BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0179

To White Agus Partnership
Providence Villa
42 Sackville Street
Barnsley
S70 2BD

DESCRIPTION Change of use of Florists (Class A1) to Hot Food take away (Class A5)
LOCATION 218 Pontefract Road, Lundwood, Barnsley, S71 5PN

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 03 May 2011 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 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 UDP Policy BE6, Design Standards.

3 Prior to occupation of the building/commencement of the use, full details of the method of fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenity of neighbouring residents.

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 2011

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

4 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 have been submitted to and approved in writing by the Local Planning Authority. Such 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: In the interests of the visual amenity of the locality.

5 The hours when the premises is open to the public for the purposes of the use hereby permitted shall be restricted to 09:00 - 00:00 Mondays to Saturdays and 10:00 - 00:00 on Sundays and Bank Holidays
Reason: In the interests of the amenity of nearby residential properties

Reason(s) for Granting Permission

1 Unique The proposal complies with Policy S7 of the Barnsley UDP in that:-

-The proposed unit is located within a defined principle shopping / commercial centre.
-The proposal would not adversely affect highway safety
-The proposal would not undue detriment to the prevailing level of residential amenity in the area

In the opinion the Local Planning Authority, there are no other material planning considerations which would warrant a decision at variance to this policy

Informative(s)

1 Please not that this permission is for change of use only. Proposals for a new shop front, the installation of security shutters or illuminated advertisements will require the submission of separate applications for planning permission/ advertisement consent.

2 Please note that the applicant will need to apply to the Council's Licensing Team for a late night refreshment licence for serving hot food after 23:00hrs

3 In addition it is recommended that the applicant consult Defra's Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) prior to undertaking any work. As a guide the flue should be mounted on anti-vibration mountings to minimize vibration of the structure, and/or be fitted with silencers such that noise is not intrusive at the nearest residential property. The flue should terminate at least 0.5m above the ridge height of any building within 15m and be fitted with a uni-directional (swivel) cowl.

4 Suitable means of odour abatement/filtration must be installed and maintained to reduce cooking odour emissions which should ideally include a particulate filter, grease trap and active carbon filter/electrostatic precipitator for gaseous odour control such that odour is not detectable at the premises boundary. Filters should be cleaned and /or replaced as necessary.

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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