



BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0015

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

DESCRIPTION Change of use vacant agricultural land to school playing field and open space
LOCATION The Dearne High School, Goldthorpe Road, Goldthorpe, Rotherham, S63 9EW

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 January 2009 and described above.

The approval is subject on compliance with 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 The development hereby approved shall be carried out in strict accordance with the following plans and specifications, unless prior written consent is given by the Local Planning Authority to any minor variation:-

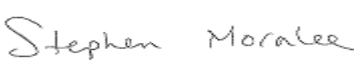
drawing BP4L_DEA_AWP_DR_94_BW_LL_00010 Rev A dated 25/02/2009 'LANDSCAPE MASTERPLAN'

drawing BP4L_DEA_AWP-DR_94_BW_LL_00013 dated February 2009, 'SITE SECTIONS ADDITIONAL LAND TO THE SOUTH EAST'

drawing BP4L_DEA_AWP_DR_94_BW_LL_00012 Rev A dated 23/02/2009, 'EXISTING AND PROPOSED PLAYING FIELDS'

Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy BE6, Design Standards.

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

- 3 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: To safeguard existing trees or shrubs, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland and Trees and GS22A.
- 4 The existing hedges which are shown as being retained on the approved plans shall not be cut down, grubbed out or otherwise removed, or topped or lopped without the written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced with hedging plants of such size and species as may be agreed with the Local Planning Authority. Any hedges dying or becoming seriously diseased within five years of the completion of the development shall be replaced with hedging plants of such size and species as may be agreed with the Local Planning Authority.
Reason: To safeguard existing 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 take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs.
Reason: In the interests of the visual amenities 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) 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.

- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A subsequent site investigation scheme, based on results of the initial intrusive investigations to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) Based on (1) and where required, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
- Reason: To ensure that there are no unacceptable risks to the adjacent Far Moor Dyke.**
- 9 This permission shall be implemented in connection with the new Advanced Learning Centre and phased in line with the associated playing fields layout for the Advanced Learning Centre in accordance with details to be agreed with the Local Planning Authority.
- Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory playing field provision, which secures a continuity of use**
- 10 The new playing fields shall be provided in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, March 2000), and 1.2 hectares of the total area (1.88 hectares) to be marked as playing pitches and in accordance with drawing number BP4L_DEA_AWP_DR_94_BW_LL_00012 REV A.
- Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision, which secures a continuity of use**
- 11 Before the development hereby permitted is commenced a scheme of playing field drainage and maintenance including an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The playing fields shall thereafter be improved and maintained in accordance with the approved scheme.
- Reason: To ensure the quality of pitches is satisfactory and they are available for use prior to development.**
- 12 Prior to the commencement of development, a Community Use Scheme linked to Council planning permission 2006/1024 granted 21 November 2006 for a new Advanced Learning Centre at the Dearne High School, Goldthorpe Road shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/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.**

- 13 Within 12 months of the commencement of the development/use hereby permitted:
- i. A detailed assessment of ground conditions of the proposed playing field within the curtilage of the site shall have been 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.

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, especially in relation to those areas where playing fields are proposed on the site of existing buildings or landfill sites.

Reason(s) for Granting Permission

- 1 Unique In the opinion of the Local Planning Authority, the proposed development represents appropriate in the development comprising essential facilities required for the purposes of outdoor sport and recreation. Furthermore the proposals would retain openness through the site and improve its visual amenity. Accordingly the proposal is considered acceptable with regards to National PPG 2 - Green Belts, policies in the Regional Spatial Strategy and UDP Policies GS8 and GS9. Furthermore having given consideration to all other matters including land contamination and flood risk it is satisfied that no other material planning considerations outweigh the above.

Informative(s)

- 1 The applicant is advised of the following advice from the Environment Agency:-

The groundwater and surface water monitoring details subsequently submitted appear acceptable in assessing the risk to Far Moor Dyke. The findings of the groundwater and surface water monitoring should be submitted to the LPA for approval prior to any development.

Under PPS23 it is the developers responsibility to make sure that the development is safe and suitable for use. It is an offence under the Water Resources Act (1991) to knowingly permit pollution of controlled waters.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

The proposed development lies above the Marsh Tip, a former landfill site that accepted industrial effluent treatment sludge, scrap rubber, slag, silt and dredging waste material and there is a potential for landfill gas to be generated. The local authority's Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development. The following publications provide further advice on the risks from landfill gas and ways of managing these:

1. Waste Management Paper No 27.
2. Building Research Establishment guidance - BR 212 'Construction of new buildings on gas-contaminated land' 1991
3. CIRIA Guidance - C659 'Assessing risks posed by hazardous ground gases to buildings' 2006

If the operator wishes more specific advice they will need to contact the Environment Management Team at our Rotherham offices on 08708506506 or look at available guidance on our website www.environment-agency.gov.uk/subjects/waste/

Flood Risk

Advice to applicant

The watercourse at the southern boundary of the site, Far Moor Dike, is an ordinary watercourse. The application proposes to erect a footbridge over the watercourse. The erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

- 2 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant.

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.