
Case Number	22/01032/FUL (Formerly PP-11024524)
Application Type	Full Planning Application
Proposal	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 Years 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
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	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of five years from the date of the 23 April 2003

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

Other Pre-Commencement, Pre-Occupancy and other Stage of Development

Condition(s)

2. Before any work on site is commenced, a landscape scheme for the site shall have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out to the satisfaction of the Local Planning Authority by the end of the first planting season following the completion of development and thereafter the landscaped areas shall be retained. The landscaped areas shall be cultivated and maintained for 5 years from the date of implementation and any failures within that 5 year period shall be replaced to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenities of the locality.

3. Deliveries to the proposed business unit shall only take place during the following times:

Between 0800 hours and 1800 hours, Mondays to Fridays;

Between 0800 hours and 1300 hours on Saturdays;

Between 0800 hours and 1600 hours on Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day)

There will be no deliveries on Sundays

Reason: In the interests of the amenities of occupiers of adjoining property.

4. Before the development is commenced, full details of any plant and equipment, shall have been submitted to and approved by the local planning authority.

Reason: In the interests of the amenities of occupiers of adjoining property.

5. The canteen window on the elevation of the production building facing west shall be glazed with obscure glass to the satisfaction of the Local Planning Authority and shall not at any time be glazed with clear glass without the prior written agreement of the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property.

6. Before the development is commenced, a Travel Plan, which shall include clear and unambiguous objectives and targets, together with a timebound programme of implementation, monitoring and regular review and improvement, shall be submitted to and approved in writing by the local planning authority and thereafter operated.

Reason: In the interests of traffic safety and the amenities of the locality.

7. Before the development is commenced, details shall be submitted and approved in writing of proposals to prevent mud/debris from being deposited in the highway.

Reason: In the interests of traffic safety and the amenities of the locality.

8. The site shall be developed with separate systems of drainage for foul and

surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

9. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be drained properly.

10. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for their disposal.

11. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interests of satisfactory drainage.

12. No external lighting or CCTV cameras shall be installed within the site or on the building without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property.

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

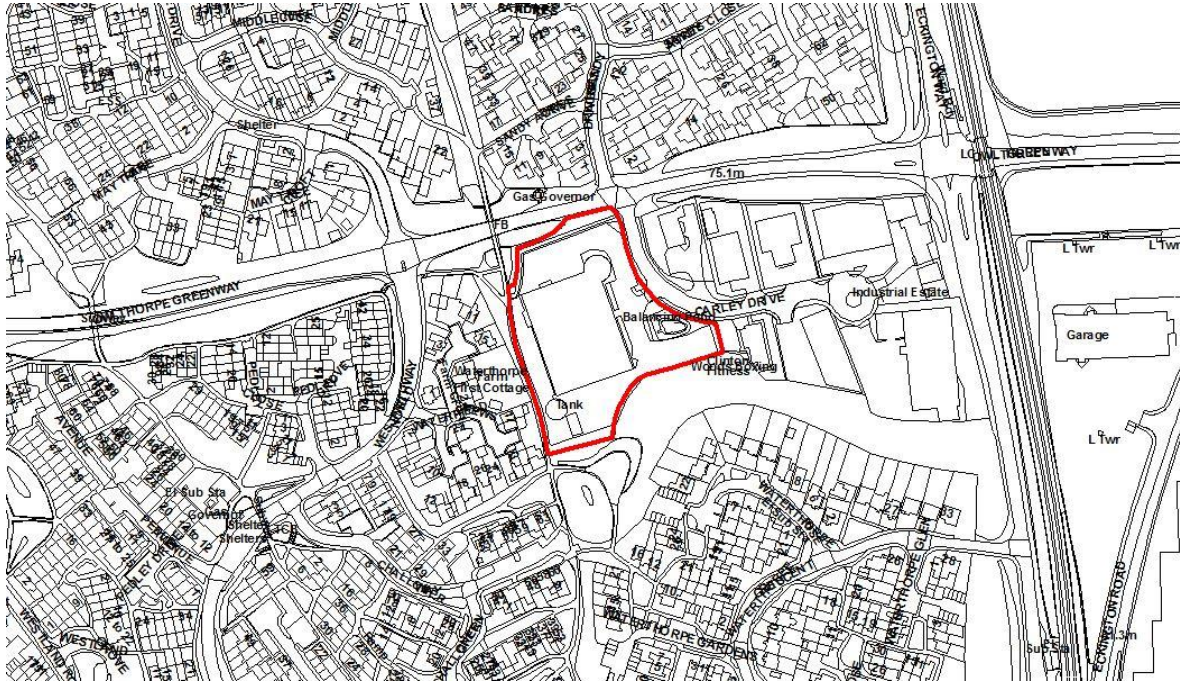
Reason: In the interests of the amenities of occupiers of adjoining property.

Other Compliance Conditions

Attention is Drawn to the Following Directives:

1. For the avoidance of doubt all the original conditions have been included on this Decision Notice for completeness. No further information is required in relation to these conditions at this stage. Please note the repeat conditions are listed with the same numbering as the original decision notice.
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

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.

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.

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 3 of the 2003 approval, states that:

Deliveries to the proposed business unit shall take place only between 0800 hours and 1600 hours Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, with no deliveries on Sundays or Bank Holidays.

This current application seeks variation of the condition, under Section 73 of the Town and Country Planning Act 1990, to allow deliveries to take place between 0800 hours and 1800 hours Mondays to Fridays and 0800 to 1300 hours on Saturdays with no deliveries on Sundays, and between 1000 hours and 1600 hours on Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day).

The proposed hours have been amended during the course of the application from the originally proposed hours of between 0700 hours and 2000 hours Mondays to Fridays, 0800 hours and 1500 hours on Saturdays and Sundays and 0800 hours and 1600 hours on Public Holidays.

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 the proposed change of hours is required to enable them to meet their customer needs and ensure the continued operation of their business. They consider the present condition to be highly restrictive and to have resulted in the loss of business in 2021. Abbey Glen consider that if the condition isn't varied it could result in the business not being viable. An example is given where, for customers located a large distance away, drivers are unable to return to site within the existing hours and so linen cannot be unloaded and processed on the same day leading to delays and resulting in staff having insufficient work to unload and process. A robust delivery management plan is proposed to be implemented to reduce the impact on neighbours.

RELEVANT PLANNING HISTORY

22/01035/FUL - 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)) – 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

The reason for refusal is detailed below:

When approving the construction of the unit in 2003 it was considered necessary to restrict delivery days and times in order to protect the amenity of nearby residents, and it is considered that there has been no material change in circumstances since that time. Notwithstanding the economic argument in favour of the proposal, it is considered that the variation of condition would result in significant, unreasonable, and unacceptable harm to residential amenity due to noise disturbance from delivery vehicles and associated operations and processes, especially those carried out outside the building, at unsociable times. As such the proposal cannot be considered as sustainable development and is contrary to UDP Policies IB9 and GE24, and Paragraphs 8 and 127(f) of the NPPF.

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 23rd March 2022. Following amendments to the proposed hours they were re-notified on 27th May 2022. Two councillor objections and one MP objection 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
- Storage of metal trollies in the yard is in breach of planning conditions and the movement of these is very noisy

- Residents cannot enjoy their gardens due to noise, some are selling their homes or considering moving or relocating bedrooms to be away from the rear of the house
- One resident has suffered a break down in their mental health
- Residents have presented a petition at Full Council containing over 150 signatures
- Whilst sound attenuation works have been carried out as a result of intervention from our Environmental Health Officers. They are still unduly disturbed by the operation of this unit
- Variation in hours would result in significant, unreasonable and unacceptable harm to residential amenity owing to noise disturbances from vehicles and associated processes

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

Clive Betts MP

- Noise from Abbey Glen has caused many residents to complain, historically, this was a statutory nuisance
- Whilst the noise is no longer classed as a statutory nuisance, the extension to delivery hours and proposed outside storage areas could make the situation worse.
- There are still ongoing investigations into noise and smell.
- Enforcement action was being pursued following several documented breaches of the original planning permission. These outstanding issues need to be dealt with.
- Object to the proposal as it will further disturb residents who have already had their quality of life impacted from the site's operations

Thirty letters of objection have been received from local residents; 26 were received during the first round of consultation and 4 in the second round. 18 letters of support have also been received; of which 8 are people employed by Abbey Glen. The points raised through objections are detailed below:

Initial round of consultation

- The original planning permission is for a B1 business but Abbey Glen is operating as a B2 business
- Abbey Glen should not be allowed to operate in a residential area
- The operation of the business causes poor amenity to neighbouring residents, the extended delivery hours will make this worse, making lives unbearable and homes uninhabitable
- Abbey Glen's operating hours are very long, sometimes between 5.30am and midnight, and this causes disturbance to residential properties.
- Hours should be reduced not increased
- Harmful to mental health and wellbeing
- Hours were controlled on the original application in order to protect the amenities of neighbours. An application in 2020 for extended hours was refused as it was considered to harm residential amenity. The grounds for refusal have not changed
- Object to all extended hours but particularly to the Sunday and Bank Holidays

- Residents subject to noise, including a constant humming noise, noise from machines starting at 6am, movement of trollies, employees talking/shouting in the yard, reverse sensors on lorries,
- There are many young children in the area and they are unable to get to sleep at an appropriate time due to noise
- Extension of hours will reduce the amount of peaceful time residents currently get and will reduce the ability to enjoy their homes and gardens
- Hepworth's noise report is flawed; the monitor was not close enough to neighbours and the operating times are not accurate
- Frequently operate throughout the night and this causes disturbance to neighbours
- Residents subject to odours from the use
- Air pollution from deliveries and from chemicals used for cleaning
- Increased traffic from additional deliveries
- Abbey Glen constantly breach planning rules; breaches should result in a fine
- Concern that Abbey Glen would continue to breach hours even if the extended hours applied for were approved
- The delivery management plan from April 2021 is not adhered to
- The company does not care about staff or residents
- More suitable alternative sites nearby (e.g. Holbrook)
- Company's justification includes reference to loss of customers in 2021, but this would be highly likely to be as a result of Covid 19. Customer requirements should not override planning conditions/controls
- Bank holiday working should not be permitted as residents need a break
- The building area is too small to extend to accommodate more deliveries
- May affect house prices

Second round of consultation

- Owing to the open breach of rules, consider that Abbey Glen will not abide to the proposed amended hours and so cannot support
- Delivery hours requested should include collections as the noise is the same
- Operate between 5.30am and midnight, giving residents only 5 hours of peace
- Easter bank holidays should be excluded
- Object to the deliveries on Bank Holidays. In the spirit of compromise, request that Good Friday and Easter Monday are also excluded

The points raised in support are detailed below:

- Can't understand the issues raised by objectors.
- If you listen carefully you can hear noises if you walk past the factory but it is not obvious
- Cannot hear or smell anything at nearby residential property, including from garden and with windows open
- Company causes no problems and provides jobs
- Need to encourage jobs, not cause businesses issues
- Objections to the proposal are from just a few locals stirring up trouble

8 letters of support have also been received from employees of Abbey Glen. The main points raised are

- Workers are concerned about their jobs
- Abbey Glen is a good employer and provides good opportunities
- Abbey Glen have undertaken improvement works to address noise issues
- Staff have been abused/threatened on their way to and from work, including drivers having bottles thrown at them
- Only a small minority of residents have an issue, others are afraid of reprisal if they support the proposal
- There is not an odour issue
- Abbey Glen has cooperated and made improvements to the building

Ben West, owner of Abbey Glen, has made the following comments:

- 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 that 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
- Proposed delivery hours are seen to be reasonable for loading and unloading vehicles. Noise from such activities was not picked up in recent noise reports
- Residents will be able to hear other vehicles on the industrial estate and roads, beyond the hours that Abbey Glen's vehicles are parked up
- 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

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 B1 (now Class E) 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 whether the proposed change of delivery hours is acceptable will not prejudice the future ability to require a change of use application or to take enforcement action in relation to the use of the building.

Amenity

The impact on the living conditions/amenity of residential properties in the locality is the main issue to be considered.

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).

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.

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.

As described at the beginning of this report there are residential neighbours to the north, south and west of the site, the closest fronting Waterfield Mews, approximately 15 metres from the site. When approving the construction of the unit in 2003 it was considered necessary to restrict delivery days and times in order to protect the amenity of neighbouring residents. Neighbours have objected to the extension to the proposed delivery hours on the basis of increased noise being harmful to their amenity and standard of living.

There is a complex history associated with noise from Abbey Glen. The Environmental Protection Service has assessed noise issues and has secured a number of improvements to attenuate the noise of plant and equipment. Nevertheless, a large number of objections refer to noise including humming from plant and equipment, movement of trollies and vehicles, employees talking/shouting in the yard and reverse sensors on lorries. This application relates only to extended delivery hours and can

consider only the impact associated with those activities on neighbouring residents. The general operation of the business and opening hours are outside the remit of this application.

Servicing of the unit takes place to the west of the building, in close proximity to residential garden boundaries, and is not shielded by the building in any way. Specific noise likely to be associated with deliveries includes vehicles arriving, manoeuvring, parking and departing, engines revving and/or left idling, movement around the site, voices talking/shouting/laughing, reversing alarms, noise breakout of amplified sound from delivery vehicles, opening/closing of doors or shutters, tail lift operation, unloading / loading of goods inside the trailer, and goods being moved inside the building etc.

The applicant has submitted a noise impact assessment which summarises that the noise from deliveries has a low impact on residential properties but does recommend that a noise management plan is implemented to reduce noise associated with deliveries. These include turning off reverse warning alarms, no unnecessary revving of engines, no slamming of doors, voices to be kept to a low volume, radios turned off in cabs, all engines switched off when a vehicle is stationary, service yard to be checked regularly and any potholes, damaged areas or surface irregularities to be maintained to avoid vehicle/trolley rattle. In reality these elements may prove difficult to manage and the effectiveness of the measures is therefore questioned. As a result of this, the extent of the proposed extended hours has been reduced during the course of the application, to be better aligned with normal daytime working hours. As a consequence of this the effectiveness/practicality of the above measures is less critical.

The extended opening hours Monday to Friday represent an additional two hours between 4pm and 6pm. These hours can be considered to be normal daytime working hours, where a business could be expected to operate. Whilst this will result in some additional noise disturbance to nearby residents, the noise will be outside of later evening hours/early morning periods, where a quieter noise environment could be reasonably expected.

It is also proposed to allow deliveries on bank holidays, based on the inclusion of 5 out of 8 public holidays (excluding Christmas Day, Boxing Day and New Year's Day), between the hours of 0800 and 1600. These hours are restricted in comparison to a normal weekday and are within normal daytime periods where background noise will limit the impact to a certain extent.

It is considered that the increase in delivery hours is a reasonable compromise and will not result in a significant harmful impact to neighbours whilst allowing the business to work in a way that is more conducive to their operational requirements and will have resulting economic and social benefits for the business and employees.

The Environmental Protection Service has confirmed that they consider the proposal to be acceptable.

RESPONSE TO REPRESENTATIONS

- 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 solely to delivery hours.

- Abbey Glen does not have any restrictions on working hours, as there was no condition on the original application to control this
- Noise associated with deliveries is considered in the report; other noise issues within the site, such as plant/equipment noise cannot be considered as part of this application
- Concern is raised that the Hepworth's noise report is flawed. Whilst reference is made to this report, officers have taken a cautious and practical approach to the noise associated with the increase in delivery hours
- Issues relating to odour/smells cannot be considered as part of this application as they are not impacted by delivery hours
- 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.
- Issues relating to the behaviour of individuals (e.g. neighbours and employees of the business) are not material planning considerations

SUMMARY AND CONCLUSION

The application seeks permission to vary Condition 3 of planning application 02/03682/FUL, to allow extended delivery hours. The proposed extension to the hours has been reduced during the course of the application.

The extended periods for deliveries are during normal daytime hours where they will be heard against the general background noise and activity of the surrounding area. Whilst the increased delivery hours may result in some increase to noise, this will not result in a significant harmful impact to neighbours owing to the limited extent of the increased hours proposed. Furthermore, the extension to hours will allow Abbey Glen to work in a way which is more conducive to their operational requirements and allow them to meet contractual obligations. There are economic and social benefits associated with this.

The most important development plan policies for determining the application are those relating to residential amenity. These are not considered to be out of date. As such the tilted balance is not in play. In this instance the benefits of the proposal outweigh any harm and it is therefore recommended that Condition 3 is varied as follows:

Deliveries to the proposed business unit shall take place only between 0800 hours and 1800 hours Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, with no deliveries on Sundays, and between 1000 hours and 1600 hours on Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day).