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Case Number	18/00386/FUL (Formerly PP-06697015)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of 7-storey (plus basement) mixed use development comprising 63 no. student bedrooms in 13 clusters over 6 storeys with commercial use on ground/lower ground floor and cycle storage
Location	90 Trippet Lane/8 Bailey Lane Sheffield S1 4EL
Date Received	26/01/2018
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Refuse

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

- 1 The Local Planning Authority considers that the proposed design of the development by reason of its height, massing and elevational treatment is out of keeping with the character of the City Centre Conservation Area and would appear as an incongruous and dominant feature which does not reflect the height and topography of the immediate area. It would therefore be injurious to the visual amenities of the Conservation Area and street scene. This would be contrary to Policies BE5 and BE16 of the Unitary Development Plan and Policy CS74 of the Core Strategy.

Attention is Drawn to the Following Directives:

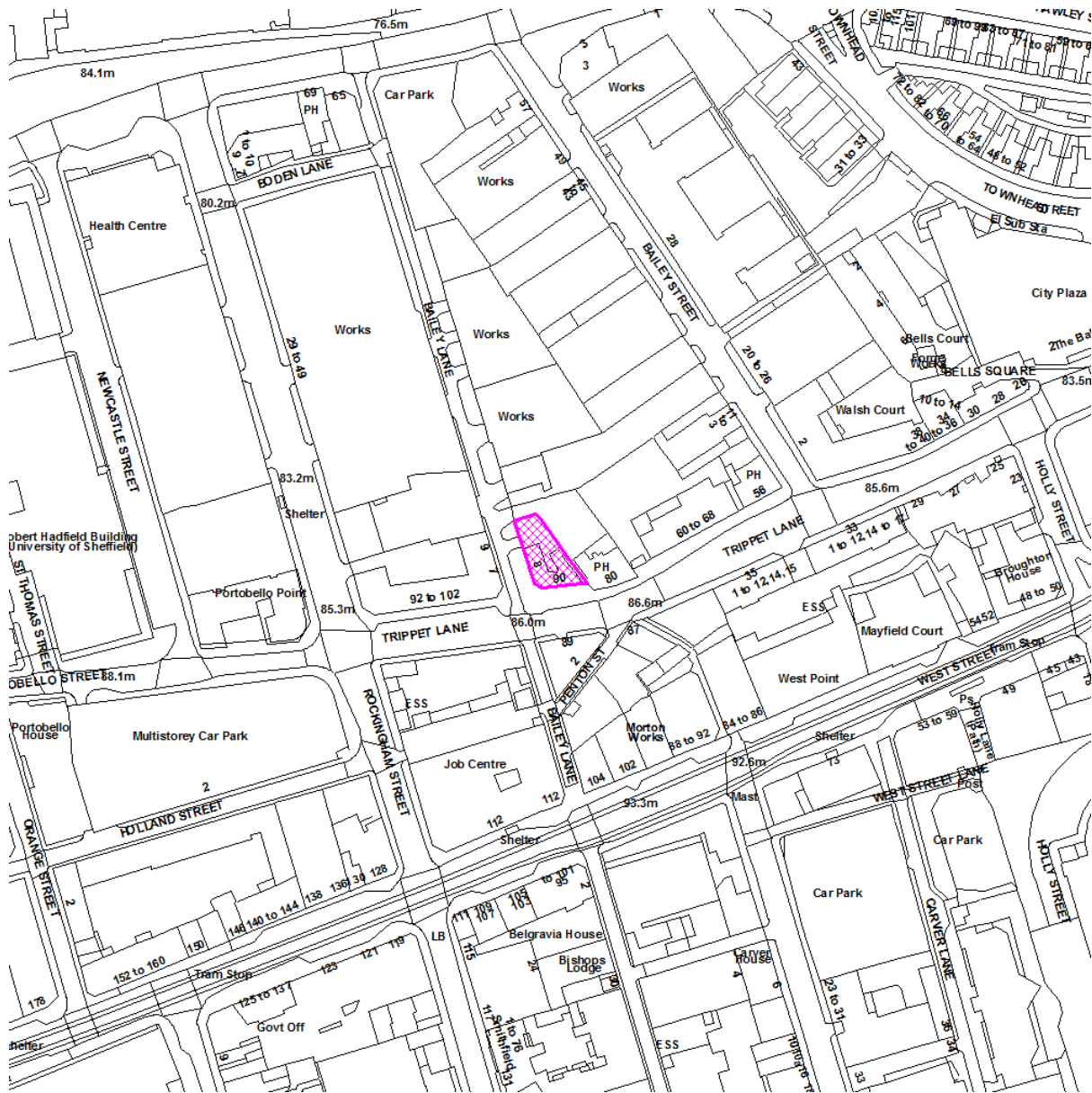
1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

(07) 010 rev PL2 Proposed Basement Plan  
(07) 011 rev PL4 Proposed Ground Floor Plan  
(07) 012 rev PL4 Proposed first floor plan  
(07) 013 rev PL4 proposed second floor plan  
(07) 014 rev PL4 Proposed third floor plan  
(07)015 rev PL4 Proposed fourth floor plan  
(07) 016 rev PL4 Proposed fifth floor plan  
(07) 017 rev PL2 Proposed sixth floor plan  
(07) 019 rev PL1 Proposed roof plan

- (08) 003 rev PL1 Proposed Bailey Lane Elevation
- (08) 004 rev PL1 Proposed Bailey Lane Elev 100
- (08) 005 rev PL2 Proposed Trippet Lane elev
- (08) 006 rev PL1 Proposed Rear Elev
- (08) 007 rev PL2 Proposed Car Park North Elev
- (08) 008 rev PL2 Proposed Car Park/North Elev 1

2. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a site at the corner of Trippet Lane and Bailey Lane. The site is currently occupied by a vacant two storey brick building which fronts onto Trippet Lane. There is a vehicular access to the site from Bailey Lane.

The area surrounding the application site is characterised by a mix of commercial and residential uses in buildings of various heights and architectural styles.

To the east of the site is 'The Grapes', which is a traditional public house, constructed in brick and render, with a number of original architectural features. Facing the site, across Trippet Lane, is the Trippet Lane Lounge Bar, which is a two storey brick building painted white. There are several blocks of student accommodation along Trippet Lane, of various heights, some of which are related to the height and massing of West Street, which rises up behind Trippet Lane, rather than related to Trippet Lane itself.

Across Bailey Lane, to No. 92-1012 Trippet Lane, the site is occupied by a two storey brick office block, which occupies the perimeter of this site.

To Bailey Lane, the surrounding buildings are predominantly one or two storeys, constructed of brick and reflect the industrial and commercial use which has historically characterised this area.

The site is located within the City Centre Conservation Area and is within an area designated as a Fringe Industry and Business Area in the Unitary Development Plan.

This application seeks consent for the demolition of the existing building on the site, and the erection of a seven storey building (plus a basement) which will result in a mixed use development comprising 63 student bedrooms in 13 clusters, which will occupy the upper 6 storeys, whilst a commercial use is proposed for the ground floor. To the basement of the site there will be storage for the commercial space, plant rooms, cycle storage, refuse storage and a pedestrian access point. Pedestrian access will also be provided from Trippet Lane.

## RELEVANT PLANNING HISTORY

05/04621/FUL:

Demolition of building and erection of three storey office block with basement parking

Granted Conditionally 28.02.2006

08/04928/FUL:

Two-storey/first floor rear/side extension to offices and alterations to form flat roof (In accordance with amended plans received on 10.11.08)

Granted Conditionally 20.11.2008

13/01000/FUL:

Refurbishment and first-floor extension to building to form additional office accommodation  
Granted Conditionally 23.05.2013

## SUMMARY OF REPRESENTATIONS

There has been one letter of representation made regarding this application.

This representation raises concern at the loss of light to the residential accommodation element of 'The Grapes' Public House. It is stated that the development will block out light to the side and some of the rear windows. It is also stated that the development will disrupt the business of the adjacent public house and the access to the car park will be disrupted.

## PLANNING ASSESSMENT

### Demolition

There is no objection in principle to the demolition of the existing building on site subject to a suitable replacement scheme.

### Policy Issues

The National Planning Policy Framework (NPPF) provides the framework for planning policy and development within England. The overarching principle is to ensure that sustainable development occurs and the local policies cited in this report are all considered to be in accordance with the relevant paragraphs of the NPPF.

The site is in a historic Fringe Industry and Business Area as defined in the adopted Sheffield UDP. Policy IB6 of the UDP identifies preferred, acceptable and unacceptable uses in the policy area. Business (B1), General Industry (B2) and Warehousing (B8) are identified as preferred uses in the policy area, however residential uses may also be considered acceptable uses where the better environment of the policy area allows, where living condition would be acceptable for residents and housing would not hinder industrial and business development.

Section a) within Policy IB9: Conditions on Development in Industry and Business Areas within the UDP states that new development should not lead to a concentration of uses which would prejudice the dominance of industry and business in the area.

Whilst B1/B2/B8 uses are preferred in the UDP, B2 and B8 uses are no longer preferred as a result of the Core Strategy policy CS17g. This policy now promotes a mix of uses within the area; specifically an academic focus for the University of Sheffield, with complimentary retail and business uses. This was reflected in the draft City Policies and Sites that proposed Business Areas where employment uses should be dominant and housing limited. The proposed development does not specifically help to deliver this policy aim.

The current balance of uses is analysed in the Background Report on Economic Prosperity and the City Region. Paragraphs 7.166 and 7.167 state that office uses are dominant in the area and residential uses account for 28% of existing floor space. The proposal to provide a small amount of employment floor space in this development is welcomed.

Furthermore, the proposal will help to achieve the objective of Core Strategy policy CS24 which seeks to maximise the use of previously developed land for new housing. Core Strategy policy CS27 also seeks further expansion of city centre living and CS26 aims to ensure efficient use of land for new housing and sets a minimum recommended density of 70 dwellings per hectare in the City Centre. In light of the above the principle of the development is considered to accord with adopted UDP and Core Strategy policy.

To the ground floor a commercial unit is proposed. The applicant seeks consent for use classes A1/A2/A3/A4/A5 in order to allow for flexibility in marketing to future occupiers. All these uses are considered to be acceptable in principle, within the city centre location. It is noted that the A1 retail use would technically need to pass the sequential test, but as it is likely to serve the existing and new residents in the locality, and given its overall size, at 82m<sup>2</sup>, it is not considered that it will have an adverse effect on the vitality and viability of the city centre. It is therefore considered to be acceptable in principle.

#### Shared Housing Dominance

Policy CS41 'Creating Mixed Communities' seeks to encourage a mix of housing that will meet a range of needs. Part c) encourages student housing to be within the City Centre and areas directly to the north-west and south of the city centre. Part (d) of the policy seeks to limit the amount of purpose built student accommodation where a community is already imbalanced by a concentration of such uses or where the development would create an imbalance. The objectives of Part (d) of the policy will be achieved by limiting the amount of student housing where more than 20% of residences within 200 metres of the site are shared housing.

The proposal conforms with part c) of CS41 by providing student accommodation within the City Centre. An assessment has been undertaken which demonstrates that the current density of shared housing within 200m of the application site is currently, and including extant permissions, at 15.4% and that after considering the application the concentration will be 16.1%. The scheme is therefore considered to be acceptable with regards the aims of Policy CS41.

As the scheme is proposing only 13 cluster flats, it is not considered that part A of CS41, which requires a mix of units in large scale developments, applies in this instance.

#### Design

The site is located in the City Centre Conservation Area and in accordance with Policy BE16 new development must preserve and enhance the character and appearance of the Conservation Area.

Policy CS74 of the CS, which relates to design principles, advises that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Policy CS74 also advises that any new development should respect the topography of the City, views and vistas and the townscape and landscape character of the particular area with their associated scale, layout, form and building style and materials.

Policy BE5 of the Adopted UDP relates to building design and siting and advises that good design and the use of good quality materials will be expected in all new developments, with new buildings expected to complement the scale form and architectural style of surrounding buildings. It seeks to achieve original architecture and a design on a human scale and for large scale developments materials should be varied and the overall mass of development broken down.

There is a readily apparent character within the Conservation Area of two storeys to this section of Trippet Lane, and the proposed development does not reflect this character.

There have been considerable discussions during both the pre application and the application process regarding the height of the proposed development. The location within the Conservation Area, and the scale and nature of surrounding buildings means that your officers strongly believes that the maximum height of this building should be 5 storeys, with reductions in height to the Bailey Lane elevations, reflecting the falling topography. This approach would reflect the overriding character of the Conservation Area whilst recognising the need to achieve a suitable density of development and efficient use of land. It is considered that any height greater than this would be completely at odds with this character and would be harmful to the character and appearance of the Conservation Area.

It is noted that there are other residential buildings along Trippet Lane which are of a height greater than 5 storeys. It is considered however, that each of these applications were determined on their merits at that time, and based upon the individual site circumstances. For example, those properties at the opposite side of Trippet Lane, facing the subject site, are considered to be capable of taking a greater development height as they are set against a backdrop of the properties to West Street. The topography of the area means that West Street is set at a much higher level than Trippet Lane - and this context and setting means that the height and massing is not dominant within the street scene or Conservation Area.

The modelling shown in the supporting submissions clearly demonstrates how the height to this side of Trippet Lane is not characterised by buildings which are 7/8 storeys in height. Indeed, the height proposed appears particularly incongruous, and when viewed against the characterful and two storey building, The Grapes. The height and massing is considered to be particularly unacceptable within the street scene and Conservation Area.

The topography of Bailey Lane, and the height of the buildings which rise up this hillside at 1-2 storeys means that the massing of the proposed development would also be particularly dominant when viewed from Bailey Lane. It is accepted that the

character of this Bailey Lane area may change over time, as industrial/commercial uses may choose to move out, but there are no extant permissions which directly justify this rationale. The adjacent buildings to No.92-102 Trippet Lane and to Bailey Lane are low rise and therefore the proposed development would appear dominant and incongruous in relation to these properties, the topography of the area and ultimately the character and appearance of the Conservation Area.

Notwithstanding the comments in respect of height, massing and context – it is considered relevant to note that the general approach in design terms – i.e. a strong back of footpath development with a grid like façade to the main elevations and the use of brick, glass and cladding as materials is acceptable in principle.

However, the elevational approach and the height and massing means that the overall visual impact of the proposal, for the aforementioned reasons, is unacceptable and harmful to the character and appearance of the Conservation Area and the aims of Policies BE5, BE16 of the Unitary Development Plan and CS74 of the Core Strategy.

#### Highways Issues

In policy terms, Policy IB9 of the UDP advises that new development in industry and business areas will be permitted provided that it would be adequately served by public transport and provides safe access to the highway network and appropriate off-street parking.

The site is located within a very sustainable location in that it lies in close proximity to the city centre shopping and leisure areas and high frequency bus and tram routes and stops. As such no on-site parking is proposed.

Policy CS61 'Pedestrian Environment in the City Centre' seeks to create a high quality environment through improved landscaping design materials and street furniture, as such improvements to the footways adjoining the development sites in accordance with the Urban Design Compendium (UDC) secondary palette standard.

With regard to servicing it is considered that the site is serviceable in principle. Cycle storage is shown on the plans, and it considered that this could be improved in terms of layout and security to improve the likely use of the space, and therefore it is recommended that the final details of this be secured by condition. In light of the above the proposal is not considered to give rise to any unacceptable highways implications and therefore complies with policy IB9, subject to conditions. .

#### Noise and Amenity Issues

Policy IB9 of the Adopted Unitary Development Plan relates to conditions on development in Industry and Business Areas and advises that new development within such areas will be permitted provided that it would not cause housing to suffer from unacceptable living conditions (IB9b) and is well designed with buildings of a scale and nature appropriate to the site (IB9c).



The primary issues to consider are the living conditions of future residents, and those of existing residential accommodation, adjacent to the site.

The site is located in a busy area of the city centre with relatively high background noise levels. There are public houses adjacent and facing the site.

A Noise Impact Assessment has been submitted with the application and it is considered that the findings of this are acceptable. It is noted that the report references the provision of alternative ventilation, but there is no confirmation that this will be installed. This could be secured by condition, and specified in the validation report. It is therefore considered that the amenity of future residents on respect of noise can be secured through appropriate conditions and therefore satisfies Policy IB9 in this respect.

It is not considered that the residential element of the proposal will affect the amenity of the neighbouring properties.

In terms of the commercial element to the ground floor, the agent has confirmed that consent is sought for use classes A1/A2/A3/A4/A5. Whilst in principle this is considered to be acceptable, it is considered appropriate that conditions are applied in order to secure the amenity of residents both within the development and to adjacent properties. It is recommended that conditions be applied which restrict the installation of any extraction or plant equipment. It is also considered that should the application be found acceptable that a number of conditions be applied including the restriction of opening hours, sound attenuation to the commercial units and restriction of amplified music in order to ensure the protection of residential amenity.

In terms of loss of amenity, in respect of light and overbearing to neighbouring sites, it is considered that the main impact will be to the adjacent property, 'The Grapes'. A representation has been received which refers to the impact on upper windows to the side elevation and some rear windows of 'The Grapes'. There is one upper floor window to the side of the Grapes, and a rear window to the main frontage element of the building. This window is already overshadowed to some degree by the off shot element of The Grapes. The window to the side does not readily appear to be a main habitable room from the site visit, although an internal assessment has not been undertaken. It is also noted that the 2005 consent saw an increase in height adjacent to these windows, and whilst the ultimate height will be greater in this instance, it is considered that the principle of impacting upon these windows has already been accepted. It is however, also considered that a reduction in the height of the proposed building for design reasons, would reduce the impact to these windows. This would be particularly beneficial to be the windows on the main rear elevation of the public house, which will be potentially affected by overshadowing as a result of the height and massing of the proposed structure.

#### Land Contamination

A Phase One desk top study has been submitted, and it is identified that further investigation regarding contamination is required for the site. It is therefore recommended that should permission be granted that a suite of land contamination

conditions be applied to the consent in order to secure further investigation and remediation as appropriate.

### Sustainability Issues

Policy CS63, 64 and 65 of the Core Strategy set out the Council's Sustainability agenda.

Policy CS64 Climate Change, Resources and Sustainable Design of Development states that all new developments of 5 dwellings or more must achieve Code for Sustainable Homes Level 3 or BREEAM very Good as a minimum, however the Government has abandoned the Code for Sustainable Homes and as such there is no longer a requirement for new housing development to meet these standards.

Policy CS65 Renewable Energy and Carbon Reduction. Part A requires 10% of the development's energy needs to be provided from a decentralised low carbon or renewable resource. The applicant has expressed a commitment to this, and this could be secured by condition.

In relation to the other elements of the sustainability policies, the site is considered to be in a highly sustainable location close to public transport links and retail and leisure services. The development makes efficient use of a previously developed site and in accordance with Policy CC1 of the Climate Change and Sustainability SPD incorporates areas of green roof which offer drainage and water quality improvements as well as biodiversity and air quality enhancement and is considered to comply with the relevant sustainability policies. It is recommended that should permission be granted that this be secured by condition.

### Mobility Housing

There is no current requirement beyond the Building Regulations to provide mobility housing within new developments.

### Affordable Housing

The current affordable housing policy shows that on site provision or a financial contribution towards affordable housing will not be required in this part of the city centre.

### Public Art

Policy BE12 encourages public art where it would be readily seen by the public and integral to the design of major developments. The applicant has indicated that there will be a space to the Bailey Street elevation to allow for the inclusion of this. This approach is desirable and details could be secured by planning condition.

### Community Infrastructure Levy (CIL)

The site is located in the City Centre CIL charging area and will be subject to a charge of between £30 (student accommodation) or £50 (C3 and C4 uses) per square metre dependent on its use classification for the purposes of charging.

## RESPONSE TO REPRESENTATIONS

Matters relating to loss of light to the neighbouring property have been considered within the main body of the report.

## SUMMARY AND RECOMMENDATION

Whilst the principle of the development in terms of student clusters with commercial space to the ground floor is acceptable, the overall design, height and massing of the development is considered to be harmful to the character and appearance of the Conservation Area, and will appear as an incongruous and dominant feature which does not reflect the height and topography of the immediate area. The proposal is considered to be contrary to the aims of Policies BE5 and BE15 of the Unitary Development Plan and Policy CS74 of the Core Strategy. It is therefore recommended that the application is refused.

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