



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1225

To Mr Mohammed Ali
26 Aireville Road
Bradford
West Yorkshire
BD9 4HH

DESCRIPTION Change of use from retail (Class A1) to hot food takeaway (Class A5)
LOCATION 7 Warren Quarry Lane, Worsbrough Common, Barnsley, S70 4NF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 September 2009 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 shall not be brought into use until suitable apparatus for the arrestment and discharge of fumes has been installed, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter the equipment shall be retained and maintained. The aforementioned apparatus shall be used whilst any cooking is undertaken and doors and windows to the kitchen shall remain closed whilst the apparatus is in use, except for access and egress through the former.
Reason: In the interest of residential amenity.
- 3 The hours when the premises is open to the public for the purposes of the use hereby permitted shall be restricted to 17.00-23.30 Sundays to Fridays and 17.00 to midnight on Saturdays.
Reason: In the interest of residential amenity.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed *Stephen Moralee*
Assistant Director, Planning and Transportation

Dated 28 October 2009

- 4 Prior to the commencement of the use, a scheme describing the methodology to be employed to control litter and minimize waste from being deposited in the street shall have been submitted to and approved in writing by the LPA. Such a scheme shall provide details of the packaging to be used, any litter bins to be provided and any signage to be displayed on the premises advising customers of the need to dispose of litter in appropriate litter bins or other facilities. Any litter bins provided or other facilities shall be provided pursuant to the requirements of this condition and 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 interest of residential and visual amenities.
- 5 Deliveries shall be only take place between the hours of 0900 & 1800 Monday to Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents
- 6 Details of the size, location and screening of the waste bins located adjacent to the front elevation of the building shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of the use hereby approved.
Reason: in the interest of visual amenity.

Reason(s) for Granting Permission

- 1 Unique The proposal complies with Policy H8B (Non residential uses in residential areas) in that there is no unduly harmful impact on the amenity of neighbouring residents; there is no unduly harmful visual impact and there is no conflict with 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 H8B (Non residential uses in residential areas) - Planning permission will be granted for small scale, non-residential uses in Housing Policy Areas, and for the expansion of existing uses if; there is no unduly harmful impact on the amenity of neighbouring residents; there is no unduly harmful visual impact and there is no conflict with highway safety.

Policy S7 (Hot food takeaways) - HFT will only be permitted on site within principle shopping centre, the local centres and in parades of shops.

SPG 7 contains further guidance on hot food takeaways.

SPG 24 gives further guidance on planning and noise

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.

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.