BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture Service
Service Director: David Shepherd

Mr Peter Whittingham
Savills UK Ltd
Belvedere
12 Booth Street
Manchester
M2 4AW

My Ref: 2021/ENQ/00311
Your Ref:
Date: 29 July 2021
Enquiries to: Mrs Helen Willows
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Dear Peter

Proposal Description: Non-material amendment to permission 2015/1028 (Erection of retail unit on the existing site of The Range store) to amend the wording of pre-commencement conditions 3, 4, 5, 6 & 8 in order to enable formation of foundation implementation works to take place.

Location: The Peel Centre, Dryden Road, Barnsley, S71 1JE

Decision: Non-material amendment not agreed

I refer to your application for a non-material amendment to the previously approved application (Ref 2015/1028). The amendments including altering the wording to pre-commencement conditions. The intention is to allow for implementation of those works shown on drawing reference MH877-06 Proposed Implementation Plan before the pre-commencement conditions are required to be complied with. In particular, the works on the Proposed Implementation Plan show a small area of excavation which is to contain part of the foundations of the building permitted by PA Reference number 2015/1028.

Since the relevant pre-commencement conditions are considered to be important from the very beginning of the construction period (an evaluation of the risk to the development from shallow mine workings to identify any necessary mitigation measures, a construction method statement, drainage details and air quality mitigation details on a site located very near to the Harborough Hill Air Quality Management Area (AQMA)) the proposed amendments to conditions precedent would alter the approved development in a material way. The proposed amendments to pre-commencement conditions which seeks to carry out a material operation to implement the planning permission is not seen as acceptable therefore. The applicant might want to instead consider submitting an application to discharge the pre-commencement conditions prior to undertaking a material operation as defined by S56(4) of the Town and Country Planning Act 1990 before the permission expiry date of 3rd October of this year. Otherwise the applicant has the option of submitting a new planning application for the development to replace the existing one with the aim of securing a new 3 year timeframe in order to implement the development.

Yours sincerely

Helen Willows

For and on behalf of
Development Management
Joe Jenkinson BA (Hons) MSc
Head of Planning and Building Control
www.barnsely.gov.uk/developmentmanagement