
Appeal Decision

Site visit made on 7 February 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th February 2017

Appeal Ref: APP/J4423/W/16/3163566

Market, Market Place, Chapeltown, Sheffield S35 2UU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Heewa Saddiq against the decision of Sheffield City Council.
 - The application Ref 16/03222/FUL, dated 23 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is change of use of part of existing market (adjacent Working Mens Club) to create area for hand car washing business, storage container, site office, canopy and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i) the living conditions of the occupiers of neighbouring properties;
 - ii) highway safety;
 - iii) the vitality and viability of the market; and
 - iv) the character and appearance of the area.

Reasons

3. The appeal site sits between Smith Street to the south and Market Street to the north and is home to the weekly Chapeltown market. The surrounding area is mixed in character with a busier commercial feel to the north of the site and a quieter residential character to the south. The site is bound by the railway bridge to the east. Access to the market is currently through the car park of the adjacent Working Men's Club. There are two other accesses onto the site via Market Street and Smith Street. At the time of my visit, the market was not in operation but I was able to observe the extent of the existing market stalls.
 4. The proposal encompasses the change of use of part of the market to a hand car wash with associated storage and office buildings. The submitted plan shows access would be via an entrance on Market Street and egress onto Smith Street to the south.
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Living conditions

5. I have been provided with limited information with regards to how the car wash will operate but I note it would have space for 7 cars, a jet wash area and a valeting area. To my mind, sources of noise and disturbance would arise from the use of jet washes, vacuum cleaners and that created by the comings and goings of patrons. The area to the north of the site is relatively busy with notable noise from the passing traffic. However, despite the proximity of the residential area to the south of the site to the commercial uses, I noted at my site visit that this area had a very different feel and was markedly quieter. The car wash would be located close to and opposite residential dwellings on Smith Street with the submitted plan showing customers' exiting onto this road.
6. I consider that the cumulative effects of the noise and disturbance caused by comings and goings and the operation of jet washes and vacuum cleaners would unacceptably harm the living conditions of neighbouring residents. When this is considered with the overall intensity of the operation of the site for seven days a week till 1800 on weekdays and from 0800 to 1830 on Sundays and Bank Holidays there would be little opportunity for respite from the use of the land for car washing and the associated noise and disturbance for residents. Furthermore, the car wash would give rise to noise at times when other uses within the commercial area would be closed including Sundays when car washing is likely to be in demand and background noise levels lower than during the working week.
7. I therefore conclude that the proposed development would have an unduly harmful effect on the living condition of the occupiers of neighbouring properties and find conflict with Policy S10 of the Sheffield Unitary Development Plan (1998) (UDP) which seeks, amongst other things, to ensure that development does not cause residents to suffer from unacceptable living conditions.

Highway Safety

8. The submitted plan shows the access to the car park via Market Street. The gap in the wall at this location is narrow and located immediately adjacent to the zigzag lines for the pelican crossing which sits a short distance to the west and close to the roundabout to the east.
9. My site visit took place between approximately 1130 and 1145, during which time I was able to confirm that Market Place is a very busy thoroughfare. The proximity of the entrance to the roundabout would cause drivers to slow on the highway which might not be readily anticipated by others drivers given the limited distance and visibility. Furthermore, due to the potential for the crossing to funnel pedestrians towards it and across it, the proximity of the access to the crossing would have the potential to cause conflicts between cars using the car wash and pedestrians using the crossing. Therefore, I consider that the location of an access in this location would be detrimental to highway safety and potentially to the free flow of traffic.
10. I would also have concerns about cars exiting onto Smith Street. At the time of my site visit, I observed that Smith Street was heavily congested with cars parked either side of the road. Views from the exit would inevitably be obscured by cars parked on the highway owing to the lack of on street parking controls.

11. I note from the Officers Report that discussions took place between the parties regarding the possibility of a one way system making use of the existing access to the Working Men's Club. However, in my view, this access is far from ideal with potential conflicts arising with the junction onto the roundabout from Market Place and the adjacent exit from the roundabout into the garage. I do not consider that an intensification of this substandard junction would provide a safe and suitable access to the site.
12. I therefore conclude that the appellant has not demonstrated that safe access/egress to the site can be achieved. The proposal would therefore be detrimental to highway safety contrary to Policy S10 of the UDP which seeks, amongst other things, that developments provide safe access to the highway.

Vitality and viability

13. Paragraph 23 of the National Planning Policy Framework (the Framework) advises that local planning authorities should retain and enhance existing markets, ensuring they remain attractive and competitive. The proposed car wash would result in the movement of traffic through the centre of the existing market which would result in conflict between pedestrians and vehicles. The fencing off of the car wash from the market would not remove this conflict. I acknowledge that the appellant has stated that the car wash could remain closed on market day, currently a Friday. However, there is no guarantee that in future, the market may wish to operate on more days of the week.
14. I note that the market is in decline and the proposal would retain a number of market stalls. However, I agree with the Council, the presence of a car wash with the associated traffic, noise, disturbance and potential water spray would not be compatible with a shopping environment. The reduction in size of the market compounded by the above issues would not ensure that the market remains attractive and competitive. The incompatibility of the two uses would have the potential to jeopardise the future vitality and viability of the market.
15. I therefore conclude that the proposal would have a detrimental impact on the future vitality and viability of the market and it would not enhance or ensure that market remained attractive and find conflict with paragraph 23 of the Framework in this regard.

Character and appearance

16. Whilst Smith Street to the south of the site is residential, given its town centre location, the surrounding area is mixed in character and there are a number of commercial properties in the vicinity. I do not consider that the site, which is laid to concrete and surrounded by palisade fencing, contributes in a positive manner to the character and appearance of the area.
17. Whilst it cannot be said that the car wash constitutes high quality design, given the context of the site adjacent to the railway bridge, the Working Men's Club and the existing appearance of the site, I do not consider the car wash would be out of keeping with the mixed character and appearance of the area. Furthermore, the existing stone wall on the southern boundary would in part screen views of the car wash from Smith Street.
18. I therefore conclude that the proposal would not have a detrimental impact on the character and appearance of the area and find no conflict with Policy CS74 of the Sheffield Development Framework Core Strategy (2009) and Policies BE5

and S10 of the UDP or paragraph 23 in this regard. These seek, amongst other things, development that is of a scale and nature appropriate to the site and that which complements the scale, form and architectural style of the surrounding buildings.

Other matters

19. The appellant has drawn my attention to a number of other car washes within Sheffield which are adjacent to existing housing areas and tram lines. However, I have not been provided with the full details or the background to the developments so that a direct comparison can be made. This limits the weight that can be attached to them. In any case, I have considered the appeal on its own merits.

Conclusion

20. Although I have not found harm in relation to the character and appearance of the area, this is not sufficient to outweigh the harm that I have found in relation to the living conditions for neighbouring residents, highway safety and the vitality and viability of the market.
21. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR