



BARNSELEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1412

To Mr Kevin Rose
West Grove
32 Locke Avenue
Barnsley
S70 1QH

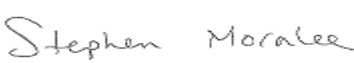
DESCRIPTION Change of use from tanning salon (Class A1) to fish and chip shop (Class A5)
LOCATION 3 Allendale Court, Worsbrough Dale, Barnsley, S70 4RF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 17 November 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.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The use hereby permitted shall be carried on only between the hours of 11.30 to 18.00 Mondays to Fridays, 11.30 to 18.00 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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 Regulatory Services

Dated 21 December 2011

- 4 The development shall not be brought into use until suitable apparatus for the arrestment and discharge of fumes has been installed, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter the equipment shall be retained and maintained. The afore-mentioned apparatus shall be used whilst any cooking is undertaken and doors and windows to the kitchen shall remain closed whilst the apparatus is in use, except for access and egress through the former.

(N.B. The flue shall terminate at least 0.3m above the ridge height of any building within 15m. The flue shall be secured to the structure of the premises on anti-vibration mountings.)

Reason: In the interest of residential amenity

Reason(s) for Granting Permission

- 1 Unique The proposal complies with CSP 40 in that it is not likely to result in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which could unacceptably affect or cause a nuisance to the natural or built environment or to people.

Informative(s)

- 1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

- 2 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:

Core Strategy

CSP29 - Design - High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

CSP 40 - Pollution Control and Protection - Development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which could unacceptably affect or cause a nuisance to the natural or built environment or to people.

National Policy

PPG 24 - Planning and Noise

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.

- 3 It is recommended that the applicant consult Defra's Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) prior to undertaking any work. As a guide the flue should be mounted on anti-vibration mountings to minimize vibration of the structure, and/or be fitted with silencers such that noise is not intrusive at the nearest residential property.

The flue should terminate at least 0.5m above the ridge height of any building within 15m and be fitted with a uni-directional (swivel) cowl.

Suitable means of odour abatement/filtration must be installed and maintained to reduce cooking odour emissions which should ideally include a particulate filter, grease trap and active carbon filter/electrostatic precipitator for gaseous odour control such that odour is not detectable at the premises boundary. Filters should be cleaned and /or replaced as necessary.

It is also recommended that the applicant consult The Water UK booklet, Disposal of fats, oils and grease and food waste: best management practice for catering outlets.

If you feel the litter condition is not sufficiently robust please can you can incorporate it as an informative.

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.