Planning Development Management
Barnsely Metropolitan Borough Council
Sent Via The Planning Portal

30 April 2018 Our Ref: MJD/ANDER/18/1578

Dear Sir/Madam

RE: VARIATION OF CONDITION 7 AND 9 OF PLANNING CONSENT REF: 2006/0102 AT 2 SCHOOL STREET, HEMINGFIELD, BARNSLEY.

We have been instructed by J. Anderson and Son Limited to submit a Section 73 Planning Application to vary Conditions 7 and 9 of the planning approval *'Development comprising 5 apartments in a two-storey block, two storey office building with parking spaces and retention of existing storage building'* (Ref: 2006/0102), approved on 18th April 2006. It should be noted that a further application was granted on 26th July 2006 for the '*Modification of Conditions 5 &10 attached to planning consent 2006/102 (being the erection of 5 apartments, as office block and the retention of a storage building). Condition 5 limits development to First Choice Developments. Condition 10 precludes the use of the site for open storage'* (Ref: 2006/1032), this did not impact upon Conditions 7 or 9 of consent Ref: 2006/0102.

Condition 7 states that *"The commercial uses (i.e. office and warehouse) herby permitted shall be carried on only between the hours of 08:00 to 17:30 Mondays to Fridays, 09:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays. Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution".*

Condition 9 states that *"Deliveries shall be only take place between the hours of 08:00 & 18:00 Monday to Friday and 09:00 & 14:00 on Saturdays and at no times on Sundays or Bank Holidays. Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution".*

The building is currently used by J. Anderson and Son Limited, a Civil Engineering Company, as a base, which includes an office for support staff in combination with the storage of light equipment and materials associated with the civil engineering works undertaken. It should be noted that the Company primarily operates by remote working of its employees, with occasional loading and unloading undertaken on site. Since the construction industry typically commences work at 08:00,

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use of the site by both the support staff accessing the office and employees accessing the storage facilities is required from 07:00. Operations in accordance with the restrictive conditions attached to the consent, as above, is proving impractical for the workings of the business. As such, this Section 73 Planning Application seeks the amendment of the working hours to allow operations, including deliveries, at 07:00 to 18:00 Mondays to Fridays and 07:30 to 13:00 on Saturdays. We request that Condition 7 and 9 are re-worded to the following:

Condition 7:
" *The commercial uses (i.e. office and warehouse) herby permitted shall be carried on only between the hours of 07:00 to 18:00 Mondays to Fridays, 07:30 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays."*

Condition 9:
"Deliveries shall only take place between the hours of 07:00 & 18:00 Monday to Friday and 07:30 & 14:00 on Saturdays and at no times on Sundays or Bank Holidays."

It should be noted that upgraded noise attenuation fencing has recently been established around the boundaries of the site in an effort to mitigate any potential disturbance from the operations on site to the detriment of neighbouring properties. Consequently, the proposed amendment to the operational hours of the site would not adversely impact residents in the vicinity in accordance with Saved Policy H8B *'Non Residential Uses in Residential Areas'* of the Barnsley Unitary Development Plan (UDP, 2000), which establishes that *'non-residential uses'*, and the expansion of existing uses will be permitted where there would be no negative impact on the amenity of neighbours. The proposed variation also complies with Saved Policy ED4 *'Economic Development and Residential Amenity'* of the UDP in that it would not result in an increase in noise or disturbance from the site. Although this Application pertains to an established non-residential use of the site, the amenity of neighbours has been taken into consideration.

Furthermore, as mentioned previously, the current restriction on the operating hours of the site is not practical to serve the nature of the existing business. Although it is understood that given the proximity of neighbouring residential dwellings there is a need for some reasonable control on the operating hours of the site which is necessary, relevant, precise and enforceable, upon reflection on Paragraph 206 of the National Planning Policy Framework (2012), Conditions 7 and 9 of consent Ref: 2006/0102 are no longer considered to be reasonable for the established use of the site. In the instance that the operating hours remain as they currently stand, the continued restrictions on the operating hours of the site could threaten the long term viability of the business in this location which would be contrary to the provisions of the NPPF which seeks to *'build a strong, competitive economy'* through the support of existing business needs.

I trust that the above is acceptable, in the meantime, should you require any further information or clarification, or wish to discuss any aspect of the Application, please do not hesitate to contact me.

Yours sincerely



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