



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0751

To Nuttall Yarwood & Partners Limited
The Grove
High Street
Dodworth
Barnsley
S75 3RQ

DESCRIPTION Change of use from storage and distribution (Class B8) to Go Karting track (Class D2).

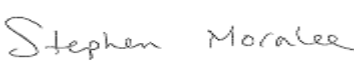
LOCATION Premises at Beevor Court, Beevor Street, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 24 June 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 use hereby permitted shall be carried only whilst the site and adjoining warehouse remain in the ownership of the Acredula Group Ltd.
Reason: Owing to the special circumstances of the applicant and in the interests of the development plan and the amenities of the locality.
- 3 The development hereby approved shall be carried out strictly in accordance with the plans and specifications (41/27 Dwg No. 04, 05 & Noise report by S&D Garritt LTD dated 11th April 2011) 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 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 04 August 2011

- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected around the customer car parking area. The boundary treatment shall be completed before the use hereby permitted is commenced. 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.
- 5 Unless otherwise agreed in writing by the Local Planning Authority only electric powered Go-Karts shall be raced or driven at the track.
Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interest of highway safety.
- 7 Prior to commencement of the use, full details of security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenity of existing and future occupiers of the Industrial Estate from glare and/or nuisance light.

Reason(s) for Granting Permission

- 1 Unique It is considered that the proposal would bring an economic use to an otherwise underutilised area of surplus car park without prejudicing existing or future operations of commercial units within the Industrial Estate. Subject to the relevance of safeguarding conditions relating to amenity and the occupation of the adjoining warehouse is it considered that the application can be supported as the change of use of the site is not considered to undermine the employment objectives of the UDP.

Informative(s)

- 1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
- 2 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.

- 3 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:

UDP/SPG

ED2 'Uses on Employment Sites'

ED7 'Existing Employment Areas'

SPG23 'Uses on Employment Sites'

Core Strategy (submission version)

CSP19 Protecting Existing Employment Land

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.