BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0027

To Laing O Rourke
Barnsley Digital Media Centre
County Way
Barnsley
S70 2HG

DESCRIPTION Variation of Condition 29 relating to submission of community use agreement on previous planning permission 2006/1133, dated 12 December 2006 for erection of Advanced Learning Centre, car parking and new access road, Royston, Barnsley.

LOCATION Land East of Royston Lane, Carlton, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 07 January 2009 and described above.

The approval is subject on compliance with the following conditions:

1 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 siting of the proposed development.

(b) the design of the proposed development.

(c) the external appearance of the proposed development.

(d) landscaping for the site.

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.

2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of the original outline permission (6th July 2006), 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, whichever is the later.

Stephen Moralee

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Assistant Director, Planning and Transportation

Dated 11 March 2009

Planning and Transportation Service **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

3 The development hereby approved shall be carried out strictly in accordance with the details and specifications, as set out in the Environmental Statement, prepared by G L Hearn, dated June 2006.

Reason: To ensure compliance with the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulation 1999.

4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings 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.

5 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.

6 All on-site vehicular areas shall be hard surfaced and drained 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.

7 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 interest of road safety.

8 Sight lines, having the dimensions 2.4 m x 120 m, 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.

9 Unless otherwise agreed in writing by the Local Planning Authority 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) Alteration to road markings to provide a right-turn facility into the site on Royston Lane;
b) Provision of pelican crossing;
c) Provision of bus lay-bys and relocation of bus shelters;
d) Provision of pedestrian crossing islands and associated tactile paving;
e) Measures to calm/control traffic/parking on Royston Lane;
f) Cycle/footway improvements on Royston Lane/Carlton Road/Church Street;

g) Any necessary improvements/alterations to signing;
h) Any necessary alterations to street lighting;
i) Any necessary alterations to drainage;
j) Reinstatement all redundant vehicular accesses;
k) Reconstruction/resurfacing of all highways affected

Reason: In the interests of highways safety.

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10 The parking/manoeuvring facilities, indicated on the submitted plan, shall be provided prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: In the interest of road safety.

11 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.

12 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

13 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.

14 Vehicular and pedestrian gradients within the site shall not exceed 1:12.

Reason: To ensure safe and adequate access

15 No development shall 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 programme of works.

Reason: To ensure a safe and adequate highway network, in the interest of road safety.

16 No development shall commence until details of the means of access for construction traffic have been submitted to and approved in writing by the Local Planning Authority, and such an access shall be retained for the entire construction period.

Reason: In the interest of road safety.

17 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, 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 and approved by the Local Planning Authority and thereafter the approved plan shall be fully implemented.

Reason: In the interests of sustainable development.

18 There shall be no movement of any construction traffic on the highway during any peak times.

Reason: In the interests of highway safety.

19 Unless otherwise agreed in wiriting no development shall commence until details of public transport provision within the site and cycle parking have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

20 All redundant vehicular footway crossings shall be reinstated as kerb and footway prior to the development being brought into use.

Reason: In the interests of road safety.

21 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.
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22 No development shall take place until details of the proposed means of disposal of foul and surface water drainage and treatment, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained and foul water treated without detriment to the local aquatic environment.

23 Unless otherwise approved in writing by the local planning authority no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works including treatment of foul water.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

24 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and to prevent overloading of the receiving wastewater treatment works.

25 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

26 Prior to the building being brought into use 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.

27 Detailed plans shall accompany the reserved matters submission indicating:
a) a detailed assessment of ground conditions (including drainage topography) to identify constraints which could affect pitch quality and quantity;
b) based of the results of the assessment, a detailed scheme to ensure that an acceptable quantity and quality of playing pitches will be provided. The playing fields and pitches shall be constructed and laid out in accordance with strategies and methodologies set out in guidance note 'Natural Turf for Sport' (Sport England March 2000).

All sports pitches shall be constructed in accordance with: Sports England/NGB Technical Design Guidance Notes to include 'Access for Disabled People' unless otherwise agreed in writing with the Local Planning Authority .

Reason: To ensure the provision of an adequate quantity and quality of playing fields and pitches.

Reason(s) for Granting Permission

1 Unique The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan, set out below, and to all relevant material considerations, including Supplementary Planning Guidance and the particular circumstances summarised below:

CF1 - Community Facilities
GS7 - Development in Green Belt
GS8 - New buildings in the Green Belt
T2 - New development and the highway network
PPG2 - Green Belts
PPG17 - Planning for Openspace, Sport and Recreation

In reaching this decision the Council were mindful of the particular circumstances of this application, namely:

This is a major proposal for a new educational facility on a site allocated as Green Belt, on the UDP. It is proposed to replace two existing secondary schools on a new site which is considered central and accessible to the communities it will serve.

Informative(s)

1 Green Belt Issues: PPG2 and Policy GS8 state that the construction of new buildings in the Green Belt will not be permitted except in very special circumstances. Following detailed consideration of the situation with the present schools, including their educational and operational difficulties, and consideration of all available options including a detailed assessment of the alternative sites; the applicants provided a very special circumstances case for the development of this site for an Advanced Learning Centre. The benefits to education provision, together with the lack of alternative and available non-Green Belt sites of a suitable size and location, would outweigh the encroachment into the Green Belt. Whilst

the development would result in some loss of openness, it would not be so significant and planting proposals would help to mitigate the impact.

2 Visual Amenity Issues: The external appearance of the proposed development is reserved for future consideration. The quality of the development will be an important consideration at full application stage. The new school buildings would be closely related to and seen in conjunction with the existing settlement. There would be substantial tree planting and landscaping which will provide an attractive feature and setting for the development and provide opportunities for wildlife. Overall, it is considered that the development can be accommodated on the site and without any significant visual impact and in the medium term the new planting will help to mitigate the impacts.

3 Residential Amenity Issues: It is not envisaged that the new development would create any significant noise or disturbance for existing residents. The main impacts are likely to result from increased road traffic on the existing residential roads surrounding the site. Construction activities may give rise to some limited noise and disturbance. It is concluded that the effects on local residents would not be so significant as to warrant withholding permission.

Environmental Impact Assessment: An Environmental Statement, submitted with the application, considers the effect of the proposed development on ecology, landscape, noise, air quality, archaeology, drainage, land quality and transport assessment and proposals to mitigate these effects. It is concluded that the proposed development would not cause unacceptable adverse environmental effects.

Impact on Trees and Hedges: Existing trees and hedgerows have been carefully assessed. Hedgerows along Cronkhill Lane are considered to be important. The proposed internal layout of the development is purely indicative at this stage and there is no reason why it could not be designed to allow retention of important hedgerows.

4 Highway Safety Issues: The Transportation Assessment indicates that the traffic likely to be generated by the development has been examined and has been found to be within acceptable tolerances. The traffic likely to be generated by the proposed development will not materially impact on the nearby junctions in terms of capacity or highway safety. A School Travel Plan will help to reduce the amount of vehicular traffic generated by the proposal and mitigate the effect of the development on the highway network.

Overall, it is concluded that the benefits of the proposed development on this site outweigh any adverse effects and contribute the very special circumstances to grant planning permission.

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.

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