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Case Number	18/01760/FUL (Formerly PP-06943096)
Application Type	Full Planning Application
Proposal	Erection of a 5 to 14 storey mixed use development comprising 335 residential units with ancillary communal facilities, ground floor commercial space (A1, A2, A3, A4, A5 and B1 uses), landscaping and car parking.
Location	Sylvester Street Sheffield S1 4RN
Date Received	04/05/2018
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	G Conditional Subject to 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 drawings listed in the Drawing Register produced by Tate and Hindle Design Ltd (Project No. 15089) received on 12 September 2018.

Reason: In order to define the permission.

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

3. Any remediation works outlined in the approved Outline Remediation Strategy (ref: WIE13067-100-S-2-3-2-RS, Issue 2-3-2, dated September 2018 (Waterman)) shall be the subject of a Detailed Remediation Strategy Report which shall have been submitted to and approved in writing by the Local

Planning Authority prior to the development commencing. The 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.

4. All development and associated remediation shall proceed in accordance with the recommendations of the approved Detailed Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Detailed 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 Detailed 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 Detailed Remediation Strategy.

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

5. Upon completion of any measures identified in the approved Detailed Remediation Strategy or any approved revised Detailed 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.

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

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

- The timetable for completion of all site investigation and postinvestigation works.

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

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

7. No development shall commence until 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.

8. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out 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.

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. 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.

11. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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.

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. 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.

14. 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 and window reveals  
Eaves and parapets  
Brickwork detailing  
Rainwater goods

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

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

15. A comprehensive and detailed hard and soft landscape scheme for the site, including works to naturalise the Porter Brook river channel, shall be submitted to and approved 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.

The scheme shall include details of the following:

Free standing structures including the substation  
Hard landscaping details, including levels, surfacing materials, walls, raised beds, fencing and street furniture  
Specification, including construction drawings, of the river channel naturalisation works  
Topsoil specification and depths  
An accurate planting schedule and planting plan at 1:200 or 1:100 scale  
A comprehensive list of species and stock specification

Individual location of specimen trees and shrubs

Maintenance schedule to ensure the successful establishment of the scheme

The landscape scheme shall be carried out in accordance with the approved details prior to the occupation of the development, thereafter the landscaped areas shall be retained. Any failures within that 5 year period shall be replaced in accordance with the approved details unless otherwise authorised in writing.

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

16. Full details of a riverside walkway, including connections to the walkway on adjacent sites, shall be submitted to and approved by the local planning authority before that part of the development commences:. Such details shall include:

- Surface materials;
- Wall and/or balustrade details to the Porter Brook;
- Any necessary repairs/rebuilding or stabilisation works to the existing riverside walls;
- Lighting; and
- Management arrangements, including measures for maintaining public access to the walk at all times.

The riverside walk shall be a minimum of 2.5 metres wide and be completed to adoptable standards and in accordance with the approved details before the development is brought into use.

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

17. The development shall not be used unless the secure cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans. Prior to its provision, full details of the secure cycle parking accommodation and associated cycle maintenance hub, including elevations, layout and the specification and maintenance regime of the green roof, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and delivering sustainable forms of transport.

18. 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 Acoustic report by ARUP (ref. Aac/256067-00/R01, dated 2nd May 2018.

b) 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).

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.

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

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:

- Be carried out in accordance with an approved method statement.
- 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. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall be in accordance with Defra document; "Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems" and shall include:

- Plans showing the location of the fume extract
- Acoustic emissions data.
- Details of any filters or other odour abatement equipment.
- Details of the systems required cleaning and maintenance schedule.
- Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

The 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.

21. No live music or amplified sound shall be played within the A4 use unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall be capable of restricting noise breakout from the building to the street to levels not exceeding the prevailing ambient noise level by more than 3dB when measured;
- (i) as a 15 minute LAeq, and;
  - (ii) at any one third octave band centre frequency as an 15 minute LZeq.

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

22. Prior to the occupation of any part of the development, a detailed Travel Plan(s), 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:

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

Reason: In the interests of delivering sustainable forms of transport.

23. 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 footways shall be reconstructed using secondary palette materials in line with Sheffield City Council's Urban Design Compendium.

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

24. 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 Controlled 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 it is essential for this scheme to be in place before the use commences.

25. 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.

26. No construction work shall commence until a detailed Employment and Training Strategy, which is designed to maximise local opportunities for employment from the construction phase of development, has been submitted to and approved 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.

#### Other Compliance Conditions

27. 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 the scheme of sound insulation measures detailed in Acoustic report by ARUP (Ref. Aac/256067-00/R01, dated 2nd May 2018) has been implemented and thereafter retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

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

28. The commercial food and drink uses hereby approved (Classes A3, A4 and A5) shall only be used between the hours of 0800 and 2330 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.

29. The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those

plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

30. Notwithstanding the detail shown on the approved drawing, the sales area within the approved flexible use areas shall not exceed 280 sq metres where a Class A1 use is implemented.

Reason: In order to protect the vitality and viability of the city centre, in accordance with the National Planning Policy Framework (NPPF).

31. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

32. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

Attention is Drawn to the Following Directives:

1. As the proposed development will involve the closing/diversion of a public highway(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the highway(s) under Section 247 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6301 or 273 6125  
Email: [highwayrecords@sheffield.gov.uk](mailto:highwayrecords@sheffield.gov.uk)

2. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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 Turner  
Highway Adoptions  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 4383  
Email: [stephen.turner@sheffield.gov.uk](mailto:stephen.turner@sheffield.gov.uk)

3. Formal consent for the discharge to the river and for the outfall structural design must be obtained from the Council's Development Services, Highways, Flood and Water Management, Howden House, 1 Union Street, Sheffield, S1 2SH (Telephone Sheffield 2734456) before work on site commences.
4. 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 formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349  
Email: [james.burdett@sheffield.gov.uk](mailto:james.burdett@sheffield.gov.uk)

5. 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.

6. 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, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [epsadmin@sheffield.gov.uk](mailto:epsadmin@sheffield.gov.uk).

7. 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](mailto: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.

8. 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>

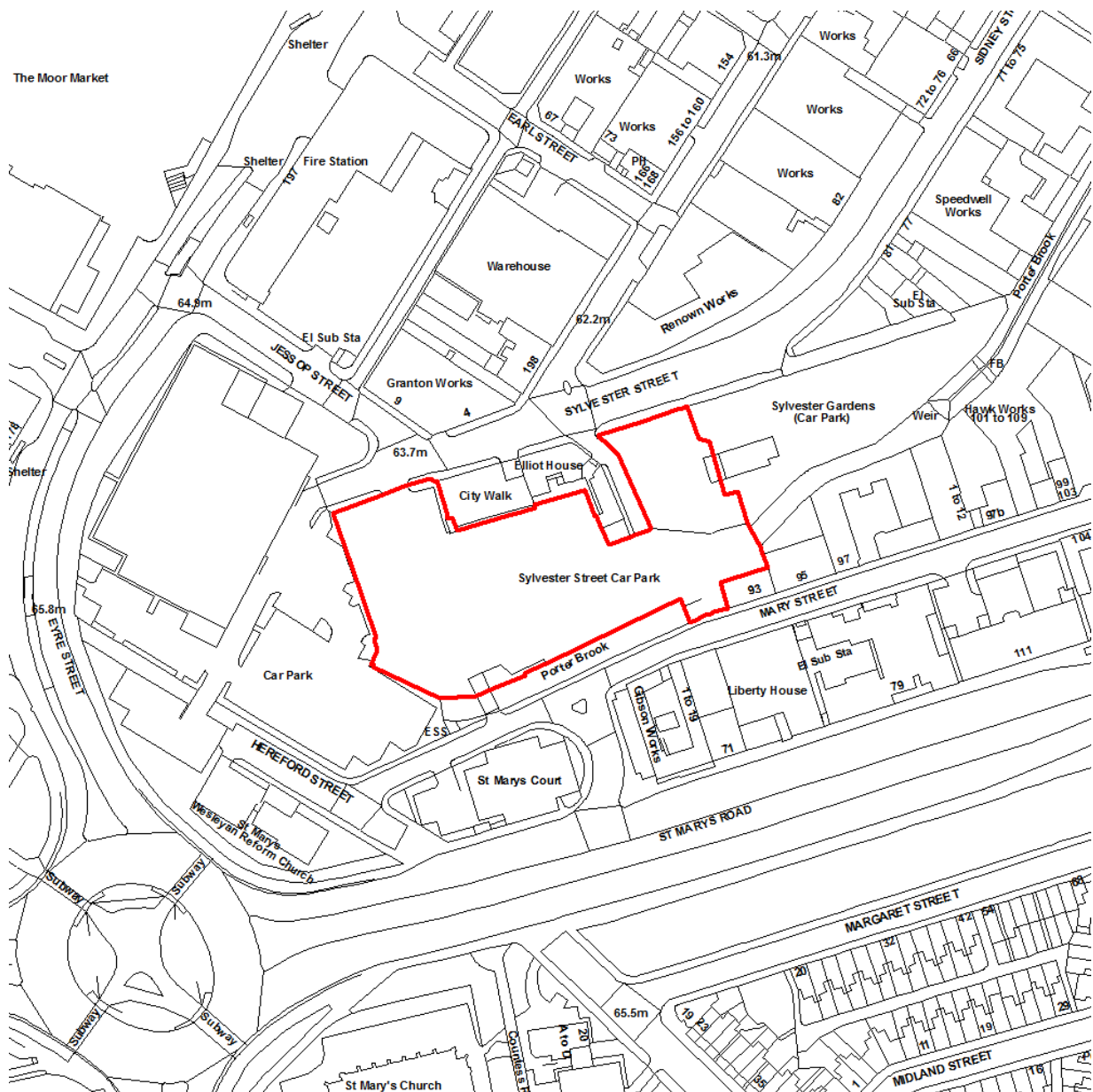
For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk).

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.

9. 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.

10. The applicant should be aware that a legal agreement has been completed in respect of this proposal.

## Site Location



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## LOCATION AND PROPOSAL

The application site lies between Sylvester Street to the north and Mary Street to the south, at the southern end of the Cultural Industries Quarter (CIQ) Conservation Area. It is currently in use as a surface level car park accessed via an existing access road from Sylvester Street.

The western half of the site is screened from Sylvester Street by the grade II listed Sylvester Works and a 5 and 6 storey residential building known as City

Walk. To the west the site adjoins the car park to Decathlon while the Porter Brook runs to the immediate south of the application site, adjacent Mary Street. To the east the site adjoins land with an extant consent for a mixed use development comprising of a 4, 5 and 6 storey building providing 102 apartments, office accommodation, a cafe/bar and landscaping, including the continuation of a riverside walk along the Porter Brook (06/01918/FUL). It is understood that the new owner of this site intends to build the extant scheme, which was recently granted planning permission for a number of minor material amendments under Section 73 of the Planning Act (17/00604/FUL).

Planning permission was previously granted on the western two thirds of the application site (the land to the west of the car park access road which, until 2008, was occupied by a 2 storey furniture warehouse unit known as Klausssners) for the erection of 137 apartments, 3,191 square metres of commercial space and a café in a building extending up to five and a half storeys (with a double height ground floor), plus car parking and landscaping, including a new public space and riverside walk (07/02595/FUL). This consent is understood to be extant.

Following the sale of the site in 2017, planning permission is now sought for the erection of a 5 to 14 storey Build to Rent development comprising 335 apartments with ancillary communal facilities, ground floor commercial space (A1, A2, A3, A4, A5 and B1 uses), landscaping and car parking. Build to Rent is defined (in the National Planning Policy Framework Glossary) as purpose built housing that is typically 100% rented out, which usually offers tenancy agreements of three years or more, is professionally managed and is normally in single ownership and management control.

The scheme comprises of three blocks, A to C. Block A, at the western end of the site, and block B, to the south, are linked to form a large L shaped block which ranges between 7 and 14 storeys in height – a bulky 14 storey tower in the south west corner of the site with 7 storey wings projecting north and east. To the north of block B is a courtyard separating the development from the rear of City Walk and the grade II listed Sylvester Works. The courtyard houses 10 parking spaces (including 4 accessible parking spaces) and cycle storage for 140 bikes.

Block C, at the eastern end of the site, is a 6 storey rectangular block perpendicular to Sylvester Street. The sixth floor is set back almost 7.5 metres from Sylvester Street to form a 5 storey street frontage.

A new public pedestrian route is formed to the south of all three blocks, adjacent to the Porter Brook. It is intended that this walkway will link to neighbouring developments, eventually creating a lengthy riverside walk. Two further pedestrian routes will allow access between Sylvester Street and Mary Street.

## RELEVANT PLANNING HISTORY

16/01691/FUL	An application under Section 73 of the Planning Act to allow the continued use of the land as a car park for a further 3 years until
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August 2019 was approved in June 2016 (Application under Section 73 to vary/remove Condition No. 1 (time limit) as imposed by planning permission 13/01633/FUL).

- 13/01633/FUL An application to extend the previously approved car park (below) to the east, to include the site of the former Bernard Works, was approved in August 2013.
- 11/03965/CHU An application for the use of the Klausnners site as a short stay car park was approved in February 2012.
- 07/02595/FUL Planning permission was granted in December 2012 for the redevelopment of the Klausnners site to provide 137 apartments, 3191 sq.metres of commercial space (to include business starter units), a 298 sq.metre A3 Café, and the provision of associated car parking and landscaping including a new public space and riverside walk.
- 07/02617/CAC Conservation area consent was granted for the demolition of the existing building (a former furniture warehouse) in August 2007.

## SUMMARY OF REPRESENTATIONS

This application was advertised by way of press and site notice and by neighbour notification.

6 representations were received including 5 letters of support and 1 objection.

Representations from supporters of the scheme were received from 2 neighbours as well as the Secretary of Sheffield City Centre Residents Action Group (SCCRAG), the Executive Director of the Sheffield Chamber of Commerce and the Chair of the Chamber of Commerce's Sheffield Property and Regeneration Committee. The comments made by supporters include:

- The development would bring a site back into active use that has laid derelict for a significant number of years, enlivening the area and stimulating new business.
- Much of the development in the area has been student accommodation. This proposal would see a permanent residential community created which would establish this side of the city centre as a location for further residential development, helping the city maximise the benefits of HS2 and Northern Powerhouse Rail and sustain the Moor Market.
- The proposals would create further business units aimed at the expanding cultural and digital industries in the city.
- The ongoing management of the accommodation would avoid many of the issues with apartment blocks seen elsewhere.
- Proposals to upgrade the Porter Brook and make it publicly accessible builds on similar work done near the UTC on Matilda Street, would boost the area

and potentially help to stimulate the demand to bring other buildings of character back into use.

- Sheffield currently lacks the level of high quality accommodation aimed at the private renter, including graduates and young professionals, leaving us at a disadvantage to other major cities.
- This development would secure another major investment in the city, which is fundamental to us growing our economy and delivering good jobs in the future.
- The proposals make better use of the land.

However the lack of parking was raised as a major concern. SCCRAG consider parking is needed to encourage people to move into this type of residence.

The objector to the scheme is a resident of City Walk. Their concerns include:

- The City Centre is already severely cluttered with a lot of flats in similar buildings.
- Why do you need to cram such a big development on such a small piece of land?
- Block B is too close to City Walk and will block light.
- Block B should be removed to allow for more parking.
- The new development will exacerbate the problems relating to the of lack of parking.
- The proposed bin store is too close to City Walk and will harm the amenities of existing residents.

### Historic England

In their consultation response, Historic England note that the application site sits at the edge of the CIQ Conservation Area and across two character areas – the Peripheral Area and the Mary Street Area – and that a Grade II listed building, Sylvester Works, is located outside the application site on the corner of Sylvester Street. They state that any development on the site should respect each character area but acknowledge that development towards the western part of the site would address a slightly different and less historic context.

As, historically, the area would have been densely developed and large areas of open space such as the existing surface car park are uncharacteristic of the area, Historic England welcome development on the site in principle but warn that not all development will have a positive impact. They advise that development needs to take account of the character of the area of back of pavement development, low-medium height, irregular and tightly packed footprints getting looser with more open yards towards the west of the conservation area.

Historic England note that there is considerable development either ongoing or recently completed within the CIQ Conservation Area which varies in style – some are completely new-build whilst others incorporate historic buildings, or elements of historic buildings – but that most conform to a maximum building height of around 6-7 storeys. Historic England consider this is important in respecting the historic



character of the area and the scale of the remaining historic metal trades buildings, whether listed or unlisted.

Historic England were engaged in some pre-application discussion, advising that they would not support initial proposals due to the harmful impact of the scale and massing on the conservation area and setting of the listed building.

Revisions were made which form the scheme currently under consideration. Historic England advise that whilst the revisions have addressed some aspects of their concerns – reducing the height of the blocks to the eastern end of the site which has reduced the overall massing in some views – and they consider the principle of the height stepping up towards the west to be acceptable, they consider the proposals as submitted to cause harm to the character and appearance of the conservation area and, to a lesser extent, the setting and significance of the Grade II listed Sylvester Works. This, they say, is as a result of the discordant scale of the larger blocks which will be experienced dynamically in numerous views as one moves around the conservation area.

Historic England consider the harm caused to be less than substantial in the language of the NPPF, but note that paragraph 132 of the framework requires any harm to designated heritage assets to have a ‘clear and convincing justification’ and that ‘great weight’ should be given to the conservation of heritage assets, meaning there is a requirement to assess the necessity of the harm, given the statutory protection afforded to conservation areas and listed buildings. This includes demonstrating that it would not be possible to deliver the benefits of the proposal in a less harmful manner.

Historic England advise that, in determining this application, the local planning authority should be satisfied that it is not be possible to reduce the harm caused to the character and appearance of the conservation area and the setting and significance of the listed building and that, where we are satisfied this is the case, weigh that harm against the public benefits of the scheme as required by paragraph 134 of the NPPF, whilst also having special regard to preserving the character and appearance of the conservation area and setting of the listed building as required by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In addition Historic England wished to note that they do not agree with the suggestions of the applicant’s Planning and Built Heritage Statements that a public benefit of the scheme would *be* “the improvement of the setting of the Grade II listed Sylvester Works and the positive contribution to the CIQ Conservation Area through the provision of a high quality, well managed Build to Rent scheme”. Whilst they consider the principle of redevelopment of the site has the potential for enhancement, they have concluded that the current proposals would cause harm to both designated heritage assets and thus, the development cannot be considered a positive, public benefit in this regard.

Conservation Advisory Group

The Conservation Advisory Group considered the proposals at their meeting on 19 June 2018. They felt that the development did not conform with the character of the Conservation Area, or with the recommended height limits of the Urban Design Compendium, and considered that the development was too high even in the lowest parts.

The Group felt that this development would weaken the constraints imposed by the conservation area and that the character of the conservation area would be lost. The argument that the site was in a peripheral zone of the conservation area did not, in the Group's view, lessen the requirement that new development should be bound by the area's character and form, or the limitations imposed in the Urban Design Compendium.

The Group welcomed the proposal to open up the river.

## PLANNING ASSESSMENT

### Principle of Development – Policy and Land Use

The revised National Planning Policy Framework (NPPF), published on 24 July this year, reinforces the general presumption in favour of sustainable development as well as the Government's objective to significantly boost the supply of housing. From November this year, the presumption in favour of development will apply where the local planning authority cannot identify a 5-year supply of deliverable housing sites (with an appropriate buffer), or where the delivery of housing over the last 3 years has been below 75% of the housing requirement. Sheffield's housing delivery passes the second test but as we are currently unable to demonstrate a 5 year supply of housing, this weighs in favour of the development of this site for residential purposes.

The statutory development plan for Sheffield currently comprises of the Core Strategy (March 2009) and saved policies from the Unitary Development Plan (1998).

The site lies in a Fringe Industry and Business Area as defined in the Unitary Development Plan (UDP). Policy IB6 of the UDP (Development in Fringe Industry and Business Areas) relates to development in such areas and advises that business (B1), general industry (B2) and warehouse uses (B8) are the preferred uses of land but that housing is also considered to be acceptable in principle.

Policy IB9 of the UDP (Conditions on Development in Industry and Business Areas) expects the preferred uses of land to remain dominant. However, general industry and warehouse uses are no longer preferred in this location, the UDP having been superseded by the more up to date Core Strategy.

Policy CS6 (f) of the Core Strategy (Manufacturing and the City Centre – Transition Areas) identifies the area as one where manufacturing should be encouraged to relocate, while policy CS17 (c) (City Centre Quarters) describes the area as having a wide mix of uses and the main location for the city's

creative and digital industries, one of the key growth clusters for the economy of the City Region.

A little over 690 square metres of non-residential space is proposed at ground floor level comprising of commercial co-working and flexible use space (A1, A2, A3, A4, A5 and B1 uses). This level of commercial space is not significant given the size of the development, however it does go some way to supporting the promotion of business uses in the area. In addition, there are currently sufficient non-residential uses in the area to prevent residential uses from becoming dominant, even if the current proposals are approved. On balance, therefore, the proposals are therefore considered to be acceptable in terms of local plan business and industrial policies.

## Other Policy Considerations

### Build to Rent

The proposed residential units comprise of Build to Rent accommodation, good quality, professionally managed rented accommodation offering long term tenancies. The submitted Planning Statement describes the scheme as ‘focused on the provision of high quality ancillary amenity provision alongside residential accommodation. Within the proposed development these facilities include a gym, common room, cinema room, communal dining facilities, public and private amenity space (including roof garden) and bike maintenance store area.’

Very recently (on 13 September 2018) the government published new National Planning Policy Guidance (PPG) on Build to Rent. Until now, no distinction has been made between Build to Rent and other C3 housing uses in planning terms. But the PPG, which describes Build to Rent as ‘*a distinct asset class within the private rented sector*’, places new emphasis on considering the need for Build to Rent homes and advises that, if a need is identified, local planning authorities ‘should include a plan policy setting out their approach to promoting and accommodating build to rent’. Such policies are likely to include the circumstances and locations where build to rent developments will be encouraged.

A large part of the new Build to Rent PPG focuses on affordable housing provision – which is discussed later in this report – but the final paragraph also emphasises that, while Build to Rent homes are normally designed, constructed and managed to a high quality standard, individual schemes should still seek to meet ‘relevant local and national planning policy requirements.’

It is acknowledged that there are currently few Build to Rent schemes in Sheffield, and that, this being a relatively new sub-market in private rented residential stock in the UK, we don’t currently have any evidence of need. However, the forthcoming Strategic Housing Market Assessment will take account of Build to Rent and inform any policy requirements for the Local Plan.

### Housing Mix and Density

Core Strategy policy CS41 (a) (Creating Mixed Communities) aims to promote the creation of mixed communities by providing for a broad range of smaller households

in the City Centre. It advises that no more than half the new homes in larger developments should consist of a single house type. The proposed mix of accommodation across the three blocks comprises of 44 studios (13%), 191 one bed apartments (57%), 85 two bed apartments (25%) and 15 three bed apartments (5%). Although the number of one bedroom apartments exceeds 50%, the overall mix is considered to be acceptable in this instance given that the nature of the proposed Build to Rent accommodation is likely to be attractive to young professionals in particular.

Core Strategy policy CS 26 (Efficient Use of Housing Land and Accessibility) requires housing developers to make efficient use of land, but advises that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities.

Subject to the character of the area being protected, CS26 advises that densities of at least 70 dwellings per hectare are suitable in the city centre. The density of the proposed development is 568 dwellings per hectare, well in excess of the policy requirement.

#### Town Centre Uses

The revised NPPF continues to expect local planning authorities to apply a sequential test to main town centre uses not in an existing centre, stating that 'main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available... should out of centre sites be considered.'

The application site lies approximately 85 metres east of the Central Shopping Area (CSA). Any A1 retail units are likely to be small in scale and designed to serve the requirements of existing and proposed local residents – a role that vacant units in the CSA would not fulfil. It is therefore considered unlikely that a small A1 unit in this location would have an adverse effect on the vitality and viability of the city centre, and as such is considered to be acceptable in principle. However, a condition is proposed limiting the sales area within the approved flexible use commercial to no more than 280 square metres where a Class A1 use is implemented.

#### Design and Heritage Issues

As previously described, the proposed development comprises of three blocks, A to C. Blocks A and B, located adjacent the eastern and southern site boundaries, are linked to form a large L shaped block with 7 storey wings and a 14 storey tower in the south west corner of the site. To the north of block B is a courtyard separating the development from the rear of City Walk and the grade II listed Sylvester Works, which both front Sylvester Street. Block C, at the eastern end of the site, is a largely 6 storey rectangular block perpendicular to Sylvester Street. The development sits entirely within the Cultural Industries Quarter (CIQ) Conservation Area, which was designated in January 2001 as part of a programme to conserve the best areas of the distinctive townscape associated with Sheffield's metal trades.

#### Policy Context

In relation to design, the NPPF asserts that the creation of high quality buildings and places is fundamental to achieving sustainable development and creates better places in which to live and work (para. 124).

Policy BE5 of the UDP (Building Design and Siting) advises that good design and the use of good quality materials will be expected in all new developments, while policy CS74 of the Core Strategy (Design Principles) advises that high-quality development is expected which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

Chapter 16 of the NPPF (Conserving and enhancing the historic environment) sets out the Government's policies relating to the historic environment. Paragraph 193 states 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 ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' It goes on to say that any harm to the significance of a heritage asset requires 'clear and convincing justification' and 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' (para. 196).

Paragraph 200 also advises local planning authorities to look for opportunities '*to enhance or better reveal*' the significance of Conservation Areas when dealing with applications for development within their boundaries, treating favourably those proposals that 'preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance).'

In considering whether to grant planning permission for development which affects a listed building or its setting, section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 states that the local planning authority 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.'

Similarly, section 72 of the Act describes the general duty with respect to conservation areas and states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.'

UDP policy BE15 (Areas and Buildings of Special Architectural or Historic Interest) expects buildings and areas of special architectural or historic interest, which are an important part of Sheffield's heritage, to be preserved or enhanced and advises that development which is considered to harm the character or appearance of listed buildings or conservation areas will not be permitted.

Policy BE16 of the UDP (Development in Conservation Areas) states that permission will only be given to schemes which preserve or enhance the character or appearance of the Conservation Area while Policy BE19 (Development Affecting Listed Buildings) requires developments which affect the setting of a listed building to preserve the character and appearance of the building and its setting.

The CIQ Conservation Area Appraisal seeks to define the special character of the area. It includes, as required by the Planning Act 1990, proposals for the preservation and enhancement of the conservation area or Area Guidelines. Together, the Appraisal and Area Guidelines form Supplementary Planning Guidance (SPG) to support the UDP and are a material consideration when determining planning applications.

The Appraisal covers the whole of the CIQ Conservation Area and has been subdivided into character areas. The application site lies across two character areas – the Mary Street Area and the Peripheral Area.

The street pattern in the Mary Street Area deviates from the original CIQ grid layout, responding to the natural boundary of the Porter Brook. There is variety in building massing, ranging between 1 and 5 storeys, and street frontages are predominately to the back of pavement.

Sylvester Works is the one listed building in the Mary Street Area. It is a 3 storey brick building circa 1875, with a gabled and hipped slate roof, which was originally built as a cutlery works and is now converted to flats. Other buildings of historic interest in this area are located on the northern side of Mary Street, particularly towards its western end adjacent the application site.

The CIQ's peripheral areas represent the outward face and gateway into the Conservation Area. While the character of the built form in these areas is mixed, they all have strong links, in terms of the street pattern, to the core area.

The Appraisal notes that the public face presented onto the St Mary's Road roundabout retains few clues of the heritage of the area, as it currently comprises of a late twentieth century retail warehouse, office building and car parks. However Hereford Street, close to the roundabout, is the southernmost remnant from the original grid iron plan laid out in the early 1800s.

The Area Guidelines expect new development in the CIQ to respond to the historic urban form of the area, respecting the original grid pattern and plot sizes. New buildings should be built to the back of the pavement and of a scale and form that respects existing development. It advises that important views into and out of the Conservation Area should be retained.

Along Mary Street where, with the exception of modern infill, the buildings are structurally little altered, the guidelines suggest that the emphasis should be on retaining and restoring the window patterns and other architectural details.

Much recent development in the peripheral areas has been inappropriate, in terms of scale and the quality of the design and materials. The main aim of the Guidelines in these areas is to secure a higher quality of development with buildings that define and enclose but do not overshadow the street.

Scale and Massing

The key issue in this instance is the quantum of development that the applicant is seeking to achieve. Given the size of the site, the level of accommodation desired can only be accommodated within an envelope that is considerably greater than the prevailing scale and massing of buildings within the CIQ.

With the exception of a number of properties facing onto the Arundel Gate/Eyre Lane corridor, the majority of buildings within the CIQ are 2 to 4 storeys in height. The buildings proposed range between 5 and 14 storeys.

UDP policies BE15 and BE16 expect the character and appearance of the conservation area to be preserved or enhanced – a position upheld by section 72 of the Act – and scale is a fundamental component of townscape character. However, this development will appear markedly different to its neighbours and tower above the townscape in street views. Furthermore, it is considered that the size of the blocks will have an impact on the relatively narrow spaces and streets they enclose.

In a bid to enhance the legibility of the townscape and to improve vitality and viability, increases in scale above the relatively modest prevailing heights have been supported around the edge of the conservation area, where larger buildings relate better to the greater scale of streets such as Eyre Lane or the Inner Ring Road. Similarly larger buildings have been developed where they visibly mark a significant point within the townscape, such as the intersection of higher order streets or the course of the Porter Brook. But the scale currently proposed exceeds that previously supported for a site within the main body of the conservation area.

As part of the pre-application process, the proposals were significantly amended to redistribute the accommodation across the site, reducing the bulk in the east, where the historic townscape remains more intact, and moving it over to the west, which is currently dominated by surface car parking. The consequence is a 14 storey tower which will appear extensively in views within the CIQ and beyond. The rationale for this includes minimising the impact of the development on the historic townscape by positioning the tower where it will, in time, be associated more with the Decathlon site and the ring road, where a cluster of larger buildings has been supported. Furthermore, the tower marks a potentially new area of publicly accessible open space formed at a bend in the course of the Porter Brook (though part of this open space lies on the adjoining Decathlon site and is not subject to any applications or approvals).

Despite the redistribution of accommodation and articulation of blocks to break down their mass, concerns remain that the main body of the development is bulky and will appear overly large in comparison with its neighbours. The properties on the south side of Mary Street are 3 to 4 storeys high and will face onto the consistent 7 storeys of block B. In mitigation the building line is pulled back from the edge of the Porter Brook to create a south-facing public space and reduce the impact of the scale. However the eastern end of block B and block C (at 6 storeys), in particular, have a much closer relationship with the existing 3 storey buildings and are likely to dominate their surroundings.

At 7 storeys, the height of the northern end of block A, which lies adjacent the 6 storeys of City Walk, is considered to be a reasonable response to Sylvester Street.

However, the applicant's claim that the development would improve the setting of the grade II listed Sylvester Works is disputed. Overall, given block A is separated from the 3 storey listed building by City Walk, it is considered that the impact of the development on the listed building is at best neutral.

### Layout and arrangement

The proposed development adopts a perimeter block arrangement, which is considered to be appropriate in the CIQ where buildings are set to the back edge of the footpath, concealing yards and secondary structures to the rear. A more modulated approach is taken to the south-facing elevation of block B as the Brook would traditionally have been enclosed by a relatively informal arrangement of the backs of properties. This articulation helps to maximise the level of accommodation and break down what would otherwise be a continuous 7-storey wall of building.

### Materials and detailing

The quality of the architecture proposed is very positive. Generous floor to ceiling windows provide a contemporary appearance to the elevations and permit high levels of natural light into the units. The regular repetition of the window forms reflects that of the traditional metal trade ranges and windows are arranged to produce a clear hierarchy in the elevations, with ground floor public areas expressed with more pronounced openings.

The proposed use of brickwork with limited metal and brick detailing is also welcome and reflective of the surrounding context. Deep reveals will express the robustness of masonry and the selection of a subtle gradation of different brick types, if successfully implemented, should provide sufficient variation to help visually break down the massing of the lower blocks without appearing overly contrived. The selection of brick and specification of mortar would, therefore, be critical.

The architectural approach is of a high quality, the materials appropriate, interesting public spaces are created, back-of-house activities are to be concealed within the body of the perimeter block and the frontage to Sylvester Street reinforced. The key issue is scale, a direct consequence of the quantum of development which the applicant is attempting to accommodate on the site.

The scale of what is proposed is far greater than anything within the surrounding area and, in this sense, is considered to be a poor contextual response. Amendments made throughout the pre-application process have greatly improved the arrangement and massing, and established a strong, clear logic to the layout. However, the quantity sought demands significant bulk, both in terms of the 14 storey height of the tower and in the scale of the lower blocks which are considered to result in some uncomfortable relationships.

The proposed scale, within a context of relatively modest buildings and tight streets, is such that even if this were not a conservation area, it would prove extremely challenging. In reality the CIQ has been designated as a conservation area by the local planning authority and the impact of the proposal on its character and appearance has to be assessed accordingly.



Historic England concluded that the proposals will harm the character and appearance of the conservation area, though the harm caused is less than substantial harm in the terminology of the NPPF.

Despite its many positives, and the fact that the existing car park is a negative element within the conservation area, it is considered that the proposed development does not comply with the aims of UDP policies BE15 and BE16 to preserve or enhance the character or appearance of the Conservation Area, nor the aims of the CIQ Conservation Area Guidelines to respect the scale and form of existing development. Therefore Officers concur with the view that the development will cause harm to the character and appearance, and thereby the significance of the CIQ Conservation Area. This harm could be argued to be less than substantial taking into account the site's position within the conservation area.

Where development leads to less than substantial harm, the NPPF states that 'this harm should be weighed against the public benefits of the proposal.'

In their Planning and Built Heritage Statements the applicant asserts that the scale of the proposed development is necessary to deliver the extensive public benefits provided by the scheme. They say that the public benefits include significant and demonstrable enhancements to the setting of Sylvester Works and the positive impact of the development on the character and appearance of the Conservation Area. However, they also conclude that 'the increased massing of the proposed scheme as part of the existing streetscene within this part of the Conservation Area will cause less than substantial harm to its significance.'

The local planning authority does not agree that the public benefits of the scheme include enhancements to the setting of Sylvester Works and neither do Historic England. At best the impact is neutral.

It should be noted that there are, of course, other benefits of the scheme, including economic benefits (through job creation) and a contribution to the residential offer of the city centre. However, it has to be decided whether these benefits are so substantial as to outweigh the harm caused.

### Sustainability

The National Planning Policy Framework 2018 states that the purpose of the planning system is to contribute to the achievement of sustainable development by applying three overarching interdependent objectives: an economic objective; a social objective; and an environmental objective.

The application site is currently used as a car park and generates an income. However its redevelopment will deliver economic regeneration by creating jobs as part of the construction works, the on-going management of the facility and through future commercial uses, some of which may support the areas creative and digital industry focus.

The applicant has confirmed that they are willing to support local employment initiatives as part of the development and a planning condition can secure an employment and training strategy.

In terms of social objectives, the proposed development will help to meet the city's housing needs and to establish a mixed residential community in the CIQ by offering high quality homes for rent. As the site is conveniently located close to a wide range of services and facilities, development in this location will also ensure that residents' social and community needs are well catered for.

The proposed development will contribute to some of the environmental objectives of the NPPF by making more effective use of the land and enhancing the natural environment by making improvements to the Porter Brook and its setting. It should also contribute towards moving to a low carbon economy. However, there are concerns, as previously discussed, that the scheme does not sufficiently protect or enhance the historic environment in which it is set and indeed is considered to have a less than substantial harmful impact on heritage assets.

Policy CS63 of the Core Strategy (Responses to Climate Change) gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions, and that generate renewable energy.

Similarly policy CS64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings and conversions of existing buildings to be energy efficient and to use resources sustainably, while policy CS65 (Renewable Energy and Carbon Reduction) seeks to secure the generation of energy from renewable sources, with 10% of predicted energy needs provided from decentralised and renewable or low carbon energy.

The proposed development is located within easy walking distance of the Central Shopping Area and close to a range of public transport options. Built to modern standards it will be energy efficient, and in order to comply with the requirement for 10% of predicted energy needs to be provided from decentralised and renewable or low carbon energy, roof mounted photovoltaic (PV) panels are proposed on each block.

A green roof is proposed on the cycle store, located within the courtyard to the rear of block B. Green roofs are encouraged by Core Strategy Policy CS64 as they can help to attenuate surface water run-off and improve biodiversity. While the green roof is small in comparison the scale of the overall development, its inclusion is welcomed. Further biodiversity improvements are expected as part of the works to naturalise the Porter Brook.

A condition is proposed to secure the proposed decentralised and renewable or low carbon energy and, generally, many aspects of the proposed development will contribute towards achieving a sustainable development if this application is approved. However, the failure of the scheme to sufficiently protect and enhance the historic environment remains a concern.

## Residential Amenity Considerations

Policy IB9 of the UDP (Conditions on Development in Industry and Business Areas) states that new development and changes of use will be permitted provided that they do not cause residents to suffer from unacceptable living conditions.

The courtyard to the north of block B separates the development from the rear of City Walk and the grade II listed Sylvester Works, both of which front Sylvester Street and are in residential use. The courtyard is a little under 17 metres wide, a separation distance which falls short of the standard 21 metre privacy distance but which is not unusual in urban settings such as this where residents do not expect the same levels of privacy.

Similarly restricted relationships are created across the existing access road from Sylvester Street where block C sits a minimum of 9 metres from habitable room windows in the east facing elevation of Sylvester Works and, to the east, where block C sits approximately 8.5 metres from a small number of west facing windows on the adjacent development (not yet constructed). However, these instances affect a relatively small number of properties, in some cases the properties are separated by highway and, as previously described, reduced levels of privacy are not unusual in urban areas, particularly where it is desirable in character terms to bring development up to the back edge of the footway. In privacy terms, therefore, the proposals are generally considered to be acceptable.

That said, the proposals introduce 7 storeys (including a generous ground floor) 17 metres to the south of existing habitable room windows in City Walk and, to a lesser extent, Sylvester Works. While existing residents do not have a right to a view across the adjoining land, they will experience some loss of light given that blocks B and C (which reaches 14 storeys in height) are orientated to the south and west of the existing buildings. Again, in urban setting, this is not uncommon and the loss of light may not be significant, however the impact of the development on the amenities of neighbouring residents should be acknowledged.

The submitted acoustic report indicates that the dominant noise source in the vicinity of the application site is traffic on Sylvester Street, St. Mary's Road and in the neighbouring Decathlon car park. However, the report concludes that an acceptable living environment can be provided for future residents subject to the installation of a scheme of sound attenuation, details of which are reserved by condition.

Similarly, the proposed range of commercial units is unlikely to have a harmful impact on the amenities of existing and proposed residents subject to appropriate hours of use and controls on the playing of live music and amplified sound.

Noise modelling predictions have shown that the roof terrace located at the seventh floor of Block A would be exposed to daytime and night-time noise levels which are marginally above the external noise levels recommended by the World Health Organisation. The borderline breach is not unexpected, given the site's urban setting and proximity to the ring road, and is not necessarily a significant concern. However, the acoustic report makes reference to a more detailed

assessment of external noise levels in outdoor spaces being undertaken during the detailed design phase.

### Landscape and Relationship to the Porter Brook

The proposed development is set back from the Porter Brook to form a riverside walk which, it is expected, will be constructed to adoptable standards and will link with adjoining developments to provide a new pedestrian route, for residents, workers and visitors, the length of the CIQ in accordance with the aims of Core Strategy Policy CS48 (Open Space and Riversides in the City Centre).

Semi-private and public spaces, including an urban garden and river viewing platform, will be provided along the walk. The applicant has also agreed to undertake naturalisation works to the Porter Brook, which will contribute to reducing flood risk as well as enhance bio-diversity and the natural environment.

In addition to the river walk, two north south pedestrian routes are proposed, one between blocks A and B and one between blocks B and C. It is expected that all public routes will be finished in good quality materials and all will be fully accessible.

The riverside walk and associated public amenity spaces addressing the Porter Brook are considered to be positive aspects of this scheme while works to naturalise the river channel would enhance the amenity value of these space, as well as the ecological value of the river corridor. Detailed hard and soft landscaping will be reserved by condition.

### Highways

Policy IB9 of the UDP (Conditions on Development in Industry and Business Areas) expects new development to be adequately served by transport facilities, provide safe access to the highway network and appropriate levels of off-street car parking, while the City Council's Car Parking Guidelines, which are to be interpreted as maximum standards, states that in the city centre up to one space per dwelling is appropriate.

The Guidelines also note that the provision of car parking is important to many developments for operational and commercial reasons, but that the over provision of car parking can be wasteful of expensive land, encourage unnecessary car use and does not always look attractive.

The proposed development incorporates a courtyard with 10 parking spaces (including 4 accessible parking spaces) as well as cycle storage for 140 bikes. The courtyard is accessed from Sylvester Street and is sufficiently large to allow servicing – the submitted drawings show that a refuse vehicle can reverse into the site to enable bin collections to be undertaken off the public highway and that fire tenders will be able to enter and exit the site in a forward gear.

The very low level of parking provision, which is for operational purposes only, means that the development will remain car free and the applicant will be required by condition to ensure that future occupiers are aware that they will not be eligible for

resident parking permits within the designated Permit Parking Zone. However, as on street parking adjacent the site is controlled by parking restrictions and pay and display parking spaces, it is considered very unlikely that any demand for parking space by residents will be displaced onto the local highway network.

Occupants of the proposed development would be within easy walking distance of a range of facilities and public transport options and pedestrian connections will be improved with the incorporation of a further section of riverside walk along the Porter Brook.

The site is currently occupied by a pay and display car park with over 200 spaces and so, while the development will generate trips such as taxis, home deliveries, servicing and refuse collections, vehicle movements to and around the site will be significantly reduced. The impact of the development on the local highway network will be negligible

No alterations are proposed to the layout of the adjoining highway, however the resurfacing of all adjoining footways will be reserved by condition. There is an unused section of adopted highway (a stub of Sylvester Street heading southwards into the site) which will require Stopping Up under Section 247 of the Town and Country Planning Act.

#### Flood Risk and Drainage

The Porter Brook runs along the southern boundary of the application site, which lies in flood zone 2 and has between a 1 in 100 and 1 in 1000 annual probability of flooding (i.e. Medium Probability).

In accordance with current National Planning Practice Guidance, residential uses are defined as 'more vulnerable' uses, which are acceptable in flood zone 2 subject to a robust Flood Risk Assessment (FRA) and the passing of the sequential test.

The aim of the sequential test is to steer development towards areas with the lowest probability of flooding, in this case flood zone 1. However, it is clear that there are no sites that are large enough and available to accommodate the proposal within the search area i.e within the Cultural Industries Quarter (CIQ). Furthermore, the FRA confirms that the site has not been affected by flooding during the main flood incidents recorded in 1973, 1991 and 2007. The proposals are therefore considered to pass the sequential test.

The Environment Agency (EA) welcomed the applicant's proposals to enhance the Porter Brook by providing landscaped amenity areas and a riverside walkway as part of this development, though they queried whether there was an opportunity to enhance this even further and to comply with the Council's aspirations to de-culvert the Porter Brook. The applicant has since confirmed that further de-culverting is not possible due to structural reasons.

#### Land Contamination

The application site has been the subject of past industrial activity which poses a

medium risk of pollution to controlled waters and human health, in this instance that risk comes in the form of free product (oil) floating on ground water.

The outline remediation strategy provides some detail in respect of possible remedial measures but makes clear that further details will be provided in a detailed strategy, to be reserved by condition. The Environmental Protection Service is satisfied that, subject to agreed remedial measures, the risks to controlled waters and human health can be adequately mitigated.

### Archaeology

The application site has already been evaluated by trial trenching (11 trial pits were excavated in December 2017) and more recently the applicant commissioned archaeological consultants to monitor a phase of geotechnical investigations. This work has confirmed that archaeological evidence from the industrial development of this site – throughout the early 19<sup>th</sup> century the site was occupied by a grinding workshop (Ward's Wheel), coal yard, saw mills, surgical instrument makers and cutlery workshops – is preserved on the western part of the site and so will need to be considered in relation to the impact of any permitted scheme. The eastern part of the site has poor archaeological preservation of archaeological evidence and further work is not recommended here.

The South Yorkshire Archaeological Service agree with these recommendations and so a condition is proposed to secure further investigation and formal recording of below-ground archaeology ahead of any redevelopment works.

### Affordable Housing

The NPPF (revised in July this year) states that, where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes provided for affordable housing to be available for affordable home ownership. It goes on to say that Build to Rent schemes are exempt from the particular 10% affordable home ownership requirements because affordable housing should be provided, by default, in the form of affordable private rent housing.

Core Strategy policy CS27 (f) (Housing in the City Centre) supports further expansion of City Centre living, with a mix of tenures and sizes of unit, including affordable housing, as part of a mix of uses in the CIQ, while policy CS40 sets out the Council's specific policy approach to the provision of affordable housing, together with the Supplementary Planning Document on CIL and Planning Obligations. The application site falls in an area of the city centre where there is a requirement to provide 10% of the units as affordable housing, subject to a viability assessment.

Against this policy context, the National Planning Policy Guidance (PPG) on Viability, which was revised at the same time as the NPPF, confirms that the normal affordable housing provision for Build to Rent schemes should be the provision of units for affordable private rent but suggests, for individual schemes, that developers may propose alternatives to the policy, such as variations to the discount and proportions of affordable private rent units across a development. It also suggests

that a comparison of Build to Rent and Build for Sale schemes may improve viability testing and help negotiate adjustments to the affordable private rent contribution.

Government guidance was firmed up in the new Build to Rent PPG (published on 13 September), which advises that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any Build to Rent scheme and that affordable rents should be at least 20% less than the private market rent. It explains that, as a general rule, the government expects developers to meet their affordable housing requirement by providing affordable private rent homes, but if agreement is reached between a developer and a local planning authority, the requirement can be met by other routes, such as a commuted payment.

At the time the planning application was submitted, the applicant considered that they could not meet the full affordable housing contribution (of 10%), triggering the need for a viability assessment. The assessment generated some debate on detailed matters including:

- The Benchmark Land Value (BLV)  
The applicant applied the price paid for the land as the BLV however the correct approach (as determined by case law) is to apply the Existing Use Value Plus (EUV Plus) valuation method, which takes as its starting point the value of the land with its existing use, plus an uplift to reflect the need to incentivise the landowner to sell, i.e. the amount above existing use value (EUV) that goes to the landowner.

Use of the EUV Plus approach is also recommended in the revised National Planning Practice Guidance (July 2018). The NPPG emphasises that the premium or 'Plus' should provide a reasonable incentive for a land owner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements.

- Marketing and letting costs
- Debit rates
- Profit allowance
- Purchasers costs (the hypothetical agent's fees, sales fees and most significantly the stamp duty applied to selling on the development post construction)
- Build costs

Following a meeting, and compromise on both sides, the Council's consultant concluded that an affordable housing contribution in the region of £375,000 could be made.

Discussions continued, with further concessions from the applicant relating to valuation and legal costs, yield (the interest or dividend earned on debt or equity) and marketing and letting costs, however they remained concerned about the figures for build costs, arguing that the required quality of development could not be achieved for the applied figure of £147.99 per sq ft, against their appraisal figure of

£154 per sq ft, and they requested that the consultant undertake a sensitivity analysis exercise.

Two scenarios were considered in this exercise: Scenario 1 applied a build cost of £148 per sq ft (the median BCIS rate in July), while scenario 2 applied a build cost of £149 per sq ft (the figure used in the applicant's own viability assessment, minus abnormalities which are accounted for elsewhere in the calculations).

It is worth noting that the median BCIS rate fell again in August to circa £146 per sq ft, but at the time it was felt that this was likely to be a short term trend and so this lower figure was not included in the testing.

The sensitivity testing indicated that an affordable housing contribution in the range of £51,265 to £322,235 could be provided.

The applicant's initial response to the sensitivity testing was to confirm that they were not prepared to make any payment towards affordable housing. They then provided two detailed cost plans from potential local contractors by way of supporting evidence of their build costs. However the submitted cost plans were very basic, devoid of supporting evidence and comprised of quotes, not fixed prices. They also appeared to include some double-counting (of elements allowed for elsewhere in the appraisal). Shortly after, the applicant proposed an affordable housing contribution of £51,265, at the lowest end of the range that followed sensitivity testing and one which equates to a 0.18% contribution, significantly short of the 10% policy requirement.

Build to Rent involves the construction of dwellings specifically for the rental market, a model of accommodation relatively new to Sheffield and one which generally provides its investors with a stable long term income stream and gives tenants high quality accommodation and reliable management. But the benefits of build to rent – high quality accommodation, long term lets, a range of communal facilities and on-site management – can come at a premium, and the new private rental communities are often, on average, more expensive than rental properties nearby. The accommodation within this development is therefore unlikely to be considered affordable (as described in the NPPF Glossary – 'housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)').

Given the very recent clear steer from government – that the affordable housing provision in Build to Rent schemes should be the provision of units for affordable private rent – the applicant was asked whether they would consider providing some affordable units for rent. They explained that their Build to Rent model does not offer any discounted market rent and that their existing schemes, which operate successfully across the country, market themselves on being single tenure, market level rent with a single point of entry that is genuinely affordable to 60% of the working population of the city. They also state that the discounted rental model is largely untested outside of London and that the risks associated with it, combined with the limited ability of the scheme to support any form of 'affordable' provision, make the provision of on-site discounted market units untenable.



The applicant then confirmed their affordable housing offer of £51,265, claiming that the sensitivity testing that concluded a contribution between £51,265 and £322,235 could be provided was incorrect in relation to a number of points, including:

- **Build Costs**  
They stated that the RICS Build Costs indicate an upward trend only, with no decreases reported in recent years.
- **Marketing costs**  
They claimed that these have been under-estimated based on an onward sale cost being applied rather than a figure that reflects the ongoing letting costs of the Build to Rent model.
- **Land Value**  
They stated that the figure applied in the appraisal is only 55% of the actual land value paid for the site.

In response to the applicant's comments on build costs, it is acknowledged that the general trend as calculated by RICS indicates that build costs are rising. However, the analysis of general trends covers all types of construction (i.e. residential, commercial, public and infrastructure projects). The viability assessments undertaken by the Council's consultant used more accurate BCIS build costs, which relate specifically to the construction of multi-storey apartment blocks in Sheffield, which fell from £147.99 per sq ft in July to £145.85 per sq ft in August. These same specific figures for apartments, rebased to Sheffield, were used by the applicant in their initial appraisal. However, recognising that the BCIS figures can be subject to short term fluctuations, the sensitivity testing applied a range of £148 to £149 per sq ft.

In relation to marketing costs, the viability assessment allowed a charge of 26% of the gross rent to cover the operator's management costs. Based on their knowledge of other Build to Rent schemes this 26% included marketing costs. In their assessment the applicant applied 26% of the gross rent as a management charge plus an additional 10% allowance for letting fees.

In relation to land value, the NPPF and PPG make absolutely clear that the price paid for land is irrelevant when considering viability.

It is clear that we have reached a position where neither side is likely to fully agree all of the appraisal inputs, and the applicant is not willing to improve on their offer of £51,265 towards affordable housing. However, there are other issues that need to be considered in relation to the provision of Build to Rent accommodation.

The new Build to Rent NPPG discusses what happens if homes within a Build to Rent scheme are sold off into separate ownership. It clearly expects Build to Rent schemes, and the benefits thereof, to remain within the rental sector but accepts that there may be circumstances where a developer needs to sell all or part of a scheme. To allow for such cases it advises local planning authorities to consider a covenant period for the retention of private market rent homes in that tenure and

potential compensation mechanisms in the event that private market rent homes are sold before the expiration of an agreed covenant period’.

There is little advice on the length of an appropriate covenant period, but Build to Rent is seen as a viable alternative to home ownership for an increasing number of relatively affluent young people wanting to live in cities and benefit from a range of amenities, and long term tenancies are seen as one of the benefits of Build to Rent. In light of this, in its draft Supplementary Planning Guidance (SPG) on affordable housing and viability, the Greater London Authority (GLA) recommends that Build to Rent homes have minimum three-year tenancies, to be held under a covenant for at least 15 years. A covenant period of 15 years is considered to be reasonable, given that short term sales would cancel out many of the advantages of Build to Rent, but it would not prevent a secondary buyer’s market from developing over the longer term. Moreover, the Build to Rent PPG states that ‘in granting planning permission for build to rent developments, authorities should set in place a planning condition requiring scheme operators to offer tenancies of 3 or more years to all tenants in the development, who are eligible to live in the country for that period (under the right to rent).’

Where affordable private rent homes are converted to another tenure, the NPPG provides a formula that may be used to calculate the amount of clawback payable. This is not required in this case as no affordable private rent is being provided on site, however the PPG also sets out that it is for local authorities to decide how to structure any clawback arrangements for the sale of private market rent homes in the covenant period. The NPPG suggests that it could be calculated by reference to viability at the time of the original application, **or** viability when the scheme is sold and again makes reference to the value of two sets of figures, one based on Build to Rent and one on Build for Sale. In any case, the NPPG is clear that ‘the sale of homes from a build to rent development should not result in the loss of affordable housing without alternative provision being made.’

Therefore, while the viability assessment undertaken on this application concluded that an affordable housing contribution in the range of £51,265 to £322,235 could be provided now, if permission is granted it is considered that a further assessment should be undertaken in the event that all or part of the build to rent scheme is sold within a recommended 15 year covenant period, to determine the level (if any) of alternative affordable housing provision. This could again take the form of an additional commuted sum.

CIL

The site lies within an area of the city centre where CIL is charged at £30 per square metre.

## SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a 5 to 14 storey Built to Rent scheme in the CIQ Conservation Area with 335 residential units, ancillary communal facilities, ground floor commercial space (A1, A2, A3, A4, A5 and B1 uses) and

landscape improvements including the continuation of the riverside walk along the Porter Brook.

As described above, there are concerns that the main body of the development is bulky and will appear overly large in comparison with neighbouring buildings along Mary Street and in longer views in and out of the conservation area. As a consequence, it is considered that the development will cause less than substantial harm to the character and appearance, and thereby the significance of the CIQ Conservation Area. Where development leads to less than substantial harm, the NPPF requires that harm to be weighed against the public benefits of the scheme.

The NPPF reinforces the general presumption in favour of sustainable development as well as the Government's objective to significantly boost the supply of housing. Housing is considered to be an acceptable use of the application site, a site which has been vacant for 10 years and could itself be considered to cause significant harm to the character and appearance of the conservation area, and as we are currently unable to demonstrate a 5 year supply of housing, this weighs in favour of the development of this site for residential purposes.

The proposed development is suitably laid out and the quality of the architecture is good, moreover the Build to Rent tenure will help to meet the city's housing needs and establish a mixed residential community in the CIQ by offering relatively high numbers of good quality homes for rent, as well as other benefits including jobs and improvements to the Porter Brook. The wider city centre only has an embryonic Build to Rent sector and this proposal has the potential to help establish and stimulate that market. Moreover, an increased, permanent resident population in the city centre will have consequential benefits in terms of footfall and business confidence, in a manner greater than is afforded by (for example) student accommodation.

These are the public benefits that could be considered to outweigh the less than substantial harm caused by the scale of development.

The application site falls in an area of the city centre where there is a requirement to provide 10% of the units as affordable housing, subject to a viability assessment. It is clear that, in the context of recent amendments to the NPPF and PPG, the applicant is exempt from providing 10% affordable home ownership, but that the government expects developers to meet their affordable housing requirement by providing affordable homes for rent.

The applicant has confirmed that they will not be providing any affordable units for rent. A one off financial contribution is an alternative and, following sensitivity testing which indicated that an affordable housing contribution in the range of £51,265 to £322,235 could be provided, the applicant has offered a £51,265 contribution (0.18%) towards affordable housing. This is obviously on the lowest side of the range. The applicant still contends, however, that their assessment of the scheme's viability suggests that a 0% contribution is justified.

Finally, Build to Rent schemes do offer additional benefits in the form of longer tenancies, which the PPG states will provide longer term security and stability for people wishing to settle down within a community, and if these benefits can be

secured by condition, and the applicant agrees that they be held under covenant for a minimum of 15 years – with a suitable clawback arrangement likely to involve a re-running of the viability assessment at a point of sale within the covenant period to determine whether a further affordable housing contribution can be provided – it is considered that the benefits the scheme would, on balance, outweigh the negative aspects, which are the less than substantial harm to the character and appearance, and thereby the significance of the CIQ Conservation Area as well as the low contribution towards affordable housing (of £51,265). On this basis it is recommended that Members grant consent subject to the proposed conditions and the completion of a legal agreement to secure the following Heads of Terms.

It is also recommended that Members grant delegated powers to the Head of Planning/Chief Planning Officer to agree further conditions/heads of terms; amend conditions; and deal with any other minor non-material amendments arising from the proposals provided they do not result in significant planning impacts.

#### HEADS OF TERMS

1. To pay a financial contribution of £51,265 to the Council towards affordable housing.
2. Covenant to secure the option of 3 year tenancies and the provision of all of the private market rental units for a minimum of 15 years.
3. Clawback arrangement, should the covenant be breached, to compensate for the loss of private market rental units based upon viability at the point of sale.



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