

Planning Department
Barnsley Metropolitan Borough Council
Development Management
Barnsley Council
PO Box 604
Barnsley
S70 9FE

Via Planning Portal
let.005.JH.04820661

20 September 2017

Dear Sir / Madam

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AS AMENDED BY
SECTION 10 OF THE PLANING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010
FORMER B&Q, BLEACHCROFT WAY, BARNSLEY, S70 3PA
PLANNING PERMISSION REF: 2014/0075
PLANNING PORTAL REF: PP-06392592**

Please find enclosed an application pursuant to section 191(1)(b) of the Town and Country Planning Act 1990 (as amended) for a Certificate of Lawfulness of Existing Use or Development to confirm that the demolition associated with the consented Sainsbury's store at the above site is lawful in implementing planning permission 2014/0075.

The application submission comprises this cover letter and the following documents:

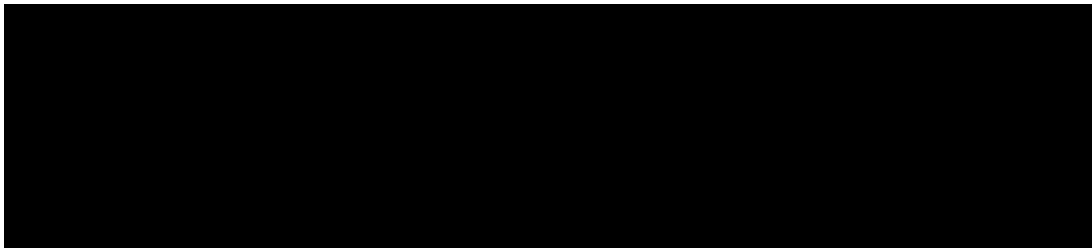
- Completed Application Form and Certificate;
- Site Location Plan (drawing ref: A-PL-001);
- Existing Site Plan (drawing ref: A-PL-002);
- Proposed Site Plan (drawing ref: A-PL-003 Rev A);
- Record of Site Photographs;
- Decision Notice ref: 2014/0075 (original consent);
- Decision Notice ref: 2016/ENQ/00709 (non-material amendment);
- Decision Notice ref: 2016\ENQ\00777 (discharge of condition 7); and
- Decision Notice ref: 2016\ENQ\00778 (discharge of condition 8).

The planning application fee of £385 has been paid via the Planning Portal. The fee has been calculated in accordance with Section 11 paragraph 3 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

Full planning permission was granted on 10 October 2014 for the use of premises as a retail food store with external alterations including reconfiguration of shop front incorporating new store entrance lobby, canopy & glazing; installation of new mezzanine floor to support customer cafe and associated toilets; **removal of existing garden centre and builder's yard**; and reconfiguration of customer car park (ref: 2014/0075).

The original permission (ref: 2014/0075) was approved subject to Condition 1 which required the application to be implemented within three years of the date of the permission (i.e. by 10 October 2017).

On 24 November 2016 a planning application was granted for a non-material amendment to the wording of Conditions 3 and 5 of planning application ref: 2014/0075, to allow demolition works to be undertaken prior to the discharge of these conditions.



Section 56 of the 1990 Planning Act states that development of land shall be taken to be initiated on the earliest date on which any material operation comprised in the development begins to be carried out.

A "material operation" in accordance with the definition listed within Section 56(4) of the 1990 Act, part (b) includes:

- (a) any work of construction in the course of the erection of a building;
- (aa) any work of demolition of a building;
- (b) the digging of a trench which is to contain the foundations, or part of the foundations of a building;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
- (d) any operation in the course of laying out or constructing a road or part of road;
- (e) any change in the use of any land which constitutes material development.

In accordance with Section 56(4) part (aa) works were implemented on 11 September 2017 through the demolition of the builder's yard, as shown in the attached Site Photographs, and in accordance with the approved Proposed Site Plan for the development (drawing ref: A-PL-003 Rev A). As such the works comprise a material operation, in compliance with the approved plans, implementing prior to the expiry of the planning permission.

If it would assist we are able to arrange for you to visit the site to view the works undertaken to date.

If you have any queries or require any further information to assist in the consideration of this application, then please do not hesitate to contact me.

Yours faithfully

