



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0851

To Soul Architects Limited
13 Sparken Hill
Worksop
Nottinghamshire
S80 1AX

DESCRIPTION Change of use from Amusement Arcade (Sui Generis) to a Takeaway Restaurant (A5)

LOCATION 11 Market Hill, Barnsley, South Yorkshire, S70 2PX

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 06 August 2013 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 (Nos 9098-101) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 Prior to the commencement of the use, a scheme describing the methodology to be employed to control litter and minimize waste from being deposited in the street shall have been submitted to and approved in writing by the LPA. Such a scheme shall provide details of the packaging to be used, any litter bins to be provided and any signage to be displayed on the premises advising customers of the need to dispose of litter in appropriate litter bins or other facilities. Any litter bins or other facilities shall be provided pursuant to the requirements of this condition and shall be retained and maintained for the duration of the development and the use shall operate in complete accordance with the approved scheme.
In the interests of the amenities of local residents and visual amenity of the locality.

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*
Head of Planning, Building Control and Sustainability

Dated 05 September 2013

- 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 accordance with Core Strategy Policy CSP CSP 40 'Pollution Control and Protection'

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

- 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 saved policies and proposals in the Barnsley Unitary Development Plan and the policies and proposals in the Core Strategy and to all relevant material considerations, including Supplementary Planning Guidance:

Core Strategy

Core Strategy Policy CSP 29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The policy is to be applied to new development and to the extension and conversion of existing buildings.

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

TCAAP Policy

AAP29 Market Hill District

Within the Market Hill District on the east side of Church Street and on either side of Market Hill, we will only allow uses and development that provide an active frontage at ground-floor level and are sympathetic to the character and appearance of the area.

Appropriate uses include the following:

- Shops
- Financial and professional services, for example, estate agents, employment agencies, and advice bureaus
- Food and drink, for example, restaurants, cafes and bars
- Non-residential institutions, including museums, art galleries and exhibition space
- Assembly and leisure facilities.

SPDs/SPGs

SPD 'Hot Food Takeaways' - the main considerations that are likely to apply to the determination of a planning application are noise and disturbance, proximity to schools, concentration issues, smells/discharge of fumes, storage of waste products, opening hours & customer traffic generation/deliveries.

This informative is only intended as a summary of the reason for granting planning permission.

- 3 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 rather than the usual "China-man's hat" type fitting.

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.

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.