SBW Planning Ltd
117 Mount Pleasant Road
London
N17 6TQ

FAO Matthew Smith
Planning Development Management,
Barnsley Council,
PO Box 634,
S70 9GG.

24th March 2016

Dear Matthew

Former Star Filling Station, Pontefract Road, Cudworth, Barnsley, South Yorkshire S72 8AY
s73 application for the removal of condition 2 of planning permission ref: 2013/1228

On behalf of Mason Corp Properties I enclose a s73 application for the removal of condition 2 of planning permission ref: 2013/1228.

This application comprises:

- One copy of the application form, Certificate A and signed Agricultural Holdings Certificate
- Site Location Plan
- The planning application fee of £195 calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits (England) Regulations 2012.

Planning permission was granted on 18th July 2014, on appeal (ref: APP/R4408/A/14/2215170), at the above site for:

'Removal of the existing canopy associated with the former use of the site as a petrol station (sui generis) and the re-organisation of the site to create 2 car washing bays, new boundary treatment and landscaping to create a new hand car wash and valet centre (sui generis).'

Condition 2 states:

'The use hereby permitted shall be for a limited period of 18 months from the first day of operation, seven days written notice of which shall be given to the Local Planning Authority. At the end of the 18 month operational period the use shall be discontinued and all equipment shall be removed from the site.'

Although the Inspector in his report considered that the proposal would be unlikely to give rise to unacceptable noise and disturbance, he took a cautionary approach taking into account concerns of the Council and neighbouring residents in relation to the potential for water spray drift and noise disturbance and granted planning permission for the proposed development for a temporary period of 18 months.

Condition 2 therefore limits the life of the planning permission to 18 months and requires the use to be discontinued and all equipment be removed from the site. The Inspector added that the imposition of condition 2 was to '*enable the Council to monitor the situation and assess the acceptability or otherwise of this use in terms of its effect on living conditions of the neighbours.'*

The applicant seeks the removal of condition 2 to allow the business to continue to operate from the site on a permanent basis.

The operation of the site commenced in July 2015. The operation of the hand car wash and valet centre has taken place in accordance with the approved details and planning conditions for a period of approximately 8 months. The applicant has advised that no complaints have been raised in relation to water spray drift and noise disturbance. The car wash and valet centre has operated successfully without raising any concerns in respect of water spray drift or noise disturbance over the past 8 months. The proposals are therefore fully compliant with paragraph 123 of the NPPF, Saved UDP Policies ED4 and H8B and Core Strategy Policy CSP 40 in that they result in no harmful impact on the residential amenity of neighbouring properties in terms of air/noise pollution. On the basis of the above, the removal of condition 2 to allow the business to continue to operation from the site on a permanent basis is sought.

I trust that you have sufficient information to determine the application, however if you have any queries or require any further information please let me know.

Yours Sincerely

Sarah Ballantyne-Way MRTPI
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