BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0359

To Graizelound Solutions
South View
Main Street
Graizelound
Haxey
Doncaster
South Yorkshire
DN9 2NB

DESCRIPTION Change of use of from retail (A1) to hot food takeaway (A5)
LOCATION 28 Dodworth Road, Barnsley, S70 6DY

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 14 April 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 Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises, including details of the noise levels of the equipment and how it will be operated and maintained, shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed prior to commencement of the use and all equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details.
Reason: To protect the amenity of adjacent land users from odour.

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 26 May 2010

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

3 Prior to the commencement of the use a scheme describing the methodology to be employed to control litter and minimise waste from being deposited in the street shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall, amongst other matters, provide details of the packaging to be used, any litter bins to be provided and any signage to be displayed on the premises advising customer of the need to dispose of litter in appropriate litter bins or other facilities. Any litter bins or other facilities provided pursuant to the requirements of this condition shall be retained and maintained for the duration of the development and the use shall operate in complete accordance with the approved scheme.
Reason: To protect the amenity of the locality from odour, litter and vermin.

4 The use hereby permitted shall be carried on only between the hours of 18.00 to 23.30 Mondays to Fridays and 18.00 to 23.30 on Saturdays and Sundays.
Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.

Reason(s) for Granting Permission

1 Unique The proposal complies with policy S7 in that there will be no undue detriment to residential amenity or highway safety.

Informative(s)

1 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:

Policy S7 - Hot Food Takeaways will only be permitted on sites within the principle shopping centre, local centres and parades of shops. Such uses will only be permitted where there will be no undue detriment to residential amenity or highway safety.

SPG 7 provides further guidance on Hot Food Takeaways.

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.

2 Please see contact details below available for help and guidance;
- Info on Kitchen design and safety - Food Safety Team @ BMBC - 01226 772468
- Advice regarding noise & odour control - Pollution Control Team @ BMBC - 01226 772468
- Advice regarding pest proofing - Pest Control Team @ BMBC - 01226 772468

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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