BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/1167

**To** Mr D Fenton
4D Design
Farthings
49 First Avenue
Chelmsford
Essex
CM1 1RX

**DESCRIPTION** Modifications to site to re open former petrol station with additional jet wash/vacuum facilities.
**LOCATION** Former Star Garage, Pontefract Road, Cudworth, Barnsley, S72 8AY

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 27 September 2010 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 strictly in accordance with the plans and specifications as approved (including the following: OS Sitemap Ref: JM/SS; Block Plan 'Proposed Site Layout'; Block Plan 'Proposed Site Access Arrangements'; Site Survey containing building elevation) unless prior written consent has been given by the Local Planning Authority to any variation.
**Reason: In the interests of the visual amenities of the locality and in accordance with Barnsley UDP Policy BE6, Design Standards.**

3 No development shall take place unless and until full drainage details for the jet wash area have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
**Reason: To ensure the proper drainage of the site.**

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 24 November 2010

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

4 Prior to being discharged to any surface sewer, all surface water drainage from the parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
**Reason: To prevent pollution of the water environment.**

5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) 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.**

6 The hours of operation for the jet wash/car vacuum facility, as shown on the approved plans, shall be limited to between 8am and 8pm Monday to Sunday.
**Reason: In the interest of residential amenity.**

7 The hours of opening for the petrol station shall be restricted to between 8am and 9pm Monday to Sunday.
**Reason: In the interest of residential amenity.**

8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority full details of the proposed boundary treatment to be erected. The boundary treatment shall be completed before the petrol station use commences. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
**Reason: In the interests of visual amenity and in accordance with Barnsley UDP Policy BE6, Design Standards.**

9 All planting, seeding or turfing comprised in the approved details of landscaping (contained in the Design and Access Statement accompanying application 2010/1167) shall be carried out in the first planting and seeding seasons following 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 amenity and in accordance with Barnsley UDP Policy BE6, Design Standards.**

10 Prior to the commencement of the use, full details of any external lighting to be installed/erected shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to the commencement of the use and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
**Reason: To protect the amenity of existing and future residential occupiers from glare and/or nuisance light.**

11 The jet wash/car vacuum facilities and the forecourt shop, as shown on the approved plans, shall not be brought into use until the petrol filling service has been brought back into operation and thereafter shall at all times remain ancillary to the primary use of the site as a Petrol Filling Station.
**Reason: In the interest of residential and visual amenity, in accordance with Barnsley UDP Policy H8B.**

**Reason(s) for Granting Permission**

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| 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 and it will ensure the future of what is currently a prominent eyesore 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 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.

3 The applicant will need to apply for an Environmental Permit for the unloading of petrol into storage tanks. This is in accordance with the Environmental Permitting (England & Wales) Regulations 2010. There is a threshold of a throughput of 500M3 of petrol or more in a 12 month period, so the applicant will need to estimate how much petrol they are likely to sell in a 12 month period.

4 The developer must contact Mr G Handley - Highways & Engineering prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of permanent or temporary vehicular access(es) to the highway.

5 The applicant is reminded that any proposed signage may require a separate Advertisement Consent.

**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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