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Case Number	22/01035/FUL (Formerly PP-11110732)
Application Type	Full Planning Application
Proposal	Amendment to allow outside storage (hours of use between 7am and 9pm) (Application under Section 73 to vary condition no. 13 (outside storage) as imposed by planning permission 02/03682/FUL- Erection of unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation (Amended as per plans received on 12 February 2003))
Location	Abbey Glen 10 Carley Drive Sheffield S20 8NQ
Date Received	15/03/2022
Team	City Centre and Major Projects
Applicant/Agent	Abbey Glen Ltd
Recommendation	Refuse with Enforcement Action

**Refuse for the following reason(s):**

- 1 The Local Planning Authority considers that the proposal will have an unacceptable impact on highway safety as a result of insufficient on site parking and a consequent increase in parking on the local road network. Furthermore the tracking data submitted illustrates conflict between lorry movements and parked vehicles and excessive reversing manoeuvres creating safety concerns. The proposal is contrary to Unitary Development Plan Policy IB9 and Paragraphs 110 and 111 of the National Planning Policy Framework.
- 2 The Local Planning Authority considers that the proposal will result in unacceptable noise and disturbance to neighbouring properties, resulting in a harmful impact to living conditions. The proposal is contrary to Unitary Development Plan Policies IB9 and GE24 and Paragraphs 130 and 185 of the National Planning Policy Framework.

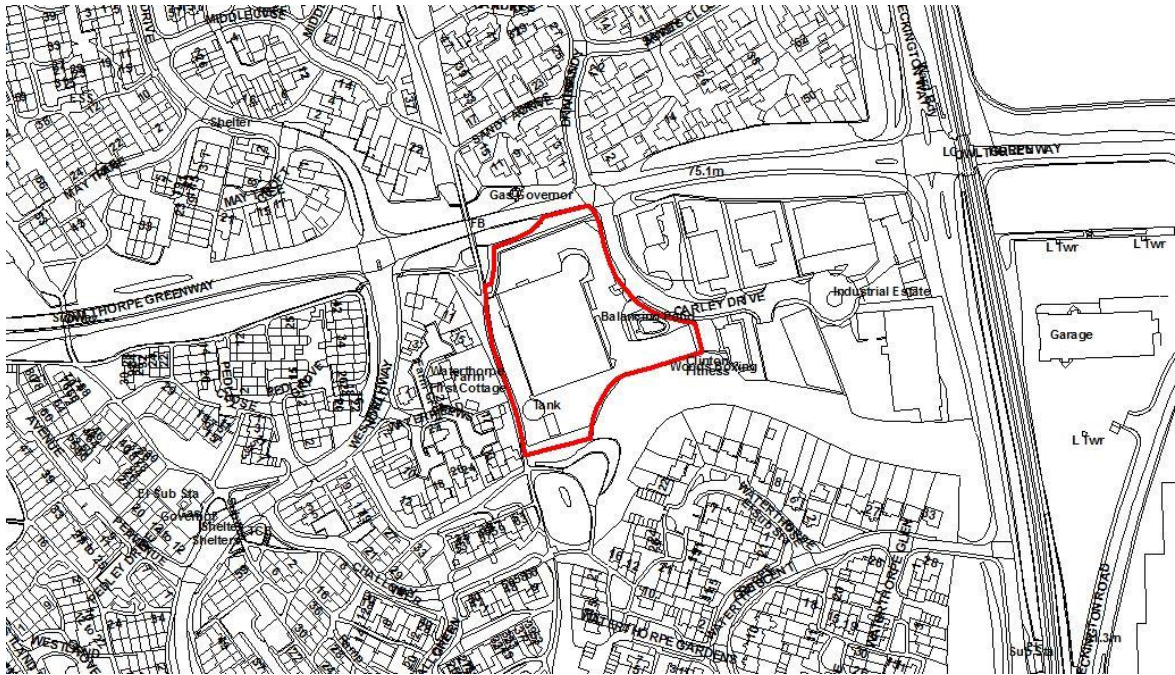
Attention is Drawn to the Following Directives:

1. The following plans have been considered in the determination of this application:

Information and storage plan contained within the Highways Technical Note (published 25 July 2022)

2. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a two-storey commercial unit located at the junction of Carley Drive and Owlthorpe Greenway. The building is sited towards the western boundary of the site and is surrounded by hard surfaced parking and servicing areas to the north, east and south, with a small landscaped SUDs area to the south east corner of the site. The building is in use by Abbey Glen, an independent laundry business offering services to supply rental linen to the hospitality industry.

Carley Drive, to the east of the site is characterised by a range of commercial uses. Owlthorpe Greenway is to the north of the site with a designated Housing Area beyond. To the south of the site is a strip of landscaping (primarily consisting of trees and grassed areas with footpaths) designated as an Open Space Area, with housing beyond. To the west of the site, beyond a footpath and a narrow strip of trees, are the boundaries of other residential properties fronting Waterfield Mews. The application site itself is allocated as a Business Area as designated in the adopted Sheffield Unitary Development Plan.

Planning consent (subject to conditions) was granted in April 2003 for the erection of the unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation (case reference 02/03682/FUL).

Condition 13 of the above permission states:

There shall be no external storage within the site unless otherwise authorised in writing by the Local Planning Authority

This current application seeks a variation of Condition 13 under Section 73 of the Town and Country Planning Act 1990, to allow outside storage.

Amendments have been made during the course of the application to consolidate the storage proposed. It is now proposed to store up to 300 crates externally to the south of the building to allow for rotation of laundry on crates into and out of the warehouse and between delivery vehicles. A skip for waste is also proposed close to the southern boundary. Whilst the crates will be stored externally in perpetuity, they are proposed to be moved only between the hours of 7am and 9pm. External storage is already evident on site.

The site was purchased by the applicant in 2020 and has been operating as 'Abbey Glen' since that time. Abbey Glen is an independent laundry business offering services to supply rental linen to the hospitality industry. The applicant has detailed that they require the condition to be varied so that they can store excess empty cages during the quiet season (December to March) when they are not needed. Furthermore, during busier periods, a maximum of 120 cages can be stored internally within the factory. Cages are sorted at a speed of 35/40 per hour, meaning that following the last delivery (6pm as proposed through application 22/01032/FUL), if there is no external storage, the majority of stock will be processed by 9pm and the business would be unable to process all soiled stock as a result of a loss of production capacity. The applicant states that this would make the business unviable.

## RELEVANT PLANNING HISTORY

22/01032/FUL - Amendments to delivery hours to between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, no deliveries on Sundays and between 1000 hours and 1600 hours on Public Holidays (with no deliveries on Christmas Day, Boxing Day and New Year's Day) (Application under Section 73 to vary condition no. 3 (delivery hours) as imposed by planning permission 02/03682/FUL- Erection of unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation (Amended as per plans received on 12 February 2003)) AMENDED DESCRIPTION – pending consideration

20/02247/FUL - Application to allow extended delivery hours: 0400 hours-2200 hours on all days (Application under Section 73 to vary condition 3 (Delivery hours) imposed by planning permission 02/03682/FUL - Erection of unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation – refused

04/00259/FUL - Erection of water storage tank and pump house (in connection with planning permission 02/03682/FUL) -refused with enforcement action – appeal allowed

02/03682/FUL Erection of unit for Class B1(Business) use with ancillary offices and provision of car parking accommodation (Amended as per plans received on 12 February 2003) – granted conditionally.

## SUMMARY OF REPRESENTATIONS

Neighbours were initially notified of the application on 23 March 2022. Following amendments to the scheme they were re-notified on 26 July 2022.

Two councillor objections have been received. The points raised are detailed below:

Councillor Kevin Oxley

- Local residents have been leading a very vocal campaign for 18 months against Abbey Glen operating as an E class unit
- Many local residents are angry at the constant disturbance to their everyday life, wellbeing, mental health and amenity
- Residents have evidence of deliveries or noise disturbances occurring throughout the evening and early hours of the morning, despite the current restrictions in place
- Abbey Glen are in breach of current planning conditions as they already store hundreds of metal trollies in the yard and a skip for waste, photographic evidence of this is available
- No enforcement action has been undertaken in respect of the breach
- What assurances will local residents receive that this application will not exacerbate the current noise disturbances already experienced
- What assurance can be given that any further breaches to planning regulations will be properly investigated
- Question whether the operation of the business would fall within Class E (formally B1), this must be investigated further
- The proposal will adversely affect and put increased parking on Carley Drive

where there is already an increase in on-street parking

Councillor Gail Smith

- Has tried many times to get on the site without success
- Concerned about the application. Residents on Waterfield Mews are being woken up at 5.30am and the business is working until midnight. This is unacceptable

28 letters of objection have been received, 19 letters are from the first round of consultation and 9 from the second round of consultation. The points raised are detailed below:

First round of consultation

- Abbey Glen is a B2 business operating under a B1 permission. The proposed application will increase the B2 use of the unit
- The factory is too small for Abbey Glen's needs
- Planning rules relating to outside storage are already breached
- UDP policy requires development to 'not cause residents or visitors in any housing to suffer from unacceptable living conditions...e.g. noise, other nuisance or risk to health and safety'
- The original application conditioned no items to be stored externally 'In the interests of the amenities of the occupiers of adjoining property'
- Reference made to Technical Advice Note: Assessing Residential Amenity from South Gloucs Council, which refers to residential amenity
- The immediate area around Abbey Glen is being systematically destroyed in terms of the health and well being of the community. Homes are becoming inhabitable and this application will make this worse
- The Sheffield Joint Health and Well Being Strategy requires that 'Everyone has a home that supports their health'
- Object due to noise of moving trollies late at night; movement of trollies is very noisy
- Noise also evident from doors slamming and roller shutters, this will get worse, such noise is harmful to residential amenity in residential dwellings and their garden areas
- Unloading noise will get worse
- Any increase in storage outside will increase the already noisy operations, including constant humming noise which means residents can't sleep with windows open
- Already excessive noise from the premises, including machine noise during day and night, traffic coming and going and talking/laughing of staff and drivers
- Fire risk from linen being stored outside. Abbey Glen state that limited amounts of linen can be stored inside to reduce fire risk, it should therefore follow that the linen will be a fire risk if stored outside, in close proximity to trees and residential property. This presents a fire risk to the neighbourhood
- Odour issues and concerns about health
- Health hazards from infectious material on the laundry
- Residents cannot open windows or enjoy gardens owing to noise and odours
- Some activities cause vibrations in neighbouring properties

- Abbey Glen is making parts of the neighbourhood uninhabitable
- Trolleys are not secured together and bang into each other causing noise
- Impact on amenity will lead to poor mental health, loss of jobs and homes
- Objection to amendment to delivery hours owing to noise issues
- Opening hours are excessive and cause amenity issues
- The land is not large enough to accommodate extra storage, where will the cars park
- Additional traffic
- Storage is extremely unsightly

#### Second round of consultation

- The majority of issues raised are the same as those outlined in relation to the first round of consultation
- Trials of moving trolleys between 7am and 9pm are not representative of the real-life situation and would have been undertaken with extreme care, creating less noise
- From experience moving trolleys is noisy, employees carrying out this activity are offered ear defenders
- The impact of 300 trolleys will be devastating for residents, no matter what time of day they are being moved. Coupled with existing noise issues this is unacceptable
- Noise will be disruptive to children at bedtime
- If the highway transport note is correct then why do Abbey Glen employees park dangerously on Carley Drive, choking the entrances to other units, especially at shift change time
- Evidence on site contradicts the Transport Technical Note
- Object to lorries taking car parking spaces, this will push car parking out on to nearby residential streets
- Lorries often parked on roads
- Extreme temperatures have been experienced this summer, which increases the fear of fires setting light to nearby trees adjacent to residential properties
- Trolleys should be stored in a purpose-built facility covered by sprinkler system

#### Letters of response from Abbey Glen

- EPS have investigated and confirmed Abbey Glen are not a statutory noise nuisance (March 2022)
- Significant investment has been made to reduce noise from operations
- EPS have confirmed Abbey Glen are not a statutory odour nuisance (August 2021)
- Items are washed with water and soap and do not emit obnoxious odours
- Local members have been updated throughout the process
- Require a bin/skip in yard area to take waste away from the site
- Want to be able to store, when required, dormant stock that won't be used for several months outside
- Would like to store soiled stock outside when there is no further space inside in the factory
- In respect of external storage, request similar entitlement to the other businesses on the shared industrial estate

- There is no fire risk from storing items outside, in line with inspections and remarks from insurers and the local fire department
- Some residents have been aggressive and intimidating and other residents are fearful or recriminations if they support the proposal
- Welcome anyone with concerns to come and visit the site
- An email from South Yorkshire Fire Safety has been forwarded, detailing that a visit from a Fire Safety Office has been undertaken and does not raise concerns that the storage of linen outside is a fire risk.

## PLANNING ASSESSMENT

### Policy Context

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

Sheffield's development plan comprises the Unitary Development Plan (1998) and the Core Strategy (2009).

Paragraph 219 of the NPPF states that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore, the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

### Principle of Development

A number of objections refer to whether the use of the building falls within the E use class (previously B1) or B2 use class. Assessment of this matter is ongoing and will be supported by an independent noise report which is currently being carried out. The results of this process will confirm whether an application for a change of use is required.

For the purposes of this application the assessment of the acceptability of the outside storage will not affect the future ability to require a change of use application or to take enforcement action in relation to the use of the building.

### Highways

Policy IB9 of the Unitary Development Plan states that development should be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.



Paragraph 110 of the NPPF states that in assessing applications it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location
- b) Safe and suitable access to the site can be achieved for all users; and
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 of the NPPF states that new development ‘should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

Paragraph 112 goes on to state that priority should be first given to pedestrian and cycle movements and second to facilitating access to high quality public transport.

Moderate weight can be given to the local policy, as although the principles generally align with the NPPF, the test set out in Paragraph 111 states development should only be refused if it causes an unacceptable impact on highway safety, which is a higher test.

The site is accessed from Carley Drive to the east of the site, with an access road running through the site providing access to parking and servicing areas. The approved layout includes service yards to the north and south of the building and 85 car parking spaces.

The proposed use of the area to the south of the building for external storage will result in the loss of the service yard and turning area as approved through the 2003 planning permission. An amended site layout plan has been submitted in support of the current application to demonstrate the proposed car parking and lorry parking arrangements. Tracking information has also been submitted to demonstrate how vehicles will turn within the site.

#### Car parking

The amended site layout plan illustrates a total of 45 parking spaces, of which 3 are disabled and 14 lorry spaces.

Parking guidelines require 1 parking space per 60 square metres of floor space. Based upon a floorspace of 4,505 square metres, this would equate to a requirement for 75 car parking spaces. The proposal is clearly below this level.

The applicant has submitted information in support of their application which seeks to provide details about the number of employees to demonstrate that car parking is appropriate. The maximum number of staff on site at any one time is 69, formed from a combination of office staff, delivery staff and production staff. Shift times do not cross over, ensuring that shift workers will have vacated their parking space before the

spaces are required for the next shift workers. Although the information submitted with the application details that there are currently a number of employees who car share, this cannot be relied upon to be the case going forward. None the less it is not expected that everyone employed at the site will use a private vehicle to access the site. There is a large catchment within walking distance of the site and it is also accessible by public transport being approximately 400 metres away from the nearest tram stop.

### Lorry parking

Abbey Glen has 14 lorries and has subsequently indicated 14 lorry spaces within the curtilage of the site. These are in three areas; the first to the north of the site is shown to accommodate 4 vehicles; the second to the south-east of the site is shown to accommodate 8 vehicles; finally, two vehicles are shown to be parked within the southern service yard.

The site layout plan indicates that the parking arrangements for the lorries is very tight and cramped. In the north and south-east parking areas the lorries are shown to be parked right up to the edge of the hardstanding, on the ground these would be touching the boundary treatments of landscaping or low fencing. Additionally, the lorries are shown to be parked with very small distances between them, in some cases as little as 0.3 metres.

In reality the restricted dimensions and tight arrangement of vehicles would make achieving the parking layout highly impractical and likely impossible. The minimal separation distances would make even getting in and out of vehicles difficult and if just one driver were to park slightly out of line then this would result in vehicle displacement. It is considered that the layout does not adequately accommodate all lorries and that as a consequence they are likely to be parked within parking bays or on the street. In combination with the above discussion on the level of car parking provision, it is concluded that insufficient parking is provided within the site to accommodate delivery vehicles and staff car parking. As such the development will lead to the displacement of vehicles onto the local public highway which is to the detriment of highway safety. Officers have carried out a number of site visits and noted high levels of on-street parking within the vicinity of the site.

### Vehicle manoeuvres

The tracking information shows how a 12 metre rigid truck and a 10 metre box van could access both service yards to the north and south of the building, along with the proposed lorry parking areas. Access to the southern service yard will involve a reversing manoeuvre into the HGV parking area for vehicles to turn and exit the site in a forward gear.

This manoeuvre will be very tight, vehicles reversing into the HGV parking area could potentially be required to squeeze between parked vehicles. The dimensions are very restricted and would be partly reliant on lorries being parked in the exact positions indicated on the drawings which as detailed in the previous section are themselves very tight. For 12 metre rigid trucks, exiting the HGV parking area is also very tight and will bring the trucks in close proximity to parked cars, this is likely to prove impractical/problematic in practice. Such restrictive dimensions could lead to conflicts

between vehicles and pedestrians and the problems inherent with manoeuvres into the HGV parking area could lead to trucks reversing the full distance between the service area and Carley Drive which would be dangerous.

The tracking information demonstrates that vehicles entering the lorry parking area to the north of the site will reverse the entire distance between the site entrance and the parking area. Reversing for such long distances presents conflicts between other vehicles and pedestrians within the site and is harmful to highway and pedestrian safety.

It is concluded that the proposed outside storage area and resultant displacement of vehicle parking and alterations to turning/manoeuvring within the site will lead to an unacceptable impact on highway and pedestrian safety. The proposal is contrary to local and national policies in this regard.

#### Amenity

UDP Policy IB9 (b) states that new development should not cause residents or visitors to suffer from unacceptable living conditions.

UDP Policy GE24 'Noise Pollution' states that development will be permitted only where it would not create noise levels which would cause a nuisance (a) or locate sensitive uses and sources of noise pollution close together.

Paragraph 130(f) of the Framework identifies that development should create places with a high standard of amenity for existing and future users.

Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, the potential sensitivity of the site or the wider area to impacts that could arise from the development and mitigate and reduce to a minimum any potential adverse impacts of noise on health and quality of life (paragraph 185).

The local and national policies are considered to be well aligned and so substantial weight can be offered to the local policies in this instance.

The proposed storage area to the south of the existing building will be located approximately 26 metres away from the rear garden boundaries of properties on Waterfield Mews to the west and approximately 40 metres away from properties on Waterthorpe Rise to the south.

A noise impact assessment was submitted in support of application 22/01032/FUL which seeks to vary the delivery hours. The noise report identifies that noise from deliveries has a low impact but recommends that a noise management plan should be implemented to ensure that that extended delivery hours did not result in an unacceptable increase in noise to neighbouring properties. The noise report identifies that moving trollies in the yard creates noise and the management plan states that trollies should be checked regularly to ensure they operate correctly and with minimum noise and that the service yard should be checked regularly, and any damaged areas repaired to avoid trolley rattles. As detailed in relation to the previous application these measures may be difficult to implement in reality.

Permission is sought for movement of the trollies within the storage area and between the storage area and building between the hours of 7am and 9pm. These hours extend beyond the proposed delivery hours in both the morning and evening times. It is considered that the increased movement of trollies during the quieter morning and evening times will create increased noise and disturbance (from trolley movement and associated voices) to nearby residential properties during periods where it would be reasonable to expect a quieter noise environment. Such increase would have a harmful impact on the living conditions of nearby residents, contrary to local and national policy requirements.

The applicant has stated that these hours are the minimum at which they can effectively operate. This is due to the fact that there is not enough space within the factory to accommodate sufficient cages to enable all stock to be processed. Additional stock (to be stored externally) is required to be moved into the factory to allow processing. If such movements cannot take place then Abbey Glen will be unable to work to capacity, losing operating time and making the business unviable.

## Design

UDP Policy IB9 states that development should be well designed with buildings and storage of a scale and nature appropriate to the site.

Core Strategy Policy CS74 states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods.

Paragraph 126 of the NPPF highlights the importance of good design as a key aspect of sustainable development, whilst paragraph 130 sets out more specific guidance.

The local and national policies are aligned and weight can be given to the local policies.

External storage of cages is not ideal owing to the visual impact that this would create, however in this instance they will be largely screened by the existing building and set back from the public highway. As a result of this the cages are not considered to form an overly prominent feature and will not detract from the overall character and appearance of the site or surrounding area.

## RESPONSE TO REPRESENTATIONS

The majority of points raised have been addressed in the main report, those which have not are considered below:

- An investigation is currently ongoing in relation to whether the building is currently operating as a Class E or B2 use. The outcome of this investigation is not needed to allow full consideration of the current application relating to hours of use.
- Noise related to the outside storage is considered in this report. Noise related to an increase in delivery times is considered in the report for application 22/01032/FUL. Other noise matters within the site such as plant/equipment noise cannot be considered as part of this application

- Issues relating to odour/smells cannot be considered as part of this application as they are not directly related to the external storage area
- Air pollution generated from the additional vehicle movements is considered to be negligible
- Traffic generated from the additional vehicle movements is unlikely to have a material impact on the local road network
- Impact on house prices is not a material consideration
- Matters relating to breach of conditions will be dealt with through enforcement and should not influence the outcome of this application.
- The applicant has submitted an email from South Yorkshire Fire Safety detailing that a visit from a Fire Safety Office has been undertaken and does not raise concerns that the storage of linen outside is a fire risk.

## SUMMARY AND RECOMMENDATION

The application seeks permission to vary Condition 13 of planning application 02/03682/FUL, to allow external storage.

The external storage is to be sited to the south of the building, in the area shown to be a servicing/turning area on the approved plans. An amended site layout plan has been submitted to demonstrate how the loss of the turning area impacts on the site layout. The proposal leads to a reduction in car parking and shows a highly impractical layout for lorry parking which in reality is likely to prove impossible to adhere to.

In light of this the amended layout does not demonstrate sufficient/suitable parking provision and will lead to an increase in on-street parking. Furthermore, the tracking data submitted demonstrates conflict between lorry movements and parking arrangements and requires vehicles to reverse over long distances, which creates conflict between vehicles and pedestrians. It is concluded that when viewed in combination the above issues will result in an unacceptable impact on highway safety.

The introduction of the storage areas in close proximity to residential uses, to be used between the hours of 7am and 9pm will result in increased noise which will be harmful to living conditions of nearby occupiers.

The applicant has set out that the external storage is required as there is not sufficient space to store all stock within the building. External storage will allow for Abbey Glen to process all stock, meeting contractual obligations and ensuring that the business remains viable. The proposal would therefore result in economic benefits, as well as social benefits in providing employment in the local area.

The most important policies for determining the application are those relating to highways, amenity and design and these are not considered to be out of date. As such the titled balance is not in play. In this instance the harmful impacts of the proposal in relation to highway safety and residential amenity outweigh the economic and social benefits and the proposal is therefore recommended for refusal with enforcement action.

## ENFORCEMENT ACTION

It is recommended that the Planning Enforcement Team of the City Futures Service be authorised to take any appropriate action under the Town and Country Planning Act 1990 and to instruct the Director of Legal & Governance to institute legal proceedings to secure the removal of all the external storage from within the site.