
Case Number	18/00406/FUL (Formerly PP-06701346)
Application Type	Full Planning Application
Proposal	Demolition of existing workshops and erection of 10no apartments in a 3/4-storey block and a ground floor restaurant/cafe (Use Class A3)
Location	95 Mary Street Sheffield S1 4RT
Date Received	29/01/2018
Team	City Centre and East
Applicant/Agent	G9 Design
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:

1617_01 Rev B - Location Plan
1617_02 Rev E - Ground Floor Plan
1617_03 Rev E - First Floor Plan
1617_04 Rev E - Third Floor Plan
1617_05 Rev E - North and West Elevations
1617_06 Rev F - South and East Elevations
1617_07 Rev E - 3D rear visuals
1617_08 Rev E - 3D front visuals
1617_09 Rev E - Second Floor Plan
1617_14 Rev B - Proposed Section
1617_15 Rev B - Mary street scene
1617_16 - Roof Plan

Reason: In order to define the permission.

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

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

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

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

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

4. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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.

5. Prior to any demolition, details shall be submitted to the Local Planning Authority to demonstrate how the existing level of flood protection (if any) from Porter Brook will be maintained to adjacent properties along Mary Street, during both demolition and construction phases of this development.

Reason: To prevent flooding elsewhere

6. 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.

7. 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.

8. 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.

9. 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.

10. No development shall commence until details have been submitted to and approved by the Local Planning Authority of measures to protect and retain the fabric of the adjacent crucible stack. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the preserving heritage assets

11. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, sometime before rebuilding, which would be detrimental to the visual character of the locality.

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

12. 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.

13. The residential units 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 will not be eligible for resident 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 the amenities of the locality.

14. The residential accommodation hereby permitted shall not be occupied unless the scheme of sound insulation works shown in section 4 of the noise report by NoiseAssess (Ref. NoiseAssess, 12403.01.v1, January 2018) has been installed and thereafter retained. Such scheme of works shall:

a) Be capable of achieving the following noise levels:

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

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

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

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

b) A system of alternative acoustically treated ventilation shall be installed to all habitable rooms in accordance with details shown in section 4 of the noise report by NoiseAssess (Ref. NoiseAssess, 12403.01.v1, January 2018).

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 the amenities of the future occupiers of the building.

15. 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.

16. Prior to the commencement of the A3 use details of the sound attenuation measures to protect residential uses in the development from the transmission of noise from the commercial unit shall be submitted for approval in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

17. 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.

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.

19. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing 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.

20. 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.

21. 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.

22. 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.

23. 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:

- Metal cladding to roof
- Window reveals
- C Channels
- Doors
- Windows
- Rainwater goods
- Eaves and verges
- Parapets
- River boundary wall
- Roof lights and solar pv

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

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

24. Prior to the occupation of the flats the details of the cycle stands shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the flats are occupied and thereafter retained.

Reason: In the interests of the encouraging sustainable travel to the site

25. Notwithstanding the details shown on the submitted plans the entrance doors to the A3 unit and to the residential accommodation from Mary Street shall have a clear opening width of no less than 1m and details shall be submitted to and approved by the Local Planning Authority of a level entrance or ramped entrance (designed in accordance with the details in BS8300) to the A3 unit from Mary Street. Thereafter the approved details shall be provided before the A3 unit is brought into use.

Reason: In the interests of providing inclusive access and easy access to the bike storage.

Other Compliance Conditions

26. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 4l/second per hectare.

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

27. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the A3 use shall serve only beverages, cold food and such hot food as may be prepared using only a toaster, sandwich toaster, microwave, jacket potato cooker and bain marie. No intensification of cooking facilities beyond those detailed above shall occur without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of adjoining and future residential occupiers

28. 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.

30. The A3 use shall be used for the above-mentioned purpose only between 0700 hours and 2330 hours on any day

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

Attention is Drawn to the Following Directives:

1. The Environment Agency has advised that this development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Porter Brook, which is designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted.

Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

It can take up to two months to determine the application from being duly made. Every effort will be made to process it as quickly as possible, but the applicant is reminded that works should not commence until the permit is granted.

2. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the

Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

3. The applicant is advised that the bike stands selected should be designed to support and secure both the wheels and bike frame
4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

They 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.

5. 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.
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 here:

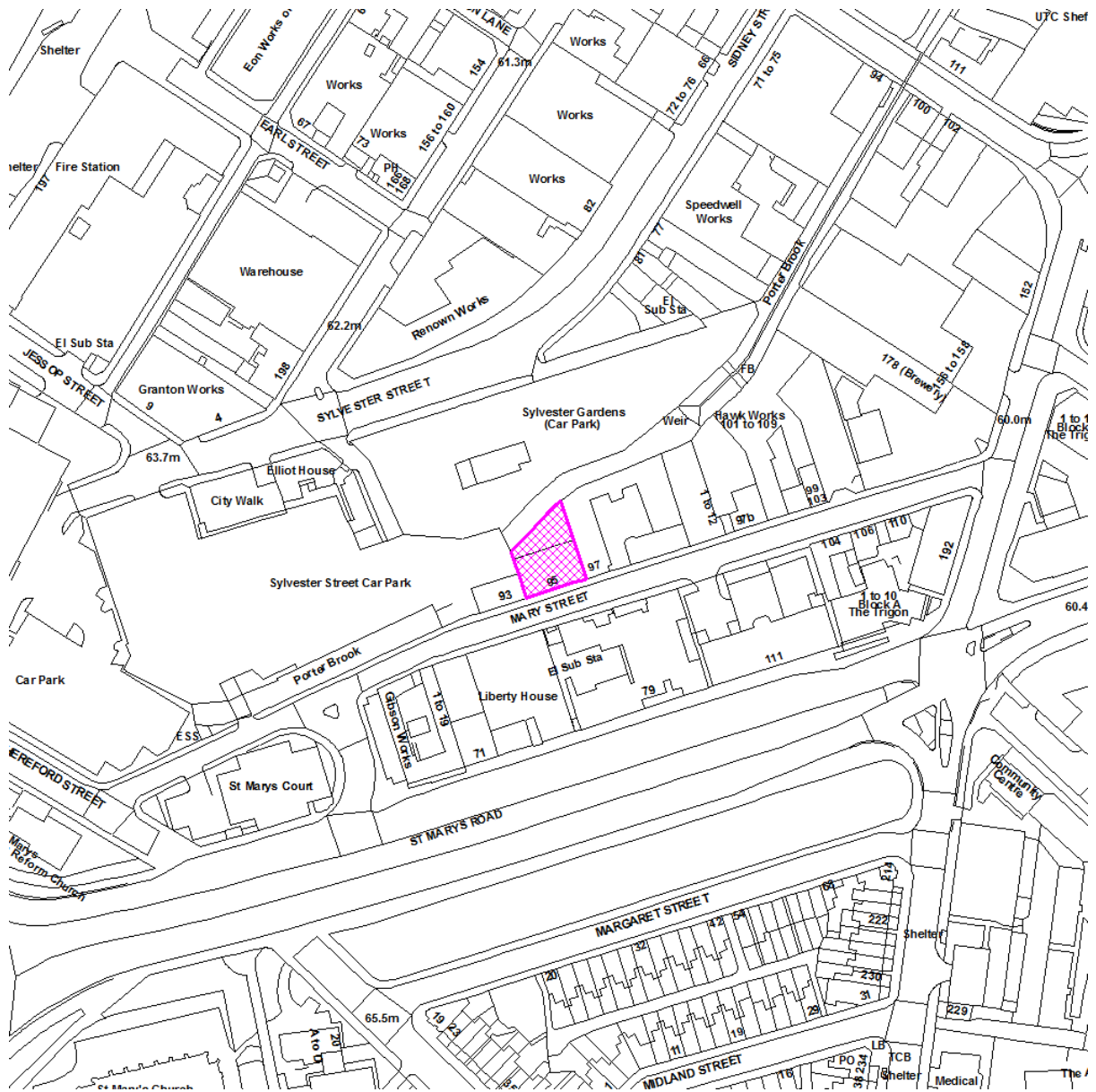
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

For further help and advice please ring 0114 2736127 or email 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. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

Site Location



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LOCATION AND PROPOSAL

The application site is occupied by unlisted buildings within the Cultural Industry Quarter Conservation Area. Mary Street is surfaced in setts with buildings positioned close to the back edge of the footpath and generally 2 to 4 storeys high. Mary Street contains a number of character metal trades buildings.

To the east side of the site there is a 3 storey building used for storage purposes whilst on the west there is single/2storey building which appears to be vacant. On the opposite side of Mary Street there is student and other residential accommodation.

The application site fronts Mary Street and backs on to an un-culverted section of the adjacent Porter Brook. The existing buildings are vacant and comprise of a single storey workshop building facing Mary Street and a two storey property which may have been a former dwelling. The middle and rear of the site is occupied by a 2 storey a brick faced workshop with brick chimney projecting from the roof. There is a single brick faced building to the rear with a mono pitched roof covered in felt.

The application is proposing the demolition of the existing buildings and the erection of a 4 storey building with two 3 storey rear wings in a U shaped layout. The ground floor facing Mary Street includes a small commercial unit and the entrance lobby along with an integral bin storage area and flats at the rear. The upper floors are occupied by the flats which comprise of 4 one bed units and 6 two bed units.

SUMMARY OF REPRESENTATIONS

Sheffield Conservation Advisory Group made the following comments when they considered the application.

The Group felt that in general the proposed addition to Mary Street was to be welcomed. The Group did, however, think that further consideration should be given to the design of the façade, especially to the relationship between the ground floor pattern of openings and the upper floor windows, and to the wall-to-window ratios, which needed to match those of adjacent buildings. The Group felt concern at the relationship of the building to the Porter Brook and its impact on the open spaces of the site. The Group recommended that the stone wall, adjacent to the river, should be maintained. The Group felt concern at the future of the adjacent building, particularly its crucible chimney and recommended that its continuity should be ensured.

The pattern and scale of window openings has been amended and confirmation has been provided that the stone river wall will be retained since these comments were made.

PLANNING ASSESSMENT

Policy Issues

National Planning Policy Framework (NPPF)

The NPPF advises that when determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF advises that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

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, including securing its optimum viable use.

These issues are considered as part of the overall assessment of the proposal.

Local Plan

The site is within a Fringe Industry and Business Area in the Unitary Development Plan where B1 (Business), B2 (general industry) and B8 (warehousing) uses are preferred (Policy IB6). B2 and B8 uses are no longer appropriate following the adoption of the Core Strategy where Policy CS6f identifies the area as one where manufacturing in the City Centre should be encouraged to relocate.

Core Strategy Policy CS17c promotes a wide mix of uses in the area and identifies it as one of the key growth clusters. This is reflected in the proposal in the draft City Policies and Sites to designate a Flexible Use Area which lists no preferred uses although this has little weight as the Council is preparing a new Local Plan.

The proposal is for residential together with a restaurant/café use which are both considered to be acceptable in terms of current policy.

Demolition of Unlisted buildings within the conservation area

Unitary Development Plan Policy BE 16 says that buildings which make a positive contribution to the character or appearance of the Conservation Area will be retained.

The site lies within the Mary Street character area as identified in the Cultural Industries Quarter Conservation Area Appraisal and Guidelines and the Urban Design Compendium. The application buildings are identified as having a neutral impact on the area in the conservation guidelines but as unlisted significant buildings contributing to the character of the area in the Urban Design Compendium. The guidelines say that there is a presumption in favour of preserving all listed and non-listed buildings within the area as the majority of the buildings make an important contribution to the streetscape.

The site was developed as a Brass Works by 1879 but with the exception of the works chimney these were demolished and the existing buildings were constructed as the premises of a knife manufacturer by 1910. Additional buildings were added on the north part of the site by the 1950s.

The main standing buildings are early 20th century industrial workshops of a utilitarian design. The building facing Mary Street has been rendered and the buildings have been extensively modified reducing the legibility of the original layout. There is little surviving evidence of the buildings' original function.

The buildings facing Mary Street are considered to have no special architectural or historic merit. The remainder of the buildings on the site do exhibit some features of metal trades buildings such as multi-paned windows however the buildings are of a utilitarian nature. The chimney is of some interest - it is a plain square design which sits in the middle of the site.

Whilst the loss of these small scale metal trades buildings and chimney will have a negative impact on the character of the conservation area they are not particularly good examples and they have lost much of their character and are in a poor state of repair. It is not easy to see how the site could be successfully reused or redeveloped whilst retaining the chimney and two storey building which have most character but sit in the middle of site. It is therefore concluded that the loss of the buildings would cause less than substantial harm to the character of the conservation area.

Impact on setting of listed buildings and adjacent crucible stack

Unitary Development Plan Policy BE19 says that proposals affecting the setting of a listed building will be expected to preserve its setting.

There are listed buildings on Mary Street between 55m and 110m from the site and a workshop range approximately 40m to the north-west of the site known as Sylvester Works. Given the degree of separation, intervening buildings and the scale and design of the development it is considered that the proposal will not have a significant impact on the setting of these buildings.

There is an undesignated crucible stack abutting the site immediately to the east and at right angles to Mary Street. The west face of the stack is visible over the top of the two storey building at the east end of the site on the Mary Street frontage and there are also some ventilation holes in the brickwork wall of the adjoining site to the east visible from the rear of the site. Given the proximity of existing buildings and limited

views of these features they are unlikely to be appreciated by the casual observer. As the new development is taller, the views of the stack will be reduced. However given the existing context and the level of prominence of these features it is considered that the development's impact on their setting is limited and does not justify reducing the scale of a development that is otherwise appropriate to the character of the area. The upper floor of the development is set back slightly which will mean the top of the crucible stack will still be visible from Mary Street. A condition is proposed requiring details to be submitted for protecting the adjoining crucible stack.

Design Issues

Unitary Development Plan policy BE16 says that development in conservation areas will only be given permission where it would preserve or enhance the character or appearance of the Conservation Area.

Core Strategy Policy CS 74 says that high quality development will be expected which respects, takes advantage of and enhances the distinctive heritage of the city, particularly the buildings and forms associated with the metal trades.

The proposed building continues the existing back edge of pavement building line and therefore maintains the existing level of street enclosure. It will be 4 storeys high with the upper floor set back slightly at 0.5m. The street accommodates a range of building heights between one and four storeys and the proposed development is considered to be in keeping with this context.

The traditional buildings on this street are predominantly faced in red brick with stone detailing. The proposed development is to be predominantly faced in brick with stone detailing with the upper floor faced in zinc. These materials are consistent with the local character.

The front elevation has been designed with larger openings on the ground floor grading up to the smaller windows on the upper floor which is reflective of the local hierarchy. The regular ordering of window openings is also a typical characteristic of traditional buildings within the conservation area. The ground floor openings incorporate industrial type lintels and vertical boarded timber screens which is reflective of the area's industrial past. There is a greater variety of window designs on the rear elevations with full height patio door type openings, vertical slot windows to relate to the staircases and canted windows to mitigate privacy issues.

The larger glazed openings to the commercial unit and residential entrance facing Mary Street will help to create a more active frontage which is welcomed.

Overall the scale and design is considered to be acceptable and represents a modern interpretation of the conservation character. The scheme is considered to be sympathetic to the character of the conservation area and will preserve its character.

Sustainability

The site is sustainably located with easy access to a wide range of services and facilities and public transport. Secure cycle parking is to be provided within the building.

Core Strategy Policy CS65 states that a minimum of 10% of the building's predicted energy needs should come from decentralised and renewable or low carbon energy. The applicant has confirmed that this policy will be met by incorporating solar photovoltaic panels on the roof areas.

The scheme has been designed with the larger windows north facing to allow for natural lighting whilst reducing the risk of overheating. It has been designed with a green roof on part of the building.

Amenity Issues

There are no obviously noisy uses close to the site and there is existing residential accommodation directly opposite the site. A noise assessment has been submitted in support of the application. The main noise sources are traffic and water noise from the Porter Brook. The noise assessment proposes different glazing specifications to achieve satisfactory internal noise levels.

The Environmental Health Officer is satisfied with the noise assessment and the conclusion that noise can be adequately controlled by the design of the development. Conditions are proposed which require a noise attenuation scheme to be submitted for to protect the residential occupiers from external noise and noise from the commercial unit. A condition is also agreed limiting the range of cooking equipment in the A3 unit so that significant odours are unlikely to be generated. The operating hours of the A3 unit are also limited until 11.30pm.

Given that the site is likely to have been contaminated by former industrial uses conditions are proposed to ensure that the site is developed safely.

Archaeology

The archaeological assessment raises the prospect of below ground features of archaeological interest such as the remains of a possible furnace and casting pits. As a result a condition is proposed requiring a written scheme of archaeological investigation to be submitted for approval.

Access

No parking is proposed to serve the development.

The site lies in the city centre and is highly accessible to shops and services, well served by public transport and where parking restrictions operate. It is accepted that a car free development is appropriate for this site. Covered cycle parking is to be provided as part of the development and residents will not be entitled to apply for on-street parking permits.

Flooding

The application site adjoins the River Porter and the site lies in flood zone 2. Existing floor levels on Mary Street are approximately 62.90 AOD. The proposed floor levels are to be set a minimum of 63.05 AOD which is approximately 0.15m above Mary Street to allow for flooding levels with provision for climate change. Flood resilient construction is proposed such as water resisting air bricks and by raising electrical services above the potential flood level.

The proposed uses fall within the more vulnerable and less vulnerable flood risk vulnerability classifications. This type of development is classed as appropriate development within flood zone 2.

The flood risk assessment is considered to be satisfactory and follows the Environment Agency's standing advice. The Environment Agency has raised no objections to the proposals but requested a condition requiring details to be submitted demonstrating how the existing level of flood protection will be maintained to adjacent properties on Mary Street.

The guidance in the National Planning Policy Framework seeks to direct development to the lowest flood risk zone. The applicant has therefore carried out a sequential assessment which has considered the availability of lower flood risk sites within the Cultural Industries Quarter. This has revealed that there are no commercial properties on the market that are suitable for the development within the flood zone 1 part of the Cultural Industries Quarter. Therefore the proposal passes the flood risk sequential test.

Affordable Housing

As the development is for less than 15 units there is no requirement for affordable housing.

Community Infrastructure Levy

The site lies within zone 3 where the charge is £30 per square metre.

SUMMARY AND RECOMMENDATION

The proposed uses are acceptable in principle under the National Planning Policy Framework and local development plan policy and the loss of the existing buildings is considered to be acceptable and will not cause substantial harm to the character of the conservation area. The design of the new scheme is considered to be sympathetic to the character of the conservation area and will preserve its character. It will regenerate this vacant site and deliver much needed residential accommodation in a sustainable location. The café use will help to create an active frontage and add to the vitality of the area. The scheme is acceptable in other respects as outlined in the report above and therefore it is recommended that planning permission be granted, subject to the listed conditions.

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