BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0880

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

**DESCRIPTION** Change of use from commercial business to residential and converting of second floor to 5 no. apartments.

**LOCATION** 26 - 30 Eldon Street, Barnsley, South Yorkshire, S70 2JB

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 09 July 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 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 UDP Policy BE6, Design Standards.**

3 Prior to the commencement of the development, refuse storage details shall be submitted to the Local Planning Authority for consideration. The details approved in writing by the local Planning authority shall be implemented prior to the occupation of the apartments and retained as such thereafter.
**Reason: To ensure that waste in managed in a responsible manner, to prevent nuisance due to litter and vermin, to reduce fire safety concerns and protect local air quality.**

**Reason(s) for Granting Permission**
1 Unique

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

Stephen Moralee
Signed
Assistant Director, Planning and Transportation

Dated 28 August 2009

**Planning and Transportation Service** **Telephone: 01226 - 772000**
**PO Box 604, Barnsley, S70 9FE** **Fax: 01226 - 772591**

The proposal accords with the UDP policy H5A in that the building is of a sufficient size to be converted to provide suitable accommodation. The proposal will also complement the vitality of the town of the town centre.

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**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.

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