

Ref: SS/01/2372/Oct22/Barnsley

Development Management
PO Box 634
Barnsley
S70 9GG

October 2022



Dear Sir / Madam

**CERTIFICATE OF LAWFULNESS (EXISTING) SUPPORTING STATEMENT
LAND OFF HIGHAM LANE, DODWORTH, BARNSELY, S75 3UB**

Peacock + Smith are instructed by Sterling Capitol to submit an application to obtain a Certificate of Lawfulness (Existing) on land off Higham Lane, Dodworth, Barnsley, S75 3UB.

Demolition and clearance works have recently taken place at the site and this Certificate of Lawfulness application has been lodged to ensure there is a legal and documented record of this, in turn confirming that the related planning permission (LPA ref: 2019/0286) is 'live'. Obtaining a Certificate will also assist the continued marketing of the site in demonstrating that the site is coming forward for development.

Background

Sterling Capitol submitted a hybrid application (LPA ref: 2019/0286) on 4 March 2019 for the following development:

Hybrid planning application for an extension to Capitol Park comprising a) development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation - Outline with all matters reserved apart from means of access; and b) full application for provision of associated earthworks, demolition of existing bungalow and formation of access

Permission was granted on 5 September 2019, subject to a number of conditions.

Conditions 3, 8 and 10 associated with the full element of the permission were amended through an NMA (LPA ref: 2022/ENQ/00323) to allow demolition works to start on site ahead of the permission lapsing. The NMA was issued on 17 August 2022.

An application (LPA ref: 2022/0897) was lodged on 31 August 2022 to discharge conditions 4 (noise management plan), 5 (dust management plan), 7 (construction management plan), 9 (trees) and 12 (highway condition survey). These conditions relate to the full element of the permission, they are all pre-commencement conditions. Where possible, consultees were liaised with ahead of submission of the application to agree details; for example, our client's Highways consultant met with the Highways Officer on site on 31 August 2022 to agree locations for where the condition survey should be monitored.

Prior to submission, we also liaised with the Case Officer to keep her informed what information we intended to submit and sought any comments.

There have been no issues raised following submission of the application and there are no outstanding matters to be addressed. We await the Council issuing a formal decision in relation to this application.

Works undertaken to ensure permission remains extant

Following the submission of the discharge of conditions application, works on site took place between 2-3 September 2022 to commence the demolition and clearance works of the bungalow, outbuildings, and surroundings (see **Figure 1** for the areas where works have taken place).

The nature and timing of the works is documented in health and safety paperwork which monitored who was on site and when (**Appendix 1**), and also in an invoice issued by the contractor to Sterling Capitol (**Appendix 2**).



Figure 1: Red line showing bungalow site boundary; yellow hatching showing where demolition/clearance works have taken place to date.

A number of photos were taken during demolition works taking place, these can be found in **Appendix 3**. The photos show the erection of security fencing; demolition vehicles on site; the nature of works undertaken, and residual debris.

Whilst demolition and clearance works were undertaken, an archaeologist, in line with Condition 42, observed works taking place. Below ground deposits were not disturbed. No items or materials of archaeological interest were therefore present (**Appendix 4**).

Reserved Matters application

Condition 15 of LPA ref: 2019/0286 stated the following:

15. Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Thereby a Reserved Matters application had to be made within three years of permission being granted (i.e. before 5 September 2022).

A Reserved Matters application was duly submitted via the Planning Portal on 1 September 2022 (**Appendix 5**), and validated by the Council on 5 September 2022. It was assigned application reference number: 2022/0916.

The application is currently pending and we are working with the Council to address any comments as it moves towards determination.

Conclusion

In light of the above, we conclude that LPA: 2019/0286 has been implemented and is therefore an extant consent.

All necessary conditions have been compiled with; demolition works have been undertaken to ensure a 'start' on site has been made; and a Reserved Matters application was submitted and validated ahead of the permission expiring.

We would be grateful if the above could be confirmed as soon as possible with the issuing of a Certificate of Lawfulness.

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Yours faithfully

SARAH SMEDLEY

CC. Paul Beckett & Tom Brown, Sterling Capitol