



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1222

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

DESCRIPTION Variation of conditions 3, 4, 5, 7, 28 and removal of condition 30 (re: landscaping, boundary treatment and sport pitches) on outline planning consent 2007/0040 - erection of new school

LOCATION The Springwell Centre, St Helen's Boulevard, Barnsley, South Yorkshire, S71 2AY

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 24 September 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 this permission, 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 21 December 2009

- 3 Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed either before the buildings are occupied or in accordance with a timetable to agreed in writing in advance with the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with U.D.P. Policy BE6, Design Standards.
- 4 Unless otherwise agreed in writing by the Local Planning Authority 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.
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 Unless otherwise agreed in writing by the Local Planning Authority 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; together with details of the position and condition of any existing trees and hedgerows to be retained.
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 Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
Reason: In the interests of the visual amenities of the locality.
- 8 Details of all proposed lighting and floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with UDP Policy ES1, Pollution.
- 9 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority, including details of any balancing works and off site works. 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 as installed 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.

- 10 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. This shall cover the development stage of the project as well as the finished development. The drainage works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 11 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interest of satisfactory and sustainable drainage.
- 12 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the sewer (i.e. a total protected strip of 6 metres), that crosses the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 13 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved drainage works.
Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
- 14 Details of the phasing of the construction of the buildings (if appropriate) shall be submitted to and agreed in writing prior to the commencement of the development hereby approved. Thereafter, the buildings shall be constructed as so agreed unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area
- 15 Details of the provision of changing facilities for both the internal and external use of the facilities shall be submitted to and agreed in writing prior to the first use of the site. Thereafter, any such details as may be agreed shall be implemented and thereafter maintained unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of providing satisfactory changing accommodation.
- 16 Detailed levels shall accompany the Reserved Matters submission indicating existing ground levels, finished floor levels of all buildings and associated structures, road levels, along with full details of any proposed alterations to ground levels. Thereafter, the development shall proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
Reason: To enable the impact arising from any changes in levels to the assessed, in accordance with UDP Policy BE6.
- 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. Thereafter, such measures shall be retained as agreed for the entire construction period of the development.
Reason: In the interests of highway safety.

- 18 No development shall commence until details of all areas for the parking of contractor's vehicles, the storage of building materials, plant and equipment has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas and layout as may be agreed shall be retained for such use for the entirety of the construction period.
Reason: In the interests of visual amenity and highway safety.
- 19 Prior to the first 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 and approved in writing by the Local Planning Authority and thereafter the approved plan shall be fully implemented and maintained unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of sustainable development
- 20 Prior to development commencing a Noise and Dust action plan to cover the period during demolition and construction shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme shall propose measures to minimise the environmental impacts arising from noise and dust. Thereafter, such scheme as may be agreed shall be implemented and adhered to during the demolition and construction process unless otherwise agreed in writing with the Local Planning Authority
Reason: In the interests of the amenities of the site
- 21 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 from being deposited on the public highway to the detriment of road safety.
Reason: In the interests of Highway safety
- 22 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. The methodology of the survey shall be approved in writing in advance 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 shall be submitted for the written approval of the Local Planning Authority, and 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 agreed in writing by the Local Planning Authority.
Reason: In the interests of maintaining the integrity of the local highway network
- 23 Vehicular and pedestrian gradients within the site shall not exceed 1:12 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure safe and adequate access.
- 24 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. Such access shall be retained for the entire construction period.
Reason: In the interests of Highway safety.

- 25 Prior to the first beneficial use of the site full details of the footpath to the on site well (including surfacing, fences, gates, methods of controlling and managing access etc.) shall be submitted to and agreed in writing by the Local Planning Authority. Such details as may be agreed shall be implemented and retained thereafter and no changes shall be made without the written approval of the Local Planning Authority.
Reason: In the interests of amenity and of ensuring full and safe access to the on site well
- 26 Prior to the first beneficial use of the buildings a written scheme outlining the methods and timescales for the demolition of the existing school buildings shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, unless otherwise agreed in writing, the demolition of the buildings shall proceed as so agreed.
Reason: In the interests of the visual amenities of the area.
- 27 The development shall not be brought into use until a Community Use Agreement has been 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 regular review. Thereafter the approved Agreement shall be fully implemented before the development is brought into use and no changes shall be made to the Agreement without the prior written approval of the Local Planning Authority.
Reason: In the interests of securing the well managed community access to the facilities
- 28 Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved details shall be submitted and agreed in writing by the Local Planning Authority of a scheme of playing pitches for winter and summer sports which will be constructed in accordance with Natural Turf for Sport standards. Any such details shall include an investigation of ground conditions / drainage if pitches are proposed where there are presently buildings or hardstandings. Thereafter, prior to the first use of the development the pitches shall be constructed as may be agreed and thereafter maintained unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of ensuring a sufficiency of quality playing pitches.
- 29 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 preserving and / or recording any archaeological remains present on the site.
- 30 The parking / manoeuvring indicated on the submitted plan shall be provided prior to the development being brought into use and shall be retained for that sole purpose at all times.
Reason: In the interests of road safety.

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 Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

CF1 - Community Facilities

CF2 - Existing Community Facilities

BA35 - Existing Community Facilities

GS22A - Retention of Existing Trees and Hedgerows

BE6 - Design Standards

T2 - Development and the Highway Network

In reaching the decision the Local Planning Authority were mindful of the particular circumstances of the development, namely -

This is a major proposal for a replacement educational establishment on a site presently used for such purposes. There will no loss of playing fields.

This informative is only intended as a summary of the reason for granting planning permission. For further details on the decision please refer to the application file, by contacting 01226 772593.

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.