

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 10/01/2017

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

\*NOTE\* Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

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Case Number	16/03911/FUL (Formerly PP-05560039)
Application Type	Full Planning Application
Proposal	Erection of 4 dwellings with associated access and car parking and provision of additional car parking to existing veterinary practice
Location	Land At Rear Of Veterinary Surgery Sheffield Road Hackenthorpe Sheffield S12 4LR
Date Received	17/10/2016
Team	City Centre and East
Applicant/Agent	Mr Mark Bailey
Recommendation	Grant Conditionally

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:

01 Rev E Site and location plan;  
02 Rev A House Type A;  
03 Rev A House type B;  
04 Rev A House type C; and  
05 Site sections.

Reason: In order to define the permission.

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

3. No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either:

a) Been carried out; or  
b) Details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highway Improvements: Provision of a bus stop clearway on Sheffield Road/Beighton Road measuring 27 metres in total, starting at a point 5 metres from the south-westerly end of the bus shelter adjacent the site in question and ending partially fronting the veterinary surgery. This will include the provision of any road markings and signs as necessary.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and 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.

4. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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

5. No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas

and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

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

6. 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.

7. The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.

8. 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.

9. The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the buildings commencing, and shall thereafter be retained.

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

10. Before that part of the development commences full details of the proposed surfacing of individual and private drives shall have been submitted to and

approved by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of individual dwellings.

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

11. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works 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) Where the above noise criteria cannot be achieved with windows partially open, 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.

12. 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.

13. 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

14. The gradient of shared pedestrian/vehicular access shall not exceed 1:12 .

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

15. The development shall not be used unless turning space for vehicles has been provided within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such turning facilities shall be retained.

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

16. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

Attention is Drawn to the Following Directives:

1. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

4. 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

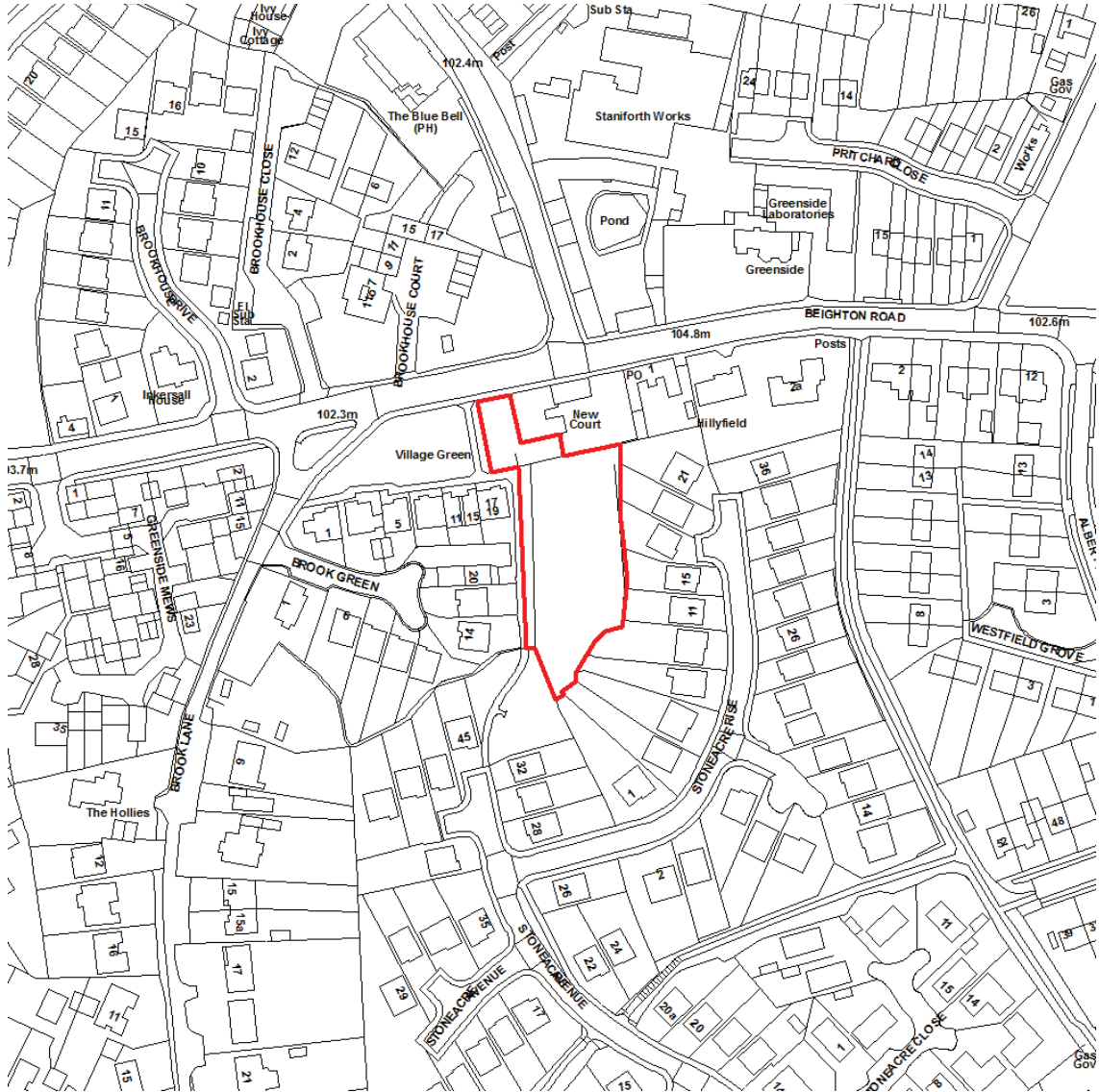
For the attention of Mr P Vickers

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.

5. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
6. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
7. 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.

8. The applicant is advised that vegetation clearance should not be carried out during bird nesting season, which extends from March to September each year. The Wildlife and Countryside Act is a legal consideration where trees provide a habitat to protected species or a nest site to wild birds.
9. The applicant is reminded that this site contains trees which are protected by Tree Preservation Orders. Unless otherwise agreed, these trees must be retained and protected and the Local Planning Authority may pursue legal action where vegetation is illegally damaged or removed.
10. 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.
11. 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.

Site Location



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## LOCATION AND PROPOSAL

The application site comprises of an area of unused land in the centre of Hackenthorpe which, until recently, was almost inaccessible because it was so overgrown. The front of the site, which includes an access road from Sheffield Road, falls within the Hackenthorpe Conservation Area. To the west of the access road is the Village Green. A number of mature trees bound the site, including two protected trees along the western edge.

The land sits to the immediate south of, and approximately a metre above, a stone building fronting Sheffield Road which is in use as a veterinary surgery. It is separated from the surgery by the surgery's car park and an approximately 1.2 metre high stone boundary wall. The access road provides access into the surgery car park.

To the east and south-east, the site bounds the rear gardens of detached two storey dwellinghouses on Stoneacre Rise. A small triangle of undesignated open space on the periphery of the neighbouring housing estate adjoins the site to the south west and a footpath bounds the site to the west, beyond which are further two storey dwellinghouses. The site falls to the south and west such that properties to the south and west are approximately 2 to 4 metres below the application site.

Planning permission is sought for the erection of four detached stone built bungalows with bedrooms in the roof space, plus an extension to the veterinary surgery's car park.

## PLANNING HISTORY

05/00437/OUT	A 2005 outline application for the erection of 7 dwellings and a veterinary surgery was never made valid.
08/05278/FUL	A 2008 full application for the erection of 8 dwellinghouses and a veterinary surgery again remained invalid.

## REPRESENTATIONS

A total of 7 representations were received from the occupiers of neighbouring properties. One raised neutral concerns in relation to the proposed development and the other six objected.

The neutral representation welcomed the retention of the existing veterinary surgery - an old stone building that was once the village pub - and agreed that the proposals do not affect the setting of the nearby listed building in any way. However, they did raise concerns in relation to traffic management, the speed of traffic along Sheffield Road and poor visibility for traffic and pedestrians. They felt that the additional traffic generated by the development might make this tricky junction more complicated for pedestrians and drivers to navigate safely.

Objectors to the scheme raise the following concerns:

- The location of the properties, in particular Plot 1, will harm the amenities of the occupiers of number 14 Brook Green to the west. The ground level of the proposed development is above the ground level of number 14 and 'will be level with our first floor and give us a direct view of the side elevation and parking area of Plot 1.'
- The public footpath at the side of the site is a frequently used route between the Stoneacre Estate and Hackenthorpe. With the introduction of the development access requirements and additional car parking for the vets, the traffic volume will increase substantially and subsequently increase the risk to pedestrians including school children using the path to attend Rainbow Forge Primary School.
- The proximity of the site access to the busy junction of Main Street and Beighton Road and the bus stop is problematic as visibility is poor.
- The access to the site looks too narrow for two vehicles to pass and delivery vehicles or refuse lorries would block the access.
- There is no separate pedestrian footpath at the site entrance so pedestrians and vehicles will have to share the same space.
- Additional on street parking during construction would make passing difficult for buses and larger commercial vehicles.
- The development will destroy the natural habitat of the many birds and animals that frequent this area.
- The development will further harm the air quality in an already very busy and congested area around the vets and a busy road junction.
- Although single storey the proposed dwellinghouses will still be invasive. They will also bring with them the noise that comes from a new housing estate.

## PLANNING ASSESSMENT

### Land Use

The site lies within a designated Housing Area as defined in the Unitary Development Plan (UDP) and policy H10 of the UDP (Development in Housing Areas) describes housing as the preferred use of land in such areas. The proposed use therefore accords with the UDP in land use terms.

The site currently comprises of an area of Informal Open Space - the definition of which (in the Core Strategy) includes small green or landscaped areas (public or private) which provide a setting for built development and which may offer opportunities for informal recreation close to home or work. The site was previously very overgrown and, though partially cleared earlier this year, is once more overrun with vegetation to the point that access is difficult. Given its condition, and the fact that the site is in private ownership, its potential for recreational use is limited.

Policy CS47 of the Core Strategy (Safeguarding of Open Space) states that the development of open space will not be permitted where it would result in a quantitative shortage of either informal or formal open space in the local area, or it

would result in the loss of space that has ecological value. An open space assessment of the local area shows that there is already an under provision of open space. As development would worsen this shortage, a planning application would be considered contrary to policy CS47.

The site is also classed as a previously undeveloped greenfield site and so is not a priority for development under Core Strategy policy CS24, which aims to maximise the use of previously developed land for new housing. That said, policy CS24 does allow housing to be developed on greenfield sites in certain circumstances, including (b) on small sites within the existing urban areas and larger villages, where it can be justified on sustainability grounds.

The application site is situated in the existing urban area and in a relatively sustainable location - in the centre of an historic village and close to high frequency bus routes. The site is not accessible and so it has little intrinsic open space value and, save for the mature trees, it could be considered to detract from the character of the neighbouring conservation area. It is therefore considered that, provided the ecological value of the site is not significant, there is a case for development, particularly as Sheffield does not yet have a 5 year housing supply.

Core Strategy policy CS26 seeks to make efficient use of land for new housing, and sets out appropriate density ranges for different types of location depending on accessibility. In this location the appropriate density range is 40 - 60 dwellings per hectare. The proposal for 4 detached bungalows represents a density of around 24 dwellings per hectare if the access in to the site is discounted from the calculation. This is below the range required in the policy and so does not make the most efficient use of the land. However, exceptions can be made where the proposal achieves good design or is considered to reflect the character of the area. In this instance a higher density would not be considered appropriate given the small size of the site, its proximity to the Conservation Area and the shared access arrangements (discussed later in this report).

#### Design and Residential Amenity

The front of the site, which includes the access road, falls within the Hackenthorpe Conservation Area. Policy BE 16 of the UDP (Development in Conservation Areas) expects new development, including proposals which would affect the setting of a Conservation Area or significant views into, or out of, the Area, to preserve or enhance the character or appearance of the Conservation Area. It also advises that the redevelopment of sites which detract from a Conservation Area will be encouraged where it would enhance the character or appearance of the Area.

The Hackenthorpe Conservation Area incorporates the historic hamlet of Hackenthorpe. The area is characterised by stone buildings, including Greenside, a grade II listed building on the northern side Beighton Road, and the former Staniforth Works which originated in the mid-18th century and was once one of the largest sickle and scythe manufacturers in England. Other features of interest include the stone boundary walls, mature trees and the village green.

The proposed development comprises of four stone built bungalows with simple, traditional detailing including pitched roofs with chimneys. Whilst they are set back behind the stone built veterinary surgery which fronts onto Sheffield Road and will remain partially obscured from view from the adjoining public footpath and the village green by the retained trees and new planting, they are considered to reflect the character of the conservation area and will make a positive contribution to the visual amenities of the area.

The existing stone boundary wall that separates the housing site from the car park is to be repositioned in order to extend the parking area but the retention of the wall, and the erection of a new section of stone wall along the western edge of the access road, along with new areas of shrub planting, will also make a positive contribution to the character of the area.

The bungalows on plots 1 and 2 are perpendicular to neighbouring properties and, as they have no openings in their gables, do not raise any privacy issues. The distance between the rear elevation of plot 4 and number 19 Stoneacre Rise is in the region of 21 metres. The separation of plot 3 and number 17 Stoneacre Rise is nearer 17 metres, but they are set at an angle from each other and, as the bungalow on plot 3 has only one small rear facing rooflight above ground level which lights the staircase and a 1.8 metre high close board fence along the rear boundary, it is considered that the proposals will not cause significant harm to the amenities of the occupiers of number 17.

Plots 3 and 4 face across the shared driveway and public footpath towards the gable end elevation of number 19 Brook Green, but are separated by a comfortable distance and screened by vegetation along the site boundary. There is a door, hidden behind an approximately 1.8 metre high boundary wall and fence, and an obscure glazed first floor window in the gable of number 19 but the occupants will not suffer any loss of amenities as a result of the proposed development. Plot 1 is perpendicular to number 14 Brook Green and separated by the public footpath. Plot 1 has no openings in its west facing gable and is again screened by dense boundary vegetation. It will not harm the amenities of the occupiers of number 14 Brook Green.

In terms of noise, the site is located in a mixed commercial and residential area with relatively low background levels throughout the late evening. The predominant noise source is road traffic on Beighton Road. Standard conditions will secure good quality glazing which will provide suitable internal noise levels.

### Ecology

A key principle of the National Planning Policy Framework (NPPF) is to conserve and enhance the natural environment and the site has some ecological value. A tree survey and Extended Phase 1 Habitat Survey were submitted with the application.

A number of mature trees bound the site, two of which have TPO protection, though the quality of the largest trees along the western boundary, which comprise of a sycamore, a hawthorn, 2 beech and an ash, is queried in the tree report and

all are covered with ivy. The proposals seek to retain most of the trees along this western strip, though some removal and replacement is considered to be acceptable in principle. The roots of retained trees will need to be protected. The Extended Phase 1 Habitat Survey found no evidence of protected species on site and no obvious potential roosting features were identified within any of the existing trees. The existing trees are considered to provide low roosting potential for bats.

The vegetation on site does provide suitable foraging habitat for various species of foraging bat within an area of generally low quality foraging habitat. The report suggests that, should all trees and connective routes on site be removed, there may be an impact upon foraging bats. However, the proposals retain a landscape strip along the west and southern boundaries, which includes new and retained trees, thereby ensuring that there is no impact upon any bats which may be foraging within them.

Existing vegetation also provides a habitat for various species of bird, particularly during the nesting season which extends from March to September each year. A directive is proposed reminding the applicant that any general vegetation clearance works should be carried out outside of this time.

#### Highways

Access to the site, to the side and rear of the existing veterinary surgery, is shared with car parking access for the surgery. However, Highway Officers are satisfied that this is an acceptable arrangement subject to the shared private drive being kerbed, hard surfaced and located at the furthest point possible along Sheffield Road from the veterinary building. The driveway width is sufficient to allow two vehicles to pass.

Both vehicles and pedestrians will continue to share the access drive. This is also considered to be acceptable as the increase in vehicle movements will be small and the layout of the drive is such that vehicles will be travelling slowly.

Pedestrians using the footpath running along the western site boundary will no longer be able to cut through to Sheffield Road via the access driveway but will be guided along the footpath adjacent the village green.

Poor visibility when leaving the site by car was raised as a concern by a number of objectors. Again, the limited increase in vehicle movements is not considered to warrant significant highway works to improve visibility and, when a nearby pedestrian enhancement scheme was implemented in 2011/12, there was resistance to the removal of on-street parking. That said, a condition is proposed to secure the provision of a bus stop clearway fronting the nearby bus shelter and the access to the site, ending partially in front of the veterinary surgery. This will have minimal impact on on-street parking but safeguard visibility by preventing anyone from parking too close to the site access.

## Community Infrastructure Levy (CIL)

The site is within Charging Zone 3 where the charge is £30 per square metre. The proposed development is therefore expected to attract a CIL charge of £9,810.

## SUMMARY AND RECOMMENDATION

It is considered that the site, which comprises an area of unused land in the centre of Hackenthorpe and on the edge of the Hackenthorpe Conservation Area, and which could be considered to detract from the visual amenities of the locality, is suitable for development given it comprises a small site within the existing urban area close to good public transport links.

The proposed bungalows are designed to reflect the character of the conservation area and will not harm the amenities of the occupiers of neighbouring properties. Moreover, whilst the site has some ecological value, it is considered that this can be conserved with the retention of existing mature trees along the boundary and the implementation of a suitable landscape scheme.

It is therefore recommended that Members grant planning permission subject to the proposed conditions.

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Case Number	16/02925/FUL (Formerly PP-05320466)
Application Type	Full Planning Application
Proposal	Use of existing public house (Class A4) as retail (Class A1), single storey side extensions and alterations to car park
Location	The Plough Inn 288 Sandygate Road Sheffield S10 5SE
Date Received	01/08/2016
Team	West and North
Applicant/Agent	Indigo Planning Limited (Leeds)
Recommendation	Refuse

Refuse for the following reason(s):

- 1 In the opinion of the Local Planning Authority, the proposal to change the use of the public house (Use Class A4) to retail (Use Class A1) would involve the loss of a building that is considered to be a valued community asset, which before its recent closure supported community groups and activities catering for the social wellbeing and interests of a wide section of the local community, being designated an Asset of Community Value in July 2015. The public house is considered to be well regarded by the local community and there are no alternative premises within a reasonable travelling distance for many of individuals who use the premises. The Local Planning Authority is of the opinion that insufficient evidence has been provided by the applicant to demonstrate that the use of the building as a public house is unviable and incapable of continuing to be used as such for the foreseeable future. To grant planning permission in this instance would therefore be contrary to Paragraph 70 of National Planning Policy Framework (NPPF), which seeks to guard against the unnecessary loss of valued facilities and services.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:  
  
Drawing No. 212 Revision A (Proposed Elevation A)
3. You are advised that the proposed signage detailed on the submitted drawings is shown for illustrative purposes only does not form part of this planning application. Separate advertisement consent will be required.



# Site Location



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## INTRODUCTION

The application relates to The Plough Inn Public House (Use Class A4) in Crosspool. The Plough Inn is an attractive two-storey building, constructed in natural coursed stone with a twin dual-pitched slate covered roof. The building dates back to the late 19C.

The Plough Inn sits within a curtilage of approximately 1,215 square metres that comprises the public house building, small front and side beer gardens, and car parks to both its western and eastern sides for approximately 20 vehicles (12 on the western side and 8 on the eastern side). The building stands close to its Sandygate Road frontage, set back from the back edge of the adjoining footway by approximately 2/3m. The two car parks are served via separate access points from Sandygate Road, one to each side of the building's front elevation.

The public house is no longer in use following its closure in April 2016. Although the site can still be entered from the existing access point from Sandygate Road, the building has been made secure with the boarding-up of ground floor windows and doors.

The public house was nominated as an Asset of Community Value (ACV) in May 2015 and designated in July 2015. In designating the public house as an ACV, it was determined that The Plough supported community groups and community activities that catered for the interests of a wide cross section of the local community. The Council was satisfied that from the evidence provided in connection with its nomination, the public house is very well regarded by the local community and did not consider that there were any alternative premises within a reasonable travelling distance for many of the individuals who use the public house.

## LOCATION AND PROPOSAL

The public house is situated along the northern side of Sandygate Road and is identified on the Sheffield Proposals Maps as being within a Housing Area. The surrounding area is residential in character with apartment blocks located immediately behind the building to the north, which are accessed from St Francis Close, to the east across St Francis Close, and dwellinghouses to the west that front onto Sandygate Road. Across Sandygate Road to the south is the Church of St Francis of Assisi and Hallam FC.

Full planning permission is being sought to change the use of the public house (Use Class A4) to retail (Use Class A1). The applicant (Sainsbury PLC) would develop the site as a Sainsbury's Local Store with a total sales area of 245 square metres. The proposed re-development of the site would involve erecting a 130 sqm single storey extension to the building's eastern side and a smaller extension (11 sqm) to its western side. Parking would be provided for 13 vehicles which would include 2 accessibility bays. Bicycle parking for 4 spaces would be provided to the east of the store's entrance. Also proposed is an Automated Telling Machine (ATM) that would be inserted into the right side of the proposed extension.

The application was accompanied by a Planning and Retail Statement, which sets out in its conclusion that the surrounding competition and local population demographics makes the site unviable for its continuation as a public house with trade fallen by almost 50% between 2012 and 2015, that there are no sequentially preferable sites to accommodate the proposed store. Further information has also been submitted by the applicant during the course of the application that included weekly takings and costs between the periods of November 2014 and November 2015, amended drawings in response to discussions with officers and additional viability information.

## RELEVANT PLANNING HISTORY

The applicant submitted a pre-application planning enquiry to the Council in May 2016 seeking informal officer advice on the proposal to change the use of the public house into a supermarket including the provision of a new extension.

The advice given by officers at that time was that the proposal to change the use presented significant barriers to gaining a recommendation for approval. A number of concerns were raised by officers to the pre-application scheme, the most significant of these being the loss of an identified community facility. Officers advised that any subsequent planning submission should include evidence that the community function of the facility can be provided elsewhere in the local vicinity of the site, but did stress that this would be very hard to achieve, given the lack of alternative public houses within a reasonable walking distance of the site. Should significant evidence of community use be provided by representations at application stage, then significant material weight would need to be given to this issue.

Other issues concern raised by officers to the pre-application submission related to the design of the proposed extension, provision of acceptable facilities to facilitate disabled access, as well as issues relating to delivery access, parking demands and noise levels from the proposed extraction units.

## REPRESENTATIONS

A very high number of representations have been received in response to this application. In total, nearly 200 representations have been made objecting to the proposal and 7 representations received in support. Representations have also been made from Councillor Adam Hanrahan, Councillor Anne Murphy and Councillor Craig Gamble Pugh. A summary of their comments are listed below:-

### Objections

- The loss of an Asset of Community Value (ACV); The issues relating to this are common among many of the objectors. These include the following:-
  - Why would SCC award the Asset of Community Value to the Plough and then within the space of a few months allow the pub to change usage. Granting planning permission would therefore suggest that

the designation of the building as an Asset of Community Value means nothing and are worthless;

- They have completely disregarded the CAMRA viability tests which require the running of the pub to be considered in ways other than the standard 'pubco tied model'.
  - The pub has not been marketed for sale with no tie;
  - The failure of the pub can be put down to two reasons, i) A chronic lack of investment (such as basic repairs to gutters/ front door/windows) and the closed kitchen, and ii) the operators (Enterprise Inns) putting in a succession of uninterested and demotivated managers who made no attempt to build trade;
  - No evidence has been submitted to show the public house is not viable.
  - The links the building has with football history are worthy of lauding an preserving encouraging visitors;
  - The public house has been deliberately left to decline by the applicant;
  - There are no other pubs in the area which offer a viable alternative. The Sportsman and Crosspool Tavern can be challenging to get to in the winter months from Sandygate even for able customers.
  - Suggestions for improvement which were put forward by the customers (a coffee machine, better selection of wines, improved kitchen facilities, reasonable beer prices and improved decor for example) have been ignored;
  - The public house has not been properly marketed. There has been little or no attempt made by the owners to diversify, or to invest in the business;
  - Many breweries have shown an interest in purchasing the Plough to maintain it as a community public house with good food so therefore it is a viable opportunity as a Pub.
- Highway Issues: The application provides for 13 parking spaces based on the sales area of the proposed store whereas the local planning requirement calculates parking spaces on gross floor area. This policy was upheld by the Planning Inspectorate (Appeal Ref. APP/J4423/A/10/2140979, paragraph 6, Turner Investments Ltd v Sheffield City Council, 13/4/11) Therefore, according to local planning requirements, there should be a minimum of 19

or 21 parking spaces according to the figures given in the application. There is no good reason why 'area traffic generation' would override the existing policy. Any additional traffic would add to problems already well documented in the local area. Problems with delivery vehicles. It is considered that the safety of the public will be put at risk- mainly through the proximity of a bus stop, very busy road with no safe crossing points and the increased traffic. There is very little footfall in the area and no pedestrian crossing. Cycling in the area is challenging due to the terrain (large hills have to be negotiated to or from the store) and the car park is not considered large enough to cope with the extra traffic expected by Sainsbury's. Conversion of the Plough to a supermarket will inevitably increase traffic and parking in the vicinity of the new premises. Parking is very limited and will inevitably lead to parking of multiple cars along Sandygate Road. This will lead to greater traffic congestion.

- Noise disturbance and Light Pollution: Residents living very close by will hear 'round-the-clock noise' from compressor units and HGV delivery vehicles.
- Effect on the character of the area: Too many buildings of character have already been demolished in Crosspool to make room for developments. The proposed extension will detract from the character and appearance of the building.
- Local History and Heritage: The rules of the Football were written in the Plough. One of the first International Test cricketers purchased the Plough with proceeds from the first international Test Matches in Australia. The Landlord of the Plough started Hallam FC - the 2nd oldest Football club in the World and the world's oldest ground.
- Adverse effect on the thriving Crosspool shopping centre; There are already a number of local stores (Spar, Tesco, Sainsburys at Broomhill) as well as independent shops directly on the bus route and easily accessible. Independent shops in Crosspool would be put at risk by a Sainsbury's local. The proposed supermarket would take business and trade away from these local established businesses;
- The application includes several inconsistencies in the supporting statements;  
Councillor Craig Gamble Pugh has commented that he has been working on a Community Capacity Assessment in the capacity of an independent consultant. The Capacity Assessment has, broadly speaking, considered whether the campaign group would have sufficient capacity to run a community/social enterprise which could run the Plough building to retain its

function and a community asset. The Assessment shows the group has considerable strengths, in terms of volunteer capacity, relevant professional background in brewing and hospitality, track record, potential to lever in funds, and in terms of identifying a unique proposition for how The Plough could be run for and by the community.

#### Support

- The supermarket will be in walking distance for a large number of the community including medications, newspapers and ATM;
- It will create more shopping options of people without transport and give the elderly more independence. This will be a great help in poor weather conditions.
- Cannot understand why people want to keep it as a public house. During the 30 years of so living in the area, there must have been at least half a dozen managers, none of which could make a success of it;
- The pub has been refurbished over the years and despite trying live music, karaoke, quizzes, discos, this has been to no avail.
- There are enough pubs in the local area, two at Crosspool and three at Lodge moor, a further one is not needed. However Sandygate itself is poorly served by shops, the choice is either Crosspool or Lodge Moor;
- In the winter it is common for the bus company to terminate services at Crosspool shops, which means a long walk for Sandygate residents to the nearest shops in
- Crosspool. There are also ample community facilities at the churches at Crosspool, Hallam school and CDYST, further facilities are unnecessary and unlikely to benefit the wider community;
- Sainsbury's will bring jobs to the area and turn a rundown pub into a vibrant business;
- The age of the football club and ground have no bearing and will potentially benefit from a community relationship with Sainsbury's. The football club currently take advantage of the Plough's car park, something admittedly they would be unable to do in the future if Sainsbury's went ahead; and
- The store would be a benefit to a wide variety of people and provide the ability to shop locally and within walking distance of nearby homes.

#### PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- i. The Principle of Development – Policy and Land Use
- ii. Highway Issues;
- iii. Design Issues and its effect on the character and appearance of the surrounding area;
- iv. Effect on the residential amenity of neighbouring properties; and
- v. Other Issues

These are considered in turn below.

(i) The Principle of Development – Policy and Land Use

The General Permitted Development Order (GDPO) 2015 permits the change of use of public houses (A4) to shops (A1) without the need to seek planning permission. An exception to this is when the public house has been identified as an Asset of Community Value (ACV), which is the case with regard to The Plough.

When considering planning applications that have ACV status, Paragraph 2.20 of the Department for Communities and Local Government's non-statutory guidance states that 'it is open to the local planning authority to decide whether listing as an ACV is a material consideration if an application for change of use is submitted considering all the circumstances of the case.' With regard to this, officers would contend that the consideration to the ACV as a material consideration in the determination of the application would depend upon the level of interest received as part of the application, in this case substantial, and the evidence received from representations that the public house is, or until recently has been used, effectively as a community facility.

In terms of policy and land use, it is considered that the issues to consider with regard to the proposed change of use are firstly, whether the proposed use is acceptable, and secondly, whether loss of the public house is acceptable, the latter having particular regard to its designation as an Asset of Community Value (ACV). The policy background to both issues is set out in the UDP and the National Planning Policy Framework (NPPF).

UDP Policy

Whether the proposed use is acceptable

The site is in a UDP Housing Area. UDP Policy H10 lists both pubs and small shops as acceptable uses in Housing Areas. Small shops are defined as usually having less than 280 sqm sales area and the proposed shop would conform to this definition. Although Policy H10 has not been superseded it should be read in conjunction with more recent guidance in the NPPF, which requires out of centre shop development to be subject to the sequential test and an impact test if it is above a certain size. (see under NPPF below).

Whether loss of the existing use is acceptable

UDP policy CF2 Keeping Community Facilities permits development which would result in the loss of community facilities if:

- a) The loss is unavoidable and equivalent facilities would be provided in the same area; or
- b) The facilities are no longer required; or
- c) Where a change of use of a building is involved, equivalent accommodation would be readily available elsewhere.

Although the UDP's definition of community facilities (pp169-170) is limited to uses in Class D1 usually provided by the public sector, NPPF takes the view that pubs can also be community facilities.

#### National Planning Policy Framework (NPPF)

Whether the proposed use is acceptable

The NPPF at paragraph 14 details that at the heart of the framework, is a presumption in favour of sustainable development. For decision-taking, this means that unless material considerations indicate otherwise, approving development proposals that accord with development plan policy, and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework.

The NPPF requires retail development not in an existing centre and not in accordance with an up-to-date Local Plan to be subject to the impact and sequential assessments that it specifies at Paras 24-26.

In this case there is no requirement for an impact assessment as the Local Plan, which consists of the UDP and Core Strategy, has no floor space threshold at which an impact assessment is required. In these circumstances the floor space threshold should be taken as 2,500 sqm (NPPF para 26). The proposal has less than 2,500 sqm floor space so no impact assessment is needed.

As the site is 'out of centre' and the UDP is not fully up to date, a sequential approach is required (NPPF para 24). The approach is to search for alternative in- or edge-of-centre sites and buildings in the area that the proposal is intended to serve. Only one alternative sequentially preferable site is known either to me or to the applicants: the vacant Aligarh restaurant at 32-34 Sandygate Road in Crosspool local centre. The applicants say this is unsuitable for the Sainsbury's Local business format as it has only 245 sqm of floor space compared with Sainsbury's requirement of 394 sqm, the floor space is spread over two floors and it has no off street parking. Officers would accept this view, despite the NPPF requirement for applicants to demonstrate flexibility on issues such as format and scale, the property is unsuitable. The proposal therefore considered to pass the sequential test and so by would satisfy the tests at Paras 24-26 of the NPPF.

Whether loss of the existing use is acceptable

Pubs can be important as community facilities. The NPPF includes them in its list of community facilities at the first bullet point of Para 70. This states that 'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'



The House of Commons Written Statement (HCWS221) (26 Jan 2015), also a material consideration, notes that 'Pubs play an important role in our local communities. They provide valuable local hubs that strengthen community relationships and encourage wider social interaction'.

NPPF Para 70 says that 'to deliver the social, recreational and cultural facilities and services the community needs', planning decisions should 'guard against the unnecessary loss of valued facilities and services.'

The paragraphs below show both that the Plough is valued and that its loss would be unnecessary.

#### Value of the Plough as a Community Facility

Members are advised that the exception to the PD rights for ACVs was created 'to ensure that protections are in place to prevent the loss of those drinking establishments that provide the most benefit to local communities.' (Government's Explanatory Guide).

The HC Written Statement HCWS221 says that 'the passion for community pubs as demonstrated by the significant numbers listed as Assets of Community Value highlights the need to enable local communities to consider planning applications for the change of use of a pub of particular local value'.

The Plough's value as a community facility was recognised by Sheffield City Council through its designation as an Asset of Community Value in July 2015. There was no objection to its designation. The Council's reasons for registering it refer to the community it serves and the way it serves the community and concludes that:

'The Property [The Plough] is a thriving pub that principally serves the residents of Crosspool, Sandygate and Tupton Hill. It supports certain community groups and community activities that cater for the interests of a wide cross section of the local community.

It is also apparent from the evidence provided that the Property is well regarded by the local community and that there are no alternative premises within a reasonable travelling distance for many of individuals who use the Property.

In conclusion, it appears that the evidence provided demonstrates that the Property's actual and current use furthers the social wellbeing and interests of the local community and satisfies the statutory tests set out in sections 88 a) to d) of the Localism Act 2011'

As demonstrated above, the registration of The Plough as an ACV demonstrates its value to the community and is an important material consideration for this application.

## Value of a convenience shop as a community facility

NPPF Para 70 also lists local shops as possible community facilities and the applicants contend that providing the proposed convenience shop would be of value to the community. However, officers would contend that the building is more valuable to the community as a pub than as a convenience shop. Although the nearest convenience shop is about the same distance as the nearest alternative pub, the value of the pub as a community facility has been established through its identification as an ACV and, given the need not to drink and drive, it is more important for a pub than for a shop to be easily accessible on foot.

Officers consider that the loss of the public house is unnecessary. The pub owners, Enterprise Inns, claim that the property would be unviable as a pub. A table of figures for the period Nov 2014 to Nov 2015 supplied by the applicant's consultant shows that the pub was making a loss but the figures on rent are inconsistent. They vary from £699 per week to £53 per week then back up to £699 and the applicants' consultant also states elsewhere that rent was £10 per week. The inconsistencies cast doubt on the figures in the remainder of the table.

In any event, the figures cover a period when Sainsburys were considering the building as a convenience store and, as it was an ACV at the time, the owner could have been aware that it would be advantageous to demonstrate that the pub was unviable as such.

A letter from the owners, Enterprise Inns, says that the pub was advertised since 2012 and although there were 8 possible takers, none was suitable. However, advertising of the property has been limited. The property was not on the open market. It was advertised with a board outside the property between Nov 2013 and Sept 2014 and on the Enterprise Inn's website as a 5 year tied tenancy. A 5 year tied tenancy would have offered no subsequent security of tenure and there was a requirement to buy beer from Enterprise Inns. There was a requirement to contribute to undertaking improvements to the property, which is unlikely to have been an attractive proposition to future tenants. Following an appeal at Chester (APP/A0665/W/15/3139409), where a change of use was proposed for a tied pub that was an ACV, the Inspector did not accept that it had been shown that the pub was unviable because it had not been offered on the open market. The owners had offered it only with a tied tenancy agreement.

In any case, officers would suggest that it would have been in Enterprise Inns' interest to limit advertising the pub once there was an opportunity to lease it to Sainsburys, as a higher rent could be achievable.

Also relevant in officers' opinion is the CAMRA (Campaign for Real Ale) Public House Viability Test. This test is regularly used to assess what a pub business could achieve if it were run efficiently by management committed to maximising its success, and considers the viability of use against factors such as local trade, customer potential, competition, flexibility, public transport and the business past and present among others. When considering The Plough against these factors, officers make the following comments:

Local Trade: There is a substantial residential population in the area. It has been calculated that there are nearly 900 dwellings in a 400m radius of the pub.

Customer potential: The pub is in an attractive location adjacent to the Hallam sports ground and could act as a focus for related community activities and social events, as previously done in the past.

Competition: The nearest alternative pub (The Sportsman) is 800m away, which is also under the ownership of Enterprise Inns.

Flexibility: The building and site are considered to be large enough to allow for flexible use. It has catering facilities to provide food, which would increase its viability.

Car Parking: The pub currently has a good sized car park for at least 20 vehicles;

Public Transport: It is on a high frequency bus route (No.51)

Multiple Use: The building is considered large enough to combine its function with that of a shop, post office or other community use

The business past and present: Anecdotal evidence suggests that it has been managed better in the past and that its kitchen facilities could be put into better use.

The sale: The public house has not been offered for open sale.

For the reasons set out above, officers remain certain that the pub whilst closed could again re-open and agree with the conclusion of the Council's ACV assessment in July 2015, that it is 'reasonable to assume that the current use is capable of continuing for the foreseeable future'. The evidence submitted by the applicant that the public house is not viable has not been clearly demonstrated to the satisfaction of officers. The proposed change of use is therefore considered to be contrary to the requirement of NPPF para 70 that planning decisions should 'guard against the unnecessary loss of valued facilities and services'. The Plough is considered to be a valued facility and its loss is unnecessary. There appears to be no sound reasons why an exemption from NPPF para 70 should be made in this case.

## (ii) Highway Issues

The supporting D&A Statement details that the proposed development would utilise the site's existing drop kerbs to Sandygate Road so as not to have a detrimental impact on traffic passing the site. Access points and road widths have been designed specifically to accommodate the need for vehicles that would use the site. Parking would be provided for 13 vehicles to the west of the building in a newly configured parking layout, with access from these spaces to the store's entrance being provided by a bollarded pedestrian link. The service area would be located to the front of the store via a second dedicated access point allowing delivery vehicles being able to pull off Sandygate Road in front of the store.

The applicant commissioned Vectos Transport Planning Specialists to carry out a Transport Statement to assess the transport planning aspects of the development proposal. The Statement details that an assessment of the accident records for the extent of Sandygate Road in the vicinity of the site found that there are no existing safety concerns that would be exacerbated by the development.

Using the TRICS database to provide potential trip generation figures, it has been calculated that the development would generate in the region of 35 new two-way vehicle trips during the weekday peak period and 26 during the weekend peak period, which equates to approximately one additional trip every two minutes during the weekday and weekend peak.

The Statement concludes that the proposed development would not have any material impact upon the operations of the local highway network and that the number of proposed parking spaces (13 in total) would be adequate provision to meet the likely demands of the development. Officers acknowledge that concerns have been raised that the number of parking spaces is insufficient and would fall below the recommended parking guidelines set out in the UDP.

For retail stores under 2000 square metres of floor space, the guidelines recommend 1 space for every 20 metre of gross floor space, an amount that would require the provision of 19 spaces for the size of the store, 6 more than the proposed 13 spaces. However, officers remain satisfied that the proposed number of spaces is sufficient based on the supporting information and do not consider that the development would lead to any significant demand for on-street parking that would prejudice highway safety.

Although it is accepted that the majority of customers are likely to arrive by car, as stated above, there are a high number of properties (approximately 900) within 400m of the store, thereby ensuring a number of customers would arrive by foot or bike.

As a result of the predicted increase in footfall in the area, it was considered desirable by officers that a pedestrian crossing on Sandygate Road be provided as part of the development and funded by the applicant. In response to this, the applicant commissioned their highway consultants to undertake a  $PV^2$  calculation as outlined in the Design Manual for Roads and Bridges (DMRB), a known process to establish whether a crossing should be sought.

This  $PV^2$  assessment takes a 2-way traffic flows and pedestrian crossing data and assimilates the likely conflict between the two. A figure exceeding a score of 1.000 denotes that a crossing facility would normally be required. With regard to this, the  $PV^2$  found that under existing conditions there is a very low probability of pedestrian/vehicle conflict, and while there was an uplift in  $PV^2$  values in connection with the proposed development, the figures remain well below 0.1, or in percentage terms, would be less than 10% of the figure that would justify the need for a crossing. Officers are satisfied with the findings of the assessment and accept that to seek a crossing facility in this location cannot be justified in this instance.

- (iii) Design Issues and its effect on the character and appearance of the surrounding area

UDP Policy H14 relates to conditions on development in Housing Areas. It details at Part (a) that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

UDP Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development should respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The application submitted is generally in line with officers' recommendations at the pre-application stage in terms of its scale and massing and is considered to be of acceptable design quality. Amendments have however been sought during the course of the application to specifically address officers' concerns over the overly dominant feature of the side extension's end gable wall. The amended scheme shows that the proposed single storey side extension would be designed with a pitched roof (6.3m high to top of gable) and includes a single pronounced gable wall as opposed to two gable walls as before. The retention of the gable above the entrance to provide some symmetry and links with the existing building, while the proposal to recess the extension by approximately 1m should ensure it reads as a subservient and new addition to the building.

In terms of the proposed extension to the western side of the building, this would be designed with flat roof that would copy the style of the protruding ground floor bays. In terms of materials, the amended scheme shows that the front gable walls of the extensions facing Sandygate Road would be clad in stone with the side and rear elevations externally treated with a light stone coloured render. The roof would be covered using slates to match existing with the window frames being grey coloured powder coated aluminium.

Officers acknowledge that some concerns have been raised in terms of the design and appearance of the proposed extension and that it would detract from the character and appearance of the building and street scene. However, officers remain satisfied that the design quality of the extensions is acceptable and represents an appropriate response to the building and would not result in any undue harm. The applicant's agreement to amend the design is welcomed and removes the somewhat awkward and contrived appearance of the double gable, while the proposal to recess the extension of the front wall of the existing building should ensure that it reads as a subservient element that would not compete with the architectural form of the existing building. It is nevertheless important in

officers' view that the front walls of the extension and the roof closely reflect the materials used on the existing building and use of natural stone and natural slate. The submitted scheme shows that only the front gable wall would be faced in stone with the two recessed sections in a stone coloured render. The use of render on a key façade is not considered appropriate, particularly when it would be read in conjunction with the stonework of the existing building and would harm rather than preserve the character of the building. Should Members be minded to grant planning permission, it is recommended that conditions be attached that secures the use of natural materials for the front sections of the proposed side extension and roof.

Officers also accept that the signage envisaged for the building could be improved with the indicative fascia signs offering very little to the aesthetics of the building, comprising two large fascia signs spanning above the two ground floor shop windows. Notwithstanding the views set out above with regard to the proposed loss of an asset of community value, should planning permission be granted, it is recommended that a condition be attached that secures a form of signage that is more sympathetic to the building's form, particularly with regard to the projecting front gable. Conditions on signage together with a full schedule of materials should ensure an appropriate form of development. It is therefore considered that the development is acceptable from a design perspective and would not conflict with UDP Policies H14 (a) and BE5 and Core Strategy Policy CS74.

(iv) Effect on the residential amenity of neighbouring properties

It is not considered that the proposal to change the use of the public house to a supermarket would unduly harm the residential amenity of neighbouring properties. Environmental Protection Service (EPS) initially raised concerns that the proximity of the apartments to the rear of the site (St Francis Close) could experience some disamenity from noise disturbance from the proposed use.

To reduce any noise break-out from the building that would be harmful to residential amenity, EPS recommend that no new openings should be formed in the rear elevation of the building and the existing windows should be non-opening. EPS has also advised that there should be no activity at the rear of the premises, it should not be used for deliveries, storage or used by staff during breaks. There should also be no air handling units or refrigeration in this area.

Conditions to control the above as well as seeking a restriction on delivery times, the control of the movement, sorting or removal of waste and lighting scheme amongst other should be attached to any grant of planning.

In terms of delivery times, the applicant has queries that the proposed restriction on delivery times (between the hours of 08:00 and 20:00 on Mondays to Saturdays, and between the hours of 10:00 and 17:00 on Sundays and Public Holidays) is too restrictive and requests that these hours be amended to allow for both earlier and later delivery times suggesting the hours between 06:30 to 21.00 Monday to Saturday (including Bank Holidays) and 09.00 to 18.00 on Sundays.

Although it is accepted deliveries would take place to the front of the store, officers remain concerned that the hours suggested by the applicant could lead to some disamenity to neighbouring properties at a time when the occupants of the adjoining flats are more likely to be at home, and at a time where a higher level of amenity would normally be expected than say during normal working hours.

Should members be minded to grant planning permission, the hours recommended by EPS should continue to apply.

(v) Other Issues

One letter has been submitted requesting that the building be designated a non-designated heritage asset. Members are advised that the Council does not have a list of non-designated heritage assets and that there is no proposal to formulate one in the foreseeable future. Regardless of this, even if a list of non-designated heritage assets, the building, whilst being a building of note is not considered to be of architectural quality of such merit that the building would be included.

#### SUMMARY AND RECOMMENDATION

Full planning permission is being sought to change the use of The Plough into a supermarket (A1). The applicant (Sainsbury PLC) would develop the site as a Sainsbury's Local Store with a total sales area of 245 square metres. As part of the change of use, the applicant is proposing to erect a single storey side extension to the eastern side of the building. Parking would be provided for 13 vehicles to the western side of the building that would include two accessibility bays.

The Plough was designated an Asset of Community Value in July 2015 with the reason given at that time that the property is a thriving pub that principally serves the residents of Crosspool, Sandygate and Tapton Hill. The public house supports certain community groups and community activities that cater for the interests of a wide cross section of the local community.

The supporting Planning and Retail Statement details that the public house is no longer a viable use, this is despite attempts to diversify the offer, resulting in the closure of the public house in April 2016. In terms of the loss of an Asset of Community Value, the statement goes on to say that due regard has been given to the CAMRA Viability Test's 11 criteria in order to determine whether the public house should be protected and retained for such a use, detailed that the owner (Enterprise Inns) have marketed the site for sale for a continuous period from September 2012, and provided evidence that the public house has struggled to maintain sustainable levels of trade for a number of years.

Negotiations between officers and the applicant's agents have been ongoing for quite a considerable amount of time, the result of which has led to officers being satisfied that the proposed development would not compromise highway safety or result in any significant impact on the character or appearance of the building or result in any significant loss of amenity to neighbouring properties in terms of unacceptable noise disturbance. However, officers contend that insufficient evidence has been provided by the applicant to demonstrate the use of the building

as a public house is unviable. It is considered that that the public house whilst closed could again re-open with officers agreeing with the conclusion of the Council's ACV assessment, that 'it is reasonable to assume that the current use is capable of continuing for the foreseeable future'. The evidence submitted by the applicant that the public house is not viable has not therefore been clearly demonstrated.

The proposed change of use is therefore considered to be contrary to the requirement of NPPF para 70 that planning decisions should 'guard against the unnecessary loss of valued facilities and services'. The Plough is considered to be a valued facility and its loss is unnecessary. For these reasons, it is recommended that planning permission be refused.



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Case Number	16/02518/OUT
Application Type	Outline Planning Application
Proposal	Demolition of existing buildings and erection of buildings to form a mixed use development (maximum floor space of up to 140,000 sq metres) comprising office (Class B1), residential (Class C3), hotel (Class C1) and retail and leisure (Classes A1, A2, A3, A4, A5, D1 and D2) uses, provision of public realm space and car parking accommodation (Outline application - all matters reserved except for the principal means of access to the site from the junction of Bridge Street/Corporations Street)
Location	Development Site Bounded By Corporation Street / Bridge Street / West Bar Bridge Street Sheffield S3 8NS
Date Received	29/06/2016
Team	City Centre and East
Applicant/Agent	HOW Planning LLP
Recommendation	Grant Conditionally

#### Time Limit for Commencement of Development

1. The development shall be begun not later than whichever is the later of the following dates:- the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of ten years from the date of this decision.

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

3. The relevant phase of the development shall not be commenced unless and until full particulars and plans relating to the corresponding phase has been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Appearance; (b) Landscaping; (c) Layout; (d) Scale and (e) Access (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

#### Approved/Refused Plan(s)

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

Plan reference numbers:

- 1, Dwg No: 05061 MP\_00\_0030 Rev C -Planning Parameters Plan - Use B1.
- 2, Dwg No: 05061 MP\_00\_0031 rev C -Planning Parameters Plan - Use Class C1.
- 3, Dwg No: 05061 MP\_00\_0032 rev C -Planning Parameters Plan - Use Class C3.
- 4, Dwg No: 05061 MP\_00\_0033 rev C -Planning Parameters Plan - Use Sui generis.
- 5, Dwg No: 05061 MP\_00\_0034 Rev C -Planning Parameters Plan - A1/A2/A3/A4/A5/.
- 6, Dwg No: 05061 MP\_00\_0035 rev C -Planning Parameters Plan - West Bar Square.
- 7, Dwg No: 05061 MP\_00\_0040 rev C -Planning Parameters Plan - Heights

Reason: In order to define the permission.

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

5. No phase of the 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) of the relevant phase of the development 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 post investigation 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.

6. Prior to the commencement of any phase of the development which involves the demolition of buildings a nesting/breeding bird survey shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following:

- A). An up to date nesting/breeding bird survey of the relevant buildings affected to confirm the presence and location of nests (internal and external inspections of buildings required);
- B). Mitigation and avoidance measures during demolition/clearance works.
- C) Time scales for the demolition and clearance of the relevant buildings.

The development shall be carried out and completed in strict accordance with the approved, breeding/nesting bird survey, mitigation and avoidance measures and demolition timescales.

If the relevant buildings are not demolished in the timescales agreed under part C) of this condition a further breeding/nesting bird surveys will be required in accordance with parts A) , B) and C) of this condition

Reason: To ensure that breeding/nesting birds, are not adversely affected by the development and to ensure that development is in accordance with the Environmental Impact Assessment.

7. Prior to the commencement of any phase of the development which involves the demolition of buildings a bat survey shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following:

- A). An up to date bat survey of the relevant buildings affected to confirm the presence and location of bat roosts (internal and external inspections of buildings required);
- B). Mitigation and avoidance measures during demolition/clearance works.
- C) Time scales for the demolition and clearance of the relevant buildings.

The development shall be carried out and completed in strict accordance with the approved bat survey, mitigation and avoidance measures and demolition timescales.

If the relevant buildings are not demolished in the agreed timescales agreed under part C) of this condition further bat surveys will be required in accordance with parts A) , B) and C) of this condition.

Reason: To ensure that bats, a protected species, are not adversely affected by the development and to ensure that development is in accordance with the Environmental Impact Assessment.

- 8. No phase of the development shall commence until the Local Planning Authority has approved a Construction Environmental Management Plan (CEMP). The approved CEMP (as may be amended) shall be prepared in liaison with the Local Planning Authority. The CEMP will document plans to ensure compliance with relevant best practice and guidance in relation to noise, vibration and waste management and include strategies to mitigate residual effects from the demolition and construction phases. The development shall thereafter be carried out in accordance with the approved CEMP.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property and to mitigate the effects of the construction phases of the development.

- 9. Before each phase of the development commences details shall be submitted for the written approval of the Local Planning Authority specifying measures to monitor and control the emission of dust from demolition, construction, track out and earthworks relating to each phase of the scheme. The approved dust mitigation strategy (as may be amended by agreement with the Local Planning Authority) shall be prepared in accordance with and include measures identified in the Institute of Air Quality Management (IAQM) most up to date guidance document 'Guidance on the Assessment of Dust for Demolition and Construction' Version 1.1, or any subsequently updated guidance. All works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property and to mitigate the effects of dust on air quality during the construction phase of the scheme.

10. No development shall commence until the actual or potential land contamination and ground gas contamination at the relevant phase area of the site have been investigated and a Phase 1 Preliminary Risk Assessment Report for that area of the site has been submitted to and approved in writing by the Local Planning Authority. All such reports shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

11. Any intrusive investigations recommended in an approved Phase I Preliminary Risk Assessment Report for any phase area of the development site 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 any construction works commencing in the relevant phase area .All such reports shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004)

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

12. Any remediation works recommended in an approved Phase II Intrusive Site Investigation Report shall for any phase area of the development site 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 construction works commencing in the relevant phase area . All such reports 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.

13. The surface water discharge from each phase of development shall be subject to a reduction of at least 30% compared to the existing peak flow. This should be achieved by sustainable drainage methods where feasible. Should the design not include sustainable methods, evidence is to be provided to show why sustainable drainage methods are not feasible for that phase of the development.

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 per second per hectare (or 5 litres per second in total if less than 1 hectare) should be demonstrated. The detailed proposals for surface water disposal relating to the relevant phase, including calculations to demonstrate the reduction, must be submitted to and approved by the Local Planning Authority prior to the commencement of the corresponding phase. There

shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Thereafter, the development/phase of development shall be completed in accordance with the above details.

Reason: In the interests of sustainable development and given that drainage works are 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 in order to ensure that the proposed drainage system will be fit for purpose.

14. No phase of the development shall commence until details of the design, implementation, adoption, maintenance and management of a sustainable drainage system (SuDS) relating to that phase have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include;

- a) The SuDS measures to be incorporated into the surface water drainage system, to include design of the system and the measures incorporated to provide ecology and biodiversity enhancements.
- b) How the Suds system will interact/function with future phases/reserved maters applications
- c) A timetable for implementation, and a management and maintenance plan for the lifetime of the development/phase, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The approved system(s) shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: In the interests of sustainable development and given that drainage works are 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 in order to ensure that the proposed drainage system will be fit for purpose.

15. Finished floor and public realm levels shall be designed to facilitate the preferential overland flow of water across the site from upstream of the River Don in a flood event. Prior to the commencement of any phase of the development details of the proposed finished floor levels, levels of any associated public realm works and measures to be incorporated into the design of the buildings, where required, to direct overland flows away from building entrances within that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details and retained.

Reason: In the interests of mitigating the impacts of flooding.

16. Prior to any phase of the development commencing, unless it is agreed in writing by the Local Planning Authority that it is not practical, a detailed Employment and Training Strategy for that phase, designed to maximise local opportunities for employment from the construction and operational phase of development shall have been submitted to and approved in writing by the Local Planning Authority.

The Strategy shall include a detailed implementation plan, with arrangements to review and report back on progress achieved to the Local Planning Authority. Thereafter the Strategy shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for local communities from the proposed development.

17. Before development of any relevant phase commences a report shall be submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the building permitted by that phase will be obtained from a decentralised and renewable or low carbon energy resource, or an alternative fabric first approach to offset an equivalent amount of energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the relevant phase is occupied and a post-installation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to the occupation of the building permitted.

Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of that phase of the development, unless otherwise agreed in writing by the Local Planning Authority.

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.

18. No phase of development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of that phase 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.

19. Prior to the commencement of any relevant phase of the development, a strategy for the delivery of the public realm within and adjoining the application site shall be submitted to and approved in writing by the Local Planning Authority, to include the following:
- 1, Footway improvements adjoining all boundaries of the site (in accordance with the relevant Urban Design Compendium standards or any such standard approved by the Council that may supersede the Urban Design Compendium)
  - 2, Provision of street trees within the adopted highway or the application site (Inner Relief Road/Corporation Street site frontages).
  - 3, Delivery of the following:
    - a) West Bar Square
    - b) Kelham Square
    - c) Pedestrian access into the site from Corporation Street
    - d) Pedestrian linkages to Bridge Street one of which must align with the desire line to Riverside Square (junction of Millsands and Bridge Street
    - e) Pedestrian route North/south through the site (As referred to in the West Bar Square Design and Access Statement dated May 2016).

The strategy shall include the following details:

- i) A timescale and mechanism for the delivery of each element referred to above.
- ii) Plans including hard and soft landscaping and material specification for each element
- iii) Details of a maintenance/management strategy for the agreed public realm works including soft landscaping.

The public realm works shall be implemented in strict accordance with the details and timescales set out in the approved strategy and/or any subsequent variations to the strategy that have received the prior approval of the Local Planning Authority.

Reason: in order to ensure the appropriate quality of development and satisfactory delivery of the public realm.

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

20. The improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below must be completed to the satisfaction of the Local Planning Authority in accordance with the following time frames:



1. Before 46,000m<sup>2</sup> Gross internal floor space (excluding floor space associated with basement and multi storey car parking) of the proposed buildings are brought into use
  - a, Amendments to the Bridge Street Junction with the Inner Relief Road to enable two way traffic,
  - b, Closure of a short section of Chatham Street and changes to the existing PM signal timing,
  - c, Measures to force vehicles to use existing road space more efficiently on Derek Dooley Way,
  - d, Signal timing adjustments Corporation Street / Inner Relief Road,
  - e, Amendments to signal timings at the Corporation Street roundabout,
  - f, Advanced signage to influence driver behaviour and improve current poor lane usage on highways within the vicinity of the site,
  - g, Localised widening at the left turn to Corporation Street from the Inner Relief Road (if deemed necessary by the Local Planning Authority)
2. Prior to the occupation of the Multi Storey Car Park
  - a, Provision of variable message signing for the new car park to the satisfaction of the Local Planning Authority.
3. Prior to the occupation of each phase of the development
  - a, Reconstruct footways adjacent to the relevant phase of the development to Sheffield City Council Urban Design compendium specification.
  - b. Improvements to pedestrian and cycle safety and access to the site associated with the relevant phase.

Prior to the improvement works being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development and to ensure that adequate provision is made for pedestrians, cyclists and for access to public transport.

21. Each reserved matters application shall be accompanied by full details of suitable and sufficient cycle and motorcycle parking accommodation in accordance with the Council's most up to date cycle parking guidelines. The details shall include the shower/changing/drying and storage facilities to be provided within that phase/building. The development shall not be used unless such cycle and motorcycle parking and facilities have been provided in accordance with the approved plans and thereafter retained.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.

22. Prior to the occupation of any phase of the development full details of proposals to provide real time bus information within that phase of development shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the relevant building or buildings are brought into use and thereafter retained.

Reason: To ensure that sufficient measures are in place to encourage access to the site by means other than the private car, to ensure that the traffic generation is limited to that assessed as part of the transport assessment and to ensure the proposal is consistent with the NPPF.

23. Prior to the commencement of any phase(s), a strategy for the accommodation of delivery/service vehicles to serve that relevant phase(s) shall be submitted to and approved in writing by the Local Planning Authority which comprises the following details:

- i) A plan indicating the servicing route for each relevant phase(s) to include details of the means of parking, turning and manoeuvring of delivery/service vehicles;
- ii) Proposed restricted hours of servicing.

No on-street servicing will be permitted from West Bar, Corporation Street or the Inner Relief Road. The servicing shall be implemented in strict accordance with the approved strategy and thereafter retained.

Reason: In the interests of highway safety.

24. There shall be no gates or barriers erected at any means of access to any phase of the development unless full details are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure access is available at all times and to minimise the impact on the adjoining highway.

25. Prior to the occupation of any phase of the development, a detailed Travel Plan(s) associated with that phase, designed to:

- reduce the need for and impact of motor vehicles, including fleet operations;
- increase site accessibility;
- facilitate and encourage alternative travel modes,

shall have been submitted to and approved in writing by the Local Planning Authority.

Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development where that exists.

The Travel Plan(s) shall include (as relevant):-

1. Clear and unambiguous objectives and modal split targets.
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed.
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation of the relevant phase, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield and the Core Strategy.

26. At all times that construction work is being carried out for the relevant phase of development, equipment shall be provided to the satisfaction of the Local Planning Authority 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. Before the corresponding phase of the development is commenced full details of such equipment shall have been submitted to and approved in writing by the Local Planning Authority. When the above-mentioned equipment has been provided thereafter such equipment shall be used for the sole purpose intended in all instances and be properly maintained.

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

27. Within six months of any phase of the development commencing which includes car parking, a car park management strategy for the relevant phase shall have been submitted to and approved in writing by the Local Planning Authority. The phase must be operated in accordance with this strategy thereafter, or any agreed revisions. Such revisions must receive the written approval of the Local Planning Authority.

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

28. Prior to the commencement of any development affecting existing access to the rear of the Sheffield Combined Court buildings, full details of highways works and a management strategy to retain/provide custodial vehicle access, delivery access and judicial parking associated with the operations

of the Combined Court shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following details:

- i. Means to retain/provide access to the rear of the Combined Court for delivery, servicing and prisoner access purposes from Spring Street and Love Street/Bridge Street throughout all phases of development.

The required works and management strategy shall be drawn up in consultation with the Combined Courts and shall be implemented prior to the occupation of any phase of development which abuts any boundary with the Combined Courts, affects existing access to the Combined Courts or in accordance with an alternative timetable to be approved in writing by the Local Planning Authority and thereafter retained.

Reason: To ensure the appropriate security of prisoner delivery vehicles accessing Sheffield Crown Court.

29. Within 6 months of the commencement of each phase of the development the applicant shall submit a lighting scheme for that phase of the development, giving details of the lighting scheme (building and free standing) and the impact of light from the development. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light' The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

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

30. All buildings in excess 500sq metres gross floor area permitted by any relevant phase of the development shall be designed to achieve a BREEAM very good rating. Unless alternative timeframes are agreed in writing with the Local Planning Authority, within three months of first occupation of the relevant building, certification demonstrating that BREEAM 'very good' has been achieved, shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with the NPPF and the Sheffield Development Framework Core Strategy Policy CS65.

31. A sustainability report shall be submitted to the Local Planning Authority for approval with each reserved matters application which reviews the standards set out in conditions numbers 17 and 30 and considers whether the sustainability measures should be enhanced in the light of relevant local, national policy and guidance at the time. The report shall include details of how the above mentioned standards are to be achieved and of any

additional sustainability enhancements as agreed. The approved details shall be implemented before the relevant buildings are occupied.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with the NPPF and the Sheffield Development Framework Core Strategy Policy CS63, 64 and 65.

32. Within 6 months of any phase of the development commencing full details of the proposed refuse and recycling storage facilities to be provided to serve the relevant phase(s) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arising. Prior to the occupation of the proposed development the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.

Reason: In the interest of the general amenity of site users and in order to ensure the promotion of a sustainable development.

33. Prior to occupation of any phase of the development details of the following shall be submitted to and approved by the Local Planning Authority:
1. Provision of a minimum of five car parking spaces dedicated to low emission vehicles, including details of the location and signage of spaces.
  2. Provision of a minimum of two electric charging points (with fast charging facility) including details of the specification of the charging points, their locations and related signage.
  3. Within the Multi storey car park: Provision of a minimum of 5% of the spaces with electric charging points (with fast charging facility) including specification of the charging points, their locations and related signage; and a minimum of 5% of the spaces dedicated to low emission vehicles, including details of their locations and signage.

The details shall be implemented prior to the occupation of the development and thereafter retained as approved.

Reason: In order to mitigate the impact the proposal will have on air quality.

34. Unless it can be shown not to be feasible and viable all buildings the subject of a reserved matters application shall incorporate green/brown roofs. Prior to foundation works commencing of any phase of the development details of;
- a) The design and location of the green/brown roof forming part of the permitted phase, and
  - b) Full details of the green/brown roof construction and specification, together with a maintenance schedule,

shall be submitted to and approved in writing by the Local Planning Authority and thereafter the green/brown roofs shall be implemented and retained in accordance with the approved details.

Unless an alternative specification is approved the green/brown roof shall include a substrate based growing medium of 80mm minimum depth and incorporating 15 - 25% compost or other organic material and the vegetation type shall be herbaceous plants. The plant sward 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 and the visual amenities of the locality.

35. Any residential and hotel (use classes C1 and C3) accommodation approved under any reserved matter which is located at the ground floor of receptor locations B1A, B5 and B6 and the first floor of B6 as shown in figure 14.4 of chapter 14 of the Environmental Statement shall be provided with an alternative mechanical filtration/ventilation system in order to mitigate the impacts of air quality. Within 3 months of the commencement of any phase of development which permits residential development in the receptor locations referenced above full details of the alternative mechanical ventilation/filtration measures shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interest of amenity of future residents and mitigating the air quality impacts of the development

36. Any residential accommodation forming part of the development hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
  - b) Be capable of achieving the following noise levels:  
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);  
Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);  
Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);  
Bedrooms: LAFmax 45dB (2300 to 0700 hours).
  - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

37. Any office accommodation forming part of the development hereby permitted shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise level:  
Noise Rating Curve NR40 (0700 to 2300 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations.

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

38. Any hotel bedroom accommodation forming part of the development hereby permitted shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels in hotel bedrooms:  
Noise Rating Curve NR30 (2300 to 0700 hours);  
Noise Rating Curve NR35 (0700 to 2300 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

39. Before the occupation of any portion of the development hereby permitted where internal noise criteria are controlled by planning condition, Validation Testing of any sound attenuation works required to achieve the relevant noise criteria 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 the interests of the amenities of the future occupiers of the building.

40. Before any commercial use(s) hereby permitted whose normal operation involves the broadcast of amplified sound at above background level commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
  - (i) as a 15 minute LAeq, and;
  - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
- c) Be capable of restricting noise breakout from the commercial use(s) to all adjoining residential accommodation to levels complying with the following:
  - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
  - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
  - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
  - (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 k

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

41. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2015 Project Ref:32139/4001 Rev:D prepared by Peter Brett Associates LLP and the following mitigation measures detailed within the FRA:



1. Finished floor levels of the residential developments are set no lower than 49.2m above Ordnance Datum (AOD).
2. Finished floor levels of the commercial developments are set no lower than 48.9m above Ordnance Datum (AOD).
3. Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the FRA.
4. Habitable spaces of residential development shall not be located on the ground floor of the development, except adjacent to Bridge Street.
5. Basement areas are only to be used for car parking or other non-sensitive uses with such other non-sensitive uses being agreed in writing by the Local Planning Authority in consultation with the Environment Agency.
6. Basement parking areas shall be free from flooding during the 1% (1 in 100) plus climate change flood event plus 300mm freeboard, by application of raised entrances or mechanical barriers where necessary to a level of 48.9m AOD.
7. Adequate protection of buildings mechanical/electrical plant and utility services will be incorporated into the development, either by exclusion from basement parking areas or raising the plant above 48.90m AOD (i.e. the 1 in 100 plus climate change flood level plus 300mm freeboard).
8. The overland surface water flow is maintained between Corporation Street and Bridge Street and directed away from building entrances.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

42. Any commercial food uses forming part of any phase of the development hereby permitted shall not commence unless details of a scheme for the installation of equipment to control the emission of fumes and odours from the premises have been submitted for written approval by the Local Planning Authority. These details shall include:
- a) Plans showing the location of the fume extract system, including any external ducting and detailing the position and design of the cowl/discharge point.
  - b) Acoustic emissions data.
  - c) Details of any filters or other odour abatement equipment.
  - d) Details of the system's required cleaning and maintenance schedule.
  - e) Details of any scheme of works necessary to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building.

Any such use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter be installed, operated, retained and maintained in accordance with the approved details.

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

43. No building or other obstruction including landscape features shall be located over or within :-

- a) 3 metres either side of the centre line of the 225 and 300mm sewers i.e. protected strip widths of 6 metres per sewer;
- b) 4 metres either side of the centre lines of sewers with diameters between 300mm and 1000mm i.e. protected strip widths of 8 metres per sewer;
- b) 7.5 metres either side of the centre lines of all sewers with a diameter of more than 300mm i.e. protected strip widths of 15 metres per sewer
- c) 10 metres of the outside of an oversize shaft that traverse/are located within the site

If sewerage infrastructure is to be left in situ the following shall apply:-

- a) No vibro-compaction piling on the site;
- b) No driven piling within 10 metres of any public sewer apparatus (including chambers/shafts);
- c) No piling of any other type within 3 metres of any public sewer apparatus (including chambers/shafts) unless previously agreed in writing with the statutory undertaker;
- d) No direct connection to the Don Valley Interceptor Sewer;
- e) No earthworks shall commence on site until the Local Planning Authority is satisfied that the above requirements have been fulfilled.

If the required stand-off distances are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

44. Within three months of the development of any phase commencing details of bird and bat boxes, including the type of boxes to be used and their locations on the relevant phase, shall have been submitted to and approved in writing by the Local Planning Authority. The relevant phase shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of biodiversity.

45. Prior to the commencement of any phase of development (excluding any archaeological investigations and or site remediation works), a strategy for the provision and maintenance of public art within the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify the locations where public art is to be provided and include a programme including a timeframe for the commissioning and implementation of public art and any proposed means of public consultation associated with them. The public art proposals shall then be implemented in accordance with the approved strategy and agreed time frames unless an

alternative time frame for implementation or strategy is approved in writing by the Local Planning Authority.

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.

46. Upon completion of any measures identified in an approved Remediation Strategy or any approved revised Remediation Strategy for any phase area of the development site, a Validation Report shall be submitted to the Local Planning Authority. The development on that phase area of the site shall not then be brought into use until the relevant Validation Report has been approved in writing by the Local Planning Authority. All Validation Reports 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.

47. Residential units in any phase shall not be occupied until details of a scheme have been submitted to and approved by the Local Planning Authority to ensure that future occupiers of the residential units in that phase will not be eligible for resident parking permits within any existing or future designated Permit Parking Zones. The future occupation of the residential units shall then occur in accordance with the approved details.

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

#### Other Compliance Conditions

48. Units within Use Classes A3, A4, A5, D1 and D2 shall be used only between 0700 and 0000 (midnight) hours Mondays to Saturdays, and 0800 hours and 2300 hours on Sundays and Public Holidays.

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

49. The maximum number of car parking spaces permitted by this scheme shall not at any time exceed 700 spaces; inclusive of disabled parking, low emission priority parking spaces, and parking spaces associated with electrical car charging points.

The number of car parking spaces for the following permitted uses shall not exceed the following maximum levels:

A) Office (Use class B1a): 530

B) Combined Office (Use class B1a), residential (Use Class C3), Hotel (Use class C1): 650

Reason: To ensure that parking provision and the level of traffic generation and highways impacts is limited to that assessed as part of the transport assessment.

50. The details (reserved matters) of the development and all applications for approval of the Local Planning Authority required under conditions imposed on this permission shall be in substantial accordance with the Design Principles set out in the West Bar Square Design and Access Statement dated May 2016.

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

51. All site construction vehicles shall comply with the most up to date Euro Engine emission standards (currently Euro 6) at the time of construction. Where these vehicles are not available, cannot be obtained or it is not practicable the next best performing vehicle (currently Euro .5/V or Euro.4/IV) shall be used.

Reason: In order to minimise the impacts the construction phase will have on air quality.

52. No more than 2,500 sq metres of the total gross floorspace of the development shall at any time be used for retail (Use Class A1) purposes.

Reason: In order to accord with the provisions of the NPPF and to mitigate the impact of the development on the Primary Shopping Area.

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

Reason: In the interest of satisfactory drainage.

54. All development and associated remediation shall proceed in accordance with the recommendations of the relevant approved Remediation Strategy for that phase of the development site. In the event that any 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 any approved 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.

55. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

56. The total combined gross floor space of the development shall not at any time exceed 140,000 m<sup>2</sup> in accordance with the following minimum and maximum gross floor spaces:

- (a) Office (use Class B1a): a minimum of 51% of the total combined development floor space up to a maximum floor space of 85,000 m<sup>2</sup>.
- (b) Residential (use class C3) up to a maximum floor space of 50,000 m<sup>2</sup> or 525 units whichever is the greater.
- (c) Retail, leisure and community (use class A1,A2, A3, A4, A5, D1 and D2) a combined a maximum floorspace of up to 5,000 m<sup>2</sup> subject to the restrictions on retail (use class A1) use as identified in condition 54.
- (d) Hotel (use class C1) up to 500 bedspaces or a maximum floorspace of 20,000m<sup>2</sup> whichever is the greater.
- (e) Car parking (sui generis) up to 700 car parking spaces not exceeding 25,000 m<sup>2</sup>

Reason: In order to define the permission and to comply with the scope of the Environmental Statement.

57. No phase of the development shall be occupied unless all redundant accesses relevant to that phase of development have been permanently stopped up and reinstated to kerb and footway. The means of vehicular access shall be restricted solely to those access points indicated or approved under relevant reserved matters applications.

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

58. No more than 374 car parking spaces, inclusive of existing temporary car parking and any new car parking provision, shall be provided within the site before 46,000 square metres of gross internal floor space (excluding floor space associated with basement and multi storey car parking) is brought into use.

Reason: in order to comply with the scope of the Transport Assessment and to mitigate the highways impact of the development.

Attention is Drawn to the Following Directives:

1. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

Richard Harris  
Ecology Manager  
Sheffield City Council  
Meersbrook Park  
Brook Road  
Sheffield  
S8 9FL  
Tel: 0114 2734481  
E-mail: richard.harris@sheffield.gov.uk

2. For the avoidance of doubt the maximum building heights (inclusive of plant) permitted by this scheme are AOD 109.30 and AOD 94.30 as shown on parameter plan Dwg No: 05061 MP\_00\_0040
3. The applicant is advised that relevant reserved matters applications for this development are liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you following the grant of any relevant reserved matters applications 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.
4. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).
5. 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.
6. 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.

7. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
8. 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.
9. For larger commercial kitchens or cooking types where odour risk is high, a risk assessment should be conducted in accordance with Annex C of the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (Defra; 2005) to determine appropriate odour abatement options. Annex B of the document provides guidance on the information required to support a planning application for a commercial kitchen.
10. 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.
11. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, Howden House, 1 Union Sstreet, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

12. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
13. As the proposed development will involve the closing/diversion of a highway(s) you are advised to contact the Principal Engineer of Highway Information and Orders, Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH, as soon as possible.
14. When preparing detailed proposals for the development of this site, the developer is advised that the Council will encourage the provision of easily accessible housing, capable of adaptation to meet the needs of various people with mobility impairments. Known as "mobility housing", further details are available together with guidance notes from the Access Officer on (0114) 2734197 or from Planning Enquiries on (0114) 2039183.
15. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

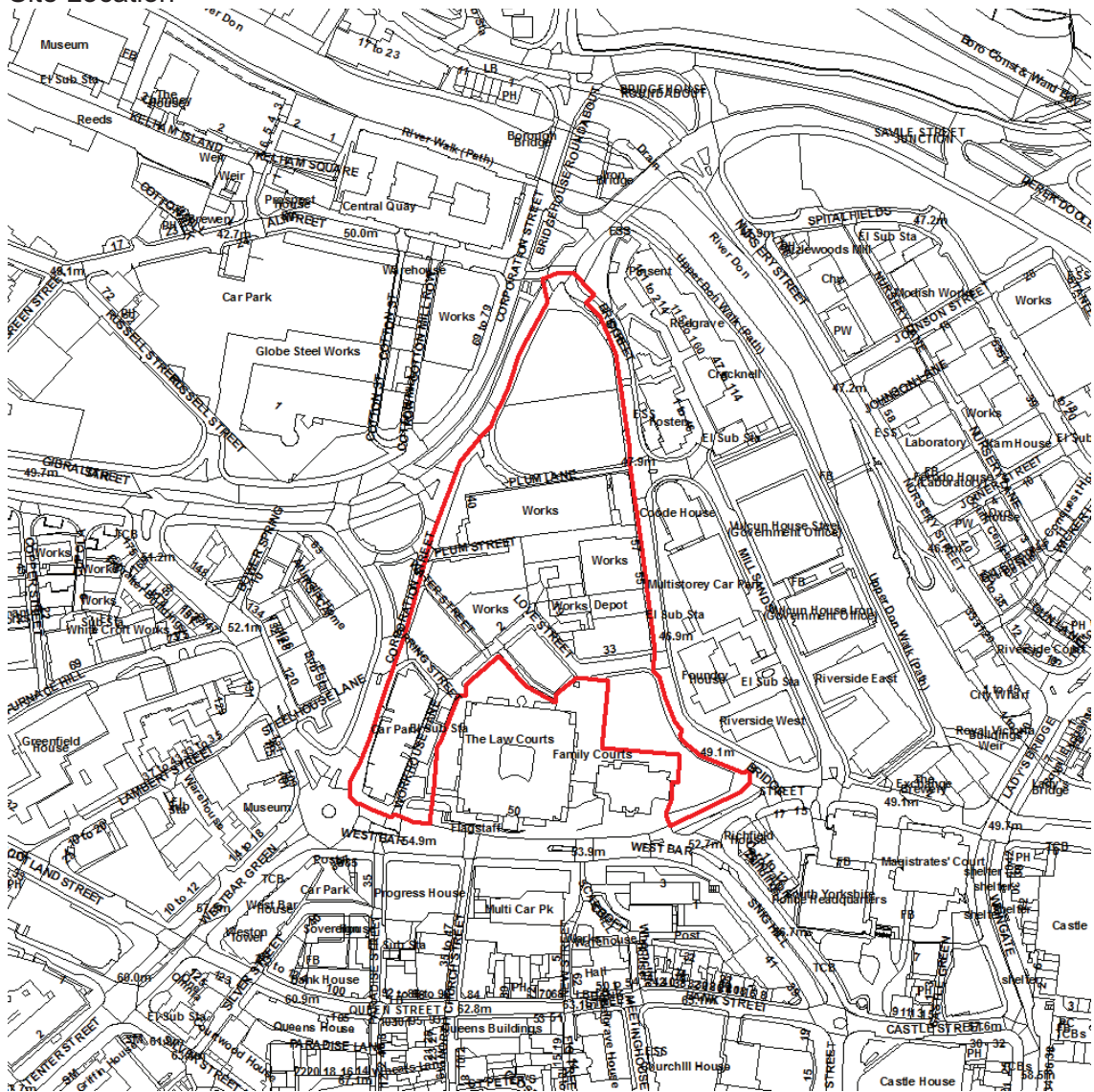
Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

16. The applicant is advised that low emissions vehicles are those classed as electric, hybrid, gas/bio-methane, liquefied petroleum gas (LPG) and vehicles that fall within bands A, B, C and D of the DVLA vehicle tax banding for vehicles registered after April 2010.



Site Location



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## BACKGROUND AND INTRODUCTION

This outline application, which is the second planning application since 2007 to be submitted for the redevelopment of this site, is the outcome of a long term strategy to deliver a comprehensive redevelopment of the West Bar Square development area - a triangular 3.04 hectare site bounded principally by West Bar, Corporation Street, Bridge Street and the Inner Relief Road (IRR/A61).

This site was identified by the City Council in 2001 as a key regeneration opportunity which emerged from the creation of the northern section of the Inner Relief Road. In 2004 a development brief was published and through a competitive selection process Castlemore Securities Limited were identified as the Council's preferred development partner. A development agreement was signed in 2007.

In support of the above the West Bar Interim Planning Guidance (IPG) was approved by Cabinet and published in July 2006 to cover the transitional stage between the Unitary Development Plan (UDP) and the adoption of the Sheffield Development Framework (SDF). The IPG was adopted to secure and guide the comprehensive redevelopment of the West Bar development area. The IPG acknowledges that this area whilst in close proximity to the City Centre is underused with a tortuous and largely defunct street pattern that does not afford good links between Kelham Island, the River Don and the Cathedral Quarter.

Castlemore (West Bar) Ltd submitted an outline planning application for a comprehensive mixed use development on the West Bar site in 2007, gaining planning permission in January 2009. Unfortunately in February 2009 Castlemore (West Bar) Ltd went into administration - a victim of the global financial crisis which resulted in the previous outline planning permission not being progressed and eventually expiring in early 2014.

Shortly after Castlemore went into administration the Council and Castlemore's administrators were approached by the applicant (Urbo), who had existing land ownership interests within the West Bar site. Urbo agreed the terms of a deal with Castlemore's administrators to acquire the Castlemore properties and the transfer of the development agreement subject to SCC approval.

In 2011 SCC Cabinet authorised approval of the transfer and minor variations to the development agreement to enable Urbo to become the Council's new development partner. Following lengthy negotiations with the administrators a revised development agreement was entered into in March 2015. In the summer of 2015 Urbo undertook public consultation on plans for the comprehensive redevelopment eventually resulting in the submission of this outline planning application.

Urbo now own or have control of approximately 70% of the whole site and are in negotiations to acquire the remainder. It is possible that a Compulsory Purchase Order may be required to complete the site assembly and Cabinet has previously given approval in principle to progress that if necessary.

## LOCATION AND PROPOSAL

The application site occupies an area of approximately 3.01 hectares and comprises of the majority of the area identified in the West Bar IPG with the exception of a small parcel of land located to the south of West Bar which is excluded from the application site as it has already been built upon. The application site is broadly triangular bounded to the east by Bridge Street, to the south by the existing Law and Family Court buildings (West Bar), to the west by Corporation Street, with the A61 (IRR) situated to the northwest.

At present the majority of the site comprises vacant cleared plots and temporary surface level car parks together with a small number of traditional industrial, warehouse and commercial buildings some of which are disused or in a poor state of repair. Bridge House which occupied a large part of the central area of the site was recently demolished by the Council on safety grounds following fire damage.

The existing highways within the site create a complex and indirect street pattern with multiple access points into and out of the site from Corporation Street, the A61 and Bridge Street. Plum Lane cuts across the northern part of the site in an east west direction and Love Street, Workhouse Lane and Spring Street 'sawtooth' across the southern part of the site in a broadly east west direction.

The surrounding area is very mixed in character. The Law and Family Courts lie to the south of the site and comprise of substantial 4/5 storey buildings. The A61 (IRR) is located directly to the north-west, beyond which are a number of older commercial buildings and some new build residential development adjacent to the river. To the north-east of the site fronting Bridge Street is the 6 storey Millsands residential development to the south of which is Coode House, a residential building which extends to 11 storeys in height. Beyond these buildings still fronting Bridge Street are a series of office blocks and a multi-storey car park. The River Don is located 50 metres to the east fronting which are a series of large scale office buildings.

This is an outline application seeking the comprehensive redevelopment of the West Bar site which is referred to by the applicant as West Bar Square. All matters including scale, layout, landscaping, appearance and access are reserved for subsequent approval with the exception of establishing as part of this application that the principal means of access into the site will be taken from Bridge Street.

Outline planning permission is sought for the demolition of all existing buildings on site and the erection of a total of 140,000 sq. metres of floor space, comprising of

the following maximum levels of floor space of each of the individual types of development proposed:

- Office space (Use class B1a) - Up to 85,000 sq. metres.
- Hotel (use class C1) - Up to 20,000 sq. metres or 500 bed spaces.
- Residential (Use class C3) up to 50,000 sq. metres or 525 units.
- Retail, leisure and community (use classes A1,A2, A3, A4, A5, D1 and C1) up to 5,000 sq. metres combined.
- Car parking (sui generis) up to 700 car parking spaces or 25,000 sq. metres.

The design and access statement explains and illustrates how in broad terms the development may be brought forward. The application is also accompanied by a series of parameter plans which provide a context in which any future reserved matters applications will be delivered, ensuring they take account of all the relevant issues considered at this outline planning stage.

#### Length of Permission

In accordance with Section 92 of the Town and Country Planning act 1990 the period sought for the implementation of the planning permission is 10 years. The applicant considers this to be a sufficient period to submit reserved matters applications and complete all elements of the proposed development.

#### Phasing

Given the length of the planning permission and size of the scheme the development will be brought forward in various different phases. The potential development plots indicated in the submitted design and access statement are purely indicative and development phasing will be dictated by the demands of the various market sectors which are catered for as part of this outline permission.

#### Environmental Impact

The proposed development falls within schedule 2, category 10 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations) as an 'Urban Development Project' where the area of development exceeds 1 hectare.

The development is considered to have potential to give rise to significant environmental effects. Accordingly, the development is regarded as 'EIA Development' and the application is accompanied by an Environmental Statement (ES).

## RELEVANT PLANNING HISTORY

There is various planning history relating to this site which includes the now expired 2007 outline planning consent for comprehensive redevelopment of the site, detailed permission for an office development and various temporary uses of the site for public and private car parking.

- 05/02666/FUL - Erection of five-storey office building with 25 car and 12 cycle parking spaces and associated landscaping – Granted Conditionally
- 07/03813/OUT - Mixed use redevelopment for Class B1 (Business), Class A1 (Shops), Class A2 (Financial and Professional), Class A3 (Restaurants and Cafes), (A4 (Drinking Establishments), Class A5 (Hot Food Takeaways), Class C3 (Dwellinghouses), Student Housing, and Class C1 (Hotels), and associated roof plant, car parking accommodation and access – Granted Conditionally subject to Legal Agreement.
- 11/03301/FUL - Use of land as a temporary car park for a period of 2 years and the carrying out of associated engineering operations to the site – Granted Conditionally.
- 14/00078/FUL - Continuation of use of land as temporary car park – Granted Conditionally.
- 16/01100/FUL - Temporary use of site as a community space, erection of a cafe and provision of planting and landscaping works – Granted Conditionally.

## SUMMARY OF REPRESENTATIONS

The application, being an EIA development, has been advertised as such. The scheme has been advertised by press notice in the Sheffield Telegraph; by site notices; and letters have been sent to adjoining properties and those remaining buildings on site.

Statutory consultee responses:

Natural England

Natural England has responded to confirm they have no comments to make regarding this application.

Environment Agency (EA)

The EA have assessed the submitted Flood Risk Assessment and are satisfied that this document considers the risk of flooding and proposes suitable mitigation.

Highways England

Following extensive negotiations with Highways England they have no objection to the scheme subject to the imposition of planning conditions limiting the amount of

car parking that can be allocated to the various uses proposed in order to mitigate any impact on the Strategic Road Network (SRN).

#### Local Representations

3 letters of representation have been received, including comment from the Ministry of Justice (MOJ) on behalf of the Sheffield Combined Court, the issues are summarised as follows:

- There already are parking issues in this area associated with residential, and office uses and weekday parking is currently accommodated by the spaces within the site that will be built on.
- Improvements to community space should be provided and the Park on Love Lane should be preserved.
- No high rise development should be located at the northern tip of the site as it will diminish the amount of sunlight received by the west facing apartments on Millsands.
- High rise development at the northern tip of the site will take away the most attractive features of adjoining buildings and will increase heating costs, loss in utility value and reduction in property prices.

#### Sheffield Combined Court (MOJ).

- Hearings at the family court take place in core hours of 9.30am to 4.30pm, however they can often run on until 7pm, it is essential that these hearings are not interrupted as a result of the level of construction noise and disruption associated with the development and that essential access is maintained.
- It is imperative that access for custodial vehicles and secure judicial car parking facilities located to the rear of the courts is retained at all times and that access is not obstructed during the development process.
- A Construction Environmental Management Plan (CEMP) should be a conditional element of any consent to minimise any disturbance issues. The CEMP should be prepared in consultation with the MOJ.
- The developer/construction company should keep the MOJ informed of timescales and programmes for demolition/construction.
- Conditions limiting noise, requiring a CEMP, maintaining access for prisoner delivery vehicles to the rear of the site and a management strategy should be attached to any future consent.

#### Statement of community involvement

In addition to the Council's statutory consultation process, prior to the formal submission of this application, the applicants carried out an independent

consultation exercise. The Council's policy on pre-application consultation is set out in the adopted revised Statement of Community Involvement (SCI) August 2014 which encourages developers to undertake pre-consultation in order to involve communities in planning decisions and allow comments to be taken on board at an early stage of the process.

A drop-in exhibition was held by the developers in a building close to the site, where display/information boards indicating the masterplan proposals were available to view, the exhibition was staffed by the developer and representatives from the Council. Over 40 people attended and there was opportunity to leave feedback via a questionnaire which was also available online. The exhibition material was also displayed in the reception areas of The Home Office building and Irwin Mitchell's offices which are located close to the site and are significant employers in the area. The scheme was also presented to the Riverside Business Association which is an informal business group comprising of representatives of various businesses in the locality.

Over 1000 leaflets were delivered in the local area informing people about the development and details of the scheme were posted on various social media channels. Details of the scheme and the public consultation exercise were also published on the applicant's website and circulated via Sheffield City Council's Central Area newsletter and an article was published in the Sheffield Star. The majority of the people that left feedback strongly supported the creation of an office led mixed use scheme. The consultation process is considered to broadly accord with the aims and objectives of the Council's revised SCI.

## PLANNING ASSESSMENT

### Policy Issues

#### National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

#### Principle of the Development

The proposal is a mixed use development comprising offices (Use Class B1a), retail, financial/professional and food and drink (Use Classes A1, A2, A3, A4, A5), Non-residential institutions (Use Class D1), assembly and leisure (Use Class D2), a hotel (Use Class C1), residential (Use Class C3) and a multi storey car park (sui generis use).

Within the Adopted Unitary Development Plan (UDP) the application site has a dual designation; the land to the north of Spring Street and Love Lane falls within an allocated General Industry Area, whilst the part of the application site to the south of Spring Street/Love Lane falls within an allocated Business Area. Policy IB5 relates to development in General Industry Areas and advises that B2 general industrial and B8 warehouse uses are preferred. Policy IB7 relates to development in Business Areas and identifies that B1 uses are preferred. However it is considered more appropriate in this case to determine the application in accordance with more up to date policy guidance which is contained within the West Bar IPG, the adopted Sheffield Core Strategy and the NPPF.

The West Bar IPG determines the preferred use within the West Bar Development Area to be offices (use class B1 (a)), which should form at least 50% of the gross floor space created on the site as West Bar has been identified as a prime site for the expansion of the City Centre and the Cathedral Quarter Central Business District. A range of other uses are deemed acceptable, including small convenience shop development (A1), financial and professional services (A2), food and drink outlets (A3), drinking establishments (A4), non-office business development (B1b and B1c), housing (C3), hotels (C1), community facilities and institutions (D1), leisure (D2) and open space. General industry (B2), storage and distribution (B8), scrapyards and petrol filling stations are all deemed to be unacceptable in accordance with the IPG.

The policy position set out in the West Bar IPG is reflected in adopted Core Strategy Policy CS6 (d) which identifies the West Bar area as a manufacturing transition area where historic manufacturing uses should not expand and will be encouraged to relocate. Policy CS17 part (k) also identifies West Bar as becoming a mixed use area of predominantly business uses, with an emphasis on legal and financial professions, due to its proximity of the courts complex; and also a location for new housing and a new neighbourhood centre and public open space. The policy position identified in the IPG and Core Strategy is reflected in the draft City Policies and Sites documents which identifies the site as a business area and proposed a site allocation for this purpose.

Policy CS3 identifies the City Centre and accessible locations at its edge as the priority location for office development which should account for 65% of total office development in the city. The application indicates that a total maximum of 140,000 sq. metres of floor space will be delivered of which a minimum of 51% of the floor space will comprise of B1 office uses. The delivery of this volume of office space is considered to accord with the requirements of the IPG and will also comply with policies CS3, CS6 and CS17 of the core strategy.

The provision of a mix of housing and a hotel uses is consistent with the above highlighted Core Strategy policies and the West Bar IPG and will help to create a vibrant mixed use development. The amount of floor space proposed and impact



of class A uses and class D1/D2 uses will be discussed in detail below, however the principle of the inclusion of these uses is considered acceptable and will add active ground floor uses that will contribute to the vitality of the area. The provision of public realm/open space will help to deliver a high quality scheme and the proposed multi storey car park is considered necessary to deal with the parking requirements generated by the volume of floor space proposed.

In light of the above the principle a comprehensive mixed use, office led development is considered to accord with the West Bar IPG, the Core Strategy and the NPPF.

#### Use of previously developed land

One of the Core Planning Principles of the NPPF is the encouragement of the effective use of land by reusing land that has been previously developed (brownfield land). Policy CS2 of the Core Strategy identifies brownfield/previously developed land as being the priority for business and industrial development. In this respect the entire site is considered to be previously developed land comprising of underutilised buildings and temporary car parking which will be replaced with a high density mixed use scheme. As such the proposal is considered to comply with policy CS2.

#### Housing Uses

This is a previously developed site and therefore new homes in this location will contribute towards achieving the aims of Core Strategy policy CS24 which seeks to maximise the use of previously developed land for new housing. Core Strategy policy CS26 sets a minimum density of 70 dwellings per hectare in the City Centre in order to make efficient use of land for housing subject to design and amenity issues. The application indicates that a maximum of 825 dwellings will be provided, however the exact number of dwellings delivered and the associated density of housing that will be delivered will be considered as part of the detailed reserved matters applications.

#### Retail and leisure

The development proposes a maximum of 5000 sq. metres of floor space to be used for A1, A2, A3, A4, A5, D1 and D2 uses. All of these uses are considered acceptable in this location in accordance with Policies IB5 and IB7 of the UDP; however the Core Strategy and the NPPF are more up to date policy documents which the proposed uses must be considered against. The NPPF requires main town centre uses to be located in defined centres and where located out of centre must satisfy, where relevant, the requisite sequential and impact assessments. Main town centre uses are defined in Annex 2 of the NPPF, and of the uses proposed as part of this scheme A1, A3, A4 and D2 uses are considered to be

main town centre uses. In relation to the term 'centre' this is defined differently for different use classes.

For retail purposes (A1), the centre consists of the Primary Shopping Area (PSA) as defined by Core Strategy Policy CS18, however for leisure purposes (A3, A4 and D2) it consists of the City Centre (land within the ring road). As the site is outside the PSA but within the City Centre, it is out of centre for retail (A1) uses but within-centre for all the other uses proposed, therefore the sequential assessment only applies to the A1 retail element of the scheme. There are sites in the PSA that can accommodate the A1 floor space proposed, however the applicants have identified that the A1 floor space proposed is needed in this location in order to provide active street frontages and to serve occupants of the proposed development including new residents. Policy CS17 (k) does support the provision of retail development at this site as it identifies the West Bar site as a location for a new neighbourhood centre. A neighbourhood centre is described in the Core Strategy as 'a basic range of shops and services' providing for 'basic top-up needs and for people without their own transport'. The proposal is not considered to be a new neighbourhood centre, however the proposed units are likely to include shopping facilities that will serve the people living and working at the site and in the wider locality and as such in light of the above the A1 elements of the scheme are considered to have passed the sequential test.

The impact test of the NPPF only applies to retail proposals (A1) in excess 2,500 sq. metres. In this case the applicant has indicated in their supporting submission that the A1 element of the scheme will not exceed 2,500 sq. metres and as such the impact test does not apply, accordingly a condition will be imposed restricting the amount of A1 retail floor space. All other uses proposed are considered appropriate within the City Centre boundary.

#### Conclusion: Principle of development

In conclusion, it is considered that the mix of uses proposed, which delivers a predominantly commercial scheme comprising high quality office space, residential accommodation, a hotel, a multi storey car park and a range of class A and D1/D2 uses is consistent with the specific aspirations of the West Bar Interim Planning Guidance and the Core Strategy and more general policy position set out in the NPPF. The scheme is considered to secure an extension to the City Centre Core with an appropriate mix of uses. The principle of the development is therefore considered acceptable.

#### Comprehensive development

A comprehensive approach to the redevelopment of the application site: West Bar Square is deemed a fundamental element of the Interim Planning Guidance, which states that the area should be 'developed in a comprehensive way in order to produce an integrated and economically viable scheme, ensuring new

development is of significant architectural merit and secures a high quality public realm. A comprehensive approach will also overcome the obsolete street pattern’.

This application broadly extends to the entire site area identified within the Interim Planning Guidance and as such, is positioned to deliver the comprehensive approach. The application effectively secures a masterplan approach to the entire site and presents a predominantly commercial scheme with a relevant mix of uses, the provision of a new public space and the rationalisation of street patterns to deliver the required linkages through the site, to and from the City Centre, the riverside and Kelham Island.

### Design and Layout

The NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy CS74 ‘Design Principles’ seeks to deliver high-quality development which respects, take advantage of and enhances the distinctive features of the city, its districts and neighbourhoods.

The West Bar IPG establishes a number of key urban design principles relevant to the layout and urban form of the West Bar Development Area, summarised below:

Deliver key pedestrian linkages, exploiting the proximity of the Riverside, Kelham Island and Cathedral Quarter in terms of pedestrian connections and complementary public spaces;

- To make use of the new IRR to mark gateways and landmark features;
- To ‘place make’ as the area presently suffers from a lack of identity and strong architectural features, other than the Crown Courts;
- To avoid closed or inactive frontages on key routes and spaces;
- A street based scheme that creates a central focal space and a clear route to the Riverside as a city-wide leisure venue; it is critical to have a variety of
- streets and spaces, which gives choices to people rather than a set route and;

The West Bar IPG also identifies a key objective is to ensure the provision of a new open space and high quality public realm for residents, visitors and workers. This should include the delivery of wide tree lined boulevards on the IRR frontage, incidental spaces marking the gateways and key routes and a multi-purpose space.

The indicative site layout drawings presented in the West Bar IPG, which were also included within the West Bar Development Brief in January 2005 indicates a built form that extends around the entire edge of the site with key routes through and across it to ensure permeability.

As noted earlier in the report this application is in outline only with all matters reserved for subsequent approval with the exception of establishing that the principle means of access will be taken from Bridge Street. Notwithstanding the above the applicant has submitted a design and access statement (D&A) which includes indicative layouts and designs to demonstrate that the proposed quantum of floor space could be delivered appropriately as well as a series of parameter plans which will guide the future development of the site. The D&A sets out a series of principles for the potential future development including landscaping proposals, indications of potential scale and massing of buildings as well as details showing how access and movement within the site and connections to the surroundings areas will be delivered.

In order to facilitate the comprehensive redevelopment of this site the proposed scheme seeks to completely remove all existing buildings and a majority of the existing defunct street pattern. Large parts of the site have already been cleared and the remaining buildings located towards the southern end of the site are proposed for demolition and clearance. The existing buildings on site are not considered to be of any significant value to warrant their retention or protection.

#### Layout

The design and access statement indicates that the proposed scheme will be centred around a new public square, with a series of perimeter blocks fronting the adjoining highways with active frontages. This approach will deliver a strong clearly defined edge to the site, repairing what is a very fragmented street scene by bringing new buildings up to the back edge of pavement with entrances on the street.

Accessibility and movement is critical to the successful development of the site. The D&A identifies that parking, with the exception of a potential standalone multi storey, will be located at basement level. This allows all other areas of the site, not occupied by buildings to form part of the public realm. The pedestrian connections between the site and the city centre, which have already been improved by the 'Grey to Green' scheme on West Bar, are shown to be further enhanced by the appropriate positioning of buildings and inclusion of active frontages particularly along the Corporation Street boundary of the site. Pedestrians will be guided into West Bar Square, the largest of the public spaces proposed, which will afford links to the riverside and northwards towards Kelham Island through a series of smaller incidental spaces and routes within the site. This approach to the layout of the site will ensure that the development is integrated into the surrounding built context; it

will also significantly improve the environment for pedestrians and will allow connections to be made with the surrounding areas.

#### Location of uses

The submitted parameter plans indicate broad locations within the site for the different uses proposed. A1/A2/A3/A4/A5/D1 and D2 (ground floor only) and B1 office uses are identified as being acceptable in any location on the site. This approach to the location of these uses is considered acceptable and will ensure that active ground floor uses are provided which will animate the streets and public spaces within and adjoining the site.

The hotel use is identified as being located in the south west corner of the site adjacent to the West Bar roundabout and/or at the northern point of the site at the junction of the Bridge Street and the A61. These specific locations on the site have been selected as it is considered that the hotel element of the scheme could comprise of a taller building which is appropriate for these key gateway points on the site. The residential elements of the scheme are identified in similar locations as the hotel uses, however with more focus on locating residential development along the Bridge Street frontage of the site adjacent to established residential uses where general amenity conditions for residents would be higher.

West Bar Square, the main proposed public open space is to be located centrally within the site in order to act as a central focus which all new buildings will be located around. The proposed Multi Storey car park is to be located on Bridge Street for reasons of ensuring suitable access.

The broad locations of the uses shown on the submitted parameters plans are considered acceptable and will provide a suitable framework in which detailed reserved matters applications can be prepared.

#### Scale and massing

Policy CS76 of the core strategy sets out a series of broad criteria which identify where tall buildings will be acceptable, these criteria seek to ensure that tall buildings help define gateway sites, mark areas of civic importance, principal activity nodes or key routes, form the focal points or enhance the city skyline, reinforce topography, support the vision for the city quarters and reflect the strategic economic vision for the city. Policy CS75 c) identifies the Inner Ring Road as gateway route in need of improvement.

The submitted parameters plans indicate maximum building heights for different parts of the site. The maximum heights are expressed as Above Ordnance Datum (AOD) levels in order to accurately reflect the various topographical level differences across the site. Two different maximum height parameters (inclusive of plant and equipment) are proposed. The central and south eastern part of the site which includes a majority of the site area, buildings are proposed to be a maximum

height of AOD 94.3m, which when taking account of site levels equates to buildings being up to a maximum height of between 40 and 45 metres. Two zones of taller buildings are proposed, these are located in the south east corner of the site adjacent to the West Bar roundabout and at the junction of Bridge Street and the Inner Ring Road. With these two zones the buildings are proposed to be a maximum height of 109.30m AOD. When taking account of site levels this relates to building heights of approximately 60 metres at the northern end of the site and 55 metres at the south west corner of the site.

The heights specified are maximum parameters, however the range of heights proposed and the distribution of these heights across the site is considered to result in an appropriate scale and height of buildings for this key edge of city centre site. The taller buildings zones are located on key corners of the site and will act as landmark/gateway buildings when approaching the site from the ring road and West Bar/Tenter Street.

It should also be noted that the scale of the proposed scheme is significantly reduced in comparison to the previously approved scheme on this site which included towers of 27 and 28 storeys in height. The overall scale of this scheme is reduced in order to ensure that the proposal is both viable and deliverable.

#### Key views analysis

In order to assess the visual impact of the proposed development a detailed analysis of key views of the site has been undertaken by the applicant as part of the environmental statement. This analysis looked at 17 different viewpoints of the site from various different locations, including from within the city centre, from the Inner Relief Road and more distant viewpoints located on higher ground levels. Key view analysis identifies that the development will largely form a cohesive part of the city centre townscape, there will be some minor impacts on views southwards from parts of the city centre, however these impacts are not considered to be significant or warrant the reduction in scale of the scheme.

The proposed maximum scale parameters are considered to be acceptable and set an appropriate context for the preparation of detailed reserved matters applications.

#### Design Quality

The illustrative drawings contained within the design and access statement indicate that the proposed development will be of a high quality and will significantly enhance this key development site and the surrounding area. The detailed design of each building will be considered as part of the reserved matters applications.

## Impact on Heritage Asset

The site is not located in a Conservation Area and does not contain any listed buildings or scheduled Ancient Monuments. There are listed buildings in the locality including the Emergency Services Museum which is located to the south west of the site across the West Bar roundabout, and in the City Centre, Kelham Island and St Vincent's Conservation Areas which are located to the south, north and west of the site respectively. The development is not considered to have any harmful effects on the setting of any listed buildings and or conservation areas in the locality. Detailed assessment of buildings visual impacts will be made at the reserved matters applications stage.

## Conclusion – Design and Layout

The indicative plans illustrate that the quantum of development proposed could be accommodated on the site subject to detailed design. The D&A statement and submitted plans are considered to set a series of broad principles and parameters which will help to deliver a high quality scheme which is centred around a new public square (West Bar Square) that will act as the heart of the development. The parameter plans indicate an appropriate scale of development, the integration of active uses and broad locations for the different uses proposed. Overall it is considered that the design principles will contribute towards creating a distinctive high quality environment. The proposal is therefore considered to accord with Policies CS74, 75 and 76 of the CS, the West Bar IPG and the guidance contained in the NPPF.

## Highways.

The NPPF promotes the location of developments that generate significant movements to be where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of:

- The opportunities for sustainable transport modes to reduce the need for major transport infrastructure;
- If safe and suitable access can be provided for all;
- If improvements can be undertaken to the transport network that cost-effectively limits the significant impacts of the development.

The NPPF also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy CS51 'Transport Priorities' sets out six strategic priorities including developing alternatives to the car, containing congestion levels and supporting

economic growth through demand management measures and sustainable travel initiatives.

Policy CS53 'Management of Demand for Travel' also seeks to make the best use of the existing road capacity, promote good quality public transport, walking and cycling and use travel plans to maximise use of sustainable forms of travel and mitigate the negative impacts of transport.

Policy CS60 'Transport in the City Centre' seeks to manage increased demand for trips by improving public transport, introducing controlled parking zones , development of car clubs and controlling the provision of long stay car parking.

#### Principal site access

The site is crisscrossed by a number of existing public highways, the majority of which are required to be closed to accommodate the comprehensive redevelopment of the site, the principle of which is considered acceptable subject to detailed design. This outline application only considers the principle of taking the main access into the site from Bridge Street; all other matters of access are reserved for subsequent approval and will be considered as part of applications for the detailed design and layout of the scheme (reserved matters).

Bridge Street cannot be accessed directly from the A61 (IRR), as currently there is only a one way access (left turn out) from Bridge Street onto the A61 (IRR). As such currently the main way of accessing Bridge Street is from the junction with West Bar, which has recently been the subject of major highways improvement works to accommodate the Grey to Green scheme, which has in turn reduced movements along West Bar. This application seeks permission to convert the existing A61/Bridge Street junction; retaining the left in from the A61 while also affording a left turn out from Bridge Street onto the A61 in order to facilitate improved access to the development.

It is proposed to locate the on-site multi storey car park adjacent to Bridge Street and, as such, improved access in the form of a two way junction at the northern end of Bridge Street is required to accommodate the traffic movements associated with the development. Accommodating two way movements into and out of Bridge Street onto the A61 is considered acceptable in principle, subject to detailed design and will allow traffic associated with the development to be split between the altered junction with the A61 and the retained two way junction with West Bar. .

#### Transport Assessment

The applicant's transport assessment (TA) includes modelling results for three different scenarios in order to determine the ability of the highway network to accommodate increased traffic in future years as a result of the development. These future year scenarios account for more general traffic growth and traffic associated with committed developments including IKEA and the AMRC



development at the Sheffield Business Park and cover both the AM (0800-0900 hours) and PM (1700-1800 hours) peak hours for 2015 and 2019.

The modelling work also assesses the impact the proposals would have on the Strategic Road Network (SRN) including junctions, 33, 34 (north and south) and 35 on the M1 motorway.

The TA considers both the impact of the vehicular trips estimated to be generated by the proposal along with giving consideration to the site's accessibility and potential for travel by alternative modes of transport to the private car.

The transport modelling used (Aimsum) has been agreed and validated by Sheffield City Council's Highway's section and Highways England (HE).

#### Estimated Traffic generation

The estimated development related trip generation has been calculated based on the maximum level of car parking to be provided (700 spaces) as part of the development rather than using the TRICS; which forecasts trips based on a national database of related developments. The approach used to determine the trip generation from the site was considered to offer a more realistic appraisal of actual development related trips, taking account of the site's sustainable city centre location, where it is felt that access to high quality public transport and reduced parking provision will significantly reduce the level of trips made by car to and from the site.

The format of assessing the impact of the development on the highway network is considered to be extremely robust. 60% of the development generated trips were modelling in the peak hour, a TRICS based assessment would see a wider spread of development trips across the period of 0700 to 1000 hours thus reducing the peak hour traffic generation. This approach is consistent with the previous TA submitted with the 2007 application for this site and is considered to provide a robust assessment of the development's impact on the operation of the inner ring road, and the requirement for any subsequent mitigation.

The TA demonstrated that the development would cause increased journey times on a number of sub-paths (short routes that may take between 30 seconds and 15 minutes to drive) in the vicinity of the site. Potential highways works to mitigate the adverse impact of the development were suggested by SCC and subsequently modelled by the applicant. The resulting modelling (including mitigation) determined that the highway network will, with committed development and development traffic, continue to operate satisfactorily subject to the inclusion of a series of highways improvements. The highways improvements detailed below are required to be funded by the developer in order to mitigate the impacts of the development:-

- Alterations to the Bridge Street junction with the A61 to allow two-way traffic (left in, left out).
- Closure of a short section of Chatham Street and changes to the existing PM signal timing.
- Measures to force vehicles to use existing road space more efficiently on Derek Dooley Way.
- Signal timing adjustments at Corporation Street/Inner Relief Road.
- Amendments to signal timings at the Corporation Street roundabout.
- Advanced signage to influence driver behaviour and improve current poor lane usage.
- Localised widening at the left turn to Corporation Street from the Inner Relief Road.
- Provision of variable message signing for the proposed new car park.
- Improvements to pedestrian and cycle safety and access to the site.

Not all of the above highlighted mitigation works will initially be required; rather these works will be triggered by the delivery of a certain volume of floor space which is considered to generate a volume of traffic that requires mitigating. The trigger for the mitigation works will be secured by planning condition.

#### Impact on the Strategic Road network

The primary concern from Highways England is the impact of vehicle trips associated with the development in the peak hours (highlighted above) at junctions 33, 34 (north and south) and junction 35 of the strategic road network (M1 motorway) with specific concern about the potential effect of the proposed volume of B1a office floor space proposed. Extensive discussions and additional transport modelling has been undertaken during the consideration of the application to determine the specific impacts of the development related trips on the SRN junctions highlighted above. The modelling identified a potential unacceptable increase in peak hour trips at junction 34 north associated with the development. In order to mitigate any impacts on the SRN it has been agreed that a suitably worded planning condition will be imposed on any consent which limits the maximum number of parking spaces in the development that can be allocated to B1a office uses to no more than 530 spaces. In addition no more than a total of 650 spaces can be allocated to a combination of Office (B1a), hotel (C1) and residential (C3) uses. These restrictions on total numbers of parking spaces and their allocation will limit the development trips on the strategic road network to an acceptable level.

#### Car and Cycle Parking

It is anticipated that the exact car and cycle parking provision will be finalised at reserved matters stage as the detail of each phase of the development comes forward. However the Environmental Statement indicates that a maximum of 700 car parking spaces are proposed to serve the development inclusive of disabled spaces, low emission spaces and electrical car charging spaces, these will

potentially be provided in a standalone multi storey car park and within basement parking levels, subject to detailed design of the buildings. The exact split and allocation of the spaces to the uses proposed is not yet known, other than falling within the maximum allocation parameters highlighted above in order to comply with HE requirements. 700 spaces is also an absolute maximum and could well be reduced based upon the exact mix of uses that come forward over the 10 year application period.

The development will provide significantly less parking than the maximum Sheffield City Council car parking guidelines permit for a development of this size. The parking provision is considered acceptable for this edge of city centre location and is considered to strike an appropriate balance between accommodating the needs of the potential future users and incentivising potential commuters, future residents and users of the site to use alternative sustainable modes of transport.

#### Sustainable Access

Policies CS54 and CS55 of the CS seek to promote, improve and develop pedestrian and cycle routes. Policy CS61 also seeks to establish a pedestrian priority zone that will allow safe, convenient and comfortable movement for pedestrians within and through an area; West Bar is identified as an area where such improvements will be sought. One of the key principles of the West Bar IPG also identifies the need to improve the site's linkages with the City Centre and surrounding areas by developing a series of high quality public routes. The site experiences a high degree of severance from the City Centre due to the layout of the highways network and primarily due to the position of the Court buildings which occupy a majority of the southern boundary of the site with West Bar. Although the detailed layout of the scheme is reserved, the design and access statement identifies the need to integrate the scheme with the wider context and stresses the importance of providing a high quality pedestrian environment to facilitate the desired access improvements and linkages to surrounding areas.

The site is in a highly sustainable location close to major public transportation modes including bus, tram and train. The site is also located within easy walking distance of established residential areas including Kelham Island, Burngreave and the rest of the City Centre. As such it is considered that access to this site by means other than the private car would be convenient and viable for future users. Provision will be made within the scheme for pedestrian and cycle access and enhancements will be made as part of the detailed design of the scheme.

#### Combined Court Access

The Sheffield Combined Court currently has an established access from the rear of the site and utilises Love Street and Spring Street for the transport of prisoners and associated servicing and access. The proposal will potentially remove a majority of the existing adopted highways within the site in order to facilitate the

comprehensive redevelopment of the site. However it is considered that suitable access to the courts can be retained as part of the development, full details of which will be secured by planning conditions.

#### Conclusion – Highways

The transport assessment submitted in support of the application has been assessed against local and national planning policy guidance. Following negotiations with the applicant and input from Highways England, the TA is considered to provide a robust assessment of the impacts of the development on the local and strategic highways network.

Various improvement works to the local highways network will be secured by way of planning condition, tied to specific floor space triggers, and following discussion with Highways England subject to conditions being imposed on the allocation of the maximum levels of the car parking to be provided, the development is not considered to have any material impact on the operation of the strategic road network.

The site is in a highly sustainable location close to the city centre with easy access to public transport infrastructure including local bus and tram services as well as the national rail network.

The Environmental Statement concludes that proposed traffic generation from the site is not considered to have a significant impact on the operation of the road network which would warrant the refusal of planning permission. Taking account of the above, the proposed highways and transportation impacts of the development are considered acceptable and, subject to imposition of conditions, the development is considered to comply with adopted local and national planning policy.

#### Air Quality

The National Planning Policy Framework advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Core Strategy policy CS66 states that action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken particularly where residential areas in road corridors with high traffic levels are exposed to pollution above national targets. Policy CS51 'Transport Priorities' also identifies that one of the strategic priorities for transport is to improve air quality.

Policy GE23 (Air Pollution) of the UDP states that development will be permitted only where it would not locate sensitive uses where they would be adversely affected by sources of air pollution.

In Sheffield, the health-based national standards and EU limit values for nitrogen dioxide (NO<sub>2</sub>) and fine particle (PM<sub>10</sub>) are breached in specific parts of the city, resulting in the declaration of an urban wide Air Quality Management Area (AQMA) and the production of an Air Quality Action Plan (AQAP).

The AQAP (2015) aims to 'reduce nitrogen dioxide (NO<sub>2</sub>) and fine particle (PM<sub>10</sub>) pollution in Sheffield in order to improve the health of local people; by protecting areas of low air pollution and improving areas where pollution is elevated.'

The specific pollutants likely to be emitted and attributable to the proposed development are; nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub>) of size less than 10 microns and PM<sub>2.5</sub> of a size less than 2.5 microns, which are largely produced from internal combustion systems such as vehicle engines during both the construction and operational phases of the scheme. The Government have identified these pollutants for control, amongst others, in order to protect health, as detailed in the Air Quality (England) Standard Regulations 2010.

A construction phase air quality assessment has been submitted to assess the potential effects on air quality from dust generation during the construction, demolition, earthworks and construction track out activities. The air quality assessment also includes a qualitative operational phase air quality assessment in order to determine the impact of the proposed development on traffic derived pollutant concentrations at nearby sensitive receptors (chapter 14 of the ES). The methodology for assessment has been agreed and validated by Sheffield City Council's Air Quality Team.

#### Construction Impacts

The potential construction phase effects on local air quality have been assessed using the approach described in the latest Institute of Air Quality Management (IAQM) Guidance. The applicant's assessment concludes that the predicted high to medium risk of dust soiling and low to medium risks impacts on human health during demolition, earthworks, construction works and track out. However these effects can be reduced to acceptable levels through the implementation of a series of mitigation measures, which are considered in more detail below.

#### Operational Impacts

Operational air quality impacts from the proposed development arise principally as a result of traffic changes on the local road network.

The 2015 EPUK/IAQM guidance note 'Land-Use Planning & Development Control' provides an approach to determining the air quality impacts resulting from the

operation of a proposed development on local air quality at individual receptors and the overall significance of local air quality effects arising from a proposed development.

The AQA has made assessments at selected receptors where exposure to traffic emissions from vehicles travelling to/from the site is potentially the greatest. These assessments are based on the following scenarios:

- 2014 'base year' scenario.
- 2019 'without the development' scenario.
- 2019 'with the development' scenario.

The base year (existing) scenario identifies that that the annual average national objective and EU limit values for NO<sub>2</sub> are already breached at two of the fourteen receptor locations. The assessment goes on to identify that of the fourteen receptor locations analysed there are three receptor locations, where the health-based annual average national objective and EU limit values for NO<sub>2</sub> are predicted to be exceeded in 2019, 'without' and 'with' the proposed development. These receptors are located adjacent to the A61 which is used by large volumes of traffic. However it is concluded that the impacts on local air quality, though above national objectives and European limit values for NO<sub>2</sub> would be negligible, particularly in light of existing and predicted exceedances with and without the development in place.

Annual mean PM<sub>2.5</sub> and PM<sub>10</sub> concentrations were predicted to be 'well below' the respective annual mean air quality objectives at all modelled receptor locations, both 'without' and 'with' the proposed development in place. Changes in annual mean PM<sub>2.5</sub> and PM<sub>10</sub> concentrations at all receptor locations were predicted to be negligible according to the IAQM and EPUK guidance.

In addition to assessing the effect of the proposed development on existing sensitive receptor locations, an assessment was undertaken to determine the suitability of the proposed development site for residential and hotel use, which are considered more sensitive uses in this case.

The assessment results indicate that NO<sub>2</sub> concentrations at ground level at 5 different receptor locations on the site exceed the health-based annual average national and EU limit value of 40ug/m<sup>3</sup>, and in one location these limits are exceeded at first floor level. Three of these receptors locations could accommodate potential hotel and residential uses as indicated on the submitted parameters plans, and as such mitigation measures will need to be considered to deal with the predicted elevated pollutant levels. The identified sensitive receptors are located on road frontages and as such ground floor residential uses are unlikely to be provided, as active commercial uses will be required. However suitable mitigation in the form of a centralised ventilation/filtration system could be provided to

mitigate the impacts should residential uses be deemed acceptable in the future in the receptor locations identified in the ES.

With regard to the other receptor locations, where annual exceedances occur, these locations are proposed for office buildings and predicted NO<sub>2</sub> concentrations are below 60ug/m<sup>3</sup>. As such the 1 hour mean objective also for health protection is unlikely to be breached, in accordance with guidance in Local Air Quality Management Technical Guidance (LAQM.TG) (09). Consequently these locations are considered acceptable for the uses proposed without the need for mitigation measures.

Annual average PM<sub>2.5</sub> and PM<sub>10</sub> concentrations at all proposed receptor locations, 'with development', are predicted to be well below the annual mean Objective, and below the short term PM<sub>10</sub> Objective, which is predicted to be met at less than 35 exceedances of the daily mean objective of 50ug/m<sup>3</sup>. However, given that there is no identified safe level for PM<sub>2.5</sub> and PM<sub>10</sub>; necessary mitigation measures must be considered.

It is the Council's desire to improve air quality at every opportunity and minimise the pollution impacts of proposed developments on local areas, especially in an area where sensitivity with respect to human health is relevant.

Consequently, air pollution from construction (demolition, earthworks, construction and track out) and vehicle movements to and from the proposed development site and surrounding areas during the construction and operational phases of the scheme should be minimised. The air quality assessment recommends appropriate mitigation measures that should be followed.

In relation to the construction phase the air quality impacts can be greatly reduced by applying a series of measures including production of a dust management plan (DWP), effective management of demolition activities via a Construction Environmental Management Plan (CEMP) and by ensuring that, as far as practicable, vehicles engaged in the construction phase meet up to date EU emission standards.

In relation to the operational phase, in addition to the requirements to provide mechanical ventilation to potential future hotel and residential uses that may come forward on certain parts of the site, a travel plan which will set a series of targets to reduce car movement and promote more sustainable transport options will be required. Electrical car charging points will be provided and the provision of low emission parking priority scheme will be adopted.

#### Conclusion – Air Quality

The air quality assessment concludes that the construction phase of the development, subject to the inclusion of mitigation measures highlighted above, will not have any significant residual impacts on air quality.

The operational phase of the development is considered to have a minor adverse impact on air quality at three of the fourteen different receptors locations tested. However this conclusion is reached largely due to the existing 'baseline' (2014) exceedances of the annual mean NO<sub>2</sub> concentrations and that in the predicted 'with' and 'without' development scenarios in 2019 these exceedances will remain. It should be noted that pollutant concentrations were predicted to decrease at various receptors as a result of the highway improvements proposed as part of the development and predicted concentrations of PM<sub>2.5</sub> and PM<sub>10</sub> were well below annual mean objectives in all development scenarios at all receptors. As such it is considered that suitable mitigation measures can be secured which will result in a neutral impact on air quality.

#### Flood risk and drainage

Policy CS67 'Flood Risk Management' of the CS seeks to reduce the extent and impact of flooding by incorporating a series of measures into developments. These measures include;

- Requiring the new development to limit surface water run-off.
- Ensuring buildings are resilient to flood damage.
- Promoting the use of sustainable drainage techniques.
- Not culverting and not building over watercourses where possible.

The application is accompanied by a Flood Risk Assessment (FRA) and a Drainage Strategy, which identifies a series of measures to reduce the impact of flooding and limit the impact of the development on the existing drainage infrastructure.

According to the Environment Agency (EA) Flood Maps (SFRA) the site is predominantly located in Flood Zone 2, an area defined by the NPPG as having a 'medium probability' of flooding. The remainder of the site is in Flood Zone 1, an area defined by the NPPG as having a 'low probability' of flooding.

As required by the NPPF the applicant has submitted a Flood Risk Sequential Test which concludes that there are no other reasonably available sites in a lower probability flood zone that can suitably accommodate the proposal. The proposal is therefore considered to have passed the sequential test.

As defined by the NPPG the scheme comprises of both 'less vulnerable' land uses such as shops, restaurants and offices and 'more vulnerable' land uses such as dwellings and drinking establishments. In accordance with the NPPG all the uses proposed are considered appropriate in Flood Zones 1 and 2 without the need to pass the exception tests.



Parts of the site were subject to flooding in 2007 with the SFRA indicating that the flood depths on site ranged between 600 mm and 1500 mm, the cause of which relate to fluvial flooding from overland flows and sewer surcharging.

The submitted FRA identifies that the hydraulic model used to inform the design of the Lower Don Valley Flood Defence Scheme, which is considered to be the most up to date modelling available, has been used to calculate the 1 in 100 year plus climate change flood level for this site. This analysis shows the site is at potential risk to direct flooding from the River Don in a 1 in 100 year flood event and as such on site mitigation measures are required to be incorporated into the scheme. As required by the EA finished floor levels within the development will be raised 600 mm above the 1 in 100 year flood level plus climate change (49.20m AOD) for residential development and 300 mm above the 1 in 100 year flood level plus climate change (48.90m AOD) for all other uses. No residential dwellings are to be located at ground floor level, except potentially facing Bridge Street where they will be located above the modelled flood level. Basement parking areas will be protected by means of flood barriers or elevated entrances.

The site is also considered to be at potential risk of flooding from overland flows resulting from water overtopping the banks of the River Don upstream of Kelham Island and from surface water. Both types of flooding will be mitigated by level design of the public realm to ensure that a flow path for flood water is maintained through the site. A series of other flood warning and emergency planning measures will also be incorporated to further reduce the effects of flooding. The impacts of surface water flooding relate to ponding with areas on Bridge Street and Love Street potentially vulnerable due to their location at the lowest point of the site where water will naturally flow to. The surface water management strategy (detailed below) will minimise the impact of surface water flooding, and the raised floor levels highlighted above will mitigate the direct flooding impact from the River Don.

A surface water management strategy is proposed which seeks to split discharge from the site; at a significantly discounted rate than existing, between the local public sewer network and the Kelham Goit, with potential for alternative connections to a new outfall constructed near Bridge Street associated with the 'Grey to Green' scheme.

The surface water strategy, which includes below ground storage is indicative at this stage and will be developed further as part of reserved matters schemes. However SuDS measures such as green roofs, rills, swales, permeable surfacing, sub base storage, cellular store and oversized pipes to convey water across the site and reduce the amount of underground storage will be incorporated. The integration of landscaping areas and further SuDS features into the public realm will also help to sustainably manage surface water, whilst also offering additional amenity value for residents/users of the site. The reduction in surface water runoff

from the site as a result of the proposed drainage strategy will also potentially offer benefits to areas downstream which will have previously received higher run off from the existing site.

Subject to conditions, the Environment Agency, Yorkshire Water and the Lead Local Flood Authority have confirmed that these proposals are acceptable.

#### Conclusion – Flood Risk and Drainage

The above measures are considered to reduce the impact of flooding and the detailed design of the features will be approved as part of the detailed reserved matters applications for the various phases of the scheme. The Environment Agency has raised no objection to the proposal subject to the imposition of conditions. The drainage solution is considered to have positive biodiversity implications for the site and features to convey, hold and control the flow of water will improve overall water quality, the general appearance of the site and lead to enhancement of flood water management and drainage.

#### Land Contamination and Ground Conditions.

Specific areas of the application site have been investigated and reported on previously and these reports have been submitted for consideration as part of a general overview of historic ground conditions and potential contamination risks related to the site. The site has historically been used for various industrial and commercial activities which indicates that there is high potential for the land to be contaminated. The site is not located in a high risk coal mining area however the ES identifies that the site has been the subject of historic coal mining.

#### Conclusion – Land contamination and Ground Conditions

Subject to the inclusion of appropriate mitigation there is no reason why the development of the site cannot be carried out safely or why the site contamination should have a significant impact on the permanent uses proposed. Further intrusive ground investigations and detailed remediation will need to be prepared for each phase of the development to ensure the proper mitigation measures are in place, details of which will be secured by condition.

#### Ecology

A key principle of the NPPF is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy GE11 'Nature conservation and development' of the UDP seeks to protect and enhance the natural environment ensuring that the design, siting and landscaping of development respects and promotes nature conservation and includes measures to reduce any potentially harmful effects of development.

An ecological assessment and a bat survey have been submitted in support of the application. The submitted assessments identify those habitats and species present on site and assess the potential impact on the identified habitats. The baseline conditions relating to habitats and species have been identified through desktop surveys and national and local databases and through field survey work. The reports have been considered by the Council's Ecology section and the survey and impact assessment methods used by the applicant are acceptable.

The site does not contain any statutory wildlife sites or designations and comprises largely of intensively managed habitats or habits influenced by humans such as buildings and hardstanding areas with some limited areas of natural vegetation on the site edges. The provision of green roofs on the proposed buildings and planting within the site will compensate for the limited loss of existing landscaping and enhance the site's biodiversity.

#### Bats

Bats receive full protection under the Wildlife and Countryside Act 1991. Bat surveys were carried out in 2014 and 2015. External inspections of the nine remaining buildings on site were undertaken as part of the survey work and where permission was granted internal inspections were undertaken. Of the nine buildings surveyed several were considered to offer bat roosting potential and two buildings were confirmed bat roosts that require a Natural England Bat Mitigation License and pre demolition survey to be undertaken before any clearance or demolition works can take place. Demolition should also be undertaken between autumn (late October and November) and early spring (late February and March) in order to minimise the risk of encountering a bat. Provision should also be made for the integration of bat boxes into the structure of the buildings.

#### Birds

The Wildlife and Countryside Act gives general protection to wild birds and it is illegal to disturb wild birds while they are nesting. Only feral pigeons were recorded on site although the buildings scrub and more mature landscaping offer potential nesting habitat some basic mitigation proposals will serve to protect nesting potential on site. Clearance of breeding bird habitat should take place outside of the breeding bird season and will be the subject of a pre clearance breeding bird survey. Provision should also be made for the integration of bird boxes in the structure of the buildings.

The planting of berry producing trees will provide a food source for birds in the future and SuDS/swales will provide a species rich resource for bats and birds.

#### Conclusion – Ecology and Biodiversity

The ecological impact of the development has been examined. The site is currently of limited ecological value, however two of the existing buildings on site do contain identified bat roosts and a license from Natural England is required before the relevant buildings can be removed. Suitable mitigation measures are proposed to offset the impact of the development and to enhance the biodiversity of the site, these include the provision of green roofs where feasible and viable, bird and bat boxes integrated into the design of buildings and the provision of the new landscaping. The City Ecologist has assessed the submission and raises no objection to the principle of the scheme. Taking account of the above the proposal is not considered to result in any significant ecological impacts.

#### Amenity Issues

##### Noise and disturbance

Policy GE24 (Noise Pollution) within the UDP requires that development should not create noise levels causing a nuisance, and sensitive uses and noisy uses should not be located close together.

The application is supported by a noise assessment which analyses the potential impact of noise on possible sensitive uses (residential/hotel) that may form part of the scheme. The assessment also analyses the potential impact of noise on existing uses in the area during the operational and constructional phases of the scheme.

##### Impact on future residents

The site is bounded by highways (including the IRR) on three sides. The uses adjacent to the site comprise of residential flats, office and some historical commercial uses. The presence of recent residential developments in the area, including in locations adjacent to the IRR clearly indicates that suitable living conditions can be provided for residents in this area.

The submitted noise assessment identifies that the main noise source affecting potential occupants of the site is associated with traffic movements on the adjoining highways. In order to meet internal target noise levels, appropriate sound insulation measures will need to be employed to the elevations of proposed buildings. The type and nature of the sound insulation measures required will vary dependant on the location and use of the building. The noise report identifies that facades of buildings facing the A61 and Corporation Street will be the most affected by road traffic noise. Residential elements of the scheme will be the most sensitive to noise and will require the highest levels of noise protection in order to

provide acceptable living conditions for residents. Suitable conditions will be attached to ensure that living conditions of future residents can be provided.

#### Impact on existing residents

Consideration has also been given to the potential impact on existing residents and business from noise and disturbance associated with uses proposed and operation of the development itself including the proposed multi storey car park. The report indicates that potential noise impacts from the operation of the development are negligible and will not give rise to any significant increase over and above predicted road traffic noise, which is the main noise source affecting the site and surrounding area.

Given that this is outline consent with no details of building design it is impossible to definitively model potential noise impacts and further consideration of possible mitigation measures including the design and layout of buildings will be considered as part of reserved matters approvals for the various elements of the scheme.

The uses proposed are compatible with the character of the area and in principle are not considered to be inherently noisy uses which would be incompatible with existing uses in the area. Suitable conditions can be imposed on the outline consent which will control and prevent any unacceptable noise and disturbance.

#### Impacts during the temporary construction phase

The noise report indicates that the construction and demolition phases of the scheme are the most likely to give rise to the significant noise and disturbance issues which would affect existing premises adjoining the site. However the construction and demolition phases of the development are temporary and the impacts of these phases can be minimised through the submission of an appropriate Construction and Environmental Management Plan (CEMP). A CEMP will be secured by planning condition and will detail a whole series of measures and strategies designed to mitigate the impact of the construction and demolition phases of the development.

#### Wind Microclimate

The application is accompanied by an assessment of the effect wind will have on the microclimate around the site with the development constructed to its maximum permitted parameters. The assessment is undertaken by way of a computer model. The prevailing wind direction is identified to be from the south west of the site and to a lesser degree from the southerly and westerly directions. The existing law court buildings which are sited to the south at a higher level than a majority of the application site offer some protection to the site from wind. The modelling exercise shows that during average wind conditions (when wind is coming from the three most common directions identified above and at a speed of 6.5 m/s) with the

development in place wind speeds will not be significantly increased or give rise any issues which will affect pedestrian movement.

#### Sunlight and overshadowing

The effect on sunlight and the creation of overshadowing as a result of the development has been analysed by way of a computer modelled sun path analysis. The sun path analysis was modelled in March and June in order to analyse the impact of the development when the sun is naturally lower and higher in the sky and the effects of shadowing are therefore different.

The analysis demonstrates that the development will not result in any significant overshadowing of surrounding properties. The March model shows some overshadowing to the residential properties on Bridge Street to the east of the site in the afternoon, however these long shadows are typical of the time of day at this particular time of year when the sun is lower in the sky. The June model demonstrates that the surrounding buildings are largely unaffected by the proposed development. Both models demonstrate that reasonable levels of sunlight are afforded to the proposed public space within the scheme.

#### Conclusion - Amenity Issues

It is considered that the proposed development will not give rise to any significantly harmful increase in wind speeds which will affect the amenity of pedestrians and the sun path analysis demonstrates that no significant overshadowing or loss of light will occur. Furthermore it is considered that the relationship between the proposed development and existing buildings adjoining the sites is a relatively common relationship that is found throughout the city centre. Suitable mitigation measures can also be secured to protect existing and future residents from noise and disturbance.

#### Sustainability

Policies CS63, 64 and 65 of the CS set out the Council's approach to dealing with climate change and sustainability.

Policy CS63 sets out the overarching principles for mitigating the impacts of climate change including strategic locational factors for development, giving priority to development and higher density development located in sustainable locations that are well served by public transport, giving preference to developing previously developed sites/land, encouraging walking and cycling and the use of public transport. Design should also increase energy efficiency, reduce waste, eliminate flood risk through the use of sustainable drainage and increase biodiversity.

The design and access statement submitted with the application sets out the development's overarching sustainability aims and objectives.

In relation to the requirements of CS63 the site is considered to be in a highly sustainable location in respect of public transport, with excellent access to services and shopping facilities in the City Centre all of which are located within walking distance of the site. The scheme will make efficient use of a largely vacant underused previously developed site. The development will also incorporate sustainable drainage systems, which will reduce the impact on local drainage infrastructure, which in turn will potentially reduce the impact of flooding elsewhere. Biodiversity enhancements including green roofs where feasible and viable will be integrated into the scheme.

The supporting text to CS64 advises that to satisfy the policy, all new non-residential developments over 500 square metres should achieve a BREEAM rating of very good (or equivalent). The design and access statement confirms that the efficient building design and layout are integral part of achieving a sustainable development and identifies a commitment to achieve BREEAM excellent.

The incorporation of green roofs will enhance the sustainability of the site along with increasing biodiversity, dealing with water management, enhancing air quality and also offering visual benefits. Indicative locations for green roofs have been shown, however full details will need to be secured as part of the reserved matters applications when detailed design of the buildings and their feasibility for inclusion of green roofs will be considered.

Policy CS65 also requires 10% of the development's energy needs to be provided by a decentralised low carbon or renewable resource. Again details of the delivery of this requirement will be the subject of detailed design and compliance will be secured by way of a planning condition.

#### Conclusion – Sustainability

The site is in a sustainable location accessible by public transport and the proposed development will make efficient use of an underused previously developed site.

The scheme is in outline with all matters apart from access reserved for subsequent approval, as such the detailed requirements of Policies CS64 and CS65 in terms of energy efficiency and production of renewable energy and Policy C1 of the Climate Change and Design SPD which requires the incorporation of green roofs will be secured by way planning condition. The renewable energy and energy efficient targets (BREEAM) will need to be reviewed through the development process to ensure that the targets keep pace with increasing sustainability aspirations. The measures above will ensure that the scheme is designed to produce fewer carbon emissions and increased energy efficiency than a scheme designed to meet the minimum statutory requirements. It is concluded that subject to the imposition of conditions this element of the scheme is considered acceptable.

## Public Art

Policy BE12 (Public Art) within the UDP states that the provision of works of public art in places which can be readily seen by the public will be encouraged as an integral part of the design of major developments.

The design and access statement indicates that the main elements of public art will be located in and delivered as part of the construction of the proposed central square. There is also potential for public art to be integrated into the design and detail of the potential buildings contributing to the overall quality of the scheme and for temporary installations to be provided as construction progresses on this multi-phase scheme. As such a Public Art Strategy will be secured by condition. The strategy should define how the public art relating to each building would be fulfilled by integration into the public realm; related to a specific building; or as temporary activities. The strategy would also provide a framework to understand how each building would contribute towards these ends and ensure that the important contribution to the public realm is delivered at the right stage of the overall development. Subject to the above the proposal is considered to comply with Policy BE12.

## Archaeology

Policy BE22: Archaeological Sites and Monuments within the UDP sets out how archaeological interest will be safeguarded from the impacts of development. An archaeological desk based assessment of below ground archaeological potential and a built heritage assessment of the standing buildings on site has been undertaken as part of the ES.

A detailed archaeological assessment was carried out on this site in 2007 as part of the previous outline application for redevelopment of the site. The report submitted with this application clarifies that there has been no change to the below ground archaeological potential of the site since 2007 despite a number of buildings being demolished in the intervening period, largely due to the fact that the demolished buildings have been taken down to slab level, minimising below ground disturbance.

The assessment identifies that the site is likely to contain a variety of remains relating to the metals trades, including both cementation and crucible furnaces, and grinding workshops amongst other 18 and 19<sup>th</sup> century remains. The assessment identifies that the site will need to be the subject of further below ground investigations prior to the commencement of development to determine the actual nature of the buried remains across the site.

In relation to the assessment of standing buildings, the buildings which have been demolished since 2007 were identified as being of negligible/low significance. The remaining standing buildings on site which are largely situated in the southern part



of the site include buildings identified as being of potentially regional significance. These buildings are proposed for demolition as part of the comprehensive redevelopment of the site and were previously authorised to be removed as part of the 2007 planning consent. It has not been possible to inspect the interior of a number of the buildings that have been identified as being of potential interest. The submitted assessment recommends that further assessment of the buildings, including their interiors is required to assess their historic significance and a programme of building recording is to be agreed with South Yorkshire Archaeology Service (SYAS) prior to the commencement of development.

Given the earlier consent, and that this is an outline application, details of further site investigations and detailed inspection of standing buildings will be secured by condition. In light of the above the proposal is considered to comply with policy BE14 of the UDP.

#### Socio – Economic Impacts

The Environmental Statement incorporates an assessment of the socio-economic effects of the development, which is summarised below. It distinguishes between the social and economic needs of the existing communities and the potential impacts that may arise from the development and its users. A presumption in favour of sustainable development is identified as a golden thread of decision making within the NPPF, an integral part of which the government states is building a strong, responsive and competitive economy and gives significant weight to supporting economic growth.

In terms of the construction phase, the ES concludes that the impact on the economy is likely to be negligible; however the development is anticipated to contribute 120 full time construction jobs. A condition will be attached requiring a local employment scheme which effectively requires the applicant to actively recruit locally which will help to deliver local employment opportunities.

With regard to the completed development and the operational effects of the development the ES concludes that the development could be home to up to 850 residents a majority of which will be of working age which will help to support the local economy by increasing the labour supply. The commercial employment floor space proposed could support around 3,600 full time jobs, with the potential for more dependent on the amount of commercial space and the size of hotel that is delivered. This significant number of new jobs will be at different skill levels, including highly skilled jobs. The creation of such a significant number of jobs aligns with the aims and objectives of the Sheffield City Region Growth Plan which seeks to create over 70,000 new jobs in the 10 year period until 2025, with a specific focus on creating highly skilled jobs in order to create a more prosperous economy and increase GVA growth (Contribution to the economy of each individual producer, industry or sector in the United Kingdom).

The ES does acknowledge that the development will place increased demands upon the provision of health related services and increased demand for education provision. In relation to health related services it determines that there is sufficient existing provision of health related facilities in close proximity to the site such that the development is unlikely to cause any significant service capacity issues. There is also capacity within the scheme for Use Class D1 (non-residential institutions), which could include health facilities if required. The ES concludes that there will be increased demand for education provision; however there is spare capacity at both primary and secondary school levels in the locality. Furthermore the development has the potential to generate significant CIL contributions which can be directed toward education provision if required.

#### Conclusion – Socio-Economic

Overall, the socio economic impacts of the proposed development are broadly considered to be beneficial, leading to increased job creation during both the construction and operational phases of the development. The ES also concludes that there is existing spare capacity to accommodate increase demands for education and health care provision as a result of the development.

#### Cumulative Impacts

The ES assesses the cumulative impacts of the development in conjunction with major committed development in the vicinity of the site as agreed with the Council. The cumulative impacts have been considered in accordance with the same topic areas under which the proposal has been assessed as part of the environmental statement.

The ES concludes that the effects of the proposed development; when considered with other committed developments are not likely to give rise to any significant cumulative effects. The proposals are likely to result in significant socio-economic benefits through job creation, increases in population as a result of new housing and associated increases in expenditure in the local economy. There will be increased demand for education and health provision however these effects are considered to be adequately catered for.

There is some potential for increased noise and disturbance if developments are constructed at the same time, however this can be adequately mitigated with each development having their own construction management plan.

All other cumulative effects are considered acceptable subject to mitigation which will be secured through the imposition of planning conditions.

#### 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 adopted

charging schedule (June 2015) identifies the following levels of Community Infrastructure Levy are due for the relevant uses proposed; expressed as pounds per square metre based on the gross internal floorspace of the net additional liable development;

£50 per sq. metre for Residential (use class C3).

£40 per sq. metre for Hotels (use class C1).

No other charges are due for any of the other proposed uses contained within the application.

#### Employment, Regeneration & Training Strategy

The applicant has confirmed that, when practical, each phase of the development will promote and utilise local employment during the relevant construction and operational phases.

Local Employment Strategies will therefore be secured through the planning conditions should members be minded to grant consent for the project.

#### Affordable housing

Affordable Housing Core Strategy Policy CS40 "Affordable Housing" states that developers of all new housing schemes will be required to contribute towards the provision of affordable housing where practicable and financially viable. The target in CS40 is 30 – 40% of units; however a more spatial approach to affordable housing has since been adopted. Details are set out in the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD). The SPD identifies affordable housing provision based on viability across a particular area. The site falls within the City Centre Area as identified in the SPD where the contribution is zero. As such no affordable housing will be provided as part of this scheme.

#### RESPONSE TO REPRESENTATIONS

In relation to the loss of parking from the existing site, adequate replacement parking is provided as part of the development and any existing car parking provision on cleared parts of the site has only ever been authorised for short stay purposes only on a temporary basis and as such is not considered to give rise to any harmful highways issues.

The impacts of shadowing and loss of light are considered in the main body of the report and development is not considered to give rise to any unacceptable impacts.

In relation to the loss of property values this is not a planning issue.

Consideration of the impacts of the layout of the building and the potential position of taller buildings on the site is considered in the main body of the report.

Appropriate conditions will be attached to minimise the impacts of the development on the Sheffield Combined Courts from noise and disturbance during the construction and demolition phases and to ensure appropriate access to the rear of the building for Prisoner transport and judicial parking.

## SUMMARY AND RECOMMENDATION

The application site occupies an area of approximately 3.01 hectares and is located on the edge of the city centre between Bridge Street, West Bar, Corporation Street and the Inner Relief Road (A61). The site comprises of temporary car parks, cleared vacant sites and various commercial buildings a number of which are vacant or underutilised.

This application has been submitted in outline with only the principle means of access from Bridge Street to be considered as part of this application. All other matters (reserved matters) including appearance, landscaping, layout, scale and access are reserved for subsequent approval (reserved matters).

Outline planning permission is sought for the demolition of all existing buildings on site and the erection of a maximum of 140,000 sq. metres of floor space, comprising of the following uses and associated maximum levels of floor space is proposed:

- Office space (Use class B1a) - Up to 85,000 sq. metres.
- Hotel (use class C1) - Up to 20,000 sq. metres or 500 bed spaces.
- Residential (Use class C3) up to 50,000 sq. metres or 525 units.
- Retail, leisure and community (Use Classes A1, A2, A3, A4, A5, D1 and D2) up to 5,000 sq. metres combined.
- Car parking (sui generis) up to 700 car parking spaces or 25,000 sq. metres.

The NPPF sets out the Government's planning policies and states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.

Within the UDP the site falls in a General Industry and Business Area, however in this case the application must be determined in light of more up to date policy and guidance which is contained in the West Bar IPG, the Core Strategy and the NPPF.

The site forms a large majority of the West Bar development area identified in the West Bar IPG, which promotes the comprehensive redevelopment of the area for

an employment led mixed use scheme. This proposed scheme is considered to be compliant with the West Bar IPG, relevant Core Strategy policies and the more general guidance contained in the NPPF. The scheme will effectively form an extension of the city centre and provide much needed links between the Cathedral Quarter, the Central Riverside and Kelham Island areas of the city, which have been the subject of substantial regeneration over the past few years.

The application is accompanied by an Environmental Statement which has provided sufficient information to enable assessment of the main environmental effects of the development and, subject to suitable mitigation measures being secured by planning conditions, concludes that the impacts are considered acceptable.

The scheme although submitted in outline includes sufficient information which establishes key design parameters for reserved matters applications to be considered against. Therefore officers are satisfied that the development will be of an appropriate quality to deliver the comprehensive redevelopment of this site, which has been a long standing priority for the city for a number of years.

The principles of sustainable development are considered to be embedded into the scheme in terms of the use of Sustainable Drainage, sustainable and efficient design of buildings, carbon reduction, provision of renewable energy and green roofs all of which accord with the Council's adopted policies.

The site is of limited ecological value and although the submitted reports identify the presence of bats in some of the vacant buildings the effects of the development can be mitigated by way of planning conditions.

The site is considered to be in a highly sustainable location from a transportation perspective. The proposal is not considered to give rise to any significant increase in congestion and the impacts of the development can be mitigated by planning conditions requiring highways improvement works to ensure that the network can continue to operate satisfactorily.

The effects of the development on air quality during the construction and operational phases of the development are not considered to be significant. The effects of the development would not give rise to any significant harm to sensitive receptors, subject to the inclusion of mitigation measures.

The development includes measures to reduce surface water run-off, sustainable drainage systems and measures to protect future users from the effects of flooding.

When practical, each phase of the development will promote and utilise local employment during the relevant construction and operational phases.

Overall the development represents a significant and welcomed regeneration project and secures substantial investment and employment opportunities for the

Sheffield City Region. On this basis it is recommended for approval subject to the listed conditions.