BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0322

To Quill Architecture
25 Hough Lane
Wombwell
Barnsley
S73 0DP

DESCRIPTION Change of use from B2 (General Industrial) to A1 (Shop) (Retrospective)
LOCATION Koi Cavern Pet and Aquatic Centre, 1-3 Littlefield Lane, Wombwell, South Yorkshire, S73 8DF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 24 March 2010 and described above.

The approval is subject on compliance with the following conditions:

1 The opening hours of the shop shall be limited to between 08:00 to 17:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.
Reason: In the interest of residential amenity.

2 Deliveries shall be only take place between the hours of 08:00 & 17:00 Monday to Saturday and at no time on Sundays or Bank Holidays.
Reason: In the interests of residential amenity.

Reason(s) for Granting Permission

1 Unique The proposed use is considered to be an acceptable departure from UDP Policies S1 and S3 as it would bring economic benefits to the area, would not adversely affect the vitality and viability of the Principle Shopping and Commercial Centre or the amenities of the occupiers of the adjoining dwellings.

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 01 July 2010

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

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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