BARNSLEY
Metropolitan Borough Council

APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0609

To Mr Andy Frost
Jones Lang Lasalle
The Chancery
50 Brown Street
Manchester
M2 2JT

Proposal Mixed use development of Residential, Offices and relocation of College Sports Hall and Tennis Courts (Reserved Matters)

At Barnsley College, Honeywell Campus, Honeywell Lane, Barnsley, S75 1BP

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 08 May 2009 and described above, being matters reserved in the permission granted on OutlineApplicationDate under Application OutlineApplicationNumber.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

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 Regulatory Services

Dated 14 March 2012

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2 No development works shall begin until a phased 1 desk study investigation report, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A review of the historic and current uses on the site, to identify potential areas of contamination;
2. Information on the environmental setting of the site, to understand the behaviour of any potential contamination;
3. Preliminary (quantitative) assessment of risks, including an appraisal of potential contaminant sources, pathways and receptors;
4. An assessment to whether a 'phase 2' intrusive ground investigation will be required to assess the nature of any risks to future occupants.
Reason: To protect the environment and ensure the site is suitable for the proposed use.

3 No development shall take place unless and until 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.
Reason: To ensure proper drainage of the area.

4 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.

5 No trees, or shrubs within the site 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: In the interests of visual amenity of the locality.

6 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.

7 a) Prior to the commencement of development or other operations being undertaken on site in connection with the development, a drawing showing the protection of the retained trees produced in accordance with BS5837:2005 (Trees in Relation to Construction Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

8 (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.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no garages or other outbuildings shall be erected, other than those expressly authorised by this permission.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Core Strategy Policy CSP29, Design.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse other than those shown on the approved plans.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP29.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the openness and visual amenities of the are in accordance with Core Strategy Policy CSP29.

12 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP29.

13 Unless otherwise agreed in writing by the Local Planning Authority visibility splays, having the dimension 2.4 x 90m, shall be safeguarded at the junction of Honeywell Lane with the access road and all internal road junctions, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interests of road safety.

14 Development shall not commence until arrangements have been entered into to secure such works to mititgate 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) making up the access road from Honeywell Lane to adoptable standards.
Reason: In the interests of highway safety.

15 No development shall commence until a scheme has been submitted to and approved in writing with the Local Planning Authority for the provision of or enhancement to public open space in accordance with Core Strategy Policy CSP35 and SPG 20 'Open Space - Provision on New Housing Development'. The provision or enhancement of the open space shall be provided prior to completion of the development in accordance with the approved scheme.
Reasons: In the interests of residential and visual amenity and in accordance with Core Strategy Policy CSP35and SPG 20 'Open Space - Provision on New Housing Development'.

Reason(s) for Granting Permission

1 Unique This is a reserved matters application that accords with the requirements of the outline planning permission

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 vacinity. 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 This decision should be read in conjunction with the section 106 obligation regarding provision of public open space.

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.

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