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Case Number	15/02699/FUL PP-04351147
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 103 student apartments (sui generis) in a 4/5/6 storey block with ancillary facilities and landscaped courtyard
Location	Silverpride Works, Matilda Street, Sheffield, S1 4QF
Date Received	17/07/2015
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	G Conditional Subject to Legal Agreement
Date of Recommendation	26 April 2016

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## **Time limit for Commencement of Development**

1. The development shall be begun not later than the expiration of three years from the date of this decision.

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

## **Approved/Refused Plan(s)**

2. The development must be carried out in complete accordance with the following approved documents:

15-390 PL-01  
15-390 PL-04A  
15-390 PL-06A  
15-390 PL-07A  
15-390 PL-08A  
15-390 PL-10C  
15-390 PL-13  
15-390 PL-14E  
15-390 PL-15F  
15-390 PL16D  
15-390 PL17E

Reason: In order to define the permission.

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

3. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with.

4. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

5. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

6. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.

- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and postinvestigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

7. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

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

8. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

9. Large scale details, including materials and finishes, of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- Windows
- Door and window reveals
- Edges and verges
- Balustrade to edge of roof
- Rainwater goods

## Cladding

Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

10. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

Reason: In order to ensure an appropriate quality of development.

11. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

12. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

13. The residential accommodation hereby permitted shall not be occupied unless the scheme of sound insulation works given in section 5 of the noise report by Environmental Noise Solutions (Ref. NIA/4098/12/3656, July 2012) has been implemented and thereafter retained. Such works shall:

a) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours); Bedrooms: LAFmax 45dB (2300 to 0700 hours).

b) Include a system of alternative acoustically treated ventilation to all habitable rooms.

Reason: In the interests of the amenities of the future occupiers of the building.

14. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
- a) Be carried out in accordance with an approved method statement.
  - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site.

15. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

16. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway.

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

17. The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

Reason: In order to ensure an appropriate quality of development.

18. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

19. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies and the NPPF

20. The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to mitigate against the risk of flooding.

21. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of the safety of road users.

22. The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/brown roof(s) shall be provided prior to the use of the building commencing. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

23. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

24. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

### **Other Compliance Conditions**

25. No door, window or gate shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety

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. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council  
Town Hall  
Penistone Street  
Sheffield  
S1 2HH

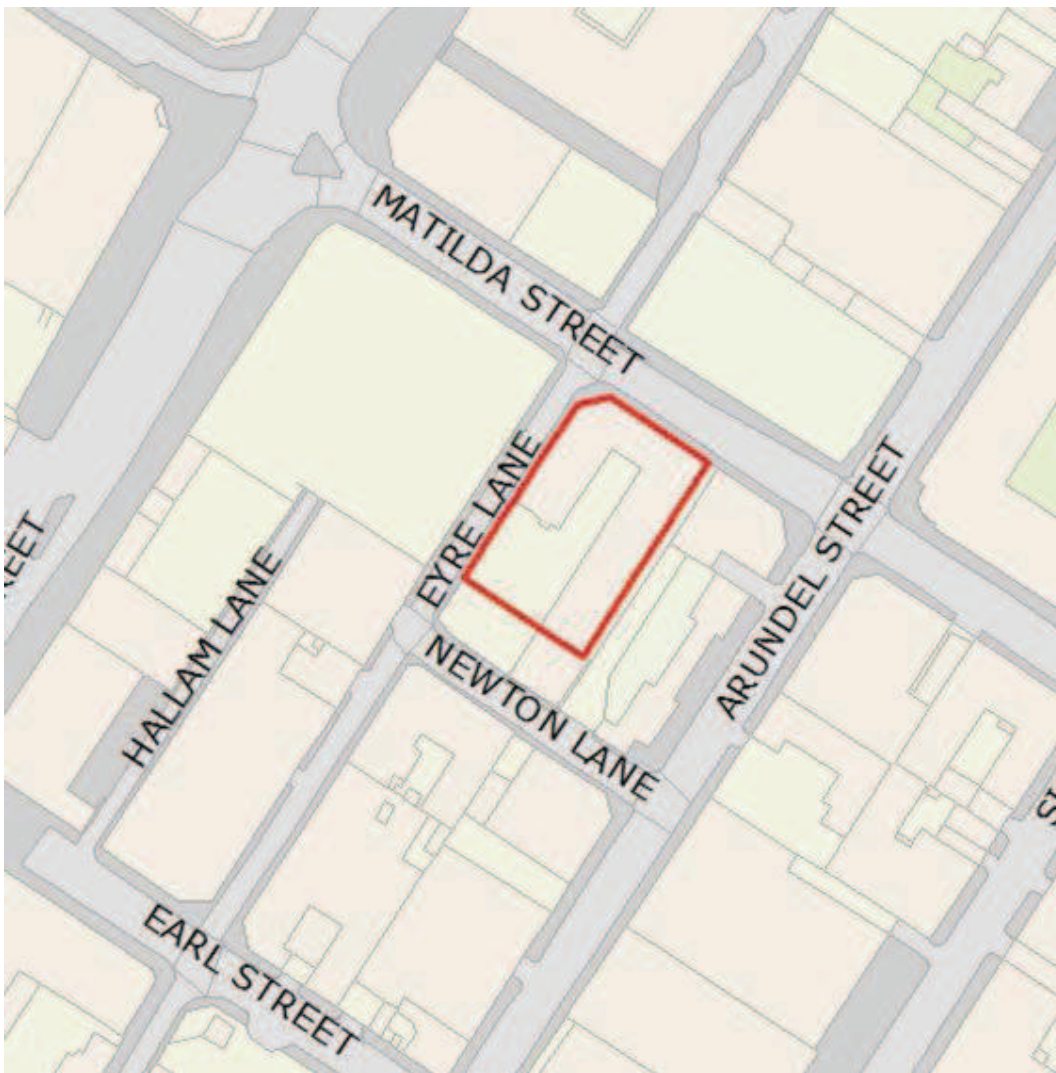
For the attention of Mr P Vickers

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
4. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will

be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

5. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
  - (a) limited/no car parking provision is available on site for occupiers of the building,
  - (b) resident's car parking permits will not be provided by the Council for any person living in the building.



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## INTRODUCTION

Members will recall this application for a five-storey student development at Silverpride Works, Matilda Street, which was deferred at committee on the 26<sup>th</sup> April. The application was deferred following an objection from White Rose Works, a manufacturing unit at the junction of Newton Lane and Eyre Lane, relating to loss of light and vibration issues. These issues have now been considered further and additional information submitted to address these concerns.

The original officer report (Appendix 1) and the supplementary report (Appendix 2) that was presented to Members on the day of the previous committee are appended to this report in order that Members have all the necessary information to make a decision on this application. This introduction deals with the additional information that has been considered since the application was deferred.

### Additional Representation

An additional representation has been received from Chris Hudson from White Rose Works. The key points are detailed below:

- He is aware that an additional noise/vibration survey has been undertaken and that the developer believes that the building can be designed so that noise/vibration is not problematic to tenants
- Issues relating to light are an ongoing matter; the developer has offered to help provide artificial light to negate the loss of light and there is still the option for civil action regarding loss of light through the Right to Light legislation
- There were similar concerns with regards to noise and light from the development at EON works on Eyre Lane. At that time conditions were attached relating to noise and the requirement to continue discussions regarding the right to light
- Could similar conditions be attached to this application to overcome reasons for objection

### Noise/vibration

As detailed previously a noise survey was submitted with the application and found to be acceptable by the Environmental Protection Service. This did not however take into account vibration from the neighbouring manufacturing unit and this was of concern to members. A vibration survey has since been carried out and submitted for assessment. The survey assessed vibration at a location commensurate with the façade of the proposed new build. The survey was carried out in conjunction with White Rose Works, when all equipment was in operation, in order to give a worst case scenario reading. The results show that the vibration levels are well below the levels where there is a low probability of adverse comment. It is concluded that vibration association with White Rose Works is not considered to pose a risk of damage to the new building itself or result in annoyance to residents.

Conditions relating to internal noise levels will be attached to any approval and will ensure that living conditions for future occupiers are acceptable. As a consequence of this, the existing industrial use and new residential uses will be able to coexist alongside one another without nuisance.

#### Impact on light

A sunpath analysis and overshadowing study has been submitted and shows that owing to the orientation of the development to the north of White Rose Works, that there will be no overshadowing. Given that the sunlight study shows the development will not cause overshadowing and an adequate separation distance of 17 metres will exist between the buildings, the proposal is considered acceptable in planning terms.

Nevertheless, the occupiers of White Rose Works have suggested that there may be an issue with regards to private rights under the Right to Light Act. The applicant has been liaising with the occupier of the White Rose Works and is exploring the possibility of improving artificial lighting in the workshop. Full details have not been agreed and it is highlighted that this is a private matter, separate to the planning process. The agent has however confirmed in writing that they intend to work with the occupiers of White Rose Works, to improve lighting within their workshops.

Due consideration must also be given to the potential for redevelopment of the site directly opposite White Rose Works (in-between the development site and the industrial unit). A plan has been submitted with an outline showing a two-storey development on this site. It would not be unreasonable to suggest that a development of at least two storeys could be accommodated here (the same height as White Rose Works). This in itself would have the potential to reduce the amount of light into the manufacturing works but there would be no basis for resisting such a proposal in planning terms as it would be of exactly the same scale as the manufacturing works. If a two storey building was located directly opposite the works, the eyeline view from the ground floor windows would be of this two storey building and not the four storeys of the proposed development presented here today.

It is concluded that issues relating to vibration and loss of light have been adequately addressed. It is not considered necessary to add any further conditions and the scheme is recommended for approval.

## APPENDIX ONE – ORIGINAL OFFICER REPORT

### LOCATION AND PROPOSAL

The application relates to a site bounded by Matilda Street to the north and Eyre Lane to the east. The site is currently occupied by a part single-storey, part two-storey industrial building constructed from brown and red brick. The brown brick element has a flat roof and fronts Matilda Street with the red brick element with pitched roof abutting this on Eyre Lane. A second red brick wing runs parallel to the Eyre Lane block and is largely shielded by the perimeter buildings.

The surrounding area is varied with a large residential development under construction to the north-east, a car park to the west and north-west and small industrial units to the south-east and south-west.

The site is located within a Fringe Industry and Business Area as designated in the adopted Sheffield Unitary Development Plan. It also falls within the Cultural Industries Quarter Conservation Area and is defined as being within the Arundel Street Character Area. The layout of this area is characterised by a strong, regular grid iron pattern of streets and smaller lanes. These divide up plots that were historically home to “Little Mesters”, who were the craftsmen specialising in cutlery and tool manufacture.

Planning permission is sought for the demolition of the existing buildings and the erection of 103 studios in a 4/5/6 storey block with ancillary facilities and landscaped courtyard.

### RELEVANT PLANNING HISTORY

There is no relevant planning history

### SUMMARY OF REPRESENTATIONS

Neighbours have been re-consulted on the proposal (owing to new description as student accommodation) and new site notices have been put up on site, these expire on the 25<sup>th</sup> April. Any new comments will be reported to committee.

One letter of representation has been received from a member of the public and the points raised are detailed below:

- Question whether scheme is open market residential or is a student scheme.
- The planning statement defines the proposal as open market, however correspondence on the file indicates that the scheme will now be for student accommodation.
- Concentration of student accommodation contravenes Core Strategy Policy CS41, which seeks to deliver mixed communities, through a mix of house types and tenures and limiting shared and student accommodation where these uses would create imbalance
- The change of use and contravention of CS41 renders the final planning statement unfit for purpose
- The development is higher than the majority of buildings in the locality and fails to meet the relevant criteria for a tall building outlined in CS76

- No evidence of sensitivity in the choices of materials, design and architectural form as set out in UDP policy BE5. Does not reflect or conserve the character of the Cultural Industries Quarter Conservation Area as set out in BE17.
- In contravention of BE17 rather than a traditional approach the developers plan to (page 42 of planning statement), deliver an attractive contemporary designed building.

The Conservation Advisory Group considered the scheme at its meeting on 20 October 2015. The Group felt that a building of this height would create unsatisfactory, unacceptable enclosure ratios in Newton Lane and a canyon-like feeling, which would adversely affect the character of the Conservation Area. The Group considered that the development should be reduced by one storey, in line with the recommendations of the Urban Design Compendium and should be built in red brick or industrial brick, to reflect the industrial character of the Conservation Area.

## PLANNING ASSESSMENT

### Land Use

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008). The Core Strategy is more up-to-date, providing the overall spatial strategy for the SDF over the period 2009 to 2026. Regard must also be had to the National Planning Policy Framework (NPPF).

The application site is located in a Fringe Industry and Business Area as defined in the adopted Sheffield Unitary Development Plan. Policy IB6 “Development in Fringe Industry and Business Areas” sets out the preferred, acceptable and unacceptable uses in these areas. Business (B1) and Industry (B8) are the preferred use whilst Housing (C3) is acceptable. A number of housing schemes have been developed in the immediate vicinity of the site over recent years and the policy states that housing may be acceptable where living conditions are satisfactory and they would not hinder industrial and business development. Although the scheme is for student housing, this use is not explicitly mentioned in the policy and is most similar to C3 housing.

Core Strategy Policy CS6(a) “Manufacturing and the City Centre – Transition Areas” is also relevant, and discourages manufacturing uses within this part of the City Centre.

Core Strategy Policy CS17 “City Centre Quarters” seeks to consolidate and strengthen the role of the various quarters in the city. Part C of the policy identifies the Cultural Industries Quarter (CIQ) as an area with a wide mix of uses and established as the main location for the City’s creative and digital industries. The proposed development does not help to deliver this specific element of CS17c.

The Core Strategy policy was reflected in the proposal in the draft City Policies and Sites document to designate a Business Area in this location where employment uses should dominate by limiting housing uses to no more than 40% of the floorspace within the area. The Economic Prosperity and City Region Background Report 2013, paragraphs 7.184 – 7.186, notes that residential uses were still below this maximum figure at the time the draft City Policies and Sites were published. Given this, there is no objection in terms of the balance of uses within the area.

## Creating Mixed Communities

CS41 "Creating Mixed Communities" promotes a mix of housing which meets a range of needs and does not lead to concentration of certain forms of residential development.

Part (a) of CS41 states that housing should provide for a broad range of smaller households in the City Centre with no more than half of new homes in larger developments (60 or more dwellings) consisting of a single house type. The scheme indicates that all the accommodation will be studios, 83 (80.5%) of these will be standard studios and 20 (19.5%) will be large studios. As the development only provides studios it is clearly contrary to CS41(a). However, despite requests to alter the mix of units, the applicant wishes to proceed with the current accommodation schedule.

Whilst not ideal, it is considered that there is not an established community in the locality of the application site which would be imbalanced or harmed by the proposed development. As such it cannot be said that the development would be contrary to the aims of creating a mixed community as advocated by CS41. Furthermore there are a number of other examples of city centre developments where CS41(a) has not been complied with, in these cases, as with the current site there was not an established community which would be imbalanced by the contravention of CS41(a).

It is also noted that the scheme could be adapted and converted in the future should the market for studios decline.

The proposal is for student accommodation and is within the City Centre, an area identified as a preferred location for student housing in CS41(c). Part (c) also states that new purpose-built student accommodation shall be built as a mix of housing development, with a mix of tenures and sizes on larger sites. There is no definition of larger sites; however it was intended for sites larger than this development, where for example, a number of blocks/buildings could be accommodated on a site. As such the development is not contrary to CS41(c).

Part (d) of CS41 seeks to ensure an area is not imbalanced by the overprovision of hostels, purpose-built student accommodation or Houses in Multiple Occupation. This policy will be achieved by limiting the number of shared units within a 200 metre radius of a site to 20%. In this instance, the concentration of shared units is greater than 20% (including permissions). However, as the proposal is for studios which are not classed as "shared units", the proposal would result in a reduction in the density of shared units and would increase the overall offer and mix in this area. It is however noted that the development will increase the number of students within the area; but given the proximity to Sheffield Hallam University it is considered that this would be acceptable.

In summary, the proposal is contrary to CS41(a) and partly contrary to CS41(d), however, there are no established communities within the area which would be harmed as a result of the introduction of student accommodation. The site is close to Sheffield Hallam University and appears as a logical location for student housing which could free up other forms of housing in the suburbs. Furthermore, the scheme will secure the redevelopment of an existing site and buildings which do not contribute to the character of the Conservation Area.

## Housing Density

Core Strategy Policy CS26 “Efficient Use of Housing Land and Accessibility” aims to make efficient use of land for new housing and sets out appropriate density ranges dependent on location and accessibility. The recommended density for City Centre sites is at least 70 dwellings per hectare. This site achieves a density of approximately 1067 dwellings per hectare and therefore more than meets the policy requirement.

## Design

Policy CS74 “Design Principles” of the Core Strategy 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. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment which promotes the city’s transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families , children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

Unitary Development Plan Policy BE5 “Building Design and Siting” states that good design and the use of high quality materials will be expected in all new buildings.

Policy BE16 “Development in Conservation Areas” states that new development that affects the setting of a conservation area should preserve or enhance the character of that conservation area.

Policy BE17 “Design and Materials in Areas of Special Architectural or Historic Interest” requires a high standard of design using traditional materials and a sensitive and flexible approach to layouts of building and roads.

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.

The Conservation Advisory Group have commented on the application and have raised concerns that the height of the building would create an unsatisfactory enclosure ration to Newton Lane and a canyon like feeling which would be harmful to the character of the Conservation Area. The Group considered that the development should be reduced by one storey and should be finished in red brick or industrial brick, to reflect the industrial character of the Conservation Area.

The Sheffield Urban Design Compendium sets out general and specific design guidance for the City Centre and the Cultural Industries Quarter. This states that “innovative and imaginative designs should be encouraged to create a unique architectural identity which reflects the contemporary character of the area”. It also goes on to detail how the existing building line should be respected and buildings should generally be 3 to 5 storeys in height.

The development site is located in the heart of the Cultural Industries Quarter, at the edge of the area closest to the city centre that has already undergone extensive

redevelopment. The site sits within predominantly industrial low rise buildings but is also seen within the context of new development.

The proposal is for an “L” shaped, 4-6 storey building, built up to the back edge of the pavement on Eyre Lane and Matilda Street. The siting will reflect the existing robust and straightforward street pattern. The development is lowest towards Newton Lane and steps up to six storeys towards Matilda Street. The height of the development is considered to be acceptable and reflects the heights of surrounding development. The land slopes slightly down Arundel Street from north to south and the development will reflect this topography by being set lower than the new development at 704 Matilda Street (former Gatecrasher Site) and higher than buildings to the south which are predominantly low rise industrial buildings. Similarly the land slopes down Matilda Street from west to east and the development will reflect this topography by being lower in height than the Jury’s Inn Hotel, yet higher than buildings directly to the east.

The proposed heights also reflect the hierarchy of streets by ensuring the highest part of the development is located on the primary street (Matilda Street), with the lower development fronting the secondary streets. The stepped nature of the mass ensures the development sits comfortably within its urban block with prominence at the corner of the plot, nearest to other new development of similar scale.

It is noted that the Conservation Advisory Group considered that the height should be reduced by a storey, to reduce the impact on Newton Lane. The development is at its lowest nearest to Newton Lane to the south west of the site at four storeys in height. Furthermore, the development is not directly adjacent to Newton Lane as there is a small site between the application site and the highway and as such this reduces its impact. It is therefore considered that the impact of the building on Newton Lane and all other highways as discussed above is acceptable and in line with other developments in the locality.

The development is considered to be well designed, with its overall mass broken up by articulation in the elevations and roof form, a multi layered approach to the brick work, deep window reveals and the use of several different materials. The materials palette comprises red brick, zinc and metallic rain sheet. These will reflect the materials in the locality and will be conditioned to ensure they are of a high quality.

The ground floor contains ancillary spaces including the management suite, reception, study hub and coffee lounge; these provide an active frontage to Matilda Street and Eyre Lane which is welcomed. The ground floor is accentuated by increased window heights to add interest adjacent to the highway.

The “L” shape allows for the provision of an internal courtyard area which will be landscaped and provide private amenity space for residents.

The entire site lies within the CIQ Conservation Area and, as such, the proposals must be assessed in terms of their impact on the character of the area. The CIQ Conservation Area Appraisal identifies the site as falling in the Arundel Street Character Area.

The existing buildings are not of architectural merit and their removal will not be harmful to the Conservation Area. The development will provide a high quality contemporary addition to the conservation area whilst also reflecting the character of the area through

the siting (back edge of footpath), scale and use of high quality red brick as the main material.

### Amenity

Policy IB9 “Conditions on Development in Industry and Business Areas” states that new development or change of use applications will be permitted provided that they would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

Policy IB11 “Housing and Residential Institutions in Industry and Business Areas” is also relevant and states that Housing will be permitted only where the development would not suffer from unacceptable living conditions including, ground contamination, noise, other nuisance or risk to health and safety.

The plans illustrate that all rooms will have a source of natural light and outlook, the rooms are small in size, however as the Council does not have any adopted space standards, this matter cannot be considered further. A reasonable amount of external amenity space is to be provided for residents.

A noise report has been submitted in support of the scheme. This identifies that during the daytime the ambient noise climate at the application site is formed by local road traffic noise and industrial operations at nearby light industrial units. Additionally, noise emissions from the adjacent electricity substation are noted to contribute to the ambient noise climate at the application site.

A scheme of sound attenuation is proposed to mitigate against background noise levels. The Environmental Protection Service has assessed this and considered it to be acceptable. As such the development will provide suitable living conditions for future residents and will not prejudice the operation of existing business in the area.

A Phase One Risk Assessment has been submitted; this identified the potential for contamination from past/existing uses. As such a phase II Contamination assessment should be carried out and a remediation strategy implemented as appropriate. This work can be secured by condition.

In light of the above the scheme complies with policies IB9 and IB11 and will provide acceptable living conditions for future residents.

### Highways

Section (f) of Policy IB9 states that new development or change of use applications will be permitted provided that they are adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

The development does not provide any off-street parking; however the site is located in a city centre location in close proximity to a wide range of amenities and services, including Sheffield Hallam University. Furthermore the site is within walking distance of high frequency bus routes on Arundel Gate and the train station.

The development will provide a number of secure cycle spaces and this will promote and encourage cycling which is welcome.



The proposal is therefore considered to be in compliance with section f) of Policy IB9.

## Sustainability

Policy CS64 of the Core Strategy deals with climate change and the sustainable design of developments. This says that development should achieve a high standard of energy efficiency, make the best use of solar energy, passive heating and cooling, natural light and ventilation and minimise the impact on existing renewable energy installations.

This policy originally required new build residential development such as the proposal to achieve Code for Sustainable Homes Level 3. However, Code for Sustainable Homes has recently been dropped and the scheme must now be assessed on its individual elements.

With regard to the proposed design and construction, the development will be designed to minimise energy and water consumption, as required by Policy CS64. A brown roof is to be provided at roof level of floor four, although only small in scale, this will improve sustainability and biodiversity. Furthermore the scheme is set in a highly sustainable location with easy access to local amenities and a number of transport modes. The scheme also provides features such as landscaping and cycle parking which further aid its sustainability credentials.

Policy CS65 of the Core Strategy says that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. The Design and Access Statements shows that this has been considered and will be provided by photovoltaic panels at roof level on floor five.

It is considered that the proposal meets the sustainability policy requirements set out within the Sheffield Development Framework Core Strategy.

## Drainage

Core Strategy Policy CS67 deals with flood risk management and requires the use of Sustainable Drainage Systems on all sites where feasible and practical.

At present the site comprises building and hard surfacing with no landscaping. The proposed development incorporates soft landscaping in the courtyard area and a small brown roof. Both of these features will improve drainage on the site. The drainage statement indicates that on site water storage tanks will be used to reduce surface water. This is an urban intensive site with limited options for sustainable drainage, the options proposed are considered to be suitable and the scheme is acceptable in line with policy CS67.

## Archaeology

Policy BE22: Archaeological Sites and Monuments within the UDP sets out how archaeological interest will be safeguarded from the impacts of development.

A desk based assessment assessing the archaeological potential of the site has been submitted in support of the scheme. This identifies the need for further investigations which will be secured by way of condition.

## Public Art

UDP Policy BE12 (Public Art) encourages the provision of these works in places that can be readily seen by the public and as an integral part of the design of major developments. The provision of public art will be secured via condition.

## Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced in July 2015 and replaces all other financial contributions, with the exception of affordable housing. The development is subject to a CIL charge of £30 per square metre, the relevant CIL information has been submitted with the application.

## Affordable Housing

Core Strategy Policy CS40 requires developers of new housing development to contribute towards the provision of affordable housing where practical and financially viable. The Affordable Housing Interim Planning Guidance 2014 locates the site in the City Centre West Affordable Housing Market Area where the expected contribution is equivalent to 10% of the units on the site being transferred at the Transfer Price. That is the price per square metre at which properties will be sold by the developer to a Registered Provider.

The financial viability of the scheme has been assessed by the District Valuation Office who have concluded that the scheme would not be viable if the full 10% contribution was applied. However the scheme can offer a smaller sum towards the provision of affordable housing, this equates to a sum of £39,820. The applicant has agreed with this contribution and this will be secured via legal agreement. It is highlighted that at the time of writing this report that the legal agreement had not been completed, an update of this situation will be provided at committee.

## RESPONSE TO REPRESENTATIONS

The development has been re-advertised as student accommodation through neighbour letter and site notices. It is highlighted that the internal layout and accommodation schedule has not altered since the first round of consultation.

Policy and design issues have been addressed in the above report.

The objector refers to the tall building policy, the Urban Design Compendium defines tall buildings as those over 15 storeys, as such the proposal is not a tall building and CS76 does not apply in this instance.

## SUMMARY AND RECOMMENDATION

The application seeks permission for the demolition of existing buildings and the construction of a new 5/6 storey building to provide 103 student studios.

Whilst the scheme is contrary to parts of Policy CS41, on balance it is considered that the development will not imbalance an existing community and will in fact reduce the concentration of shared accommodation in the locality.

The scale, siting, massing and detailing of the proposed building is acceptable and will not detract from the character of appearance of the surrounding area or CIQ Conservation Area.

The development will provide acceptable living conditions for future occupiers and is in a highly sustainable location, close to excellent public transport links and a range of amenities. Renewable energy will be provided through photovoltaic panels and surface water run-off from the site will be reduced.

The development will be CIL liable at a charge of £30 per square metre and will also provide a financial contribution of £39,820 towards affordable housing.

The scheme complies with the NPPF, UDP Policies IB6, IB9, IB11, BE5, BE12, BE16, BE17, BE22 and Core Strategy Policies CS6, CS17, CS26, CS40, CS41 (in part), CS64, CS65 and CS67 and is recommended for conditional approval subject to the completion of a legal agreement.

#### Heads of Terms

The developer shall provide a contribution of £39,820 towards the provision of affordable housing within Sheffield before the commencement of the development.

## **APPENDIX TWO – SUPPLEMENTARY INFORMATION PRESENTED ON 26 APRIL 2016**

### **Additional Information**

The applicant has submitted an addendum to the planning statement to take account of the change of use from open market housing to student housing. This issue is already addressed in the committee report.

### **Additional Representations**

Two further letters of representation have been received, as detailed below.

One of the objections is from a previous objector. The contents of this representation are the same as the previous objections namely that:

- The concentration of student accommodation in the CIQ clearly contravenes Policy CS41 and so is contrary to the aims of this policy.
- The application is contrary to the planning statement submitted with the application which relates to open market housing
- The development is much larger than the vast majority of buildings in the locality and contrary to policy CS76
- Little evidence of sensitivity in the choices of materials, design and architectural form and contrary to policies BE5 and BE17.

A representation has also been received from a nearby factory (White Rose Works)

- The development is directly adjacent to a factory on the corner of Eyre Lane and Newton Lane, which was built in 1947 and manufactures cutlery and giftware
- Natural light is critical to the manufacturing process in the factory and there are a number of windows on the side elevation facing the proposed development
- The company has recently won the “Made in Sheffield” award
- If this development goes ahead the loss of light will put manufacturing jobs at risk
- Planners have the responsibility to protect the heritage of the city
- There is a question as to whether more student accommodation is more important than manufacturing jobs
- Strongly object to the application and consider that it will be detrimental to one of the city’s last successful cutlery manufacturers
- The noise report only refers to the air handling plant and does not account for the large presses which stamp the products and make considerable noise and vibration between the hours of 7am and 6pm
- The business has been in operation for 67 years and so has established the right to these manufacturing processes
- If the development goes ahead the factory will not be able to see any sky from the ground floor polishing shops

- The business will seek injunctions to stop the development on the basis of loss of light (which is a right after 20 years)

All of the issues raised in the first representation are fully addressed in the main report.

The representation from the manufacturing company raises a issues which need to be considered in more detail.

The manufacturing unit is located at the junction of Newton Lane and Eyre Lane. The windows referred to in the representation are located 17 metres away from the development and are located to the south west of the development. Newton Lane and a yard area / low level building separate the site from this manufacturing unit. The height of the new development at this point is four storeys, which is well within the tolerances set out in the urban design compendium. The separation distance, coupled with the height and orientation are such that it is not considered that the development will be unacceptably overshadowing to this property. The issue of a legal right to light is a civil matter rather than a matter for this planning committee and there are separate processes in place which consider this issue. The planning judgement is one of amenity. Given that the site directly opposite the factory (immediately adjacent to the development site) was to be developed, it would not be unreasonable to suggest that a development of at least two storeys could be accommodated here (the same height as White Rose Works). This in itself would also have the potential to reduce the amount of light into the manufacturing works but there would be no basis for resisting such a proposal in planning terms as it would be of exactly the same scale as the manufacturing works. If a two storey building was located directly opposite the works, the eyeline view from the ground floor windows would be of this two storey building and not the four storeys of the proposed development presented here today.

A satisfactory noise assessment has been submitted with the application, this indicates that one of the noise measurements was taken directly opposite the factory to which the objections relate. The objection raises concerns that the stamping process which creates a lot of noise/vibration was not recorded on the noise survey. The site is separated from the factory by 17 metres and the presses and stamps referred to are not akin to a large forge. The Council's Environmental Protection Service is satisfied that satisfactory living conditions can be achieved and a condition has been attached to the application requiring suitable internal noise levels to be achieved for the apartments. In order to ensure that any issues of vibration (although unlikely) are suitably addressed it is proposed to amend the condition to specifically reference this issue. These noise levels are subject to a validation test to confirm they have been achieved, this will ensure there is not a conflict between the student accommodation and the existing manufacturing use.

To date a legal agreement for the affordable housing contribution has not been signed, a decision will not be issued without this agreement.

### **Revised Condition 13**

Before the words "Such works shall" add the words "*but before the construction of the building is commenced a further report dealing with any possible vibration from the*

*nearby White Rose Works shall have been submitted to and approved in writing by the Local Planning Authority. The recommendations of the vibration report shall thereafter be adhered to in the construction of the development.”*

(NB – Members should note that a vibration report has now been submitted so there is no longer any need to amend this condition)