BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2008/0125

To Lancasters Powell
Unit 7
Morston Claycliffe Office Park
Whaley Road
Barugh Green
Barnsley
S75 1HQ

DESCRIPTION Change of use from funeral services (Class A1) to restaurant/bistro (Class A3)
LOCATION 7 High Street, Great Houghton, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 30 January 2008 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 This permission is given only on the basis of a restaurant/bistro use that does not include a takeaway facility.
Reason: For the avoidance of doubt in interest of residential amenity

3 Prior to commencement of the approved use, details of the appearance and positioning of the proposed fume extraction system shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then proceed in accordance with the approved details.
Reason: In the interests of visual and neighbouring amenities

4 The parking and servicing area indicated to the south of the building, and within the red edge area, shall be retained for use as such for the lifetime of the development.
Reason: In the interests of satisfactory parking for the site

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 25 March 2008

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

5 The opening hours for the approved use shall be 12.00 to 22.00 hrs on Sunday to Thursday and 12.00 to 23.00 hrs on Fridays and Saturdays.
Reason: In the interests of neighbouring amenities

6 All operational machinery which generates external noise shall be fitted with efficient means of noise limitation and shall be installed, maintained and operated within the design parameters set down by the manufacturer and shall be thereafter retained.
Reason: In the interests of the amenity of occupants of nearby properties

7 All specified odour and extraction systems provided for the premises shall be fitted and operated in accordance with the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems issued by DEFRA.
Reason: To protect existing and future occupiers of neighbouring land and premises from odour

8 All approved air handling plant and associated filters shall be appropriately and regularly maintained in accordance with manufacturers recommendations &/or the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems issued by DEFRA.
Reason: To protect existing and future occupiers of neighbouring land and premises from odour

9 Any air handling plant, including associated flues shall be attached to the structure of the building using anti-vibration mounts and fittings. This should not be used unless the specified scheme to control noise emitted from the plant is as specified and namely the extraction motor will be sited inside the building and will be rated at 54 dba at 1 metre and does not emit any dominant tonal frequency. Such approved measures shall be installed prior to first use of the premises and shall be retained at all times that the equipment is used thereafter. The system shall be operated in accordance with the Guidance on the Control of Odour and noise from Commercial Kitchen Exhaust Systems issued by DEFRA
Reason: to prevent the transmission of noise and vibration to the structure of the building and affecting any other occupiers of the building, including other attached and adjacent premises.

10 Drainage to the sewer from the premises shall be fitted with a grease trap. The grease trap shall be retained and maintained at all times thereafter.
Reason: To dissuade vermin and ensure effective drainage of the premises

Reason(s) for Granting Permission

1	Non-residential uses in non-residential areas - Policy H8B	The proposal complies with Policy H8B in that it would have no unduly harmful impact on amenity of neighbourhood by way of noise, disturbance, loss of privacy or traffic subject to compliance with the attached conditions

Informative(s)

1 The Food Safety team of regulatory services provides information and advice regarding kitchen design and food hygiene and can be contacted on 01226 773680

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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