



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0934

**To** White Agus Partnership  
Providence Villa  
42 Sackville Street  
Barnsley  
S70 2BD

**DESCRIPTION** Variation of condition 3 of 2011/1475 - to extend opening hours to 1700-2400 Monday to Friday, 1700 Saturday-0200 Sunday morning and 1700-2400 on Sundays, Public and Bank Holidays

**LOCATION** 158 Sheffield Road, Barnsley, S70 1JH

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 20 August 2012 and described above.

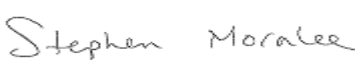
The approval is subject on compliance with the following conditions:

- 1 The permitted Hot Food Takeaway use shall be begun before 28/06/2015.  
**Reason: In order to comply with application 2011/1475 and condition 1 of the appeal decision notice (Ref: APP/R4408/A/12/2171044)**
- 2 The use hereby permitted shall be carried on only between the hours of 1700 to 2400 Mondays to Fridays, 1700 Saturday to 0200 on Sunday morning and 1700 to 2400 on Sundays and 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.**

### Reason(s) for Granting Permission

- 1 Unique The proposal complies with policy CSP 26 in that it would maintain safe, secure and convenient access for all road users.

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 26 September 2012

## **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:

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 26 - New Development and Highway Improvement - New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

Supplementary Planning Documents

SPD 'Parking'

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.