# APPLICATION TO VARY CONDITION 7 (DELIVERY HOURS) OF APPROVED PLANNING APPLICATION 2021/0564

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

This covering letter has been prepared by Urbana Town Planning Limited on behalf of the applicant in support of a Section 73 (S73) application to vary condition 7 of the previously approved application 2021/0564 by Barnsley Metropolitan Borough Council (BMBC).
*Please note – The original host application for the scheme was approved under reference 2020/0429, which was altered by a subsequent S73 application (ref 2020/0429) acting as the most recent approval.*

A S73 application has been previously approved to vary condition 7, ref: 2021/0564 (which currently acts as the most up to date approval for the scheme).

**Variation of Condition 7**
Condition 7 of planning permission 2021/0564 currently 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.*

***Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.***

It is proposed that the condition 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.*
***Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.***

**Justification**
The stated additional hours of delivery are required to satisfy the operational requirements of the end user (Cooplands Bakery). The Unit is used for a Bakery, and therefore it is essential that fresh produce is prepared and available on shelf in time for opening at 7:30am daily. If this is not achievable, the unit cannot open or operate. 80% of Cooplands stock is freshly baked/prepared daily in time for opening. This is a standard that must be met for the store to operate.

This S73 to vary the delivery times of Unit 2 is also to allow for sufficient time for the delivery to take place, produce to be stored and prepared. The applicant has confirmed that this process takes approximately 30-35 minutes, meaning that having 6:30 as the earliest option for a delivery time threshold would facilitate this process.

Not only does this S73 application seek to vary the delivery hours, but it is essential that the permitted use hours of the site be altered slightly to allow for access to the site for a 6:30 delivery. This would just be for Unit 2 (Cooplands) and Unit 1 and 3 would remain liable to the existing enforceable hours of opening and delivery.

Delivery vehicles that are used by Cooplands are rigid framed and are between 8.5 and 18 tonnes but will be in keeping with the 12m vehicle length requirement as has been set out by the LPA. Whilst not directly relevant to this S73 application, the Cooplands unit opening hours will be 7:30am to 5pm Monday-Saturday and 9:30am to 4pm on Sundays. The unit will not be open on Bank Holidays.

**Conclusions**

This cover letter has been prepared by Urbana on behalf of the applicant in support of a Section 73 application to vary the wording of Condition 7 of approved planning application 2021/0564.

As has been demonstrated in this covering letter, it is essential that the user of this unit has access to these delivery hours, in order to provide the fresh produce that is required for the store to operate. These altered delivery hours will solely apply to Unit 2. Unit 2 is positioned as such the impact on residential amenity is minimal, due to the unit being located furthest away from the neighbouring amenity spaces. The Unit will use approved refuge/service zone for deliveries.

The delivery and servicing arrangement for Unit 2 will continue to be subject to the requirements of the approved Delivery and Servicing Plan as per condition approval 2021/1077.

Overall, it is respectfully requested that the proposed amendments to condition 7 of the approved scheme are accepted by BMBC. In accordance with this request, the applicant and their representatives look forward to a positive and productive engagement with officers.