



APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1377

To Turley Associates
33 Peel Place
Leeds
LS1 2RY

Proposal Demolition of existing school and erection of a new school (approval of reserved matters of planning application 2007/0040).

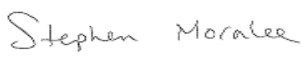
At Springwell Centre, St Helen's Boulevard, Athersley South, Barnsley, S71 2AY

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 27 October 2009 and described above, being matters reserved in the permission granted on 5th April, 2007 under Application Number 2007/0040.

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.
- 2 Development shall not commence until details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority, to ensure a safe and adequate highway network.
Reason: In the interests of road safety.

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 21 January 2010

- 3 Unless otherwise agreed in writing before the development is commenced
- (i) A detailed assessment of ground conditions of the land proposed for the replacement playing field shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- (ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- The approved scheme shall be complied with in full within 18 months of the new school being brought into use.
- Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy**
- 4 Prior to commencement of the development, details of the design and layout of multi use games areas, which shall comply with Sport England Design Guidance Notes 'Access for Disabled People 2002' and A Guide to the Design, Specification and Construction of Multi Use Games Areas (MUGAs) including Multi-Sport Synthetic Turf Pitches (STP's), shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The Multi Use Games Areas shall be constructed in accordance with the approved design and layout details before they are brought into use.
- Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with Policy**
- 5 Before development commences an Arboricultural Method Statement shall be provided which details all necessary tree protection measures and specifies construction techniques that will be employed to ensure that the retained trees are not damaged by the development. The Method Statement shall need to indicate any required excavations (ground level changes, service installation, foundations and hard surfacing where these might impact on tree roots) and how these are to proceed without damaging retained trees - in particular where ground levels require altering.
- The Method Statement shall need to incorporate a Tree Protection Plan indicating fencing positions and areas where special protection measures are required. The fencing should be specified according to BS 5837 standards.
- Reason: In the interest of visual amenity**
- 6 Before development commences a tree planting scheme shall be produced detailing the number of trees to be planted, their location, species, size and details of planting specification and maintenance. Provision should be made within the Arboricultural Method Statement, that wherever possible areas highlighted for tree planting are protected from compaction and contamination by protective fencing. The development shall be completed in accordance with the approved details.
- Reason: In the interests of visual amenity.**
- 7 All external lighting apparatus shall be designed, erected and maintained to ensure that light pollution such as to cause a statutory nuisance does not affect any neighbouring dwelling houses.
- Reason: To minimise impacts from light nuisance and glare in the local area.**

- 8 Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until details of the treatment of emissions to atmosphere, resulting from any process, plant or activity, including the method of treatment and height, position and manner of discharges, are submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed, such works shall thereafter be retained.
Reason: To protect the amenity of occupants of nearby properties.
- 9 Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until full details of any heating or boiler plant, including the specification of the fuel to be used, including full details of delivery and storage methods, full specification and details of heating plant and methods of firing together with full details and analysis of proposed emissions, proposed stack height and type including calculations used for the proposed height in accordance with current legislation (note the chimney height will need to be approved before commencement of its construction), together with details of arrestment plant, operator warnings and recording devices for dark smoke emissions from the plant. The development shall not be occupied until the works approved in accordance with this condition have been completed, such works shall thereafter be retained.
Reason: To protect local air quality.
- 10 Notwithstanding the details shown on the submitted plans before development commences revised details of the number and layout of parking spaces to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter retained as such.
Reason: In order to comply with the maximum parking standards set out in SPD 32 Parking, Transport Assessments and Travel Plans.
- 11 Prior to the occupation of the building full details (including the location, number, colour, height and design of the lighting columns and cowls, the angle/direction of the light source and luminance of the light fittings) of the proposed floodlighting (including security lighting) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in full accordance with the approved details and thereafter retained as such.
Reason: In the interests of the residential amenity of the occupiers of nearby properties and the visual amenity of the area.
- 12 Unless otherwise agreed in writing, development shall not begin until a scheme for protecting the residential properties to the north of the site from noise arising from the development has been submitted to and approved in writing by the local planning authority. All works that form part of the scheme shall be completed before the development is brought into use.
Reason: In the interests of residential amenity.

Reason(s) for Granting Permission

- 1 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 and the particular circumstances summarised below:

CF1 - Community Facilities

T2 - New development and the highway network

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

It is proposed to replace the existing special school on a site which is considered central and accessible to the communities it will serve. Subject to compliance with the attached conditions it is considered that the proposed development can be adequately accommodated on the site without resulting in any significant detriment to visual amenities, highway safety, residential amenities or the character of the area.

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 It is recommended that the drainage assessment and improvement/management scheme is undertaken by a specialist turf grass consultant: Sport England technical design guidance for MUGAs can be found on the Sport England website: www.sportengland.org. A model Community Use agreement is available on the Sport England website www.sportengland.org.
- 3 The whole of the BMBC area is a Smoke Control Zone. Any boiler or heating plant must be compliant with the requirements of the Clean Air Acts.
Advice on the content of noise & dust action plans can be given by the BMBC Pollution Control Team on 01226 772468. It is recommended that the outputs, positioning, and type of installation required meets the objectives of the Institution of Lighting Engineers Guidance Notes For The Reduction Of Obtrusive Light. Another useful guide is the Guidance Note CONTROLLING LIGHT POLLUTION AND REDUCING

LIGHTING ENERGY CONSUMPTION from the Scottish Government
<http://openscotland.gov.uk/Publications/2007/03/14164512/1>.

- 4 The effective management of construction works is very important given that the site is close to existing houses. Undertakings given regarding adoption of good practice, following Council policies and the imposition restrictions on hours of working should be strictly adhered to at all times.
- 5 This permission does not extend to ancillary items such as an energy centre, conservatories, tensile structures and any other items for which details have not been submitted.
- 6 There are still outstanding details for matters such as site drainage that need to be agreed before development commences on site
- 7 The measures required on the northern boundary to protect the amenities of nearby residents (condition 12) should include an acoustic fence. Any new planting on this boundary needs to strike a balance between the need to reduce noise and visual intrusion from the development and causing undue shading of the rear gardens by virtue of tall trees and hedges.

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.