2022/0457

Applicant: Ackroyd & Abbott

Description: Variation of condition 7 of application 2021/0564 (Erection of 3 retail units) to allow longer opening hours and delivery times for Unit 2 - re-consultation as amended hours submitted

Site Address: Former Foulstone School Site, Nanny Marr Road, Darfield, Barnsley, S73 9AB

Site Description

The site is part of the vacant former Foulstone School site on Nanny Marr Road in Darfield, which closed in 2012 subsequent to the opening of Netherwood Advanced Learning Centre.

The site is a broadly rectangular plot of land at the junction of Nanny Marr Road and Barnsley Road. The overall site is 0.26ha in area and is relatively flat. All former buildings associated with the school have been cleared with phase 1 of the residential scheme complete and phase 2 ongoing, the latter including a shared access.

The surroundings of the site are predominately residential with some limited retail including a florist, bakery, convenience store and pharmacy. It is noted that the bakery and convenience store are currently for sale.

Proposed Development

This application is to amend condition 7 which states:

The use hereby permitted shall be carried on only between the hours of 07.00 to 23.00 (everyday). Deliveries shall be carried out only between 08.00 to 18.00 Mondays to Fridays and 09.00 to 14.00 on Saturdays, Sundays and Bank Holidays.

The applicant requests that this is amended to state:

The use hereby permitted shall be carried on only between the hours of 07.00 to 23.00 (everyday) for Units 1 and 3 and 06.30 to 23.00 for Unit 2. For Units 1 and 3, deliveries shall be carried out only between 08.00 to 18.00 Mondays to Fridays and 09:00 to 14:00 on Saturdays, Sundays, or Bank Holidays. Deliveries for Unit 2 shall be carried out between the hours 06.30 to 18.00 Mondays to Saturdays, 09.00 to 14.00 on Sundays and Bank Holidays.

This is in relation to an approved development for the erection of a retail development comprising:

- A food store (Class E) of approximately 428sqm
- Two flexible use units (Class E uses) of approximately 118sqm each

History

The site has a complex planning history, the most relevant application to this proposal are:

2020/0429 – Erection of three retail units (Use Class E) with associated access and parking – Approved.

2021/0564 - Variation of condition 7 of application 2020/0429 (Erection of three retail units) to allow for deliveries to take place on Sundays and Bank Holidays – Approved

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The new Local Plan was adopted at the full Council meeting held 3rd January 2019. In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

Local Plan

The site is allocated in the Local Plan for residential with an anticipated yield of 49 (excluding the 40 previously approved). Site specific policy HS80 expects development to:

- Respect the historic setting and group character of the adjacent Darfield Conservation Area;
- Investigate options on the southern boundary of the site on the edge of Darfield Local Centre for providing either a small-scale convenience shop or an extension to Darfield Local Centre.

In addition, the following Local Plan polices are relevant to this application:

SD1 Presumption in favour of sustainable development
GD1 General Development
LG2 The Location of Growth
H1 The number of homes to be built
H2 The distribution of new homes
T2 Safeguarding of Former Railway Lines
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
D1 High Quality Design and Place Making
HE1 Historic Environment
TC1 Town Centres
TC3 Thresholds for Impact Assessments
BIO1 Biodiversity and Geodiversity
CC1 Climate Change
CC3 Flood Risk
CC4 Sustainable Drainage Systems
CC5 Water Resource Management
RE1 Low Carbon and Renewable Energy
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection

SPD's

- Parking
- Residential Development and the Siting of Buildings
- Hot Food Takeaways
- Hot Food Takeaways Planning Advice Note

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Consultations

Pollution Control – 6:30 on a Saturday is not usually acceptable but the business case is that they open at 07:30 and to get fresh produce in the store the delivery needs to be at 06:30. On this basis, and subject to appropriate conditions the proposed is acceptable.

Highways – The proposals to vary Condition 7 as detailed above is unlikely to generate an additional amount of vehicle movements that would impact on highway safety or on the capacity of the local highway network and will therefore be acceptable.

Ward Councillors – No comments

Representations

The application was advertised by site notice and neighbour letters, a 2nd round of consultation was issued as the times applied for were amended. No comments have been received.

Assessment

This is a variation of condition application which is seeking to amend the opening hours and delivery hours for unit 2.

The changes would allow unit 2 to open at 6.30 (everyday) which is 30 minutes earlier than units 1 and 3.

Deliveries would be extended more, allowing from 6.30 to 18.00 Monday to Saturdays. Previously, Saturdays were limited to 09.00 – 14.00 and weekday deliveries didn't start until 8.00. This is, therefore, a more substantial change.

The justification for the proposed changes to unit 2 relate to the occupier's specific requirements. The proposed will be for a bakery with the additional delivery hours

required to allow for regular fresh produce deliveries and to allow time to stock shelves / display the produce. The covering letter confirms the actual opening hours would be: 7:30am to 5pm Monday-Saturday and 9:30am to 4pm on Sundays. The unit will not be open on Bank Holidays.

The site is surrounded by housing and no noise report has been provided with this application, albeit one was provided with the previous amendment application (2021/0564) which included a recommendation for an acoustic fence. In addition, a service delivery plan provided to discharge conditions on the original application states that deliveries will be undertaken as quietly as possible. Pollution Officers have been consulted and have requested that the acoustic fence be conditioned and that only vehicles with white noise reversing alarms are used for servicing the site before 9am on Saturdays and 8am Monday to Friday. The applicant has agreed to these additional conditions.

No objections or comments have been received from residents.

This is a variation of condition application and all other matters relating to this development remain as per the previous approval 2021/0564. The proposed is recommended for approval.

Recommendation

Grant planning permission subject to conditions