



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1260

To Turley Associates
33 Park Place
Leeds
West Yorkshire
LS1 2RY

DESCRIPTION Variation of condition 12 (relating to commencement of highway works) of previously approved planning application 2007/0822 (Development of Advanced Learning Centre (Outline))

LOCATION Land West of Engine Lane, Shafton Two-Gates, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 October 2009 and described above.

The approval is subject on compliance with the following conditions:

- 1 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 permission of the outline approval (application reference 2007/0822), 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.

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

- 2 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 layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) landscaping

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.

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 04 January 2010

- 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 by the Local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers, which cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 5 The site shall be developed with separate systems of drainage for foul and surface water on and off the site.
Reason: In the interests of satisfactory and sustainable drainage
- 6 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 surface water is not discharged to the foul sewerage system which will prevent overloading
- 7 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.
Reason: In the interests of satisfactory drainage
- 8 No development shall take place unless and until full foul and surface water drainage details (including land drainage) with levels and cross sections, have been submitted to and approved in writing by the Local Planning Authority.
Reason: to ensure the proper drainage of the area
- 9 No development shall take place unless and until porosity tests are carried out in accordance with BRE 265 to demonstrate that suitable subsoil and adequate land area is available for the soakaway.
Reason: to ensure the proper drainage of the area
- 10 The development shall be carried out in accordance with the approved Flood Risk Assessment by Sanderson Associates , ref. 4563/JMCK/TLH/001/01, dated April 2007, and shall incorporate all the proposed mitigation measures detailed in that FRA.
Reason: So as to reduce the risk to the property in the event of flooding and to accord with PPS25.
- 11 All on site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use, to prevent mud/debris being deposited on the public highway, to the detriment of road safety.
Reason: In the interests of road safety

12 Unless otherwise agreed in writing, 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;

1. measures to accommodate buses including crossing points
2. measures to accommodate pedestrians
3. measures to accommodate cyclists
4. measures to accommodate school pick-up/drop off
5. any necessary signing/lining
6. any necessary provision/alteration to street lighting
7. any necessary provision/alteration to drainage
8. any necessary resurfacing/reconstruction

Reason: In the interests of road safety

13 Development shall not commence until details of the phasing of the development has been approved, in writing, by the Local planning authority, to ensure a safe and adequate highway network

Reason: In the interests of road safety

14 Development shall not commence until details of all highway retaining structures, including specifications and calculations have been submitted to and approved, in writing, by the Local Planning Authority, and the development shall then be carried out in accordance with the approved details.

Reason: In the interests of road safety

15 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, and 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 the Local Planning Authority and once approved shall be fully implemented, in the interests of sustainable development.

Reason: In the interests of road safety

16 Development shall not commence until details of measures to prevent mud/debris from being deposited on the public highway to the detriment of road safety, 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 interests of road safety

17 Development shall not 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 interests of road safety

- 18 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with 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 shall be submitted for the written approval of 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 developer's expense in accordance with a scheme to be agreed in writing by the Local planning Authority.
Reason: In the interests of road safety
- 19 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interests of road safety
- 20 Development shall not 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 access shall be retained for the entire construction period.
Reason: In the interests of road safety
- 21 No development shall take place until the applicant, their agent, or their successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority
Reason: In the interests of potential archaeological remains at the site and in accordance with points 4.4.32 and 4.4.33 of the Environmental Statement submitted by GL Hearn limited.

Reason(s) for Granting Permission

- 1 Unique The proposal complies with Policy T2 in that the amended wording would not result in any increase in detriment to highway safety.

Informative(s)

- 1 This application seeks amendment only to condition 12 on planning approval 2007/0822. All other conditions need to be complied with as previously stated.

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.