BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0011

To Axis Architecture and Design Management Ltd
2-6 North Church Street
Sheffield
South Yorkshire
S1 2DH

DESCRIPTION Subdivision of former Petrol Station sales building into two units to accommodate A1 (shops) and A3 (Restaurants/Cafes) uses. Siting of 3 no. portacabins and change of use of land to accommodate a car sales area.

LOCATION Oakwell Filling Station, Pontefract Road, Barnsley, South Yorkshire

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 10 January 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 development hereby approved shall be carried out in strict accordance with the amended plans and specifications received on 14th January 2011 (Drawing No.25039/cou 10/03A, 04A), unless prior written consent has been given by the Local Planning Authority to any minor variation.
Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy BE6, Design Standards.

3 The parking/manoeuvring facilities (including the car sales area), indicated on the submitted plan, shall be surfaced in a solid bound material and 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.

Stephen Moralee

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 02 March 2011

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

4 Within 28 days of the date of this permission the sites eastern access onto Pontefract Road shall be signed or marked 'In Only' and the Western access onto Pontefract Road shall be signed or marked 'Out Only' in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be used as a one way system only.
Reason: To allow for the safe access and egress of vehicles in the interests of highway safety.

5 Unless otherwise agreed in writing by the Local Planning Authority the use of land for car sales shall be limited to a period of 5 years from the date of this permission. All materials and equipment (including the portacabin) brought on to the premises in connection with the use shall be removed.
Reason: Owing to the special circumstances of the applicant(s) and in the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the car sales, A1 and A3 uses coming into use.
Reason: In the interests of the visual amenities of the locality.

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality.

8 The A1 and A3 uses hereby approved shall only trade and deliveries only taken between the hours of 06.00 am to 10.00pm Mondays to Sundays.
Reason: In the interests of the amenities of local residents.

9 The car wash shall only operate between the hours of 07.30hrs and 20.00hrs on any given day.
Reason: In the interests of the amenity of nearby residents.

Reason(s) for Granting Permission

1 Unique It considered that the application is acceptable from a residential and highways perspective in that proposed use cannot be attributed to resulting in a loss of amenity or impacting upon highway safety. The proposals present investment within the site which will create economic activity to an otherwise underutilised site.

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 Please note that Network Rail have suggested that an area of land falls within their ownership. 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. 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 prior to implementing the development.

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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