
Case Number	18/00266/FUL (Formerly PP-06674993)
Application Type	Full Planning Application
Proposal	Continued use of the site as a car sales forecourt, retention of portable sales building and siting of 4 floodlights
Location	Express Hand Car Wash 270 Handsworth Road Sheffield S13 9BX
Date Received	17/01/2018
Team	City Centre and East
Applicant/Agent	Ravent Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The use hereby approved shall cease on or before 2 years from the date of this decision notice.

Reason: In order to define the permission.

Approved/Refused Plan(s)

2. The use must be operated in complete accordance with the following approved documents:

- Location Plan, scale 1:1250
- Site Layout Plan Rev A, emailed 03.09.2018
- Photo images showing floodlighting

Reason: In order to define the permission.

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

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

3. Within 2 months of the date of this decision, a boundary fence shall be erected, in accordance with the approved photograph submitted 06.04.2018, along the south-east boundary of the site for a length of 30 metres, from behind an existing car wash facility to the rear boundary of the site and thereafter such boundary fence shall be retained.

Reason: In order to properly contain the site in the interests of the amenities of the locality and occupiers of adjoining property.

4. Within 1 month of the date of this decision the site layout shall be amended in accordance with the amended layout plan Rev A emailed 03.09.2018. This shall include the marking out of 5 customer parking bays and hatch painting of the 6 metre x 35 metre 'running lane' such that it is kept permanently clear of parked vehicles thereafter.

Reason: In order to ensure that there is adequate manouevring and customer parking space on site, in the interests of highway safety.

Other Compliance Conditions

5. The use hereby approved shall only operate between 0800 hours and 1800 hours, Mondays to Saturdays and shall not operate on Sundays or Public Holidays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties.

6. All plant and equipment for the purposes of valeting shall not operate within 15 metres of the rear (south-west) boundary of the site.

Reason: In the interests of occupiers of adjoining properties.

7. Within 1 month of the date of this decision the existing Public Address (PA) tannoy system shall be removed from the premises. At no time thereafter shall a Public Address (PA) tannoy system be operated on this site.

Reason: In the interests of the amenities of the locality and occupiers of adjoining residential properties.

8. No other plant or equipment, with the exception of a vacuum cleaner, shall be operated for the purposes of valeting on site, unless full details have been submitted to and approved in writing by the Local Planning Authority and thereafter only such approved plant or equipment shall be used on the site.

Reason: In the interests of the amenities of the locality and occupiers of adjoining residential properties.

9. No amplified music shall be played at any time within the site.

Reason: In the interests of the amenities of the locality and occupiers of adjoining residential properties.

Attention is Drawn to the Following Directives:

1. 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.
2. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application site relates to an existing temporary car sales business, which is located on the west side of Handsworth Road. The business has been operating for a number of years and benefited from a temporary (2 years) planning permission (refer 11/01300/CHU) which expired 1st July 2013. The site was vacant at that time but appears to have been re-occupied at some point in 2015 without planning permission being in place.

The original site comprises of a plot measuring 49 metres deep x 22 metres wide, the majority of which is utilised for the display of motor vehicles, but does include a small portable sales building. There is an existing access from Handsworth Road. The rear boundary of the site is marked by a timber fence approx. 1.8 metres high with a limited extent of shrub planting.

The site is bounded by a carpet warehouse to the north which has recently had a boundary wall constructed along the common boundary, a hand car wash business to the south-east, a vacant plot of land to the south, and residential properties to the rear (west) boundary.

This application seeks to continue using the land as a car sales forecourt and to retain a portable building positioned towards the rear of the site.

RELEVANT PLANNING HISTORY

16/04353/FUL – Continuation of use of land as a car sales forecourt, use of part of site for open storage and relocation of cabin – Withdrawn – 18.01.2017.

11/01300/CHU – Continuation of use of existing car park as a car sales forecourt – Granted Conditionally – 16.06.2011. Temporary 2 year consent issued – expired 01.07.2013.

SUMMARY OF REPRESENTATIONS

Following neighbour notification, 8 letters from 4 local residents have been received, together with representations from Councillor Rooney in support of an objector's comments. The Issues raised are summarised below:

- The occupants do not operate in a manner in keeping with the surrounding area.
- The business operates at all hours causing disturbance.
- Noise from people shouting, car engines, car wash equipment and revving of cars.
- A PA system is used at all hours and plays music, which is audible within residential properties during the evening.
- Light pollution from floodlights.
- Frequently burning waste at all hours of the day, causing pollution.
- The site appearance is very untidy; an eyesore.
- Trees have been chopped down and debris and other waste dumped on the site which is visible from residential properties, and will attract vermin.
- The use of the site seems to be extended onto other parts of the site. (NB: This application relates to development within the red line boundary only).
- The business constantly parks cars on the highway which results in pedestrians not being able to cross Handsworth Road safely.
- The business operates in a way that means residents are not able to live peacefully and enjoy their property.
- Overgrowth is a mess and constantly grows through and over the boundary fence.

- Overlooking from people on the site looking into residential property at the rear.
- Parking of cars for sale on the highway prevents spaces being used by visitors and is illegal.
- There is a caravan on site with someone living in it. (NB - The caravan has since been removed).

PLANNING ASSESSMENT

In assessing this application, the main issues to consider are land use policy, visual amenity, effect on residential amenity and highway safety considerations.

Land Use Policy

National Planning Policy Framework

The NPPF expresses a presumption in favour of sustainable development and suggests that development proposals which accord with an up to date development plan should be approved. Where policies are out of date planning permission should be granted unless the application of NPPF policies provides a clear reason for refusal or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The site lies within a designated Business Area, as defined in the Unitary Development Plan. UDP Policy IB7 permits a variety of uses within such areas, but in this case, a car sales use is defined as a 'Sui Generis Use' and therefore should be considered on its own merits, although it is clearly a commercial business use. The site has been previously used for such purposes for a number of years and the last planning permission was granted on a temporary basis of two years. The temporary consent was issued on the basis that there were long-term aspirations for comprehensively developing the site and adjacent land.

UDP Policy IB9 permits changes of use subject to not leading to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites. Utilising the land for car sales does not affect the percentage of preferred uses in the area. The site was used as a car park in the past, which is not a preferred use and the continued but temporary use of land for car sales will not prejudice the dominance of preferred uses in the area.

On this basis, the continued use of the site for the purpose of car sales for a temporary period is considered acceptable in principle in land use terms, in compliance with land use policy.

Visual Amenity

UDP Policy IB9 (Conditions on Development in Industry and Business Areas) states that new development should be well designed and be of a scale and nature appropriate to the site.

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. Core Strategy Policy CS74 states that high quality development will be expected.

The only built form on the site involves the fact that an existing portable building has been removed and replaced by a new, larger portable building, which has been positioned towards the rear part of the site. The design of the building is fairly typical, comprising a single-storey, flat roofed, rectangular shaped, clad structure with a door and window in the main façade. The design is utilitarian in appearance and whilst it does not serve to enhance the visual appearance of the site, neither is it considered to be visually obtrusive. The building is appropriately sited and of a scale which is acceptable. As it is set well back within the site, it does not appear as a visually dominant feature in the street scene.

The remainder of the site is occupied by cars displayed for sale. The site does appear cramped and disorderly, but this will be partially addressed by the proposed revised layout which needs to be implemented, to facilitate the movement of vehicles within the site. This will result in an overall reduction in the number of vehicles displayed.

Immediately adjacent to the site, to the south-east, is a plot of land which has been cleared and been the subject of a number of complaints from occupiers of neighbouring residential properties. The plot of land does not form part of this application site, although it is acknowledged that it has recently been partially used as an unauthorised overspill for the application site owing to works being completed along the boundary of no. 264 Handsworth Road (carpet warehouse premises), which has necessitated the need to move cars away from the boundary. To contain the site and prevent future spread into this area, it is proposed that a fence be constructed along the length of the south-east boundary from behind an existing car wash facility (no. 270 Handsworth Road). A condition is recommended, requiring the fence to be erected within 2 months should planning permission be granted.

It is acknowledged that the appearance of the site, in its current form, is not particularly attractive and this is why only temporary consent has been granted in the past in order that a more comprehensive form of built development on this strategic route is encouraged in the future. Given the temporary nature of the use and the fact that the site was previously a surface car park it would be difficult to resist the proposal on design grounds. The new sales building is an improvement on the previous one and is appropriately positioned within the site. The site is located within a commercial setting and has a relatively small frontage such that it is not prominent in the street scene. It is on this basis that the proposed development is considered acceptable in visual amenity terms, in compliance with the listed policies.

Amenity Issues

UDP Policy IB9 permits new development or changes of use provided that it will not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The site is set within a predominantly commercial environment, however, there are residential properties at the rear of the site (Parsley Hay Gardens), of which, a number of objections and concerns have been raised by its residents.

The proposal seeks to continue using the site for the sale and display of cars. The existing use generates some noise, owing to customers visiting the premises and the movement of vehicles, when required. This type of noise generated during a typical working day should not be significant and should not give rise to serious noise nuisance, given the existing background noise levels which are dominated by traffic noise.

Noise

A replacement sales office building has been erected towards the rear of the site. The building is occupied by employees and there are visiting members of the public entering and leaving the building. There is inevitably some noise and activity generated by the use of the building. It is considered that the use of this small ancillary building should not result in significant noise and disturbance to the extent that it would have an adverse impact on occupiers of adjacent residential properties positioned to the south-west, at the rear of the site. The building is set 7 metres away from the rear boundary where there is a timber fence and shrubs along its extent. The general activity within the site occurs forward of the building and should not result in unacceptable noise disturbance. There are some cars parked to the rear of the sales building, however it is not considered that this is likely to generate significant noise and activity as a result of customers viewing these particular cars.

Concerns have been expressed about a PA system which currently operates within the site. Objections have been received stating that the PA system is particularly loud and has been used at all times of day, including late into the evening. Initially, it was suggested that its use was for security purposes but this does not appear to have been the case in practice. The matter has been discussed with the landowner and it has been confirmed that it will no longer be used. A condition is recommended, requiring the system to be removed and to confirm that no PA system will be permitted in the future as this is considered to be an unacceptable noise intrusion on adjacent residential properties.

As part of the general operation of the site, there is some valeting of vehicles required. This involves the use of a vacuum cleaner. Whilst the noise generated is notable, it is not considered to be excessive. The background noise levels are high. However, if a Hoover is being used for a protracted length of time and in close proximity to residential properties, it can become a noise nuisance. To ensure that noise levels are not elevated to such a degree that residents of properties positioned to the west (Parsley Hay Gardens) are adversely affected, a condition will be imposed requiring no valeting of vehicles within 15 metres of the rear boundary of the site. This is considered to be a reasonable and pragmatic approach to dealing with this matter.

Hours of Use

The previous planning permission allowed the car sales business to operate between 0900 hours and 1800 hours, Mondays to Saturdays, with no Sunday opening. Letters of objection have raised concerns about the hours of opening and frequently commented that the use has operated beyond these times and throughout the weekend. It is acknowledged that the site lies within a commercial environment, however, given the close proximity of residential properties, late night opening and Sunday opening is not considered acceptable. No enforcement action has been taken to date, owing to the fact that a planning application had been submitted and is being considered.

Nevertheless, in light of the concerns raised above, it is considered that a temporary 2 years consent would be appropriate, permitting the site to operate between the hours of 0900 and 1800 hours, Mondays to Saturdays, with no Sunday or Public Holiday operation. Such hours of use are considered to be appropriate for a commercial environment and strike the right balance between the needs of the business and the amenity of the adjacent residential properties. The site would need to be monitored and enforcement action taken against any breach of the planning conditions.

Floodlighting

Objections have been received in respect of floodlighting on the site, which have resulted in light spillage onto neighbouring residential properties. The said lights have since been removed and 4 replacement lights have been installed. Two lights have been positioned on the front section of the roof of the sales office building. The lights are orientated such that they illuminate the forecourt in front of the sales building only. Two additional lights have been placed on the side gable wall of a building which forms part of the existing car wash facility (no. 270) which is positioned towards the front half of the site. The revised lighting is considered acceptable and no light spillage occurs beyond the site. Occupiers of adjacent sites will not be adversely affected.

Highway Issues

UDP Policy IB9 states that a site should be adequately served by transport facilities and should provide safe access to the highway network and appropriate off-street park.

The site is heavily congested with cars displayed for sale. The Highways Officer has raised concerns about the manoeuvring of cars within the site. Of particular concern is that such manoeuvres should be carried out within the site without the need to reverse out of the site or use the adjacent highway. Amended plans have been received which show a 15 metres long x 6 metres wide running strip to be provided within the site, which will provide sufficient space to manoeuvre vehicles for sale and adequate space for customer parking.

The existing means of vehicular access will be retained and will meet the requirements of the premises.

Additional issues raised by objections relate to the parking of vehicles on the highway. In particular, it has been suggested that cars for sale have been parked on the highway, with some having not been taxed and tested. This is a matter to be enforced by the Police and the DVLA. Furthermore, it is also relevant to note that it is an offence to park vehicles for sale on the highway under the Clean Neighbourhoods and Environment Act 2005.

RESPONSE TO REPRESENTATIONS

Matters relating to rubbish/vermin, burning of waste, noise late at night are issues which are dealt with by the Environmental Protection Service who have the powers under the Environmental Protection Act 1990 to investigate and take appropriate action. These issues have already been reported to them.

Behaviour of individuals on site – This is not a planning issue. However, the landowner has been advised to speak to the tenant to alert them to the ongoing complaints about this issue. Any behaviour which is considered to be indecent would be dealt with by the Police and should be reported accordingly.

SUMMARY AND RECOMMENDATION

In land use terms, the proposal is considered acceptable in principle in this commercial location.

The appearance and operation of the site will improve once the revised layout is implemented. This is proposed to be secured by condition. Failure to comply with the conditions is liable to result in enforcement action being taken to remedy the breach.

The continued use of the site does not raise significant highways concerns, provided that the amended layout is implemented which retains an access route within the site and which will provide sufficient space for the manoeuvring of vehicles.

There have been considerable objections raised in respect of noise, nuisance and the behaviour of individuals. Whilst the latter is not a planning issue, it is acknowledged that it can adversely impact on the amenities of neighbouring residents and has been raised with the landowner. In terms of the noise and activities taking place on the site, this can be controlled through the effective use of planning conditions. Should there be any breach of conditions, appropriate enforcement action can be taken and any future application seeking a permanent use of the site could well be resisted.

In conclusion, the proposed use of the site as a car sales area is considered to be acceptable subject to the controls described in this report. It is therefore considered to be in accordance with the local plan and the guidance contained in the NPPF. On this basis, the proposal is recommended for approval subject to the listed conditions.

This page is intentionally left blank