



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0907

**To** Alston Murphy Associates  
41a Groat Market  
Newcastle Upon Tyne  
Tyne and Wear  
NE1 1UG

**DESCRIPTION** Erection of 80 bedroom care home with day care and office facilities.  
**LOCATION** Greenside House Nursing Home, Greenside Avenue, Staincross, Barnsley, S75 6BB

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 28 July 2011 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 strictly in accordance with the plans and specifications as approved unless prior written consent has been given by the Local Planning Authority to any variation. The approved plans are as follows:

1535L(9) 01 Site Plan Rev A  
1535L(0) 01 Level 1 Plan Rev C  
1535L(0) 02 Level 2 Plan Rev C  
1535L(0) 03 Level 3 Plan Rev C  
1535L(0) 034 Roof Plan Rev A  
1535L(0) 21-23 Elevations Rev A  
1535L(0) 24-26 Elevations Rev A  
1535L(0) 27 Sections Rev A

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed *Stephen Moralee*  
Assistant Director, Planning and Regulatory Services

Dated 01 November 2011

1535L(0) 28-31 Offices Elevations  
1535L(0) 05/32-35 Garage Unit Plans and Elevations  
1535L(0) 06 Day Care Plan  
Site levels Plan B

**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29 Design.**

- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29 Design.**

- 4 The parking/manoeuvring facilities indicated on the approved plan shall be hard surfaced 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.**

- 5 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 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, 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.**

- 6 No development or other operations being undertaken on site shall take place until the following document has been submitted to and approved in writing by the Local Planning Authority:

Tree protective fencing  
Tree ground protection  
Tree protection plan (TPP)  
Arboricultural method statement (AMS)

The erection of fencing tree protective fencing shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority and the development shall be carried out in accordance with the approved methodologies.

**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**

7 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. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

**Reason: In the interests of the visual amenities of the locality.**

8 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 and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**

9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 1) The parking of vehicles of site operatives and visitors
- 2) Loading and unloading of plant and materials
- 3) Storage of plant and materials used in constructing the development
- 4) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- 5) Wheel washing facilities
- 6) Measures to control the emission of dust and dirt during construction
- 7) A scheme for recycling/disposing of waste resulting from demolition and construction works
- 8) Measures to mitigate noise during demolition, earth movements and construction.
- 9) Details of delivery hours to avoid school arrival and departure times

**Reason: In the interests of the amenity of nearby residents**

10 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 14:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

**Reason: In the interests of the amenity of nearby residents.**

11 A reduction in CO2 emissions by least 15% shall be achieved by the use of decentralised, renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason: In the interest of sustainable development and in accordance with Core Strategy Policy CSP5.**

12 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme for surface water run-off limitation to achieve a 30% reduction in run-off and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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 throughout the life of the development, unless otherwise agreed in writing with the Local Planning Authority.

**Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

13 No development shall take place until an intrusive site investigation and report into coal mining legacy issues and ground stability has been submitted to and approved in writing by the Local Planning Authority. In the event that the investigation confirms the need for remedial works, details of the works shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the development shall be undertaken in accordance with the approved details.

**Reason: To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the presence of shallow coal mine workings in the vicinity of the site.**

#### **Reason(s) for Granting Permission**

- 1 Unique The proposal complies with policy CSP43 which indicates that the Council will support the provision of community facilities in accessible locations. Where existing such uses will be protected unless no longer required.

## 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](http://www.groundstability.com).

- 2 Before development commences the acceptability or otherwise of the proposals needs to be assessed by Barnsley Council Adult and Communities Planning and Commissioning Section. This approval is for planning purposes only and will not prejudice any other approvals that you may also need to obtain for the scheme.

## **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.