BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0026

To Barnsley Partnership for Learning
Digital Media Centre
County Way
Barnsley
S70 2JW

DESCRIPTION Variation of condition 12 relating to submission of Community Use Agreement on previous permission 2006/1245 dated 20 September 2006 for the demolition of existing school and erection of a new Advanced Learning Centre at Kirk Balk Secondary School

LOCATION Kirk Balk Secondary School, West Street, Hoyland, Barnsley, S74 9HX,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 14 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. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of the original permission (22nd September 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

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

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3 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.

4 Unless otherwise agreed in writing 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.

5 No development shall commence until it has been shown that the foul and surface water flows entering the public sewerage system will be restricted to those of the existing/previous use of the site. Details of any necessary flow attenuation shall be submitted to and approved by the Local Planning Authority.

Reason: To prevent overloading of the receiving waste treatment works and consequent pollution of the aquatic environment.

6 The site shall be developed with separate systems for foul and surface water on and off-site.

Reason: In the interests of satisfactory and sustainable drainage.

7 No development shall commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be properly drained.

8 There shall be no piped discharge of surface water from the development prior to the completion of approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul water drainage works, unless otherwise agreed in writing with the Local Planning Authority.

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

9 Surface water from vehicle parking and hardstandings areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interests of satisfactory drainage

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10 Detailed plans shall accompany the reserved matters submission indicating the details of the replacement sports hall and hard surfaced games courts to be provided as part of the development. These shall be provided in accordance with guidance and methodologies set

out in Sport England documents 'Design specification and construction of Multi Use Games Areas', Sports Halls: Design (1999), Sports Halls: Sizes and Layout (2000) and thereafter shall be completed prior to the development being brought into use and thereafter maintained.

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 that the sport hall and hard surfaced games courts are provided and available for use.

11 No development shall commence until details of the phasing of the development, including the provision of the sports pitches 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.

12 Prior to the development 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.

13 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

14 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.

15 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.

16 All parking/manoeuvring facilities shall be constructed prior to the development being brought into use, and thereafter shall be retained for that sole purpose at all times.

Reason: In the interest of road safety.

17 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.

18 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.

19 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.

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

Reason: To ensure safe and adequate access.

21 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.

22 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

23 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.

24 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.

25 Unless otherwise agreed in writing no development shall 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 of the school zone on wet street and Kirk Balk
B) Any necessary alterations to signing/ lining
C) Provision of bus stop clearway at adjacent bus stop to the site entrance

Reason: In the interests of highway safety.

26 No development shall commence until detailed plans and specifications of secure cycle storage 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 plans.

Reason: In the interests of sustainable development.

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 UDP, set out below and all relevant material considerations, including Supplementary Planning guidance and the particular circumstances summarised below:

Policy CF1 - community Facilities
Policy GS34 - Urban Greenspace
Policy T2 - New development and the highway network
PPG17 - Planning for Open Space, Sport and Recreation

In reaching the 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 designated as an Existing Community Facility and serving as function as Urban Greenspace on the Barnsley UDP. It is proposed to replace the existing secondary school on the existing site, which serves the existing community.

Greenspace Issues: New playing fields would be developed and existing pitches would be up-graded to accord with Sport England's standards. There would be an overall improvement in the quantity of playing pitches as part of the proposed development.

Informative(s)

1 Visual Amenity Issues: The design and layout of the new development will be fully assessed at Reserved Matters stage. However, the indicative proposed layout and massing demonstrate that a new school can be accommodated on the site with potentially less impact than that of the present group of school buildings. Overall the redevelopment proposals could be accommodated on this site with a betterment to visual amenity.
Residential Amenity Issues: It is not envisaged that the new development would create any significant additional noise and disturbance compared to the existing school. The main impacts are likely to arise from the extended use of the new centre. However, it is considered that the effects on local residents would not be so significant so as to warrant withholding planning permission.

Highway Safety Issues: the traffic likely to be generated by the proposed would not be materially different from that arising from the use of the existing school. There would be no significant impact on nearby junctions in terms of capacity and highway safety. A School Travel Plan will help to reduce the amount of vehicular traffic generated and mitigate any effect of the development on the highway network.

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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