
Case Number	18/02967/OUT (Formerly PP-07178357)
Application Type	Outline Planning Application
Proposal	Outline application (all matters reserved) for the demolition of existing buildings and erection of upto 32 storey mixed use development comprising retail and residential accommodation
Location	Midcity House 17, 23 Furnival Gate, 127-155 Pinstone Street And 44 Union Street Sheffield S1 4QR
Date Received	02/08/2018
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

1. Application for approval in respect of any matter reserved by this permission must be made 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.

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

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

Approved/Refused Plan(s)

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

Design and Access Statement (May 2018);
A-01-P-001 Rev P07 Site Parameters Plan; and
A-05-P-001 Rev P06 North West and South West Parameter Elevations; all received on 11/10/2018

Reason: In order to define the permission.

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

4. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.

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. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

5. 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.

6. 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.

7. 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 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.

8. Prior to commencement of development, including any works of demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The CEMP will specify measures to monitor and control the emission of noise, vibration and dust during demolition and construction works. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property, it is essential that this condition is complied with before the development is commenced.

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

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

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

10. In the event that the redevelopment of the site does not immediately follow the works of demolition hereby authorised, a scheme for securing and making good the boundaries of the site shall be submitted to and agreed in writing by the Local Planning Authority.

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

11. No development shall commence, excluding demolition of the existing buildings, until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

12. No development shall commence excluding demolition of the existing buildings, until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

13. No development shall commence, excluding demolition of the existing buildings, prior to any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

15. No development shall commence, excluding demolition of the existing buildings, 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.

16. No development shall commence, excluding demolition of the existing buildings, 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.

17. 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 an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels:
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
Bedrooms: LAFmax 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

18. Before the use of the residential accommodation is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be

installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

NB. The required Validation Testing is separate from, and in addition to, any tests required to comply with Building Regulations in relation to Approved Document E; Resistance to the passage of sound.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

19. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

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

Highways Improvements:

i) Works to the Pinstone Street, Furnival Gate and Union Street footways to comply with any recommendations following from the pedestrian comfort assessment which are likely to entail: removal of trees/tree-pits uplighters and grills from Furnival Gate and replacement at the appropriate ratio in locations to be agreed; repositioning/removal of street furniture from Pinstone Street, Furnival Gate and Union Street; revised/new tactile paving and pole/push-buttons at pedestrian crossings; widening of footway into the carriageway; and reconstruction of footways in accordance with the Urban Design Compendium.

ii) A review of waiting/loading restrictions and promotion of a Traffic Regulation Order on roads in the vicinity of the development site, subject to necessary procedures and provision of associated signing and lining.

iii) Accommodation works to street lighting, highway drainage, traffic signs, road markings, statutory undertaker's equipment and general street furniture as a consequence of the development proposal.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

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

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

21. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of a pedestrian comfort assessment (in accordance with Transport For London (TFL) Guidelines) along the Pinstone Street, Furnival Gate and Union Street footways, taking account of existing

and generated pedestrian trips and the loss of the under-croft. Recommendations following from the assessment are to be implemented prior to occupation of the development.

Reason: In the interests of pedestrian safety and comfort.

22. No development shall commence, excluding demolition of the existing buildings, until a qualitative assessment of the environmental wind conditions around the building has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of pedestrian safety and comfort.

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

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

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

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

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

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building it is essential for these works to have been carried out before the use commences.

25. Prior to the installation of any commercial kitchen fume extraction system full details shall first have been submitted to and approved in writing 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:

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

The approved equipment shall then 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 it is essential for these works to have been carried out before the use commences.

26. Before any above ground works commence, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

27. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

28. 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.

29. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- 1. Clear and unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
- 2. A package of measures to encourage and facilitate less car dependent living; and,
- 3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
- 4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.

5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

30. The development shall not be occupied until a servicing management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, servicing shall take place in accordance with the approved plan.

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

Other Compliance Conditions

31. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.

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

32. No customer shall be permitted to be on the commercial premises outside the following times:

0730 hours to 2330 hours Monday to Thursday, 0730 hours to 0030 hours (the following day) on Friday and Saturday, and 0800 hours to 2300 hours on Sundays and Public Holidays.

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

33. 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.

34. 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.

35. No doors shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety.

Attention is Drawn to the Following Directives:

1. 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.
2. The applicant is advised that 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. No more than half the new homes in this development should consist of a single house type.
3. 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

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

5. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

6. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

7. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

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

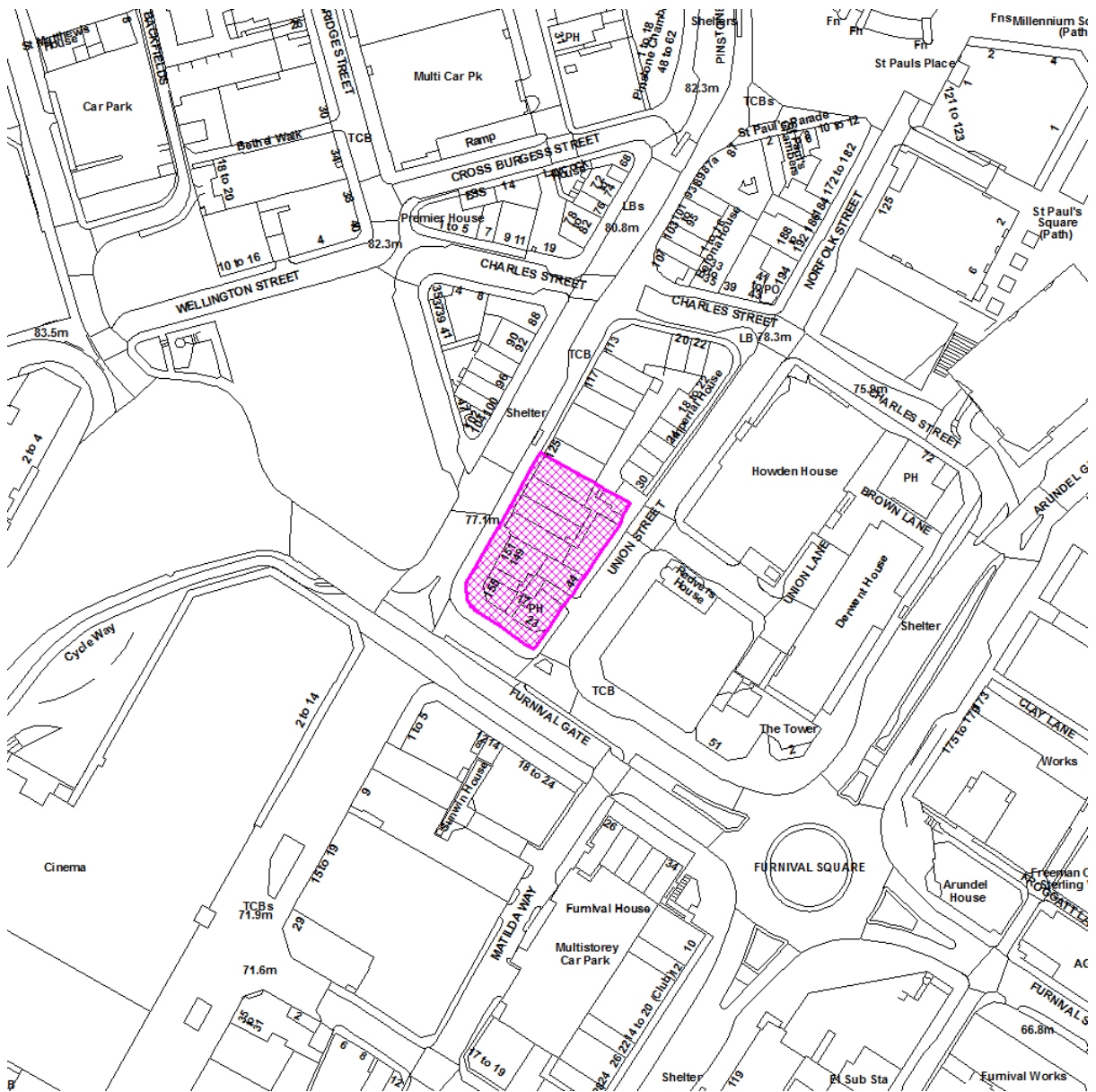
For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

8. The construction of the development may lead to the temporary loss of on-street parking bays. In such circumstances you may be required to fund the installation of replacement parking bays including any associated Traffic Regulation Order, to offset the temporary loss of parking in the vicinity of the development.
9. 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.
10. 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.

11. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application site is located at the junction of Furnival Gate with Pinstone Street and Union Street, within the Retail Core of the Central Shopping Area and just outside the City Centre Conservation Area. The site is currently occupied by a four storey concrete clad office building with retail units at ground floor level set back from the front elevation on two sides to form a covered arcade.

To the north, along Pinstone Street, the site adjoins a three storey equivalent red brick building with retail uses at ground floor level and offices over. On Union Street, it lies adjacent to an attractive four storey period property with a ground floor restaurant unit. The upper floors have been converted into three self-contained apartments.

Buildings to the west, on the opposite side of Pinstone Street, comprise of the new six-storey office and retail block on the site of the old Grosvenor House Hotel, which forms the first phase of the Sheffield Retail Quarter Masterplan – now known as Heart of the City II. Adjacent to this, numbers 94-104 Pinstone Street are known as the Peppercorn building. It is constructed from red brick with ashlar dressings and it has an ornate roofscape featuring a distinctive turret and Dutch gabled dormers. These properties are in the City Centre Conservation Area and form part of the Victorian frontage that characterises Pinstone Street.

To the south, either side of the entrance to The Moor, stands Debenhams, a four storey department store, and a development site with planning consent for a three storey retail block (16/03725/FUL). This site is currently being cleared.

To the east of the site, on Union Street, stands Redvers House, a 13 storey former office building which is now occupied by student accommodation but which retains a ground floor retail frontage to Furnival Gate.

Outline planning permission is sought, with all matters reserved, for the demolition of the existing buildings on site and the erection of a mixed use development comprising of retail and residential accommodation. A flexible consent is sought, based on the identification of parameters which will illustrate the maximum, and in some areas the minimum development envelope. The parameters are supported by a Design Code and the reserved matters applications will be required to comply with the limits and design objectives that are defined by these documents.

RELEVANT PLANNING HISTORY

- | | |
|---------------|--|
| 05/01323/FUL | In August 2005, planning permission was granted for the erection of a 19 storey building comprising of retail uses at basement and ground floor with 90 apartments over. This consent has expired. |
| 15/01053/ORPN | A prior notification application for the use of part of the first and third floor (Class B1a) offices for (Class C3) residential purposes. It was determined that prior approval was not required |

15/03458/FUL An application for the change of use of the second floor to form 7 residential units (Use Class C3) and external window changes on the first, second and third floor was approved in November 2011.

SUMMARY OF REPRESENTATIONS

The application was advertised by way of site and press notices and neighbour letters.

One representation was received. No objections were raised but it was requested that consideration is given to retaining 44 Union Street, described as the last Victorian building to survive on Union Street and the former premises of Thomas Henry Vernon, cork manufacturer.

- It is understood that, in 1879, Vernon had premises at 2 Union Street, at the junction with the old line of Pinstone Street. 1875 street improvements resulted in the creation of Moorhead and a comprehensive redevelopment in the area. As part of this, Vernon's old premises were demolished, and he relocated to Norfolk Street. He later moved back to 44 Union Street, which is thought to have been built for him.
- While 44 Union Street has no statutory protection, it would be a great pity to lose it. A retained building or even façade could be a marker for a new entrance and provide some additional interest.

PLANNING ASSESSMENT

Land Use

The application site lies within the Retail Core of the Central Shopping Area and immediately adjacent to the City Centre Conservation Area as defined in the Unitary Development Plan (UDP).

Policy S2 of the UDP (Development of Frontages in the City Centre Retail Core) states that, on ground floor frontages within the Retail Core, shops (use class A1) are the preferred use.

Policy S3 (Development in the Central Shopping Area) describes housing (use class A3) as a preferred use above the ground floor retail frontage.

Use of the application site for retail and residential purposes is therefore considered to be acceptable in principle.

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.

This will be assessed at detailed design stage but a directive is recommended to advise the applicant of the policy requirement.

Design and Conservation

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.

In addition, policy BE16 of the UDP (Development in Conservation Areas) states that developments that would affect the setting of a Conservation Area, or significant views into or out of the Area, will be expected to preserve or enhance the character or appearance of the Conservation Area.

As described above, consent is being sought for outline planning permission, with matters of appearance, landscaping, layout, scale and access reserved for subsequent approval, because it is considered that this will provide future developers with a degree of flexibility, particularly in relation to detailed design. The application sets parameters, or limits within which future reserved matters applications will be expected to fall.

In this case, the parameters comprise of three related blocks occupying each of the three site frontages. Block 1, which fronts Furnival Gate, is expected to form the main tower with a maximum AOD (Above Ordnance Datum) of 182 metres – approximately 32 storeys. Given the site's corner position, at the top of the Moor and at the entrance to the Heart of the City, it is considered that this is an appropriate location for a tall building.

Block 2, fronting Pinstone Street, is arguably the most sensitive site frontage as it faces the conservation area and will be seen in conjunction with the Victorian frontage that characterises most of Pinstone Street. The parameters indicate that Block 2 will have a minimum AOD to Pinstone Street of 95.9 metres and a maximum AOD of 103.9 metres. This equates to a development between 18 and 26 metres, or 4 to 7 storeys in height, which, it is considered, will provide an appropriate level of street enclosure and reflect the character of existing and proposed development in the locality.

Block 3 faces onto Union Street and will sit opposite Redvers House, a building with a 3 storey equivalent podium and a 13 storey tower set back from Furnival Gate. It is considered that Union Street, which also houses Howden House and the St Paul's Place office blocks which range between 7 and 11 storeys in height, can take a building of reasonable height. Therefore the parameters indicate a maximum AOD for Union Street of 124 metres, or up to 13 storeys in height.

In addition to the maximum and minimum heights, the submitted design codes incorporate further principles to which reserved matters application would be expected to adhere. They include the following:

- The main tower, and other vertical elements, should be appropriately grounded and be split vertically to achieve tripartite proportions. (i.e. they should have a ground, a middle and a top).
- The three blocks should achieve a hierarchy of massing and proportions. Block 3 in particular should be directly proportional to block 1 in order to form a slender tower.
- Materials must consider the context and be of an appropriate quality. Inappropriate materials, such as render, timber cladding, poor quality metal cladding, and block work, should be avoided.
- Shop fronts should be highly glazed and shop entrances should face onto the primary frontages of Pinstone Street and Furnival Gate.
- Signage zones should be integrated into the design of shop fronts to avoid a cluttered or unregulated appearance.
- The main residential entrance will be taken from Pinstone Street. A secondary residential entrance from Union Street will include access to cycle storage and for servicing.

It is considered that the limits and aspirations contained within the submitted parameters and design codes are acceptable and will provide appropriate guidance to developers seeking approval of reserved matters.

Sustainability

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 in the heart of the city centre and close to a wide range of facilities and public transport options. It will also be built to modern standards and the applicant has indicated that a range of sustainable features will be considered at detailed design stage.

It is proposed that the requirement for 10% of predicted energy needs to be provided from decentralised and renewable or low carbon energy is secured by condition.

Environmental Issues

The erection of a tall building can lead to wind tunnel effects and affect the usability of adjoining spaces, potentially causing unpleasant or even dangerous conditions.

A desktop wind analysis of the scheme has been carried out by the Building Research Establishment (BRE) which indicates that there should be no harmful impact as a result of the proposed development; however a qualitative assessment of the environmental wind conditions around the building will be needed at detailed design stage

Residential Amenities

Policy S10 of the UDP (Conditions on Development in Shopping Areas) states that development should not cause residents to suffer from unacceptable living conditions, including noise or other nuisance or risk to health or safety.

The site is located in a mixed commercial area of the city centre with relatively high background levels. The predominant noise source is road traffic on the adjoining streets, though there is also the potential for noise from nearby commercial operations.

That said, there are a number of residential developments in the vicinity and it is considered that an acceptable living environment can be provided for future residents subject to the installation of a suitable scheme of sound attenuation and alternative ventilation systems, details of which are reserved by condition.

The proposed development will be a minimum of 18 metres from the nearest residential accommodation in Redvers House. While this falls short of the standard 21 metre privacy distance expected in suburban locations, it is not unusual in urban settings such as this where residents do not expect the same levels of privacy.

Highways

The existing building features a ground floor level set back from the front elevation on two sides to form a covered arcade. It is understood that the site owner has historically allowed use of the existing undercroft as public highway via a covenant. This area is also designated as adopted public highway.

There is a desire to infill the arcades and bring the development up to the back edge of the footway, maintaining a minimum pavement width to Pinstone Street and Furnival Gate of 4 metres. This is considered to be acceptable and is described within the submitted Design Code.

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.

At detailed design stage, the relevant sections of adopted highway will require Stopping Up under Section 247 of the Town and Country Planning Act.

Archaeology

Much of the site is occupied by 1960s and 70s buildings that include some areas of basement. In these areas the potential for below ground archaeological is minimal. However, as described in the representation made by a member of the public, number 44 Union Street is the last Victorian building to survive on Union Street and the former premises of Thomas Henry Vernon, cork manufacturer. Whilst this building has no special protection as it is not within a conservation area and it is not a listed building it is important to record its history. A condition is therefore proposed to secure a strategy for archaeological investigation.

Coal Mining

The application site falls within the defined Development High Risk Area, an area where there are coal mining features and hazards that need to be considered in relation to the proposed development.

The submitted Coal Mining Risk Assessment confirms that a worked coal seam (Silkstone) underlies the site and that, due to the relatively shallow depth of the seam and the potential presence of a bell pit, piled foundations are likely to be the most practicable, along with some stabilisation of the voided ground.

The Coal Authority concurs with the recommendations of the assessment and has no objection to the proposed development subject to the imposition of a condition to secure a scheme of remedial measures.

Affordable Housing

The application falls in an area of the city centre where there is no affordable housing requirement.

Community Infrastructure Levy (CIL)

The site lies within an area of the city centre where CIL is charged at £50 per square metre for residential development. The retail element of the scheme is not currently liable for CIL as it is less than 3,000m².

SUMMARY AND RECOMMENDATION

Outline planning permission is sought, with all matters reserved, for the erection of a mixed use development comprising of retail units with residential accommodation over. Parameter plans illustrate the maximum and minimum development envelope and are supported by a design code incorporating further principles and design

objectives to which reserved matters applications would be expected to comply. The parameter plans allow for development comprising of three related blocks occupying each of the three site frontages and which will include a tower fronting Furnival Gate up to 32 storeys in height.

The principle of the proposed development is considered to be acceptable. The tower element appropriately marks the gateway between the Moor and the Heart of the City and, while detailed design is reserved for subsequent approval, it is considered that a high quality tower in this location will also make a positive contribution to the cityscape.

This application is therefore recommended for approval subject to the proposed conditions, including pre-commencement conditions agreed in writing with the applicant.

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