BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Property
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/1184

To Mr Michael Hewitt
Tyke Leisure Limited
Tyke Racing
Beevor Street
Hoyle Mill
Barnsley
S71 1HN

DESCRIPTION Variation of condition 5 of application 2011/0751 (Change of use to Go Karting Track) to enable use of petrol go-kart engines
LOCATION Beevor Street, Hoyle Mill, Barnsley, S71 1HN.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 November 2017 and described above.

The approval is subject on compliance with the following conditions:

1 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.

2 The parking/manoeuvring facilities approved and provided under application 2011/0751 shall be retained for that sole purpose at all times.
Reason: In the interest of highway safety, in accordance with CSP 26 'New Development and Highway Improvement'.

3 The security lighting approved and installed under application 2011/0751 shall be retained as such.
Reason: To protect the amenity of existing and future occupiers of the Industrial Estate from glare and/or nuisance light, in accordance with CSP 40 'Pollution Control and Protection'.

4 No more than 10no. petrol powered go-Karts shall be on the track at the same time
Reason: In the interest of residential amenity and in accordance with UDP policy ED4 'Economic Development and Residential Amenity' and CSP 40 'Pollution Control and Protection'.

5 Only Biz Evo3 karts with a 200cc Honda engine and/or petrol powered karts of no more than 75 dB LAeq shall be used on the site.
Reason: In the interest of residential amenity and in accordance with UDP policy ED4 'Economic Development and Residential Amenity' and CSP 40 'Pollution Control and Protection'.

6 Prior to the use of the petrol powered go-karts full details of the imperforate timber fences or other imperforate structures to create a noise barrier along the boundary of the track facing Elm Row and Falmouth Court shall be submitted to, and approved in writing by, the Local Planning Authority. The barriers/structures shall be carried out in accordance with the approved details, and a timetable to be agreed, and retained as such thereafter.
Reason: In the interest of residential amenity and in accordance with UDP policy ED4 'Economic Development and Residential Amenity' and CSP 40 'Pollution Control and Protection'.

7 The use shall be carried on only between the hours of 08.00 to 22.00 Mondays to Fridays, 9.00 to 20.00 on Saturdays and 10.00 to 18.00 on Sundays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy 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.

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

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.

Signed JM Jenkinson Dated 03 October 2018
Joe Jenkinson
Head of Planning and Building Control

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

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.