

## SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 14/02/2017

### 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	16/03264/FUL (Formerly PP-05221953)
Application Type	Full Planning Application
Proposal	Demolition of existing public house and hot food takeaway and erection of 16-storey student accommodation building comprising 38x cluster flats and 29x studio apartments, with associated cycle parking, landscaping and amenity space including games area, gym, cinema, library, common room and lounge area at ground and lower ground floor levels (As per amended drawings received on the 17 November 2016)
Location	Site Of 82 - 84 Winter Street Sheffield S3 7ND
Date Received	25/08/2016
Team	West and North
Applicant/Agent	Kate Donald
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:-

Drawing No. PL(00)001 (Location Plan as Existing);  
Drawing No. PL(00)002 (Site Plan as Existing);  
Drawing No. PL(00)004 Revision B (Site Plan as Proposed);  
Drawing No. PL(00)040 Revision B (Proposed Lower Ground Floor Plan)  
Drawing No. PL(00)041 Revision C (Proposed Upper Ground Floor Plan);  
Drawing No. PL(00)042 Revision B (Proposed Typical Plan at Levels 01 -02);  
Drawing No. PL(00)043 Revision C (Proposed Typical Plan at Levels 03-04);  
Drawing No. PL(00)044 Revision B (Proposed Plan at Level 05);  
Drawing No. PL(00)045 Revision B (Proposed Typical Plan at Levels 06-12);  
Drawing No. PL(00)046 Revision B (Proposed Typical Plan at Levels 13-14)  
Drawing No. PL(00)048 Revision B (Proposed Roof Plan);  
Drawing No. PL(00)049 Revision A (Proposed Landscape Plan);  
Drawing No. PL(00)050 Revision A (Proposed South Elevation);  
Drawing No. PL(00)051 Revision A (Proposed North Elevation);  
Drawing No. PL(00)052 Revision A (Proposed East Elevation);  
Drawing No. PL(00)053 Revision A (Proposed West Elevation);  
Drawing No. PL(00)054 Revision A (Proposed Weston Street Elevation);  
Drawing No. PL(00)060 Revision A (Proposed Section A-A);  
Drawing No. PL(00)061 Revision A (Proposed Section B-B)  
Drawing No. PL(00)062 Revision A (Proposed Section C-C);  
Drawing No. PL(00)063 Revision A (Proposed Section D-D);  
Drawing No. PL(00)070 Revision A (Street Context Elevation - Weston Street);  
Drawing No. PL(00)071 Revision A (Street Context Elevation - Winter Street);  
Drawing No. PL(00)072 Revision A (Street Context Elevation - Dart Square);

received on the 25 August 2016 and 17 November 2016 from Locate Developments

Reason: In order to define the permission

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

3. Prior to any works commencing on site, full details of the following shall have been submitted to and approved in writing by the Local Planning Authority, and the construction works shall only be progressed in accordance with the approved details:

- Construction method statement
- Site safety
- Any temporary site access for construction traffic.
- Location of site compound and temporary car parking arrangements for contractors
- Haulage routes; and

- Any times when construction works and movement of construction traffic will be restricted

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

4. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report 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.

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

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

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

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

7. Prior to works starting on site 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 remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development.

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

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

8. Prior to occupation of the student accommodation, details of a management plan relating to beginning and end of term arrivals and departures shall have been submitted to and approved in writing by the Local Planning Authority, and thereafter adhered to.

Reason: In the interests of the amenities of the locality, and traffic and pedestrian safety.

9. Prior to any of the development becoming occupied, full details of the management and allocation of the car parking spaces shall have been submitted to and approved in writing by the Local Planning Authority, and the arrangements shall thereafter be adhered to.

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

10. 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.

11. Prior to the development commencing, details of arrangements to be entered into shall have been submitted to and approved in writing by the Local Planning Authority securing a mechanism for exploring the feasibility and potential provision of new/improved cycling facilities in the vicinity of the development site and the University Campus

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield Policy T10 and Core Strategy Policy CS55

12. Prior to works starting on site, details of a scheme to optimise safety/security of users of the cycle/car parking facilities off Dart Square (possibly including enhanced illumination and CCTV) shall have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall have been provided prior to occupation of the development and thereafter maintained/retained.

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

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

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

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

immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

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

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

16. Notwithstanding the submitted plans, before development commences of any of the following elements, details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the various elements shall be carried out in accordance with the approved details:

- Rationalization of the highway boundary round the perimeter of the development site, offering the potential for Section 38 Adoption up to the footprint.
- Street furniture (cycle stands on Winter Street).
- Palette of materials/specification of the footways abutting the development site.
- Windows/doors, to ensure they do not open out and project into the public highway.
- Any accommodation works/relocation of street lighting columns.

Reason: In the interests of pedestrian safety the amenities of the locality

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

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

18. No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

19. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
- a) Be carried out in accordance with an approved method statement.

b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

20. Notwithstanding the submitted Framework Travel Plan, prior to occupation of the development, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- Clear and unambiguous objectives to influence a lifestyle less dependent upon the private car.
- A package of measures to encourage and facilitate less car dependent living.
- A timebound programme of implementation.

Prior to occupation of the development, evidence that all measures within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing dependence on the private car by facilitating and encouraging the use of alternative modes of transport.

21. The residential units shall not be occupied until details of a scheme have been submitted to and approved in writing by the Local Planning Authority to ensure that future occupants of the residential units will not be eligible for residential parking permits within the designated Permit Parking Zone. The future occupation of the residential units shall then occur in accordance with the approved details.

Reason: In the interests of highway safety and amenity of the location.

22. The residential accommodation 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 the approved Arup Noise Assessment Report ref. R002-YS; 29/11/2016.

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);

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.

23. The proposed green roof(s) (vegetated roof system) shall be provided on the roof(s) in the locations shown on the approved plans prior to the use of the buildings commencing. Full details of the green roof construction and specification, together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site and unless otherwise agreed in writing shall include a substrate based growing medium of 80mm minimum depth incorporating 15-25% compost or other organic material. Herbaceous plants shall be employed and the plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

24. The Local Planning Authority shall be notified in writing upon completion of the green roof.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

25. 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.

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

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

27. 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.

28. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows

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

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

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

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

30. Prior to any phase of the development commencing a detailed Employment and Training Strategy for that phase, designed to maximise local opportunities for employment from the construction phase of development, shall have been submitted to and approved in writing by the Local Planning Authority.

The Strategies shall include a detailed implementation plan, with arrangements to review and report back on progress achieved to the Local Planning Authority. Thereafter the Strategies 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.

31. The development shall not commence until full details of the proposed surface water drainage including calculations has been submitted to and approved by the LPA including the arrangements for surface water infrastructure management for the life time of the development. 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 this site.

Reason: To ensure surface water flooding and pollution management.

32. The surface water discharge from this brownfield site shall be reduced by at least 30% compared to the existing peak flow. 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 should be demonstrated.

Reason: In the interest of surface water management

33. The development shall be carried out in accordance with the mitigation measures set out Paragraph 5.7 of the Air Quality Assessment by Waterman Infrastructure & Environment Limited - August 2016.

Reason: In the interests of amenity of the surrounding area and to control excess pollutants that would harmful to air quality

34. Unless shown not to be feasible and viable, no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, 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 development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

### **Other Compliance Conditions**

35. 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.

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

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

37. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

38. The development shall not be used unless the car parking accommodation for 5 vehicles 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.

39. 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.

40. Any inlet into the building by mechanical means should be drawn from facades away from Winter Street and Weston Street.

Reason: In the interests of the amenity of future occupants of the building

Attention is Drawn to the Following Directives:

1. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
2. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.

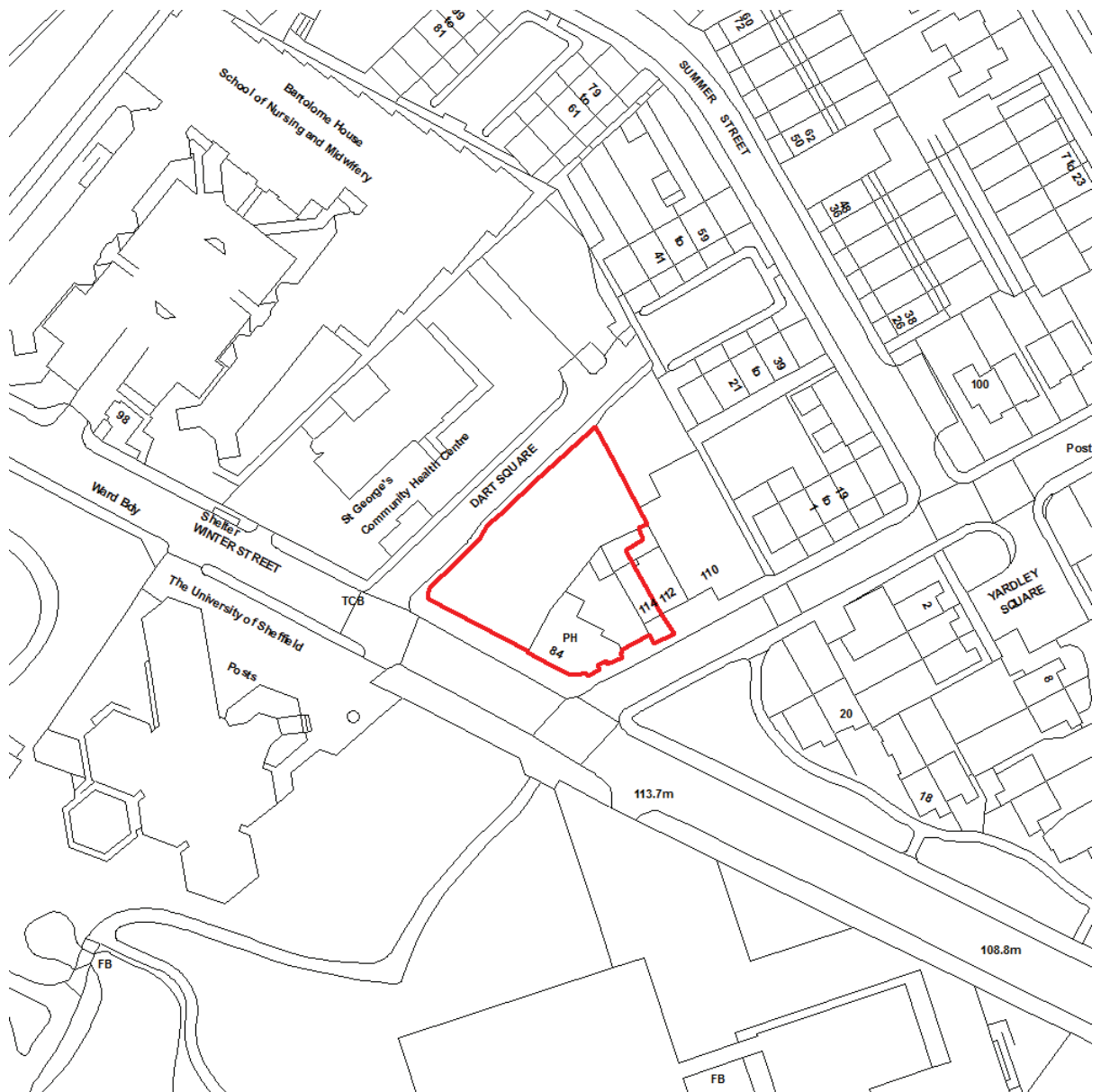
You should apply for a consent to: -

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

8. 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 relates to the late 19<sup>th</sup> century Star and Garter Public House (PH) and adjoining vacant fast food outlet (Happy House). The application site is situated on the northern side of Winter Street at its junction with Weston Street. The site includes the public house, an existing outdoor patio and a grassed area, formerly planted with semi-mature trees that have since been felled. To the north west of the site are Dart Square, a small service road, and the high wall of a health centre. To the north east is the rear of commercial properties, one of which is occupied by Sainsbury's Local. Opposite the site on Winter Street are a range of buildings belonging to University of Sheffield and the northern entrance to Weston Park. Situated approximately 70-75m to the south of the site across Bolsover Street is the Arts Tower, a Grade II\* Listed building.

The applicant is seeking full planning approval for the demolition of the site's existing buildings and erection of a 250 bed 16-storey student block comprising 38 cluster flats (5 and 6 Beds) and 29 studio apartments. The proposal includes undercroft car parking for 5 vehicles, secure cycle parking, roof garden/terrace and amenity space including ground and lower ground floor games area, gym, cinema, common room and lounge area for student use.

The application has been accompanied by a number of key documents including a Heritage Statement, Transport Statement, Travel Plan, Flood Risk and Drainage Strategy Report, Wind Microclimate Assessment and a Daylight and Sunlight Assessment.

## PUBLIC CONSULTATION

Thirty letters were sent out to neighbouring properties notifying local residents of the application and four site notices were posted within the vicinity of the site. The application was also advertised in the Sheffield Telegraph in August 2016.

## RELEVANT PLANNING HISTORY

A pre-application enquiry relating to the development of the site was submitted in January 2016. The applicant sought pre-application advice on the principle of demolishing the existing PH and developing the site for student accommodation within a 16 storey building.

There is no other relevant planning history.

## SUMMARY OF REPRESENTATIONS

A number of representations have been received in response to this application. These include three representations from Historic England, Twentieth Century Society, The University of Sheffield and Friends of Crookesmoor Parks. Letters have also been received from 39 members of the public and neighbouring residents, 38 objecting and 1 in support. Two additional responses were made following the publication of the report before the 24 January 2017 Planning and Highways Committee.

A summary of all comments are listed below:

#### Twentieth Century Society

Twentieth Century Society has raised an objection to the application. They comment that the proposed 16 storey building is located directly opposite the Arts Tower and the Western Bank Library, which are both Grade II\* listed buildings by Gollins Melvin Ward and Partners. The listing puts them in the top 5.5% of buildings nationwide. The Arts Tower is a prominent landmark building, visible from across the city and described in Pevsner as 'justly famous'. The two buildings stand side by side as though carefully weighted and relate directly to one another.

The Society cites Paragraph 132 of the NPPF, which says that 'Significance can be harmed or lost through alteration of the heritage asset or development within its setting. Substantial harm to or loss of designated heritage assets of the highest significance, notably Grade 1 and II\* listed buildings should be wholly exceptional. Historic England's *Good Practice Advice in Planning Note 3* notes that the following are potential attributes of a development affecting the setting of a heritage asset: 'Proximity to asset, prominence, dominance or conspicuousness, completion with or distraction from the asset, dimensions, scale and massing, proportions, materials, style or design.'

The Society considers that the erection of a 16 storey building across the road will interrupt the important balance between the two listed buildings. The complicated shape of the proposed building will also detract from the heritage assets that have clear, concise envelopes. Similarly, the proposed grey cladding bears no relation to the listed buildings, and is entirely out of keeping with the use of high quality glass and stone. The Society also raises concerns about the scale of the building. Owing to the Arts Tower iconic and individual landmark on the skyline, it is considered that the proposed building will detract from its singular impact. The application seeks to present the proposed development as subservient to the heritage assets, in that its narrow profile will reduce its visual impact, and tree cover will reduce views from certain vantage points. However, it simultaneously describes the development as a gateway, signalling entry to the campus and as a visual counterbalance to the Arts Tower.

In summary, the Society considers that given the height, proximity, complicated form and materials of the building, it will cause substantial harm to the Grade II\* Listed buildings and recommend that it be refused.

Friends of Crookesmoor Parks have raised an objection to the application. Friends of Crookesmoor Parks are a group of Crookesmoor residents with an interest in utilising, maintaining, improving and protecting three local parks (Weston Park, The Ponderosa and Crookes Valley Park). They echo the concerns raised by others, but are especially concerned that the proposal is incompatible with Core Strategy Policies CS26 and CS41. They comment that the proposed building would have a detrimental impact on the vista of The Arts Tower and other surrounding buildings.

They also are concerned that the supporting Design & Access Statement is misleading in that it would encourage sustainable transport and recreational cycling by wrongly saying that the site is close to a series of off road cycle routes within the extensive University grounds and that Crookes Valley Park, Weston Park and Ponderosa, which all offer excellent facilities for recreational cycling. In fact, there are no bicycle lanes on the University campus close to the development and cycling is not permitted in Weston Park as this would present a safety risk to the public. In the case of Ponderosa, it is impossible to cycle in the south-eastern half of the park, which contains rough, unsealed paths with many steps leading down to the north-western part of the park. While the north-western end of the Ponderosa does have bicycle paths, these are at least 500m from the site, and in the opposite direction to the route from the development site to the University. In terms of Crookes Valley Park, while this park has cycle routes, it only has one entrance which does not involve negotiating a bicycle up/down steps and through a 'kissing-gate', a reason that commuters do not use Crookes Valley Park. They sum up by saying that they consider that an informed assessment of cycling infrastructure around the development has not been carried out, and that neither sustainable transport nor recreational cycling for adults are provisioned for.

The University of Sheffield (Estates and Facilities Management). A letter of support was submitted as part of the planning application submissions (Appendix 1 of the Planning Statement). The University states however that this letter of support was submitted before full details of the planning submission were available. They say that this letter has garnered significant publicity, and want to put in context the way in which this support was given. In summary they comment as follows:-

- The University of Sheffield requires additional purpose-built student accommodation (PBSA) to support the growth of the resident student accommodation, which is particularly true of the expanding Engineering Department. Given the building's close proximity to the Central campus, in principle, the application site would be ideally located in many ways to provide additional student accommodation. However, following a review of the complete application, they comment that the proposed development has the potential to overshadow nearby properties and private gardens and consider that a building of this size, scale and massing would have a detrimental effect on the setting of the Arts Tower and other listed buildings in the area. From the properties on Sumer Street, there is only 35m separation distance to the tallest element of the development and 25m to the shorter element fronting Winter Street;
- Concerned with the wind velocity between the proposed building, Weston Park Library and the Arts Tower. The does have wind speeds particularly during inclement weather. Further microclimate assessments need to be undertaken by appropriate experts to give assurance that the impacts can be managed.
- The height of the building could have an overbearing and overshadowing impact on the public realm improvements being made to the Arts Tower setting.

- As noted in the Planning Statement, Core Strategy Policy CS41 is specific in respect of directing new purpose built accommodation primarily in the city centre and areas directly to the north-west and south of the city centre. The application site is located some 300m from the city centre as defined on the proposals map of the UDP. Whilst agreeing that the site is ideally located to the University campus, it is unclear how the development performs against the criteria of this policy;
- The building will provide more than 50% of its accommodation in cluster apartments and therefore would be contrary to Part a) of Policy CS41;
- The impact on the townscape, scale and layout of the proposed development is not respected by the development proposals as required by Part c) of the policy;
- The proposed building at such a height does not appear to have been considered from key locations within the city centre such as at West Street and Brook Hill Roundabout. The City Centre Urban Design Compendium (UDC) identified areas in which tall buildings will be considered to be appropriate and while the Brook Hill roundabout/Broad Lane junction is identified as a location for this scale of development, the site falls outside this area;
- The suggestion that the evolution of built form in the area has resulted in an incongruous streetscene with the remaining buildings being out of character and scale with the surrounding area cannot be accepted. The existing retail units on Weston Street are entirely in keeping with the scale of the Public House.
- Planning statement refers to the proposed development being an opportunity for a new gateway building signalling the entrance to the University Quarter of the city. However, it is considered that the proposed development would detract from the dominance of the Arts Tower as the feature within the central campus. It would detract from the Brook Hill roundabout gateway to the University which has received significant investment and is part of the ongoing improvements to the built environment around the Central Campus.
- There is also a concern in respect of the potential for daylight to the surrounding buildings to be diminished. The supporting Daylight Report does not particularly consider the effects of the proposed development on the University buildings and concentrates on the effect on the residential amenity of existing buildings. An assessment should be made of the impact of the development on these other non-residential properties, including the University of Sheffield buildings.

Cycle Sheffield has submitted an illustrative plan showing a cycle enhancement scheme that they consider could increase safety for cyclists at the turn-off from Winter St/Bolsover St into the University Campus/Arts Tower. The scheme aims to create a safe right-turn and to offer easier and safe cycle access between the



campus and the route into the city via Weston Street. The scheme includes protected islands to clarify cycles-only area, new cycle road markings, removal of a short section of the Arts Tower retaining wall and the part-pedestrianisation of Weston Street.

Representations have been received from thirty-nine members of the public, with thirty-eight objecting to the application and one supporting the application, for the following reasons:

#### Objections

- The loss of the Star and Garter, a community asset is regrettable, which in the past has been a popular and well liked facility for local residents and students;
- The development is not of suitable scale, materiality or appropriate use; Completely inappropriate for a building two thirds the height of the Grade II\* Listed Arts Tower and many stories higher than the residential housing and historic buildings immediately adjacent the site;
- The existing windscape around the base of the Arts Tower is already at times very dangerous. Introducing a further tall building is likely to make the situation worse;
- The proposed development will block views to the north of the Grade II\* Listed Arts Tower and also block views to the Arts Tower from across the city.
- The Arts Tower is an iconic and well respected piece of architecture sits well on its present campus site and doesn't dominate the smaller building being set well back from them. Views from Weston Park will be dominated by the new block;

- Oversupply of student accommodation across the city. It is not considered that these 'luxury student' accommodation helps to integrate the students into the city with their all-included gyms and cinema etc;
- The development is made without any thought to improving the locality;
- The Weston Street/Winter Street junction is already difficult and dangerous for pedestrians and cyclists to navigate. The existing cycle infrastructure in this area is inadequate for existing numbers of cyclists. The pedestrian crossing facilities are inadequate for existing pedestrians, which is demonstrated by the number of serious and minor accidents in this area involving pedestrians and cyclists;
- The supporting Transport Statement says that most of the 250 residents will make their journeys by foot, cycling or public transport. The development will therefore increase the number of pedestrians and cyclists but makes no attempt to improve cycling and walking infrastructure. The application should only go ahead if the serious deficiencies in transport infrastructure in the area is addressed;
- The dangerous and inadequate crossing of Winter Street would likely to increase the demand for travel by car from the development. The use of taxis or cars by future residents will make the situation worse.
- It is considered that the proposed number of car parking spaces (5 in total) is inadequate to serve the size of the development;
- A significant upgrade to the Winter Street/Weston Street junction is required which should be borne at the expense of the developer;
- There is no dedicated protected cycleway at the disposal for journeys beyond the central campus, with the most direct route from the site to the City Centre via Brook Hill roundabout, which is very hazardous for and a real deterrent to cycling;
- Despite the claims of the applicant that private car use is expected to be very low, it is asserted that the percentage of car owners resident in the building is likely to be 15% (or 35 cars if the residency is 250 students).
- Antisocial behaviour resulting from the proposed use for student accommodation.
- The proposed 16 storey block will overwhelm residents of the Summer Street flats in terms of light and noise;
- Issues with construction of the building given the limitations of the site and the proposed footprint of the building. Winter Street is already congested particularly in the mornings and carries heavy traffic all day.
- Loss of light;
- It would affect the microclimate of the surrounding area increasing wind around the base of the buildings;
- The development would conflict with Core Strategy Policy CS41 as it would threaten to create an imbalance of house types;

- The overall density of the development is too high. The density threatens to overwhelm the rest of the area, testing the capacity of the neighbourhood;
- The proposed floor to floor heights have been reduced to an unusually low 2.85m. This would prevent the re-use of the building for any other purpose and not a sustainable approach to design;
- Design Issues. The current design does not appear to have any particular aesthetic merit and consider that it would be out of character with the surrounding area. The existing nearby towers are all set back from the pavement, set in landscaping and/or raised on a plinth to soften their impact on the neighbourhood;
- Concerned with the verified views submitted to with the application. Many of the selected views of the building have conveniently placed trees or blocking views of the building. For example, view 16 is a good example where moving the location slightly would have given a view of the building rather than hiding it behind another structure. View 13 also shows carefully chosen perspective and field of view to make it look smaller;
- In terms of the wider cityscape, it is considered that the building would be hugely harmful to the setting and appearance of the Grade II\* University Arts Tower and Library. These two buildings are certainly Sheffield's finest Modernist buildings, conceived as a pair in the Golins Melvin Ward Masterplan of the time that represent the first important modernist university building in the UK. It signified Sheffield's ambition at the time and intricately refurbished it remains an icon for the University and City. Completion of the landscaped forecourt together with other public realm improvements by the University will enhance its setting. Unfortunately by its proximity scale and position, the proposed student block will crowd the Tower and Library and directly impact harmfully on the key front view from Weston Bank, disturbing the clean composition and irreconcilably harming their setting. See the recent University master plan illustration by Fielden Clegg Bradley studios March 2015 'illustrative view' and imagine the proposed building to the rear breaking the fine silhouette of the Arts Tower. The care and attention by the University of its finest architectural buildings both for the City and for its reputation amongst high ranking universities should be respected by refusing the present proposals;
- Creating a facility with so many internal attractions will discourage residents integrating with the local community, failing to make use of local facilities.
- No discussion has been made for the necessity for a building of this size;
- The existing public house and take-away were commercially viable and provided public amenity before being closed. As these amenities would be lost, economic benefit and jobs could be created by including commercial space within the development;
- The heritage value of the Star and Garter has not been considered;

- Little consideration has been given to views from the east from the neighbouring residential properties; and
- It is not considered that the limit number of people that would benefit from the scheme as set out in the Employment and Skills Strategy document (namely construction workers and trainees on apprenticeship schemes), would represent any significant public benefit long term.

#### Support

- As a member of the management of the neighbouring store (Sainsburys), the development would be a great benefit to the student population, to the store and other local businesses. It would be a modern addition to the area.

#### 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;
- (iv) Residential Amenity Issues;
- (v) Wind Microclimate Assessment;
- (vi) Noise Issues;
- (vii) Land Quality Issues;
- (viii) Drainage Issues;
- (ix) Air Quality Issues;
- (x) Landscaping Issues;
- (xi) Sustainability Issues;
- (xii) Public Art;
- (xiii) Affordable Housing;
- (xiv) Archaeological Issues;
- (xv) CIL Issues; and
- (xvi) Public Benefits

These are considered in turn below.

- (i) Principle of Development - Policy and Land Use

The application site should be assessed against UDP Policies H5 and H10. Also relevant to the application are Core Strategy Policies CS24, CS26, CS27 and CS41.

UDP Policy H5 relates to the provision of flats and shared housing. It details that planning permission will be granted only in instances where a concentration of these uses would not cause serious nuisance to existing residents, living conditions would be satisfactory for occupants of the accommodation and for their

immediate neighbours, and there would be appropriate off-street car parking for the needs for the people living there. UDP Policy H10 relates to development in Housing Areas and lists housing (C3) as the preferred use in these areas.

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for housing and details that priority will be given to the development of previously developed sites.

Core Strategy Policy CS26 relates to the efficient use of Housing Land and Accessibility. The aims of this policy is to ensure the efficient use of land, whilst ensuring that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. The density ranges vary across the city with the highest densities steered towards locations within or near the City Centre the lowest in rural areas. In locations that are within or near to the City Centre, where 'near to' is defined as within easy walking distance, 400m to a high frequency bus route or 800m to a Supertram stop, the density of the development should be in the order of at least 70 dwellings per hectare. In terms of this application, the proposal would provide a total of 67 dwellings (38 cluster flats and 29 studio apartments over its 16 floors) at an overall density of 623 dwellings per hectare. Although not located within the city centre, the application site is located within easy walking distance of the city centre as well as being less than 50m to high frequency bus routes along Winter Street and approximately 350m to the University Supertram Stop. The proposed development would therefore accord with Core Strategy Policy CS26(a).

Core Strategy Policy CS41 (a) seeks a broad range of smaller households in the City Centre where no more than half the new homes in larger developments (60 or more dwellings) should consist of a single house type. Part (c) requires purpose built student accommodation to be primarily located in the City Centre and the areas directly to the north-west and south of the city centre. Part (d) of the policy limits the development of HMOs and Purpose Built Student Accommodation where more than 20% of residences within 200m are already in use as shared housing.

In terms of Policy CS41 (a), the make-up of the development of 38 cluster flats and 29 studio flats would mean that over half of the development is a single house type (cluster flats) and therefore would not be in strict accordance with this policy. However, it is not considered that the proposed breakdown of units within the building where cluster flats (57%) would predominate would create unbalance that would be harmful to the wider community. The development is sought to cater for a specialised student market where a greater demand for this type of accommodation is expected than studio and 2-3 bedroomed apartments, and representative of the needs of the University. Although it is acknowledged that the development would not fully conform with Policy CS41(a), to seek a greater range of house types within the building as you would normally expect in say atypical housing development cannot be justified in this instance. It should also be noted that comprising a percentage over 50% of a single 'house type' has been accepted across the city for this type of accommodation including recent developments at Suffolk Road (Laycocks). It is also worth noting that while 57% of the units would be cluster flats, the cluster flats are divided into two types, one 5-bedroomed and the other 6-bedroomed, by doing so the percentage breakdown of the scheme

would be 43% (Studio flats), 46% (6 Bed cluster Flats) and 11% (5 Bed Cluster Flats).

More important in officers' opinion is the whether the development would create imbalance of the community through the concentration of shared housing within the 200m catchment of the site, controlled under Policy CS41 (d). In terms of part (d), the most recent figures show that current shared housing density within 200m of the site is 4%. Although the proposed development would increase this to 16%, the percentage would continue to remain below the 20% threshold set out in the policy. On this basis, the proposal would therefore conform with Policy CS41 (d).

Government guidance is contained in National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG). Paragraph 49 of National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Although there is no specific reference to purpose built student accommodation (PBSA) in the NPPF, Paragraph 25 of Planning Policy Guidance advises LPAs against limiting the supply of PBSAs and notes that encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock.

Given the above, it is considered that the proposal to develop the site for student accommodation is acceptable in principle and would be in general accordance with UDP Policies H5 and H10 and Core Strategy Policies CS24, CS26 and CS41 and government guidance contained in National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG).

#### (ii) Highway Issues

This planning application has been supported by the submission of a Transport Statement for a development proposal comprising 250 student beds and associated facilities, including onsite laundry, common room, gym and library. No commercial space/units are proposed. Bin collection would be via Weston Street. Cycle parking and limited car parking spaces are proposed off Dart Square; 127 secure long-stay cycle spaces for students, 14 short-stay cycle spaces for visitors on Winter Street, 2 standard sized car parking spaces, 3 disabled larger car parking spaces.

The amount of cycle/car parking provision conforms to Council guidelines and is considered adequate for the development. This would essentially be a 'car free' development. The site sits within an existing permit parking scheme. Waiting restrictions are in place along Winter Street, Bolsover Street and Weston Street. Students would not be eligible for permits, which can be controlled by condition. The sustainable location facilitates the car free approach taken. A range of amenities are situated within easy walking/cycling distance. The site is excellently served by public transport. Supertram is a short distance away.

The footways abutting the development site would be widened in some instances by setting the footprint back. Footways would be paved with higher quality material. Some of the online representations have suggested enhanced lighting of the

undercroft car parking and route to the cycle parking off Dart Square, together with CCTV to optimise security. The cycle parking also needs to be secure, all of which can be controlled by condition.

Lastly, representations have been made concerning cycle connectivity between the development site and University Campus on the south side of Bolsover Street, where there's a public (but unadopted) cycle/pedestrian route passing by the side of the Arts Tower and stretching underneath Brook Hill towards the Octagon Centre. Options for improving connectivity are quite limited, owing to the busy nature of Bolsover Street and the generally restricted highway geometry. There is, however, a possibility of improving connectivity from the site for both pedestrians and cyclists, one of which included increasing the width of the existing pedestrian crossing on Bolsover Street and converting it to a Toucan crossing for use by cyclists, which would require the footways either side of the crossing to be widened. This however has been discounted as it would have required a section of the listed walling of the Arts Tower to be removed. Nevertheless, the applicant has agreed to a condition that would allow the Council to enter into arrangements with the developer to explore the possibility of improving cycle and pedestrian connectivity within the catchment of the site that would require a financial contribution in the order of £80,000 to be secured by S106. Although this is wholly desirable to improve cycle connectivity, the failure to provide this would not in officers' opinion be sufficient grounds to refuse the application.

Except for five parking bays, which would include three disabled bays, the application is essentially a car-free development with no dedicated parking being provided for the future occupants of the building. Although it is acknowledged that concerns have been raised with regard to the lack of parking, it is not considered that the development raises any significant highway concerns that would prejudice highway safety or lead to pressure for on-street parking. The application site is considered to be an ideal location for students, located within easy walking distance of local services along West Street and the University campus and a short distance to high frequency bus routes and the University Supertram stop. Similar to other PBSAs, it is also expected that few if any of the building's occupants would have access to a car, but even those that do, all the neighbouring streets operate a residential parking scheme that restricts on-street parking to those only with a residential parking permit. Moreover, the supporting Travel Statement details that as a condition of taking up residence within the building, tenants will not be able to secure a residential car permit, thereby ensuring students with access to a car would be deterred from selecting the building as a choice of residence. To secure this, it is recommended that the permission include the standard car-free development condition.

The proposal includes cycle parking for a total of 141 cycles (127 secure long-stay cycle spaces for students, 14 short-stay cycle spaces for visitors). This level of cycle parking is considered to be adequate to meet the likely demands of the development.

Due to the restricted size of the site, it is recommended that a construction methodology statement be provided that includes details of construction vehicles and the site compound so that the construction phase does not result in any undue

congestion and impede the free flow of traffic on adjacent roads.

From a highway perspective, subject to the imposition of conditions, the scheme is considered to be acceptable.

(iii) Design Issues

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.

UDP Policy BE19 relates to development affecting listed buildings. Under this policy, it details that proposals for development within the curtilage of a building or affecting its setting will be expected to preserve the character and appearance of the building and its setting.

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.

Core Strategy CS76 defines a tall building as any building that is substantially higher than its context or one that will shape the city's skyline. Elegantly designed and appropriately sited tall buildings can create landmark structures in areas of strategic importance.

In terms of planning legislation, Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. Here, it states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

National planning guidance is contained in National Planning Policy Framework (NPPF). Proposal affecting heritage assets are contained within Paragraphs 128-134 (inclusive) Paragraph 128 details that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 132 details that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the



greater the weight should be. It goes on to say that significance can be harmed or lost through alteration of the heritage asset or development within its setting.

The application has been subject to protracted negotiations as part of the pre-application submission and during the course of this full detailed scheme. The resultant affect is a building that officers consider to be of a very high design quality that would sit comfortably within the context of the site and would not detract from the setting of the Grade II\* Listed Arts Tower, Grade II\* Listed Weston Bank Library and Weston Heritage Park, both key considerations in the assessment of the application. A full design assessment of the proposal is set out below.

The submitted scheme is for a 16-storey building that would sit on the site of the former public house building and grounds and hot food takeaway. The proposed building would comprise a higher storey element comprising 16 storeys fronting Winter Street and a lower section comprising 5 storeys fronting Dart Square. The building façade would be predominantly grey facing brick, dark grey cladding panels and glazing.

### Site Context

In general terms the development of purpose built student accommodation seems appropriate in this location, given its proximity to the main University of Sheffield campus. Although the site is relatively small it is located on a significant transport corridor and route out of the city centre to surrounding residential areas.

Winter Street is notable for the significant change in scale and form between the University campus and relatively modest, maisonette blocks to the north. The latter provide a poorly defined edge to the street having been aligned roughly at right angles to the main road with large expanses of open space, of indifferent quality, to the road frontage. This weak edge allows the space to 'leak' away and give the impression that this is very much the 'back' of the University campus. The north side of the road would therefore benefit from a stronger definition and a better balance between the two sides.

This site specifically sits opposite a large open area associated with the geography and planning building. Development of the site with an addition of a larger scale would help to close down what is currently a weak area of frontage on the southern side of the street.

### Scale and massing

This part of the city lies beyond the area covered by the City Centre Urban Design Compendium, and has, therefore, not benefitted from an assessment and guidance in relation to its suitability as a location for tall buildings. It should be noted however, that there are already a number of tall buildings within close vicinity – notably the Arts Tower and social housing blocks further down the hill at the road junction. The site sits just beyond the city centre boundary on high ground and would be associated with other buildings of scale. All of which support the general case for scale on the site.

The design incorporates a 16 storey element fronting Winter Street and a 5 storey lower wing adjacent Dart Square. The former establishes a relationship with the main road corridor, University buildings and Weston Park, while the latter steps down to provide a transition with more modest neighbouring buildings. The massing is considered appropriate as it establishes two distinct elements that relate to their specific context. The proportions of the tower are viewed positively, establishing a definite point block that responds to the other towers within the context. A shorter structure would produce a slab-like form that would be at odds with its neighbours and, consequently, assume a greater degree of visual dominance.

### Architectural Approach

The tower has a clear tripartite arrangement – a definite top middle and bottom, which is advocated for all tall buildings.

The ground floor has a greater floor to ceiling height than those above which increases as the external ground level drops away down the slope. This combined with full height glazing establishes a strong presence on the street. The positioning of communal facilities at this location providing a degree of activity and animation. This is balanced by inclusion of a loggia-style parapet, giving the building a definite top and the additional benefit of screening plant.

The expression of the structural grid at alternate floor levels provides a strong rationale for the regular fenestration and establishes a very definite motif that both sets the character of the building and unites the two wings. The choice to highlight every other floor stretches the grid. This helps to emphasise the verticality of the building – a point rather than a slab block.

The Sheffield Sustainable Development and Design Panel encouraged the design team to produce a building that adopted a confident and individual architectural language in the same manner as neighbouring University buildings. The adoption of the grid and proposed materials achieves this in a manner that is considered to be a positive addition to the cityscape.

A key consideration has been the relationship with neighbouring heritage assets, notably the Arts Tower and Western Bank Library (Grade II\*), and the former Winter Street Hospital (Grade II). In considering the proposed development, the impact on the listed buildings must be given due consideration as the significance of a heritage asset can be harmed by development within its setting. As the Arts Tower and Western Bank Library are listed at Grade II\* they are among some of the most significant listed buildings nationally.

Impact on the neighbouring listed buildings has been a concern at both the pre-application and application stages. The proposals were modelled within the Council digital city model from the start to enable an accurate assessment to be made. The Sustainable Development and Design Panel was initially concerned about the height of the proposed tower in relation to the height of the Arts Tower and requested that verified modelling was undertaken to assess the relationship between the two. This has been done together with the production of a physical

model of the surrounding townscape and a series of verified views/photomontages, the last two considered to be particularly helpful to help understand the context of the development and the architectural modelling of the building.

While the difference in storeys between the Arts Tower and the proposals appear slight, in reality the floor-to-floor heights of the former are far more generous than the contemporary residential dimensions of the proposed building. As a consequence, the proposed building is considerably shorter than its illustrious neighbour. Even taking into consideration the higher ground on which the proposals sit, the building will be noticeably more diminutive than the Arts Tower and in the vast majority of views be read as subservient.

A substantial element of the Arts Tower's significance is that it stands sentinel-like as a beacon to learning, commanding the plaza to its south. Significant harm would be caused in clustering buildings within this immediate context as the tower would no longer be read as a dramatic single object. However, the proposed building is some distance away and is not considered to interfere within the immediate setting that would be harmful. The verified views indicate that it will not be seen in the crucial view of the plaza from Weston Bank.

The two towers will inevitably be read together in some views from Weston Park. Again it is believed that there is sufficient distance between the two to allow the Arts Tower breathing space and be read as the dominant building. The presence of the building is not judged to have an adverse impact on the heritage park itself as it will appear as one of a number of large buildings within the environs.

The main impact is likely to be on the approach to the site along Winter Street. In these views the proposed building will be seen in the foreground and so be a dominant element in the townscape.

The proposal will be visible in views from the former Winter Street hospital. But again it is not an immediate neighbour and the Dart Square wing provides a degree of transition between the two. From certain points the proposed building would be seen in the same context as the listed former hospital but these views will also contain a number of existing buildings, including the Arts Tower.

It has been suggested that the proposals adopt a similar language and palette of materials to the Arts Tower as a sympathetic response. Such an approach is regarded as artificial and potentially harmful. The Arts Tower is intended to stand apart from other buildings, an effect that would be undermined by suggesting an association with another building which, by virtue of its different form and function would adopt very different proportions and detailing. The proposals need to be read as distinct through the adoption of a confident, individual design approach.

Because of the nature of the proposal, Historic England has been consulted. The outcome is reported below:

## Historic England

Historic England has made three representations on the application, the first submitted on the 20<sup>th</sup> September 2016, the second on the 1 December 2016 and the third submitted on the 14 December 2016. The letter of the 14 December 2016 forms Historic England's final response to the application and is summarised below:-

As set out in their previous response, the site lies within the setting of a number of Listed buildings, the Grade II Registered Weston Park, the Mappin Art Gallery, Grade II\* listed and the Library and Arts Tower, also Grade II\* listed. The latter lies immediately south of the application site and at 22 storeys in height, the Arts Tower is the most dominant of the aforementioned designated heritage assets. Historic England state that the Arts Tower is significant as an architectural idiom and an example of post-war modernist architecture in the International Style. It is also the best surviving example in Britain of this type of important monolithic tower and is believed to have been influenced by the Seagram Building in New York by Mies Van de Rohe. The result is a significant landmark building which makes an important contribution to Sheffield's cityscape and a beacon for the University.

Historic England welcome the additional documentation submitted in response to their initial response, which includes a verified views analysis. Historic England considers that the detailed assessment identifies the range of potential views across the city and the dynamic views within the vicinity of the application site. They also acknowledge that despite the elevated position of the application site and the number of storeys proposed, the views analysis demonstrates the Arts Tower will remain a prominent building in views across the city scape. Further to their advice, they welcome the comprehensive visual assessment using CGI's identifying viewpoints (Verified Views, Accurate Visual Representation (AVR)) across the city and local townscape taking into account the wider setting of the Arts Tower and adjacent designated heritage assets. They also note the number of amendments undertaken to the design, which includes a nominal reduction in height and the rationalisation of fenestration on east and south elevations.

The most notable view of the Library and Arts Tower is across Weston Park which emphasises the important of the buildings in an Arcadian setting. There are also significant views from the Arts Tower Plaza to the south of the listed building, along Winter Street across the application site and also from the east where the tower rises above the gradient of Bolsover Street. The verified views identified across Weston Street illustrate that in some locations glimpses of the proposed development will be possible particularly during the winter months. However, Historic England state that they are more comfortable with the relationship between the two buildings and consider that the building will sit alongside the Library and the Arts Tower rather than compete with the Grade II\* Listed building. It is noticeable that there is some distant between the two sites and a sufficient extent of sky will remain allowing the pure form of the Arts Tower and its commanding position to still be appreciated. Based on the additional information therefore, no objections are raised to the scheme.

A site visit was undertaken to further assess the impact of the proposed development on short range views of the Arts Tower along Winter Street as demonstrated by Views 8 and 9 of the Verified Views Analysis. While it is acknowledged that there will be some impact of the proposed tower on views of the Arts Tower along the north side of Winter Street, as the perspective in this location results in the proposed building appearing taller than the Arts Tower this is a dynamic view of the building but will not obscure or screen the Arts Tower in this location. The harm is considered to be minor and should be weighed against the public benefits of the scheme as set out in Paragraph 134 of NPPF.

In summary, Historic England consider there to be a significant difference in height and design approach between the proposed building and the Arts Tower. The two sites are sufficiently distant to preserve an appropriate clear zone around the Arts Tower and Library. The only views in which the new building will have a significant impact are those seen when approached from the west in which it will appear in the foreground, and these are considered acceptable. In longer city views the proposed building will be seen as one of a number of tall buildings clustered in this part of the city within which the Arts Tower will remain appreciably pre-eminent and larger. Overall, Historic England considers that the proposal is not judged to unduly harm the setting of the heritage assets and is fully supported from an urban design perspective.

The controversy surrounding this application is acknowledged, which is largely expected given the location of the site in relation to the Arts Tower. However, a great deal of work has been undertaken to ensure that it is a high quality proposal in the right location, which will have positive impact on the townscape and not harm the City's cherished heritage assets.

Based on the above, officers remain satisfied that the proposed building is an appropriate response to the site. While it is acknowledged that the building would be seen in context with the Grade II\* Listed Arts Tower, verified views together with a 3D Context Model (that will be available for viewing at the Committee) clearly shows that the building would not diminish key views taken of the Arts Tower that would result in any significant harm to its setting. Protracted negotiations have led to a scheme that is considered to be of a very high design quality that would sit comfortably alongside the Arts Tower. Revisions secured through the course of the application recommended by both officers and Historic England has brought about significant improvements to the building. As a result of this, Historic England has lifted their initial objection to the scheme and are in agreement with officers in terms of its architectural response, and limited impact on the setting of the neighbouring Grade II\* Listed buildings, citing that any harm is minor and should be weighed against the public benefits of the scheme as set out in Paragraph 134 of NPPF. On this last point, an assessment of public benefit is set out at (xvi) below.

For the reasons set out above, it is considered that UDP Policies BE5, BE19, H14 and Core Strategy CS74 would be met.

(iv) Residential Amenity Issues

UDP Policy H14 sets out conditions that new development is required to satisfy in Housing Areas. Policy H14 (c) requires that the site should not be over-developed or deprive residents of light, privacy, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

It is considered that the residential properties most affected by the development are located to the east of the site on Summer Street. These properties are situated beyond the adjoining commercial block, some 20m from the nearest part of the site and contained within two 4-storey apartments blocks that extend lengthways (east-west orientation) to the application site. Apart of these residential properties, no other properties are considered to be affected by the proposal, with the next closest neighbouring residential properties to the site situated some 65m away. It is considered that this distance is sufficient to prevent any problems of overshadowing, overlooking or loss of outlook from the development.

In terms of these two residential blocks, from officer's site visit it was noted that neither of the two blocks have any main windows within their side gable walls. Between the two blocks is an approximate 20m wide 'communal' grassed area that is open to the street with no wall or fence enclosures along either its eastern and western boundaries.

During the pre-application discussions, officers were keen to ensure that the living conditions of these properties would not be unduly harmed by the development from unacceptable loss of privacy and/or overshadowing. In terms of overlooking, officers remain satisfied that any overlooking would be minimal and not such that would be detrimental to their residential amenity. In coming to this view, officers have had regard to the north-south facing orientation of these two neighbouring blocks, where their outlook is primarily onto the central grassed area and away from the proposed building, the fact that the building would stand behind an existing group of commercial buildings and a separation distance of over 40m would be maintained between the nearest habitable window of the building to the approximate mid-point of the central grassed area. Also, officers have given significant weight to the fact that views from the building would be mostly taken across the top of these properties and moreover, where views are taken, these would be mostly limited to the two blocks central grassed area that is open to the street. From officers' site visit, it was noted that this space is not an area where residents are likely to spend any length of time, or indeed a space that would require significant amount of protection from neighbouring development. It is therefore considered that overlooking resulting from the development would be within acceptable privacy tolerances.

In terms of overshadowing, the applicant commissioned Malcolm Hollis LLP to undertake a Daylight, Sunlight and Overshadowing Assessment in order to determine the impact that the proposed building would have upon daylight, sunlight and overshadowing on neighbouring properties during two periods of the year (21 March and 21 June). The accompanying report details that the calculations have been undertaken in accordance with British Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011 and British Standard 8206 -2:2008 'lighting for Buildings – Part 2: Code of Practice for Daylighting. The well-established dates

An assessment was made with regard to the two nearest properties to the site, these being 9 and 37 Summer Street, and with regard to overshadowing specifically, Weston Street, Bolsover Street and Winter Street. The report details that, of the six windows tested on both properties, all will continue to meet the target values set out in the BRE guidelines in respect of daylight and sunlight. With regard to overshadowing, all but one of the amenity areas would remain adequately sunlit throughout the year with at least 50% of the amenity areas receiving at least two hours on 21 March. The report notes that the amenity area of 9 Summer Street would be less than 50%, but this would only be reduced to just below 42%, a figure that the author of the report suggests would not be materially noticeable given the target criteria is 50%. The results taken for 21 June show that all the areas tested for overshadowing will receive sunlight well in excess of the BRE target criteria.

For the reasons set out above, officers remain satisfied that the proposed development would accord with UDP Policy H14 (c) and not result in any significant disamenity to neighbouring properties with no significant loss of privacy, overshadowing or loss of outlook. Although it is accepted that the development would result in some overshadowing of neighbouring properties, the extent of which is not considered to be significant that would harm amenity.

(v) Wind Microclimate Assessment

The applicant commissioned RWDI Consulting Engineers and Scientists to undertake a qualitative assessment of the likely wind conditions around the proposed building. The qualitative assessment sets out the overall methodology using a standard criteria (known as the *Lawson Comfort Criteria*) to describe the expected on-site wind conditions. The assessment is based upon analysis of meteorological conditions for Sheffield, adjusted to the site, and a review of the scheme drawings in the context of the meteorological data.

It is not the scope of the report to go into the technical details of the report, but in short, the assessment of wind conditions requires a standard against which the measurements can be compared. The criteria defines the reaction of an average pedestrian to the wind, described within the report, which details that if the measured wind conditions exceed the threshold wind speed for more than 5% of the time, then the conditions are deemed as unacceptable for the stated pedestrian activity.

The assessment shows that the Arts Tower is not influenced by the proposed development. The proposed development is located in a non-prevailing wind direction in relation to the Arts Tower. The prevailing winds originate from the western sector and these winds will interact locally with the proposed development as reported. Due to the distance and the relative position of the proposed development from the Arts Tower these winds will not interact with the existing conditions that already exist around the Arts Tower. In terms of the building itself, the report details that the ground level wind microclimate is expected to be acceptable for the intended pedestrian use of the site with wind conditions sitting to strolling during the windiest season with no expected occurrences of strong winds.

Officers are satisfied with the findings of the report and do not consider that the proposed building would materially change the microclimate of the immediate area around the site that would be harmful to pedestrian or highway safety.

(vi) Noise Issues

The application has submitted an updated Noise Assessment Report (Ove Arup & Partners Ltd) to address concerns raised by Environmental Protection Services (EPS). This updated report sets out that a detailed a baseline noise survey was conducted to establish the prevailing ambient noise climate within the vicinity of the new development and at the nearest residential properties. The report assesses the influence of existing noise sources in the surrounding area, on the building design and the control of potential impacts from noise generated by the development on the surrounding area. The prevailing noise climate surrounding the site is from road traffic noise from the local road network, which includes frequent bus movements with the nearest noise sensitive receptors identified as dwellinghouses on Summer Street, Bolsover Street and St George Community Health Centre on Winter Street.

The report details that a scheme of sound insulation works has been developed capable of achieving internal ambient noise level criteria as recommended by the Environmental Protection Service (EPS). The scheme takes account of faced orientations, proximity to external source of noise and includes specification of the sound insulation performance of glazed elements within the faced and acoustically attenuated ventilators and ducted connections to atmosphere.

The amended report satisfactorily resolves the vast majority of EPS concerns. EPS are satisfied that the site has been adequately characterised in terms of environmental noise levels, and the recommendations made in respect of a scheme of sound insulation and ventilation provisions is considered to be suitably robust that would prevent the future occupants being subject to unacceptable noise levels that would be harmful to their living conditions.

(vii) Land Quality Issues

There is an historic landfill site recorded at around 200m distance (Crookes Valley Open Space). Otherwise there are no noted current or historical potentially contaminative uses influencing the site on the Council's GIS records. However, the scale and nature of the development will necessitate geotechnical investigations, and therefore some geo-environmental assessment would be prudent in conjunction with this. There is also risk to environmental receptors to be considered. It is recommended therefore that the usual suite of ground contamination conditions be attached to any planning approval to ensure that subsequent reporting is complete and to current standards.

The application does not fall within the defined Development High Risk Area for former mining activities. In accordance with the agreed approach to assessing coal mining risks as part of the development management process, the Coal Authority



advises that their Standing Advice be included as an informative note on the Decision Notice.

(viii) Drainage Issues

The site is presently made up of part developed and part undeveloped land however the site is small and therefore the 2.3 l/sec is considered to be acceptable as a discharge rate offsite. As the site is in close proximity to other development infiltration is deemed too high a risk to surrounding buildings.

The Council's Drainage Section has recommended the scheme should include a SUDS management scheme, which could include green/blue roof which could have enhanced storage with shallow geocellular crates and shallow surface storage within courtyards. They also recommend that surface water discharge be reduced by 30% compared to the existing peak flow, or if not known, a discharge rate of 5 litres per second per hectare should be demonstrated. These suggested requirements and surface water discharge rates can be appropriately secured by planning condition.

(ix) Air Quality Issues;

The applicant commissioned Waterman Infrastructure & Environment Limited to carry out an Air Quality Assessment of the proposed scheme. The report sets out a qualitative assessment of the potential impacts of the development during demolition and construction, from dust nuisance and construction plant/vehicles, and recommends mitigation measures. The report details that a qualitative assessment of dust effects during the demolition and construction showed that any likely residual impacts and effects to fugitive emissions would be negligible. It also details that any emissions from demolition and construction traffic and equipment and machinery operating on the site would be small and would not significantly affect air quality. This was also found to be the case with regard to construction of vehicles entering and leaving the site during the construction period would also be negligible. As recommended within the report, a Dust Management Plan (DMP) detailing the dust mitigation measures and controls, responsibilities and any proposed monitoring should be submitted for approval prior to commencement of work on site.

The Council's Air Quality Officer has inspected the report and is satisfied with its findings and recommendations. The mitigation measures together with the submission of a DMP should be conditioned. A further condition should also be attached that requires any inlet into the building by mechanical means should be drawn from facades away from Winter Street and Weston Street.

(x) Landscaping Issues

The proposed development includes a roof garden/terrace above the lower section of the building. The general landscaping details of this roof garden terrace are set out on Drawing No. PL (00) 49, which shows grassed areas, stone/brick sets and the planting of a minimum of 18 trees, majority of these trees would be planted along the edge of the roof fronting Dart Square. It is considered that the details are

acceptable in principle and would create an attractive space for the future residents of the building, whilst providing an attractive soft landscaping feature to the building when viewed from the adjacent highways. No details have been provided in terms of the plant species or the proposed palette of materials. It is recommended therefore that a condition be secured to ensure these details for subsequent approval.

(xi) Sustainability Issues

Core Strategy Policy CS64 seeks that all new buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. New development will be required to achieve a high standard of energy efficiency, make the best use of solar energy and passive heating and cooling. Also relevant is Policy CS65 (part a), which requires that significant development, unless shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The application was accompanied by Sustainability Statement by ARUP. This Statement details that the development will surpass the Building Regulations 2013 Part L emissions rate with the design adopting a 'fabric first' approach with particular focus on the thermal efficiency of the building. Passive design measures will be used to reduce the heating, cooling, mechanical ventilation, lighting loads and energy consumption for the building. These will include high standard of air tightness to limit the heat loss across the building, high standards of insulation and non-fixed window openings and natural daylight to all rooms. The Statement also details that the building will deliver a minimum of 10% of the predicted energy needs from low and zero carbon (LC) technologies. The technology proposed for the building is likely to be through either air source heat pumps or a CHP (Combined Heat and Power) unit, although there is scope to connect to Sheffield's District Heating System subject to finalising sufficient capacity, which will be carried out during the detailed design stage.

Guideline GAH1 in the Climate Change and Design SPD requires a green roof unless not viable or compatible with other design considerations. With regard to this, the Statement details that there is a possibility of utilising a meadow mix within a sedum roof and will be positively explored.

The requirements of the two policies and the use of a sedum roof, if viable can be adequately secured through planning condition.

(xi) Public Art

Policy BE12 of the UDP encourages the provision of public art in places which can be readily seen by the public as an integral part of the design of major development schemes. It is considered appropriate that there should be on site provision as a part of any final scheme. The applicant is agreeable to this and has entered into discussions with the Council's Public Arts Officer with regard to the scope of the works. This can be suitably secured by condition.

(xii) Local Employment Opportunities

The Council's Lifelong Learning Service seeks to establish links with developers, to enhance training and learning opportunities for local people. Discussions held between the applicant and officers have resulted in an Employment and Skills (E&S) Strategy being submitted and accepted by the Service. Subject to planning permission, the detailed E&S implementation plan is expected upon the applicant's appointment of their construction contractor.

(xiii) Affordable Housing

Core Strategy Policy CS40 expects developers of housing developments in all parts of the city to contribute to the provision of affordable housing from all new housing developments where practicable and financially viable. The implementation of this policy is achieved through the CIL and Planning Obligations Supplementary Planning Document (December 2015).

Although the supporting text to this policy states that the requirement applies to all areas in order to help deliver the required number of affordable homes across the city, the site is situated in an area of the city (City Centre) where no affordable housing contribution is required.

(xiv) Archaeological Issues

An Archaeological Desk Based Assessment carried out by MAP Archaeological Practice has confirmed that there are no archaeological sites recorded on the proposed site and that there is low potential for the survival for archaeological deposits due to land removal during the 19<sup>th</sup> Century.

(xv) Community Infrastructure Levy (CIL)

Since July 2015, the Council has adopted a new approach to planning obligations and developer contributions, known as Community Infrastructure Levy (CIL). CIL is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs such as education provision and open space/public realm projects. Section 106 Planning Obligations will continue to apply for the delivery of affordable housing and in respect of providing school infrastructure provision required to make major residential development sustainable.

The development is CIL liable, where a contribution of £50 per sqm will be sought. A reduction may however be made to the overall contribution if it can be demonstrated that the site's existing building has been in lawful use for a continuous period of at least six months within the period of three years from the date of submission. The applicant has signed the relevant CIL form, where the proposed net additional chargeable area would be 7,132 square metres.

(xvi) Public Benefits

Paragraph 134 of the NPPF states that where a development proposal will lead 'to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal', bearing in mind the considerable importance and weight that should be given to s.66 (1) of

The Planning (Listed Buildings and Conservation Areas) Act 1990.

As set out above, Historic England, whilst not objecting to the application have concluded that the proposal would constitute minor harm in respect of a short range view of the Arts Tower along the north side of Winter Street. Although accepting that this is a dynamic view and that the proposed building would not obscure or screen the Grade II\* Listed building, they recommend that this harm should be weighed up against the public benefits of the scheme in accordance with Paragraph 134 of the NPPF.

On account of this, the applicant's agent has submitted a short statement setting out the economic, social and environmental benefits of the proposed scheme in line with Paragraph 7 of the NPPF. These benefits include the following:-

#### Economic

- An increase in student numbers will generate additional expenditure and therefore revenue for local businesses;
- As set out in the Employment & Skills Strategy document which accompanied the application, the applicants intend to work with the Council's Investment Support Officer to encourage contractors delivering the development to provide work experience positions, apprenticeships and construction jobs to local people;
- The site is currently vacant. In returning the site to active use, the proposed development will provide significant employment during construction and further long term employment opportunities post construction/occupation;
- The provision of additional student accommodation close to campus will allow Sheffield University to offer potential students a better 'student experience' and allow them to better compete with other universities nationally.

#### Social

- The student accommodation will be operated by a management company with on-site staff. This will allow effective response to any issues raised by neighbours. This is in contrast to students living independently in market accommodation which is not often regulated or managed.
- The applicant will enter into a Section 106 Legal Agreement to provide a significant financial contribution to be used by Sheffield City Council for the improvement of cycle connectivity between the development site and the University main campus.

#### Environmental

- The development will replace two redundant buildings and derelict land, returning the site to active use and resulting in improvements to the streetscape on Winter Street.

- As set out in the accompanying Transport Statement prepared by ECS Transport Planning Ltd, it is expected that the vast majority of journeys by the building's future occupants would be on foot or by bicycle.

Officers are satisfied that the proposed development would bring about economic, social and environment benefits as set out above. Some provide more public benefit than others, but of these, it is considered that the proposal to return the site to active use and the opportunity to improve cycle connectivity within the surrounding area would be of significant benefit, which weight should be given. It is considered therefore that the public benefits of the proposal would outweigh the minor 'less than substantial harm' identified in relation to the Grade II\* Listed Arts Tower.

## CONCLUSION AND RECOMMENDATION

Full planning permission is being sought to demolish the Star and Garter Public House and adjoining vacant fast food outlet (Happy House) and erect a 250-bed 16 storey student block comprising 38 cluster flats and 29 studio apartments.

It is considered that the proposal to develop the site for student accommodation is acceptable in principle. Although not situated in the city centre, Core Strategy Policy CS26 allows for a higher density (at least 70 dwellinghouses per hectare) for sites that are located near to city centre. Officers accept that the make-up of the development of 38 cluster flats and 29 studio flats would mean over half of the development is a single house type. However, the proposed building is to house students only, and is not a typical housing development where a spread of different housing types should be sought under Policy CS41 (a). More important in officers' opinion is to whether the development would create imbalance of the community. With regard to this, it has been identified that the proposed development, whilst increasing the amount of shared housing from 4% to 16% within the specified 200m catchment of the site, would not conflict with Policy CS41 (d), which seeks to limit purpose-built student accommodation and HMOs to no more than 20% of residences.

Except for parking for 5 vehicles, the application is essentially a car-free development with no dedicated parking being provided for the future occupants of the building. The application site is considered to be an ideal location for students, located within easy walking distance of local services along West Street and the University campus and a short distance to high frequency bus routes and the University Supertram stop. Although it is acknowledged that concerns have been raised that the development would put pressure on existing car parking in the vicinity of the site, not unlike other student schemes, it is considered that demand would be very low and not such that would lead to pressure for on-street parking that would prejudice highway safety. The applicant has also agreed to enter into a legal agreement that would secure a financial contribution in the order of £80,000 for pedestrian and cycle improvements around the site.

Many of the objectors have raised concerns with regard to the affect that the development will have on the setting of the Grade II\* Listed Arts Tower. Officers themselves also accept that some views of the Arts Tower would be affected, particularly when approaching the site from the north along Winter Street.

However, officers remain confident that the proposed building is an appropriate response to the site, and would not detract from the setting of the Grade II\* Listed Arts Tower or Library. This is borne out from verified views and the supporting 3D Context Model accompanying the application that shows that the building in officers' opinion would not compete with or detract from the setting of the neighbouring landmark building. It is also of note that in response to further information submitted by the applicant to address their concerns over design and setting, Historic England have lifted their initial objection to the application and confirmed that they are comfortable with the relationship between the proposed building and the neighbouring Grade II\* Listed Library and the Arts Tower.

It is also considered that the proposed development would not result in any significant disamenity to neighbouring properties with no significant loss of privacy, overshadowing or loss of outlook. The properties most affected by the development in officers' opinion are located within two blocks to the east of the site. These two blocks are orientated away from the building and have their main outlook onto the central and open grassed area. Given this and the fact that a distance of some 40m would be maintained between the nearest habitable window of the building to the approximate mid-point of the central grassed area, it is considered that the proposal would not lead to any significant loss of privacy. A Daylight, Sunlight and Overshadowing Assessment showed that neighbouring properties would not be unduly harmed from any significantly overshadowing, and where there would be overshadowing, the extent of which would not be harmful to residential amenity.

For the reasons set out in the report and taking into account all other material considerations, it is considered that the proposal to erect a 16 storey student block on the site of the former Star and Garter Public House is acceptable and would be in general accordance with UDP Policies H10, H14, BE5, BE12 and BE19, Core Strategy Policies CS26, CS40, CS41, CS64, CS74 and CS76 and government guidance contained in National Planning Policy Framework (NPPF).

It is therefore recommended that planning permission be granted subject to the conditions listed.

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Case Number	16/02627/FUL (Formerly PP-05305309)
Application Type	Full Planning Application
Proposal	Demolition of existing garage and erection of a new dwellinghouse (Amended Plans)
Location	Land Rear Of 45 To 47 Rodney Hill Occupation Lane Loxley Sheffield S6 6SB
Date Received	08/07/2016
Team	West and North
Applicant/Agent	Space Studio
Recommendation	Refuse

**Refuse for the following reason(s):**

- 1 The Local Planning Authority considers that the proposed development would have a detrimental effect upon the trees protected by the Tree Preservation Order during the construction process due to the restricted nature of the site, the sole access being so close to the protected trees and the amount of earth works needed to facilitate the development. The proximity of the trees to the proposed dwelling may also result in future calls for the trees to be heavily pruned or removed on the grounds of damage to property. As such the development would be contrary to UDP Policy GE15 and the aims of the National Planning Policy Framework.
- 2 The Local Planning Authority considers that the proposed development would result in the overdevelopment of a plot which would be detrimental to the visual character and amenity of the immediate area and the amenities of the neighbouring properties. The new dwellinghouse would not be in keeping in terms of scale and massing with neighbouring properties and would impact upon the amenity of occupiers of neighbouring dwellings. The development is therefore contrary to Policies H14 and BE5 of the Unitary Development Plan as well as the aims of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Drawing Nos

A15 - 141/01 - Rev A Red line boundary

A15 - 141/02 - Rev C Proposed Ground Floor and Roof Plan

A15 - 141/03 - Rev C Proposed Front and Rear Elevations

A15 - 141/04 - Rev C Proposed Long Elevations

A15 - 141/05 - Rev A Proposed Site Layout Plan

A15 - 141/06 - Rev C Proposed Long Elevations

2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirements(s), and, there being no perceived amendments(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.



# Site Location



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## LOCATION AND PROPOSAL

The application relates to land to the rear of 45 – 47 Rodney Hill, the frontage properties being traditional stone fronted semi-detached and terraced dwellings. The land rises up from Rodney Hill to Occupation Lane to the north from where access into the site would be taken.

Planning permission is sought for the erection of a dwellinghouse. This would be single-storey and dug into the site with a brown roof. Along the site boundaries to either side a stone wall is proposed with existing trees along the boundary with No.45 and 47 indicated to be retained to provide screening.

The development would provide two off-street parking spaces in the proximity of the existing garage which is to be removed.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within northern boundary of the site are three sycamore trees which are protected by Tree Preservation Order (TPO).

## RELEVANT PLANNING HISTORY

The site has extensive planning history.

In October 1994 outline planning permission was granted for the erection of a dwellinghouse with all matters reserved for subsequent approval (application 94/01608/OUT, formerly 94/01027P refers).

In 1999 planning permission was sought for the erection of dwellinghouse and this was refused (application 99/00850/FUL refers). An appeal against this refusal was also dismissed. Between the time of the outline approval and the submission of the application in 1999 a group of sycamore trees adjoining Occupation Lane had been protected by way of a Tree Preservation Order. The Inspector felt this change in circumstances to be sufficient to warrant a refusal of the application and was also of the view that the site had other marked shortcomings as the location for a new house; having an overbearing and unneighbourly impact upon adjoining residential property.

In 2011 a further application was refused and an appeal dismissed for the erection of a dwellinghouse (application 11/01115/FUL refers).

Most recently in 2014 a further application for a dwelling on the site was refused and the appeal dismissed (application 14/00701/FUL refers). This was for a two-storey property, dug into the hillside with a flat roof, to try and minimise the impact of the development.

## SUMMARY OF REPRESENTATIONS

There have been two periods of public consultation, initially when the application was submitted and more recently following the receipt of amendments to the plans.

12 representations from local residents were received objecting to the proposal during the first round of consultation. These raised the following issues:

The lane (Occupation Lane) is not suitable for heavy traffic, in particular construction vehicles.

The development would intensify the use of what is at present a green lane, used by many pedestrians.

The current application appears to seek to address previous concerns; however it would still have an unacceptable overbearing impact upon neighbouring properties.

The TPO'd trees serve as a local landmark and their loss would greatly affect the character and appearance of the area.

The trees that are proposed to form a screen between the development site and the properties on Rodney Hill have been heavily pruned/ removed and so overlooking would occur.

There have been drainage issues in the past within the vicinity of the site (burst sewers) and the proposed development would be likely to increase run-off and affect the water table.

The development would be out of keeping with the area and would appear to be cramped onto the site.

The proposal would result in unacceptable levels of overshadowing and loss of light to neighbouring homes and gardens.

The garden area of the proposed new house is now only half of that which was judged to be inadequate by the Planning Inspector in 2015.

The new dwellinghouse would not afford occupiers, satisfactory amenity in terms of outlook and the property would be dark.

The development would be within the root protection zone of the protected trees and given the confined nature of the site the development would be likely to adversely impact upon them. Even if the trees are not damaged as a result of building works there may be calls for their removal by future occupants.

The development would introduce light into an area that is currently dark at night.

In addition the Loxley Valley Protection Society have also objected setting out that through the planning history various Inspectors have been of the view that the site is not suitable for development. They set out that the trees have grown considerably and so any root protection areas will also be larger, making it highly likely that development would adversely impact upon the trees. The LVPS re-iterate the views of local residents summarised above.

Bradfield Parish Council have recommended that the application be refused on the grounds of the planning history, the overbearing nature of the development given the proximity to common boundaries, overlooking / loss of privacy, potential loss of trees and the impact upon bio-diversity.

As a result of a second round of consultation 6 representations have been received. These re-iterate the previous concerns and maintain the objections to the proposed development.

## PLANNING ASSESSMENT

### Principle of Development

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

UDP Policy H10 sets out that within such areas housing is the preferred use, subject to compliance with other policies including UDP Policy H14 – Conditions on Development in Housing Areas.

Policy H14 sets out that new development will be permitted provided that new buildings are well designed and would be in scale and character with neighbouring buildings; that the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood. The policy also stipulates that development shall provide safe access to the highway network and appropriate off-street parking.

Core Strategy Policy CS23 – Locations for New Housing sets out the intention that new housing will be concentrated where it will make efficient use of land and infrastructure and in the period 2008/09 to 2020/21 the main focus will be on suitable, sustainably located sites within or adjoining the main urban area of Sheffield.

In principle the site would be complicit with Policies H10 and CS23. Compliance with UDP Policy H14 will be considered later in the report.

### Impact Upon Character

To address previous concerns regarding the impact the development would have upon the character and appearance of the area the applicant is seeking consent for a property that would be dug into the hillside to such an extent that it would not be visible from Occupation Lane. Additional landscaping is proposed to soften the appearance of the scheme from this view point and a brown roof is proposed.

A report by Anderson Tree Care has been submitted in support of the application. This sets out a methodology for development and sets out that ‘the following precautions will *reduce* the risk of the trees being damaged.’ The report conceded that the site is small with little room for the storage of materials or machinery and development would have to proceed on a cautious basis with hand tool necessary

for the removal of the garage and formation of the parking area to prevent significant damage to tree roots. It concludes that if the measures set out in the report are adhered to 'the chances of successfully retaining these trees ... are reasonable.'

The trees in question are protected by way of a TPO and do contribute greatly to the character and appearance of the lane as well as the greater surrounding area. Given the amount of earth that would have to be removed to facilitate the development, the restricted nature of the site and that Occupation Lane is the sole means of access into the site it is maintained that development would be likely to impact upon the root protection area of these trees and, although the new property would not have any windows on the elevation facing towards the trees, the close proximity may result in calls in the future for their removal on the grounds of damage to property.

In dealing with the previous appeal the Inspector took the view that the trees make a significant contribution to the character and appearance of the area. Paragraph 1.7 of the appeal decision sets out that 'whilst conditions could be used to ensure the construction did not impact on the root protection areas, there is no substantive evidence to show that this would be possible whilst providing adequate access to the site for construction vehicles and machinery.' The Inspector was not persuaded that construction could take place without having an adverse impact on the trees.

The development would still be relatively close to the trees with no other means of access to the site. It is maintained that the development would be likely to have an adverse impact upon the trees and as such the wider character and appearance of the area.

UDP Policy GE15 – Trees and Woodland sets out that development will not be permitted which would damage existing mature trees. The development is considered to be contrary to this policy.

Policy CS26 'Efficient Use of Housing Land and Accessibility' states out that housing development will be required to make efficient use of land but that the density of new development should be in keeping with the character of the area and support the development of sustainable, balanced communities. The density in this area should be 30-50 dwellings per hectare.

The density of development would equate to 26 dwellings per hectare and so, on paper the site would appear to be of adequate size to accommodate a dwellinghouse. This does not however take into account the topography of the site or the character of surrounding properties. These are generally set back from Rodney Hill with long rear gardens which slope up the relatively steep hill to Occupation Lane. As the proposed property is single-storey it has a sizeable footprint which takes up much of the site. The rear garden of the property would provide over 75sqm of useable open space.

In dealing with the previous appeal the Planning Inspector took the view that 'the amount of external space would be more than that required by the Council's standards. Nevertheless, given that properties in the area are generally set in long

narrow plots with generous sized gardens to the front and / or rear, the much more limited space around this property, especially to the front and sides, would make the site appear over-developed and cramped in comparison to the character of surrounding properties.'

The Inspectorate went on to state: 'Whilst there is another dwelling to the north west of the site which is only accessed from Occupation Lane, this property is set in a large plot with generous garden space to all sides. As a result it contributes to the green and spacious character of the lane in a way that the appeal scheme would not.'

The dwelling proposed by the previous application to which the Inspector refers had a smaller footprint than the current proposal and so it is considered that these comments are still of relevance.

The design of a single-storey property is borne out of the desire to develop the plot, rather than to be in keeping with the character and appearance of the area. It is considered that the proposal would not be in keeping with neighbouring properties and would be likely to have an adverse impact upon the character and appearance of the area, contrary to UDP Policy H14 as well as UDP Policy BE5, which sets out that new buildings shall complement the scale, form and architectural style of surrounding properties. The development would also be contrary to Core Strategy CS26 in that it would be out of character with neighbouring properties.

#### Impact Upon Residential Amenity

The proposed dwellinghouse would be built into the site with a stone wall along each side boundary of between 1.6 – 2m in height. No windows are proposed on the southern end of property closest to the rear of the dwellings on Rodney Hill and there would be a distance of 31m from the living room to the rear of properties on Rodney Hill. Bedroom windows on the side elevation would face west towards the boundary wall at a distance of 4m. The outlook from these windows would not be great, however it is considered that, on balance this would not be a valid reason for refusal of the application as the main living area would have a satisfactory outlook.

It is considered that no direct overlooking to neighbouring dwellings would be likely to occur from within the property itself.

The submitted plans indicate that the southern boundary of the site would take the form of existing trees which would provide screening. These have subsequently been removed / heavily pruned. If planning permission is to be granted it is recommended that a condition be imposed to ensure that some form of solid screening be provided to prevent overlooking from the garden to the properties on Rodney Hill.

Given the sloping nature of the site people using the garden areas would be likely to be overlooked and could in turn look towards the frontage properties. The applicant has stated that the brown roof would not be used for amenity purposes (i.e. it would not be used as a raised terrace); however in reality there is nothing to

stop residents from going onto the roof and the imposition of a condition requiring it only to be used for maintenance purposes may be hard to police and enforce.

Even if people using the new development were not to be seen there would still be a presence at the bottom of the gardens on the properties on Rodney Hill. Noise and comings and goings from the property, together with light spill would all impact upon the amenity of residents. It is considered that, on balance, the proposal would have an impact upon the amenity of occupiers of neighbouring dwellings.

The development would in places poke above the level of the boundary walls; however as the neighbouring dwellings are set to the south it is considered that the development would not give rise to unacceptable levels of overshadowing or loss of light to neighbouring dwellings.

### Highways

The proposed development raises no highway safety concerns. The proposed development would not give rise to significant levels of additional traffic and would be unlikely to compromise pedestrian safety. The plans indicate that two off-street parking spaces would be provided and this is deemed to be adequate.

### SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a single dwellinghouse on a steeply sloping site to the rear of properties on Rodney Hill. The site would be accessed from Occupation Lane where there are three sycamore trees protected by way of a Tree Preservation order. These trees contribute greatly to the character and appearance of the area.

The proposed dwellinghouse would be single-storey and set into the hillside to prevent direct overlooking from windows as well as any overbearing impact.

The site has been the subject of numerous applications and several appeals, which have been dismissed.

There is no degree of certainty that development could be carried out that would not have an adverse impact upon the protected trees. The tree report submitted in support of the application sets out various precautionary measures that would be necessary to facilitate development and even then the likelihood of the trees being unaffected is only given as reasonable.

Given the restricted dimensions of the site and the amount of earth works necessary to set the property down into the hillside it is considered that the development would impact upon these trees and the wider character of the area.

The proposed dwelling, being single-storey and set into the site would not be in keeping with the character of neighbouring dwellings, which are generally characterised as two-storey properties set back from the road frontage with long narrow gardens.

It is considered that on balance the proposed development of the site would have an adverse impact upon the character and appearance of the area and would be contrary to UDP Policy GE15, BE5 and H14.

It is accepted that the proposed development would not result in direct overlooking from windows to windows; however it is considered that the development would impact upon the amenity of occupiers of neighbouring properties in terms of increased noise and general disturbance, light spillage and potentially the use of the brown roof as a raised terrace. In this respect it is also considered, on balance that the development would be contrary to UDP Policy H14.

The proposed development would assist in meeting the 5 year housing land supply; however the addition of a single property would have a negligible impact and so this benefit would not outweigh the harm to character identified above. The NPPF sets out that support for new homes in sustainable locations should not be override concerns relating to amenity, character and the natural environment.

It is recommended that the application 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) for that phase of the development which 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 that phase of 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 for that phase of the development 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 for that phase of the development 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 that 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 phase of the development shall commence until the actual or potential land contamination and ground gas contamination issues for that phase 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 router 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; and
- to 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) for that phase 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.

Reason: To ensure the appropriate security of prisoner delivery vehicles accessing Sheffield Combined Courts.

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 500 square 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 condition numbers 17 and 30 and considers whether the sustainability measures should be enhanced in the light of relevant local and 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 Policies 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 C3 and C1) 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/hotel development in the receptor locations referenced above full details of the alternative mechanical ventilation/filtration measures for that phase 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 for that residential accommodation 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 for that office accommodation 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 phase 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 for that phase of the development 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 for that commercial use 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 of each phase 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 within that phase 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;
- c) 5 metres either side of the centre lines of sewers with diameters between 1000mm and 3000mm i.e. protected strip widths of 10 metres per sewer;
- d) 7.5 metres either side of the centre lines of all sewers with a diameter of more than 3000mm i.e. protected strip widths of 15 metres per sewer
- e) 10 metres of the outside of an oversize shaft that traverse/are located within the site

If sewerage 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 for that phase 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 on that phase of the development 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 52

(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 Street, 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.

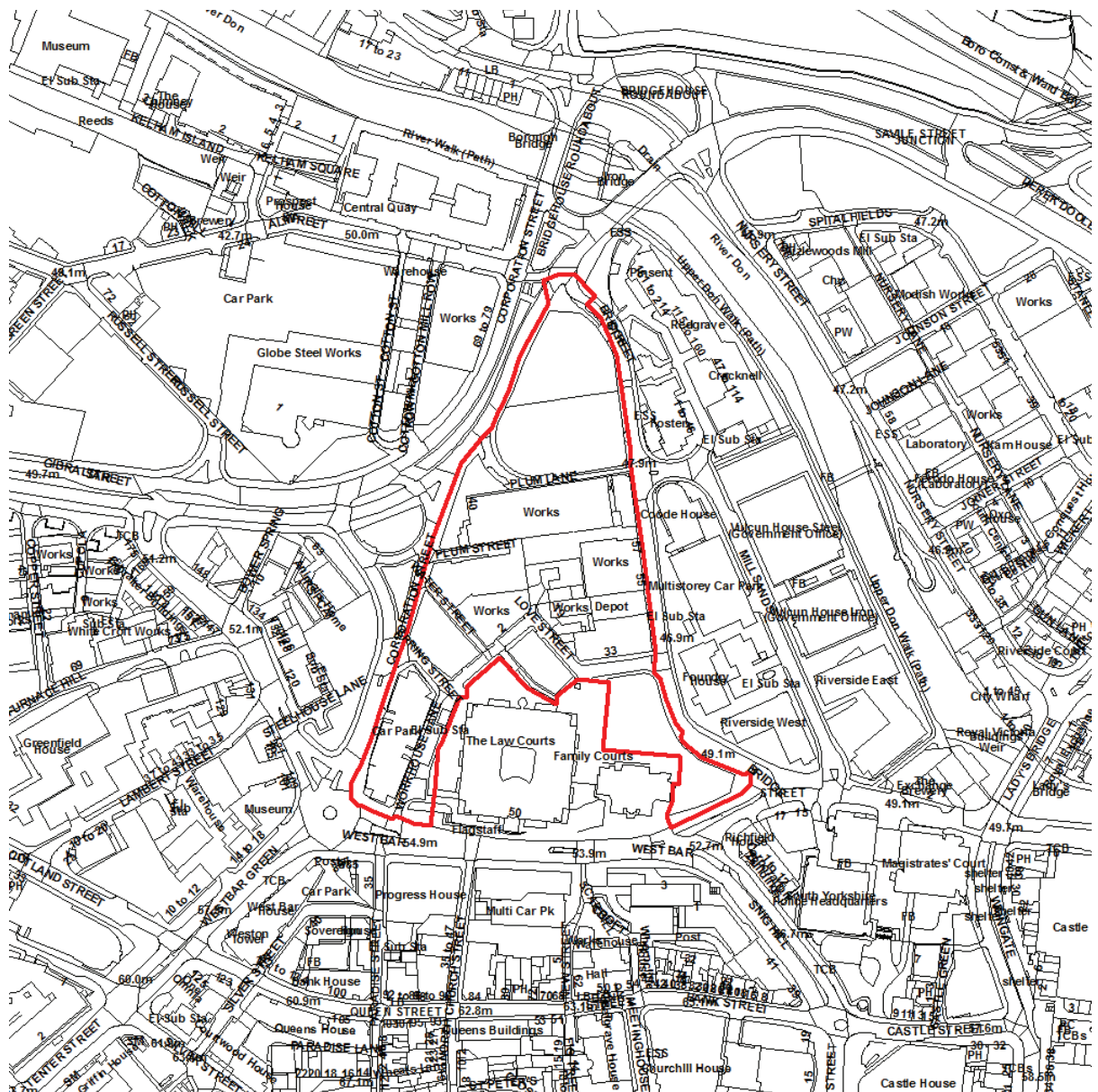
You should apply for a consent to: -

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.
  
17. Yorkshire Water have no in principle objection to building over the Don Valley Interceptor, however prior to any works commencing which involves building over the Don valley Interceptor the developer is advised to contact Yorkshire water as a legal agreement for building over the interceptor is required between the Developer/contractor and Yorkshire Water.

# 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 D2) 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 applicant is seeking a period of 10 years for the submission of all reserved matters applications associated with any outline approval. Due to the complexity and size of the development the period of time proposed for submission of all reserved matters applications is considered appropriate. The development is then required to be completed in its entirety within three years of the submission of the final reserved matter.

#### 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

5 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.
- Inadequate consultation with existing site landowners has been undertaken as part of the pre application consultation exercise.
- Site owners have been blighted and affected financially by the length of time it has taken to develop this site.
- No consideration of employment land issues within an employment land supply report.
- Consideration has not been given to the loss of employment and business associated with the existing buildings and uses on the site.

### 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 525 dwellings will be provided, however the exact number of dwellings and the associated housing density 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 Furnace Hill Conservation Areas which are located to the south, north and southwest 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).

The junction of Bridge Street and the A61 is currently a one way vehicle access which affords a left turn into Bridge Street from the A61 (IRR) only. Two way vehicle access can however be gained from the southern end of Bridge Street at the junction with West Bar, which has recently been the subject of major highways improvement works to accommodate the Grey to Green scheme, that has in turn reduced movements along West Bar. This application seeks permission to alter the existing A61/Bridge Street junction; retaining the left turn 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. The junction with Bridge Street and West Bar will not be changed.

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 is recommended 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 new 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 existing site is considered to be significantly underutilised from an employment perspective comprising largely of cleared vacant sites, vacant buildings and temporary car parking provision. There are three active companies on site including Eggintons Tools, Europcar Car Hire and Hawley Tyres. The Council also own a small office building on the site which is currently occupied on a temporary basis by Council staff who will be relocated should the development go ahead.

The existing businesses could be lost as a result of the comprehensive redevelopment of the site, although the developer has indicated that they hope to assist with the relocation of these businesses in the locality and discussions are ongoing to facilitate their potential relocation. The proposed comprehensive redevelopment of the site is however considered to generate significantly more employment (potentially up to 3,600 full time jobs) than the existing uses on site, resulting in significant economic benefits for the city, which is in turn considered to outweigh the potential loss of any existing employment generating uses located on the site.

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 the Council deems this to be a priority in this area.

#### 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 increased 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 buildings and the potential position of taller buildings on the site is considered in the main body of the report.

Appropriate conditions are proposed 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.

The Council produced a joint Employment Land Review with Rotherham MBC in 2015. This report considers current and potential requirements for employment

land and analyses the suitability and deliverability of sites to meet predicted employment needs. The report identifies the West Bar triangle as having the potential to accommodate up to 81,000 square metres of office space. The site is also identified for an employment-led mixed use scheme in the West Bar SPG, the Core Strategy and as a site allocation in the draft city policies and sites document. As such the site is considered to be suitable for an employment led mixed use scheme and no further review of employment land is considered to be required as part of this application.

In response to comments raised regarding the lack of consultation with the various site owners prior to the submission of the application, the developers have provided a letter summarising what contact was made with the landowners to inform them of the development prior to the submission of the planning application. The pre consultation approach with the landowners is summarised as follows:

- The developer wrote to all landowners in 2009 following their appointment by the Council as the preferred developer of the site. There has been on-going contact between the developer and landowners since that point at key milestones in the scheme development.
- All landowners took place in round table meetings in 2012 with continued contact at several times during the following years as the scheme progressed towards the submission of a planning application.
- The pre-planning consultation exercise undertaken in summer 2015 was open to landowners who were informed about it. Prior to the public consultation exercise, meetings were held individually with the relevant landowners and the developer has identified that they were always available to discuss the scheme with any interested parties involved.
- The developer has also indicated that there have been ongoing discussions and meetings with landowners following the submission of the planning application and further meetings are scheduled as the scheme develops.

Pre consultation is not a statutory requirement although it is strongly encouraged by the Council on major schemes such as this. As noted in the summary of representations section of the report the Council considers the pre consultation approach to be acceptable and the additional information provided by the developer identifies what contact has been made with landowners prior to the submission of the application.

Representations made regarding 'blight' and loss of rental income are not matters that can be considered as part of this planning application. They are property matters.

## 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.

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Case Number	13/04340/FUL
Application Type	Full Planning Application
Proposal	Part retention and part change of use of open space to residential land for the erection of 6 dwellinghouses with associated car parking spaces (Resubmission of 13/02172/FUL) - As amended by drawings received on the 11 May 2014, 24 March 2014 and 13 July 2014
Location	Land Adjacent 227 Southey Green Road Sheffield S5 8HB
Date Received	30/01/2013
Team	West and North
Applicant/Agent	Barlow Building Design
Recommendation	Grant Conditionally Legal Agreement

#### **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:-

- Drawing No. 2563/01 Revision A (Location Plan and Site Plan);
- Drawing No. 2563/11 Revision B (Proposed Site Layout Showing Contours)
- Drawing No. 2563/13 Revision B (House Plots 1 and 2 - Floor Plans)
- Drawing No. 2563/14 Revision B (House Plots 1 and 2 - Elevations);
- Drawing No. 2563/15 Revision B (House Plots 3-6 - Elevations);
- Drawing No. 2563/16 Revision A (House Plots 3-6 - Floor Plans);
- Drawing No. 2563/17 (Landscape Details to Public Open Space Area);

received on the 30 December 2013, 24 March 2014, 11 May 2014 and 13 July 2014 from Barlow Building Design

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

3. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report 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.

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

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

5. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report 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.

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

6. 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.

7. 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 development commencing, and shall thereafter be retained.

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

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

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

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

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

10. The development shall not be used unless the car parking accommodation for twelve vehicles 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.

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

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

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

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

13. The residential accommodation hereby permitted shall be designed to achieve 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).

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.

Reason: In the interests of amenity

14. Unless shown not to be feasible and viable, no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, 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 development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

15. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until such time as a scheme to dispose of foul and surface water drainage, including any balancing works and off site works, has been submitted to and approved in writing by the Local Planning Authority. This development shall be implemented in accordance with this scheme thereafter.
16. 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.

17. 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.

18. 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.

### **Other Compliance Conditions**

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

Reason: To ensure satisfactory drainage arrangements.

20. The development shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

Reason: To ensure ease of access and facilities for disabled persons at all times.

21. No buildings/structures shall be erected within 6 metres of the public sewer.

Reason: To ensure satisfactory drainage arrangements.

Attention is Drawn to the Following Directives:

1. 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  
Pinstone 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.

2. 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

3. 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.
4. 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.
5. If new sewers are to be included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), you should contact our Developer Services Team (telephone 0845 120 84 82, fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

A proposal by the Applicant/Developer to alter/divert a public sewer will be subject to YW requirements and Section 185 Water Industry Act 1991.

6. 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.
7. 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.



## INTRODUCTION

The application relates to an overgrown parcel of land that is situated along the northern side of Southey Green Road. The land was laid out as informal open space in connection with the adjoining housing site (Hilltop Green) that was approved in August 2002 (planning reference No. 02/02414/FUL).

As a condition of planning approval, the applicant was required to maintain the land for a period of 5 years only. However, after the 5 years had lapsed following the completion of the houses, maintenance and upkeep of the land ceased, the result of which is the overgrown and poor condition of the site today.

## LOCATION AND PROPOSAL

The application site is designated as Open Space in the UDP and covers an area of approximately 0.22 hectares. The site slopes down quite steeply in a westerly direction from the housing development at Hilltop Green. The site has no boundary enclosures to Southey Green Road.

The site is abutted by housing to its north, east and west. To the north are the back gardens of properties along Dryden Road, to the east is Hilltop Green, a small cul-de-sac of 17 two-storey dwellinghouses and to its west, fronting onto Southey Green Road, are two three-storey apartment blocks (169-179 Southey Green Road).

The application seeks full planning permission to erect 6 three-bedroomed semi-detached dwellinghouses on the eastern part of the site (approximately 0.13 hectares). The remaining part of the site (approximately 0.09 hectares) would be upgraded and retained as public open space.

## RELEVANT PLANNING HISTORY

Erection of 17 dwellinghouses with garages (As amended 06.11.2002)  
(Numbered 227-233 Southey Green Road and 1-12 and 14 Hilltop Green, S5) –  
Approved 10/12/02

07/04200/OUT - 18 apartments in 2 x 2/3 storey blocks with associated landscaping and car parking – Refused 16/01/08

13/02172/FUL - Use of open space for erection of 9 dwellinghouses with associated car parking spaces – Withdrawn 25/10/13

## SUMMARY OF REPRESENTATIONS

Three letters have been received in response to neighbour notification. A summary of their responses is set out below:-

- Object to the location of the proposed communal bin store next to the neighbouring house (5 Hilltop Green). The bin store would be unsightly,

would cause unacceptable levels of air pollution, would encourage a build-up of waste and could lead to a build-up of pests and rodents etc.

- The application is an improvement on the previously submitted scheme;
- Insufficient parking;
- The development would increase the proliferation of vehicles using the estate;
- The development would result in an increase in number of people travelling through to reach/return from the public area. This could potentially have an effect on crime on the estate.

## 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) Residential Amenity Issues;
- (v) Ground Contamination issues;
- (vi) Noise Issues;
- (viii) Sustainability Issues;
- (viii) CIL; and
- (ix) Other Issues

These are considered in turn below.

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

As the site is designated open space, the proposal to develop part of the site for housing should be assessed against Core Strategy Policy CS47. This policy seeks the safeguard open space and states at Part (a), 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. Part (e) details that where development would result in the loss of open space, this will only be permitted where as soon as practicable, equivalent or better replacement open space would be provided in the local area.

An open space assessment shows that there is an overall shortage of open space within the local area, comprising shortages of informal, outdoor sports provision and children's play facilities. The loss of the approx. 0.13ha of open space as a result of this proposal would therefore be contrary to Core Strategy Policy CS47 (a), as it would exacerbate the shortage. Also, there is no proposal to replace the lost open space, in line with CS47 (e). However, the site at present is in poor condition and is not functioning as useable open space, largely due to a lack of maintenance. There is also no reasonable prospect of this situation being improved without intervention as the site is within private ownership.

On account of the above, officers considered that the proposed development could provide a good opportunity to secure the significant enhancement of part of the open space area through the part development of the application site for housing. The proposal therefore seeks to retain just under half of the open space (approximately 0.09ha) with the remaining area developed for 6 semi-detached dwellinghouses. Although this area is relatively small, it is significantly greater than the previous submission of approximately 0.05ha that was considered under planning No. 13/02172/FUL.

Throughout the course of negotiations, officers were keen to ensure that if supporting the application contrary to Policy CS47(a), the area of open space that would be retained should have a clear function and should be used for informal activity as well as provide a safe and secure through-route for pedestrians. The site should also be levelled as much as reasonably practicable, including re-grading of the 'bund' area towards the rear of the site, and the footpaths across the site being meaningful and include a North-west/South-east link that would allow access from the back of the adjoining apartment blocks through the site onto Southey Green Road. Officers also considered that to secure the upgrade of the remaining open space, a long term maintenance plan, secured through a legal agreement should be put into place so that the site does not degrade over time like before.

It is considered that these negotiations have resulted in a high quality scheme that would ensure the area of open space to be retained would provide significant benefit to the surrounding area. The details of the enhanced open space area is set out on Drawing No. 2503/17, which includes a central core with two 1.5m wide permeable footpaths, one of which linking the POS to Southey Green Road. The site would be re-graded with two areas laid out as grassed areas and a third area as a wild flower meadow. The proposal also includes the planting of six mountain ash trees and native hawthorn hedge planting.

To ensure that the open space area is secured and maintained, the applicant has entered into a legal agreement.

The principle of developing part of the site and the resultant upgrading of the remaining open space, along with an agreement for the owner to maintain the site in perpetuity, is considered to outweigh the loss in this instance. Subject to these measures being secured, it is considered that the proposed quality and expected use of the open space is a significant improvement on its current state, and on the previous layouts.

Core Strategy Policy CS26 relates to the efficient use of housing land and accessibility. Under this policy, it states that housing development will be required to make efficient use of land but the density of new housing should be in keeping with the character of the area and support the development of sustainable, balanced communities. The application site is situated within an area where the density range should be in the order of 40 to 60 dwellings per hectare according to this policy. In respect of this application, the density of the development based on 6 dwellinghouses would be approximately 66 dwellings per hectare. While the density of the development is greater than that recommended in Policy CS26, this is only by a small

amount and not such that would be harmful to the character of the surrounding area. The density range is also reflective of the neighbouring housing site.

Paragraph 49 of National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where an LPA cannot demonstrate a five year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

With regard to this, Sheffield currently can only demonstrate a 4.7 year housing supply of deliverable housing sites across the city. While less weight can be given to housing supply policies in the development plan as detailed in the NPPF on the back of this, it is considered that the proposed development of this site for six houses would make a small but positive contribution to housing land supply across the city and should be given weight.

Based on the above, it is considered that the proposal to erect six dwellinghouses on part of this site, whilst contrary to Core Strategy Policy CS47 (Parts a and e) can be justified in this instance. It is considered that the proposal provides the opportunity to provide a high quality area of public open space to the significant benefit of the surrounding area and residents of neighbouring properties.

#### (ii) Highway Issues

It is not considered that the proposed development raises any significant highway implications subject to the imposition of conditions. The proposed development would be accessed through the existing cul-de-sac from Hilltop Green with parking provided for 12 vehicles including two disabled bays. The proposed parking spaces would be provided either side of the new vehicular access road and at the western end of the site adjacent to the proposed public open space. No significant concerns are raised in terms of the number of car parking spaces or in terms of means of access through Hilltop Green. Although officers accept that the development would increase the number of vehicular movements through the adjoining cul-de-sac, the amount of additional movements should not be significant that would prejudice highway safety.

#### (iii) Design Issues and the Effect of the Development on the character and appearance of the surrounding area

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 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 proposal is to erect three pairs of two-storey semi-detached dwellinghouses. Two pairs of the semi-detached houses would be positioned at the southern end of the site facing Southey Green Road and the other pair situated to the north. The houses would be similar in appearance with the adjacent housing site, all being two-storey in height with dual-pitched roofs. They would be faced in brickwork and roofed under plain concrete tiles. Features of the dwellinghouses would be single storey lean-to porches, recessed render horizontal panels (front and rear elevations).

It is considered that the development is acceptable from a design perspective and would be in general accordance with UDP Policies H14 (a) and Policy BE5 and Core Strategy CS74. The applicant agreed to amend the proposal on the advice of officers in terms of the proposed number and siting of the houses. The dwellinghouses would present an attractive front to the street and would form an appropriate continuation of the neighbouring housing.

(iv) Residential Amenity Issues

Policy H14 (c) states development should not result in over-development, deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

In officers' opinion, the only properties directly affected by the development are those immediately to the north and east of the site (Nos. 37-45 Dryden Road, Nos. 3 and 5 Hilltop Green and 227 Southey Green Road). All other properties are considered to be adequately distanced from the site that any impact on their residential amenity is likely to be minimal.

In terms of the houses to the north (Nos. 37-45 Dryden Road), it has been calculated that a separation distance of approximately 21m would be maintained between the side gable wall of the most northerly house (House Plot 1) and the nearest house to the house. This distance is considered to be adequate to prevent any significant disamenity to these houses along Dryden Road.

In terms of houses to the east at Hilltop Green, it is considered that any impact on their residential amenity as a result of the development would be minimal. No. 5 Hilltop Green is orientated away from House Plots 1 and 2 and comprises no habitable windows in its side gable wall facing these properties. The distance between the gable wall and these two houses would also exceed 15m and therefore would be in line with the guidance contained in SPG Designing House Extensions at Guideline No. 5 with regard to overshadowing and outlook. This also applies to 227 Southey Green Road, which is orientated away from the proposed house on Plot 3 and has no windows within its side gable wall. No. 3 Hill Top Green main outlook faces towards the proposed parking area of the development and is considered to be adequately distanced from the nearest house.

It is acknowledged that some concerns have been raised in terms of the location of the bin collection area. However, officers remain satisfied that any disamenity to neighbouring properties including No. 5 Hilltop Green would be low and not such that

would require its relocation elsewhere on site. The bins would be enclosed within a small compound and expected to house bins on collection days only.

Officers are also satisfied that the future occupants of the dwellinghouses would benefit from a good standard of accommodation with each dwellinghouse being afforded with a garden exceeding 50 square metres. This size of gardens would accord with the minimum requirements as set out in Supplementary Planning Guidance (SPG) Designing Housing Extensions.

(v) Ground contamination issues

Environmental Protection Services (EPS) have recommended the usual suite of contaminated land conditions to include the submission of a Phase I Preliminary Risk Assessment Report to ensure that any contamination of the land if found is properly dealt with.

(vi) Noise Issues

Environmental Protection Services (EPS) has commented that the future occupants of the dwellinghouses are unlikely to suffer from any significant environmental noise impacts. They have stated that the location of the site is an area of relatively low background noise levels with road traffic as the dominant source. They recommend that the standard condition on the upper noise level limits that the residential accommodation should meet be attached.

(vii) Sustainability Issues

Core Strategy Policy CS64 seeks that all new buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. New development will be required to achieve a high standard of energy efficiency, make the best use of solar energy and passive heating and cooling. Also relevant is Policy CS65 (part a), which requires that significant development, unless shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. Although no specific information has been provided to demonstrate that the development would comply with these two policies, it is considered that the requirements of the two conditions can be adequately secured by planning condition.

(viii) Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The development site falls within an area where CIL is not applicable.

(ix) Other Issues

The proposed scheme has been amended on the advice of officers following concerns raised by Yorkshire Water that one of the dwellinghouses (House Plot 4) would be built over the line of the public sewer that crosses the site. The amended plan shows that the existing mains drains would be diverted through the new road that is understood to now address the concerns of YW. It is recommended that a Directive be attached to the DN that informs the developer to notify Yorkshire Water regarding the proposal to divert the site's existing public sewer.

## SUMMARY AND RECOMMENDATION

The application seeks full planning permission to erect 6 semi-detached dwellinghouses on the eastern part of an overgrown parcel of land that is designated as Open Space. The remaining part of the site would be upgraded and retained as public open space, secured through a legal agreement.

The principle of developing part of the site and the resultant upgrading of the remaining open space, along with an agreement for the owner to maintain the site is considered to outweigh the loss of 0.13 hectares of open space. Subject to these measures being secured, it is considered that the proposed quality and expected use of the open space is a significant improvement on its current state and is considered to justify a departure from Core Strategy Policy CS47. The applicant has entered into a legal agreement, which would secure the enhancement to the open space and its ongoing maintenance.

It is considered that the development is of acceptable design quality, responds positively to the context of the site and adjoining properties and would not unduly harm the character or appearance of the street or surrounding area. The proposed development includes 12 off-street parking spaces, a number that is considered to be adequate to meet any likely parking demands of the apartment's future residents.

Officers are also satisfied that the development would not unduly harm the residential amenity of neighbouring properties with no significant loss of privacy, overshadowing or loss of outlook.

For the reasons set out in the report and having regard to all other matters raised, it is considered that the development would be in general accordance with UDP Policies BE5 and and Core Strategy Policies CS26, CS64, CS65 and CS74 and government guidance contained in National Planning Policy Framework (NPPF).

It is therefore recommended that the application be approved subject to the conditions listed.

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