



Appeal Decision

Site visit made on 5 August 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 September 2025

Appeal Ref: APP/J4423/W/25/3365854

10 Carley Drive, Sheffield S20 8NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Abbey Glen Limited against the decision of Sheffield City Council.
 - The application Ref is 24/03490/FUL.
 - The application sought planning permission for the 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) without complying with conditions attached to planning permission Ref APP/J4423/W/22/3313517, dated 9 May 2023.
 - The conditions in dispute are Nos 3 and 8 which state that: deliveries to the premises, which by definition includes all associated external loading and unloading activity, shall take place only between 0800 hours and 1800 hours on Mondays and Fridays, between 0800 hours and 1300 hours on Saturdays, and shall not be undertaken at any time on Sundays or on Bank or Public Holidays; and there shall be no external storage within the site unless otherwise authorised in writing by the Local Planning Authority.
 - The reasons given for the conditions are: in the interests of the living conditions of the occupiers of neighbouring properties; and in the interests of the amenities of occupiers of adjoining property.
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Decision

1. The appeal is allowed, and planning permission granted for the 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) without complying with conditions attached to planning permission Ref APP/J4423/W/22/3313517, dated 9 May 2023, but subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The appellant requested Condition 3 be amended to the following, which would allow an additional two hours of deliveries on five Bank Holiday days, excluding Christmas Day, Boxing Day and New Years Day. I have assessed the appeal on this basis:

Deliveries to the premises, which by definition includes all associated external loading and unloading activity, shall take place only between 0800 hours and 1800 hours on Mondays and Fridays, between 0800 hours and 1300 hours on Saturdays, and between 1300 hours and 1500 hours on Public Holidays (excluding Christmas Day, Boxing Day and New Years Day). No deliveries shall be undertaken on Sundays.

3. The appellant also requested Condition 8 be amended to the following, which would have the effect of allowing external storage at the unit, in-line with the submitted plan:

The external storage indicated on drawing number YK6727-9PD-001 Rev A is permitted.

4. Approval of a Section 73 planning application effectively creates a new planning permission. I do therefore have the discretion to amend any condition on the original permission and where necessary add additional conditions. In this case I have amended Condition 4, the details of which are set out later in my decision.

Background and Main Issue

5. The Council's decision notice cites noise disturbance as the sole reason for refusal. Nonetheless, both the Council and interested parties have expressed concerns regarding odour. Given that this issue is referenced in the appellant's statement of case, it should not be unexpected. I am satisfied that addressing this matter as part of my main issue would not prejudice any party involved.
6. It therefore follows that the main issue is the effect of the proposal on the living conditions of the occupants of neighbouring residential properties with regards to noise and odour.

Reasons

7. The appeal site is a large commercial building that has been occupied by Abbey Glen for many years as a laundry serving the hospitality and care sectors. The main service area is south of the building, while a smaller secondary service area is on the opposite side.
8. Residential properties located on Waterthorpe Rise and Waterfield Mews are positioned beyond the main service area, with segregation provided by a substantial earthwork bank and substantial vegetation. The site boundaries in this location comprise a high fence, a large tank, and a service building. The secondary service area is similarly enclosed by a considerable fence and is separated from nearby residences on Waterfield Mews, Middlecliff Rise, and Sandy Acres Drive by intervening vegetation, a public footpath, and, in the case of the latter two, a dual carriageway.

Noise

9. During my site visit I witnessed deliveries taking place with cages being moved to and from the unit and the delivery vehicles in both service areas. I observed noise from the movement and rattling of cages, which were noisier when empty, staff speaking and the movement of the delivery vehicle tail lifts, all of which were reasonably loud in close proximity within the service areas.
10. Although there was a moderate level of wind on the day of my visit, it was clear that the general background noise in the surrounding area was low and included intermittent dog barking and distant traffic noise, mainly from the dual carriageway. Despite the general tranquillity, noise associated with deliveries was only mildly audible from various publicly accessible locations, including in the vicinity of the public footpath and the earthwork bank between the main service yard and residential properties.

11. Levels of audibility inevitably differ between people. However, my observations were broadly in-line with those found by the Inspector of a recent planning appeal decision¹ relating to the same site, who undertook unaccompanied site visits and concluded that the noise from tail lifts dropping and trolleys being moved was barely audible from various residential streets nearby.
12. Despite the business operating without bank holiday deliveries for some time, there is understandable customer concern surrounding contract fulfilment during those busiest times of year for the hospitality industry and the ability to turn around stock efficiently. The risk of failing to fulfil customer expectations could amount to job losses and business failure.
13. I acknowledge the various resident objections, their accounts of noise disturbance from the appeal site and the associated effect on their living conditions. However, I am also mindful that other residents have submitted comments to the contrary.
14. Although the anticipated effects of sporadic and sudden noise are difficult to assess, the Noise Technical Note (NTN) bases its assessment on measured Bank Holiday background noise. Noise levels during Bank Holidays are likely to be at their quietest and therefore this constitutes a worst-case scenario. Despite this, the NTN concludes that there would be no observed effect from noise created by deliveries on the proposed Bank Holidays. I see no reason to disagree.
15. Interested parties have raised concern regarding the chosen location of the noise survey equipment to inform the NTN. The equipment was used to gather baseline background noise data and not to record noise associated with deliveries. The chosen location, in the vicinity of the footpath, was observed on my site visit to be one of the quieter locations in the area with regards to background noise, away from the dual carriageway and neighbouring residential streets. It therefore represents a worst-case scenario for the effect of any potential noise disturbance to be assessed against and was therefore appropriate.
16. I acknowledge that residents expect quiet conditions to enable enjoyment of their homes and gardens on Bank Holidays. This was recognised by the Inspector of an appeal decision in 2023², who dismissed a proposal for Bank Holiday deliveries at the site. However, this appeal seeks a significantly reduced number of delivery hours. Most of the five Bank Holiday days per year that would be subjected to deliveries would be entirely free from any noise associated with deliveries, which sets it apart from the previous proposal.
17. I observed only minimal noise associated with deliveries from neighbouring residential areas and the NTN finds that there would be no observed effect. Considering the reduced number of hours sought for Bank Holiday deliveries, I conclude that the benefits outweigh any potential minimal disturbance with regards to noise in this respect.
18. The general storage of cages would in the most part be inherently quiet due to their stationary nature. Furthermore, the proposed containment fencing and the use of appropriate strapping, subject to specific design and management details that could be controlled by planning condition, would assist in minimising the movement of cages due to occasional windy conditions.

¹ PINS Ref APP/J4423/C/24/3340817.

² PINS Ref APP/J4423/W/22/3313517, the proposal of which sought permission for 6 hours of deliveries on 5 bank holiday days.

19. Despite the potential for the double movement of cages externally, the proposed storage area is close to the loading/unloading ramp and main service door of the building and the distance of movement would therefore be minimal. As previously discussed, the movement of cages was only mildly audible from locations in proximity to neighbouring residential areas and there is no reason why that would not be the case for the movement of cages to and from storage during normal hours of operation, which accord with the delivery hours.

Odour

20. I appreciate that the hospitality sector rarely generates heavily soiled linen. However, the laundry also handles care industry items, which are much more likely to be severely soiled. I therefore understand the concerns raised by residents relating to the external storage of such items, which has the potential to cause offence.
21. Whilst the appellant asserts that the storage of dirty linen externally would not occur often and only for short periods of time, I am mindful that this cannot be guaranteed. Furthermore, a condition restricting the quantity and length of time such linen can be stored for is unlikely to be enforceable and would therefore fail to meet the tests in the National Planning Policy Framework (the Framework).
22. There is no quantitative evidence before me to assess whether an unacceptable level of odour would be produced from the external storage of dirty linen. I am therefore not convinced that unrestricted external storage would not have an unacceptable effect on the living conditions of neighbouring residents.
23. The Council has recommended a condition prohibiting the external storage of linen, which, in the absence of substantive evidence to demonstrate acceptability, I deem necessary to render the proposal acceptable for the above reasons. This restriction is expected to have only a minimal impact on laundry operations, as the appellant has indicated that, for most of the time, only empty cages would be stored outside.

Conclusion

24. Thus, I conclude that the proposal, with the restrictive condition in place, would not be unacceptably harmful to the living conditions of the occupants of neighbouring residential properties with regards to noise and odour. Consequently, the proposed development would comply with Policies IB9 and GE24 of the Sheffield Unitary Development Plan (1998), which, amongst other things, seek to ensure that new development does not cause residents to suffer from unacceptable living conditions.

Other Matters

25. Interested parties have raised highway safety concerns in relation to an anticipated increase in vehicles parking off-site because of the proposed reduction in on-site car parking spaces. I visited the site in the height of summer when operations are likely to be busiest. Despite vehicles being parked on Carley Drive, numerous car parking spaces were available on-site. I am therefore not convinced that the vehicles parked on Carley Drive are linked to the laundry business and I am content that the very small reduction in car parking spaces proposed would not cause a highway safety issue.

26. The behaviour of the appellant prior to and during the planning process, any perceived breaches in planning control and the principle of a laundry operation in this location are not matters for my deliberation in the context of this planning appeal and I have based my decision on its own planning merits.
27. Furthermore, the appellant is familiar with their operational requirements and the business need for extended delivery hours and external storage is not a matter for me to question or deliberate in respect of this appeal.

Conditions

28. I have had regard to the planning conditions suggested by the Council and comments within the appellant's evidence. I have also considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG).
29. I have imposed an amended Condition 3 to reflect the permitted deliveries on Bank Holidays and to include reference to the movement of mobile stock containers externally when not directly associated with deliveries. This is in the interests of protecting the living conditions of neighbours with regards to noise.
30. Condition 8 has been amended to allow external storage on site, in-line with the submitted plan, to provide clarity and in the interests of protecting the living conditions of neighbours with regards to noise. In addition, the condition now includes implementation and maintenance clauses for enforceability. It also precludes the external storage of laundry, in the interests of protecting the living conditions of neighbours in respect of odour.
31. Amendments have also been made to Condition 4, which relates to the Noise Management Plan (NMP). A new NMP is required to reflect the change in delivery hours and introduction of external storage. Excessive detail was included in the Council's suggested amended condition, which has been omitted due to being overly prescriptive.
32. The granting of planning permission under Section 73 should also restate the conditions imposed on the earlier permissions that continue to have effect. I have imposed all that remain relevant for the original reasons given.

Conclusion

33. Based on the above considerations, I conclude that the proposal accords with the development plan and the appeal should be allowed.

L Fern

INSPECTOR

Schedule of Conditions

- 1) No additional externally mounted plant or equipment shall be installed at the site unless and until full details of such plant and equipment (including appearance, environmental emissions and any necessary mitigation) has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the plant and equipment and any required mitigation measures shall only be installed in full accordance with the approved details and shall be maintained in accordance with these details.
- 2) 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.
- 3) Deliveries to the premises, which by definition includes all associated external loading and unloading activity, and the movement of mobile stock containers externally of the building, including all cages/trolleys, shall take place only between 0800 hours and 1800 hours on Mondays and Fridays, between 0800 hours and 1300 hours on Saturdays, and between 1300 hours and 1500 hours on Bank Holidays, excluding Christmas Day, Boxing Day and New Years Day. No deliveries shall be undertaken at any time on Sundays.
- 4) Within 2 months of the date of this decision, a revised Noise Management Plan for deliveries and external storage shall be submitted for the written approval of the Local Planning Authority. Once approved, all relevant activities and measures shall then be carried out in accordance with the Noise Management Plan, in perpetuity.
- 5) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 6) 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.
- 7) 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.
- 8) Prior to the first use of the external storage area hereby approved, the details on Drawing No YK6727-9PD-001 Rev A – Proposed Site Layout shall be completed and maintained thereafter. There shall be no other external storage within the site. No laundry shall be stored externally.

*****End of Conditions*****