision meets Sports England requirements.
- 5 Before the development commences a scheme for the improvement and maintenance of playing field drainage shall be submitted to and approved in writing by the Local Planning Authority and the playing fields shall thereafter be improved and maintained in accordance with the approved scheme.
Reason: To ensure that playing field provision meets Sport England standards.
- 6 A full grounds condition survey will be submitted as part of the reserved matters application and will cover playing field provision including those areas currently occupied by buildings.
Reason: To ensure that ground conditions are suitable for sports pitch provision.
- 7 No development shall commence until details of the phasing of the development, including the provision of the sports facilities have been submitted to 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 satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.
- 8 Prior to the building being occupied a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Agreement shall include details of the pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. Thereafter the approved Agreement shall be fully implemented before the development is brought into use.
Reason: To secure well managed safe community access to the sports facilities and ensure sufficient benefit to the development of sport.

9 No development shall take place unless and until

(a) foul and surface water drainage details have been submitted to and approved in writing by 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. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

(b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for construction of the soakaway are all approved in writing by the Local Planning Authority.

Reason: To ensure proper drainage of the area

10 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

11 No piped discharge of surface water from a land drainage system from the application site shall take place until works to provide a satisfactory outfall have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

12 Unless otherwise agreed in writing by the Local Planning Authority, no building or other structure shall be located over or within 4.0 metres either side of the centre line of the sewers, which cross the site.

Reason: In order to allow sufficient access for maintenance and repair work.

13 No surface water shall be discharged to the drainage system from any areas of the site used by vehicles without the use of petrol/oil interceptors, the details of which shall have been submitted to and approved in writing by the Local Planning Authority before any work on site commences. No part of the roof drainage system should be connected to the interceptors.

Reason: To prevent pollution of the water environment.

14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority.

Reason: To ensure soakaways are not constructed in contaminated land.

- 15 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation matters, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. An assessment as to the degree to which the site may be affected by any contamination, including borehole and trial pit results.
 2. Measures to test and evaluate the site for the purposes of identifying contamination throughout the duration of the development.
 3. Measures to treat or remove any contaminated materials encountered and the methodology to be employed. These procedures should be summarised in a remediation statement.
 4. Steps to be taken to prevent any environmental pollution by any such contaminated material encountered.
 5. Measures to prevent risks to health and safety of the general public and any persons working on the site.
 6. Consideration of any Waste Management issues of any remediation measures.
 7. The subsequent certification/validation reports are submitted, showing that the site has been satisfactorily remediated and that the development of the site can be safely occupied

The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: To protect the environment and ensure the site is suitable for the proposed use.

- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that piling is not constructed in contaminated ground.

- 17 The recommendations of the approved Ecological Assessment shall be carried out in full prior to the occupation of the building

Reason: In the interests of the ecology of the area.

- 18 An assessment of the dispersion of pollution from the stacks associated with any proposed biomass boilers shall be submitted to the local planning authority for approval prior to works to construct any such boiler commencing. This assessment shall include height, design and position of any stacks along with an assessment of the air quality impacts.

Reason: To prevent air pollution.

- 19 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all buildings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with UDP Policy BE6, Design Standards.

- 20 Unless otherwise agreed in writing by the Local Planning Authority no hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.
- 21 Notwithstanding the details shown on the approved plan, full details of staff and visitor parking shall be submitted to and agreed by the LPA and thereafter the approved details shall be implemented prior to the building being brought into use.
Reason: In the interest of road safety.
- 22 No development shall commence until details of measures to prevent mud/debris from being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority, and such measures shall be retained for the entire construction period.
Reason: In the interest of road safety.
- 23 No development shall commence until details of all areas for the parking of all employees' vehicles, the storage of building materials and plant have been submitted and approved in writing by the Local Planning Authority, and such areas shall be retained for the entire construction period.
Reason: In the interest of road safety.
- 24 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use.
Reason: To prevent mud/debris from being deposited on the public highway to the detriment of road safety.
- 25 Sight lines, having the dimensions 2.4m x 90m, 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 interest of road safety
- 26 No development shall commence until a condition survey (including structural integrity) of the highways to be used by construction traffic has been carried out in association with the Local Planning Authority. The methodology of the survey shall first 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 submitted to and approved in writing by 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 developers expense, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety

- 27 Prior to the occupation of the building a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.

Reason: In the interests of sustainable development.

- 28 Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of: -

- a) provision/extension of right turn lanes on Dodworth Road;
- b) provision of central island on Dodworth Road with pedestrian and cycle facilities;
- c) provision of new maintenance access to park on Dodworth Road;
- d) any necessary alterations to/provision of street lighting,
- e) any necessary alterations to/provision of highway drainage;
- f) any necessary alterations to/provision of signing/lining;
- g) resurfacing /reconstruction as necessary for both footway and carriageway.
- h) details of measures to prevent dropping off/picking up on Dodworth Road to be submitted and approved and the approved details to be implemented before the development is brought into use.

Reason: In the interests of highway safety.

- 29 Details of measures to control parking within the site shall be submitted to and agreed by the LPA and the approved details thereafter implemented before the development is brought into use.

Reason: In the interests of Highway Safety

Reason(s) for Granting Permission

- 1 Unique Most of the site is designated in the Barnsley Unitary Development Plan for community use as it is occupied by an existing school. It is considered that exceptional circumstances exist to allow those parts of the site designated for employment to be developed for a School and that alternative greenspace will be provided to compensate for the loss of existing greenspace.

Informative(s)

- 1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:
 - Collapse of shallow coal mine workings;
 - Collapse of, or risk of entry into, mine entries (shafts and adits);
 - Gas emissions from coal mines including methane and carbon dioxide;
 - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
 - Transmission of gases into adjacent properties from underground sources through ground fractures;
 - Coal mining subsidence
 - Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 2 The Environment Agency recommends that developers should:
 - 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 - 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that they require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors e.g. human health.
 - 3) Refer to the EA website at www.environment-agency.gov.uk for more information.
- 3 The siting of the proposed buildings should be as shown on the amended plan dated 6th November 2009.
- 4 There are separate procedures that need to be followed before any works can be carried out that would affect the line of a public footpath.

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.