



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/0015

To Watson Batty Architects Limited
Shires House
Shires Road
Leeds
LS20 8EU

DESCRIPTION Erection of Temporary Secondary School and associated works including access road, parking and external play areas

LOCATION Land off Keresforth Close, Barnsley

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 11/01/2021 and described above.

The approval is subject on compliance with the following conditions:

1	The temporary school hereby permitted shall be discontinued, the associated buildings removed and the land restored to its pre-development state prior to the 2023/2024 academic year. Reason: In the interests of the visual amenities of the locality, residential amenity and highway safety, in accordance with Local Plan Policies D1, GD1 and T4.
2	The development hereby approved shall be carried out strictly in accordance with the plans (Nos L200357-102-B, L200357-301-A, L200357-701-A, WBA-NB-00-DR-A-PL-101-P1, WBA-NB-00-DR-A-PL-102-P1 & WBA-NB-00-DR-A-PL-103-WIP) and specifications as approved unless required by any other conditions in this permission. Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
3	Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays. Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

4	The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times. Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.
5	No development shall take place on the proposed building unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, 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 the proper drainage of the area.
6	The site is located within a Coal Authority coal mining referral area due to the probable presence of shallow coal mine workings and a mine entry. As detailed in the Waterman coal mining risk assessment ref WIE17125-100-TN-001, dated Dec2020, the land could therefore be at risk from mining legacy risks such as ground instability and fugitive gas migration. Prior to the commencement of development, and as advised by a suitably qualified engineer, intrusive site investigations must therefore be undertaken to evaluate ground conditions. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner" Reason- In accordance with Land stability NPPF sections 178 a,b,c. 179 and 170 e & f.

7	No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:- 1. A survey of the extent, scale and nature of contamination. 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments. 3. An appraisal of remedial options, and proposal of the preferred option(s). 4. A remediation statement summarising the works to be undertaken (if required). A Validation Report to confirm remediation works have been undertaken (if required) must be submitted prior to occupation. The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Local plan Policy CL1 'Contaminated and Unstable Land'.
8	No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority: Tree protective barrier details Tree protection plan Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality, in accordance with Local Plan Policy D1 and SPD 'Trees and Hedgerows'.
9	The development shall be carried out in accordance with the mitigation measures set out in section 5 of the Ecological Impact Assessment (Ref: WIE17125-105-R-1-1-3-EcIA). The measures shall be complete prior to the occupation of the building and retained as such for the life of the development. Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1.

10	No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for: i. The parking of vehicles of site operatives and visitors ii. Means of access for construction traffic iii. Loading and unloading of plant and materials iv. Storage of plant and materials used in constructing the development v. Measures to prevent mud/debris being deposited on the public highway. Reason: In the interests of highway safety and in accordance with Local Plan Policy T4.
11	No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of: i. A plan to a scale of 1:1250 showing the location of all defects identified ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey. On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority. Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety, and in accordance with Local Plan Policy T4.
12	The development hereby permitted shall not be occupied until a scheme for the parking of bicycles has been submitted to and approved in writing by the LPA. The scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose. Reason: In interests of encouraging use of sustainable modes of transport.
13	Prior to first occupation of the development hereby permitted, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the LPA. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use. Reason: In interests of promoting sustainable travel opportunities and in accordance with SPD 'Sustainable Travel'.

14	Within six weeks of first occupation, a detailed school travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of measures / initiatives to be introduced to encourage sustainable travel to and allow for regular monitoring and reporting to be undertaken. The plan shall be fully implemented in accordance with the approved details thereafter. Reason: To support sustainable transport objectives in accordance with Local Plan Policy T3 - New Development and sustainable Travel.
15	Within 26 months of the date of this permission, the following documents shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England: A) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the reinstated playing field as shown on plan titled 'Site Location Plan', revision P1, dated 10/12/2020, which identifies constraints which could affect playing field quality; and B) Based on the results of the assessment to be carried out pursuant to A above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a timetable/programme of implementation, including details of the maintenance and management. The approved scheme shall be carried out in full in accordance with the approved details and approved timetable/programme of implementation . The playing field shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the approved details. Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy.
16	Within 26 months of the date of this permission, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development. Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

- 1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

- 2 The granting of planning permission does not effect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk
- 3 Public Rights of Way may be affected during the construction stage of this development, new obstructions should be introduced, nor any works done that would prevent safe access onto the footpath at any time.
- 4 Fees associated with the required condition survey together with any necessary remedial works and any relevant s278 agreement are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement.
- 5 The contractor shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the public highway is an offence under provisions of the Highways Act 1980.
- 6 It is recommended that a restoration scheme for playing field land is undertaken by a specialist turf agronomist/consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association. The construction of Natural Turf Pitches should be project managed or signed off by the same agronomist or consultant that produced the design, and pitches should pass a Performance Quality Standard test to a 'good' standard before they are used.

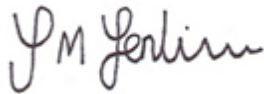
Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and*
- up to six months imprisonment on conviction.*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated 23/02/2021

A handwritten signature in dark ink, appearing to read 'JM Jenkinson', written in a cursive style.

Joe Jenkinson
Head of Planning and Building Control

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

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.