
Case Number	18/03405/OUT (Formerly PP-07240602)
Application Type	Outline Planning Application
Proposal	Outline application (all matters reserved) for the partial demolition of shopping centre and erection of 5-storey building to provide additional ground floor commercial units (Use Classes A1-A5) and up to 77 Social Housing apartments (Use Class C3), provision of associated parking and service yard and landscaping works (AMENDED DESCRIPTION)
Location	The Hillsborough Arcade And Site Of Former Old Blue Ball Public House Middlewood Road And Bradfield Road Sheffield S6 4HL
Date Received	05/09/2018
Team	West and North
Applicant/Agent	Savills (UK) Limited
Recommendation	G Conditional Subject to Legal Agreement

Time Limit for Commencement of Development

1. The development shall be begun not later than whichever is the later of the following dates:- the expiration of 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.

2. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Access, (b) Appearance, (c) Landscaping, (d) Layout and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

3. 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.

Approved/Refused Plan(s)

4. The development shall be carried out in general accordance with the following document:-

Design Principles, Concept and Design Code Document

received on the 8 November 2018 from Savills

Reason: In order to define the permission

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

5. Intrusive investigations as recommended in the approved PSA Phase 1 LQA report ref. G2750-GR-01B (03/09/2018) shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. 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

6. Any remediation works recommended in the approved 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 construction works commencing. 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

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

The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

8. Before the use of the development is commenced, Validation Testing of the sound attenuation and insulation 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 and insulation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced.

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

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

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

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

10. The main Contractor appointed to undertake the development hereby permitted (and any subsequently appointed main Contractor) shall, in liaison with the Local Planning Authority and SCC Environmental Protections Service, undertake the preparation and development of Construction Environmental Management Plan (CEMP) to assist in ensuring that demolition and construction activities are planned and managed so as to prevent nuisance to occupiers and/or users of nearby sensitive uses. The CEMP will document the Contractor's plans to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control

measures. The CEMP shall include strategies to mitigate any residual effects from demolition and construction phase noise and vibration that cannot be managed to comply with acceptable levels at source.

Reason: In the interests of residential amenity

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

11. The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

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

12. At 70% occupation of the apartments, 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 & 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.

Once 70% of the apartments have been occupied, 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.

13. No development shall commence until details of the construction site accommodation including an area for construction 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.

14. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

15. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

16. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

17. A comprehensive and detailed hard and soft landscape scheme for the site that shall include the planting of a minimum of 35 extra heavy standard trees shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

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

19. 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.

20. Before any above ground works commence, or within 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.

21. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been implemented and thereafter retained;. Such works shall:
- a) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
Bedrooms: LAFmax 45dB (2300 to 0700 hours).
 - b) 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.

22. A minimum 5m wide landscape buffer shall be provided between the rear gardens of properties along Hawksley Avenue (Nos 5 and 27) and the proposed delivery yard, details of which shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape works that shall include the planting of native trees (minimum extra heavy standards) shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall

be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

23. Privacy screen fencing/panels at a minimum height of 1.7m shall be erected along the perimeters of any raised roof terraces facing the residential properties located along Hawksley Avenue, details of which shall first be submitted to approved in writing by the Local Planning Authority. The privacy screen fencing/panels shall be erected prior to the apartments becoming occupied and thereafter such fencing shall be retained.

Reason: In order to protect the residential amenity of neighbouring properties

24. 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.

25. 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.
Acoustic emissions specifications and associated details shall be determined in accordance with a site-wide scheme for mechanical services specification, designed to ensure that total plant noise emissions are maintained within LPA-agreed limits. The details of such a specification shall be submitted to the LPA for written approval prior to the use of any plant commencing.

Reason: In the interests of residential amenity

26. 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.

27. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site (with resident cycle parking to be provided from the access point into any dwellings at first floor level) and short-stay spaces for visitors in locations to be agreed) 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 the UDP for Sheffield Development Framework Core Strategy.

28. The development shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

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.

29. 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.

30. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

31. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

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

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

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

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

34. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
 - b) Acoustic emissions data for the system.
 - c) Details of any filters or other odour abatement equipment.
 - d) Details of the system's required cleaning and maintenance schedule.
- The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

Reason: In the interests of residential amenity

35. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

Reason: In the interests of residential amenity

36. Commercial deliveries to and collections from the building (excluding the removal of waste materials, recyclables or their containers in the open air) shall be carried out only between the hours of 0700 to 1900 on Mondays to Saturdays and between the hours of 0900 to 1800 on Sundays and Public Holidays. Deliveries shall at all times be conducted in accordance with a Delivery Management Plan designed to minimise local amenity impacts, which shall have been submitted for written LPA approval prior to deliveries to the revised yard layout recommencing.

Reason: In the interests of residential amenity

Other Compliance Conditions

37. The development shall be carried out in accordance with the mitigation measures set out in the Flood Risk Assessment (FRA) produced by Weetwood, dated August 2018. Any proposed changes to the approved FRA and/or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application.

Reason: In order to mitigate against the risk of flooding

38. No doors/gates shall, when open, project over the adjoining footway

Reason: In the interests of pedestrian safety.

39. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2200 on Sundays and Public Holidays

Reason: In the interests of residential amenity

40. All new hard surface areas shall be constructed using permeable/porous materials. Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

41. No more than half of the units hereby approved shall be occupied by uses falling within Use Classes A4 and A5 without first seeking approval from the Local Planning Authority.

Reason: In the interests of protecting the dominance of retail uses within the Shopping Centre

Attention is Drawn to the Following Directives:

1. 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.

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

3. The proposed development is located near to the track and overhead line of the South Yorkshire Supertram. The developer is advised that there needs to be close liaison with South Yorkshire Supertram Limited at Nunnery Depot, Woodbourn Road, Sheffield, S9 3LS, (Telephone Sheffield (0114) 2759888). All works carried out on site and within the vicinity of the site need to be in accordance with the "Supertram Code of Practice for Working On or Near the Tramway". This Code of Practice is available both upon request from Supertram, or online at: <http://www.supertram.com/workingonsystem.html>.
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. You are required as part of this development, to carry out works within the public highway: as part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

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

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

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

7. Plant and equipment shall be designed to ensure that the total LAr,Tr 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
8. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website
9. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - o 0730 to 1800 Monday to Friday
 - o 0800 to 1300 Saturday
 - o No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - o Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - o Vibration.

o Dust - including wheel-washing/highway sweeping; details of water supply arrangements.

A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.

A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.

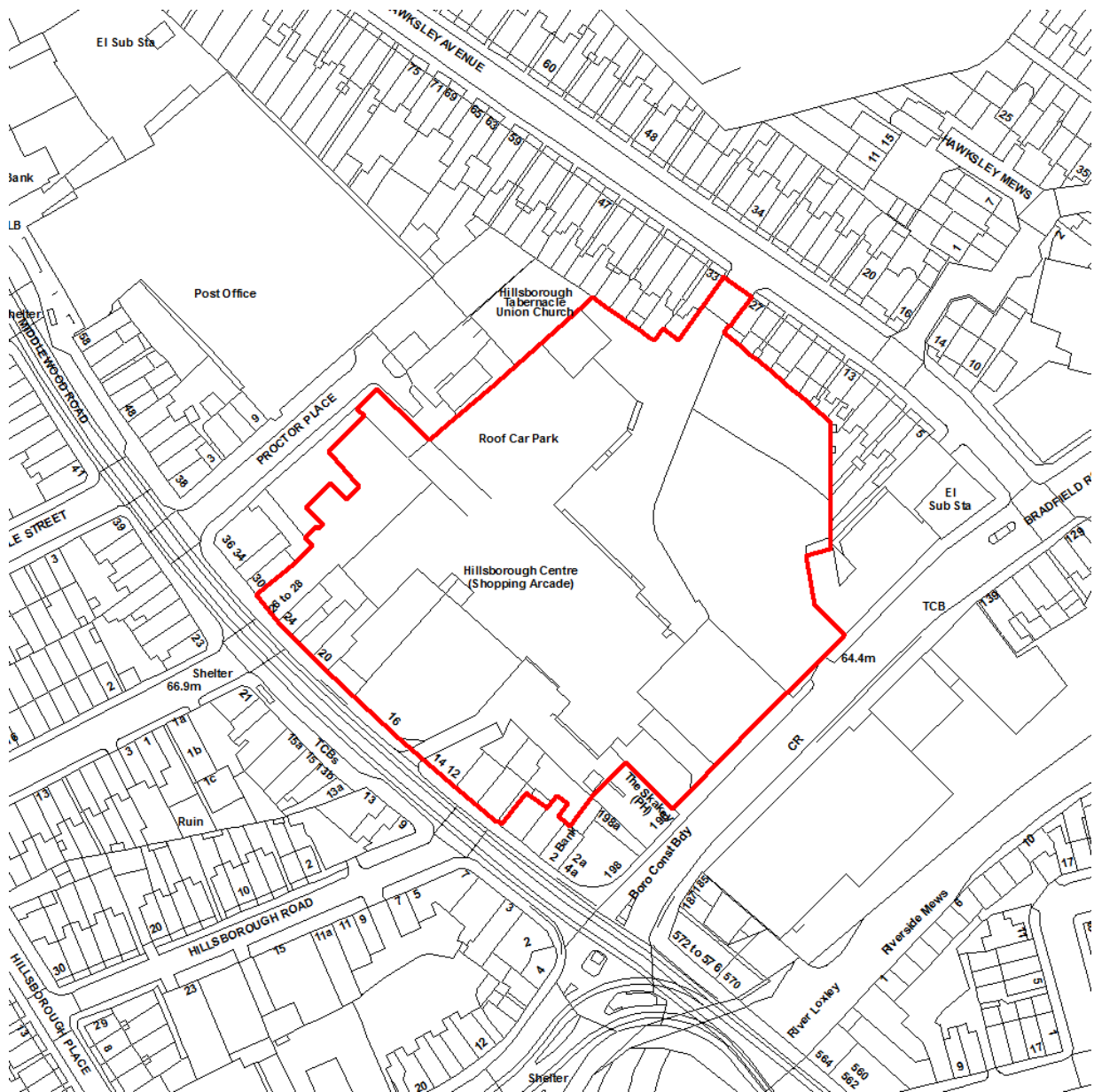
Details of site access & egress for construction traffic and deliveries.

A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.admin@sheffield.gov.uk.

10. When preparing detailed proposals for the development of this site, the developer is advised that the Council will encourage the provision of easily accessible housing, capable of adaptation to meet the needs of various people with mobility impairments. Known as "mobility housing", further details are available together with guidance notes from the Access Officer on (0114) 2734197 or from Planning Enquiries on (0114) 2039183.
11. Some types of commercial use may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 273 4264 or by email at licensing@sheffield.gov.uk.
12. 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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INTRODUCTION

The application relates to Hillsborough Shopping Arcade, Wilkos and the site of the former Old Blue Ball Public House in Hillsborough.

A pre-application enquiry was submitted in June 2017 seeking informal officers' advice for the part demolition of the Hillsborough Shopping Arcade, demolition of the Old Blue Ball Public House and the erection of a 4-storey building to provide new ground floor retail units and 76 apartments for social housing.

An application to demolish the Old Blue Ball PH was granted in August 2018. This was granted by means of a DPN (Demolition Prior Notification). The PH was demolished soon after the granting of the DPN, and the land cleared and fenced off.

PROCEDURAL ISSUES

A total of 145 properties, both residential and commercial were consulted as part of this outline application giving residents/tenants 21 days to make comment on the application. These were sent out on the 21 September 2018. In addition to the neighbour consultation, a total of 16 site notices were posted along the adjoining streets, including along Hawksley Avenue, Bradfield Road, Middlewood Road and Proctor Place. These site notices were posted on the 8 and 9 October 2018. The application was also advertised in the Sheffield Telegraph.

The applicant's agent has confirmed by e-mail received on the 6 December 2018 that they are agreeable to the attachment of the recommended pre-commencement conditions should outline planning permission be granted. This requirement to obtain confirmation follows new legislation that came into force on the 1 October 2018.

LOCATION AND PROPOSAL

The application site is made up of the Hillsborough Shopping Arcade, the site of the Old Blue Ball PH, service yard area, and the existing Wilkos building. The application site covers an area of some 11,215 square metres and lies within the heart of Hillsborough District Centre. The site is enclosed by roads on four sides, with Hawksley Avenue to its north, Bradfield Road to its east, Middlewood Road to its southwest and Proctor Place to its northeast. The existing shopping centre is effectively a 'T' shaped building that is pedestrian accessed from both Bradfield Road and Middlewood Road. The service yard is accessed off Hawksley Avenue. Roof top parking for 96 vehicles is provided above the shopping centre, which is accessed up a shallow ramp from Proctor Place.

The applicant is seeking outline planning permission for the partial demolition of shopping centre (closest to Bradfield Road) and erection of 5-storey building to provide additional ground floor commercial units (Use Classes A1-A5) and up to 77 Social Housing apartments (Use Class C3), provision of associated parking and service yard and landscaping works.

The applicant has requested that only the principle of the development be considered under this outline application with all other matters (access, appearance, landscaping, layout and scale) reserved for future consideration. The applicant has however provided a full set of drawings including floor plans, elevations, 3D modelling and colour illustrations to demonstrate the full scope of the proposed development. The application has also included a Design Code, which sets out design parameters that the development would have to accord with such as upper height limits and number of apartments. The indicative plans show the apartments would be made up of 36 1-bed, 39 2- bed, and 2 3-bed.

RELEVANT PLANNING HISTORY

17/02878/DPN - Demolition of public house – Granted 14/08/17

17/02399/PREAPP - Pre-application advice for the demolition of existing retail units, entrance and Old Blue Ball public house and erection of 4-storey residential building comprising 76x apartments, retail units, shopping centre entrance, extension to retail units to Bradfield Road and internal reconfiguration – Closed 26/06/18

SUMMARY OF REPRESENTATIONS

Fifteen representations (15) have been received from the residents of neighbouring properties in response to neighbour notification and the posting of 16 site notices. A summary of the comments are listed below:-

The refurbishment and upgrade of Hillsborough Precinct retail area is very desirable;

Parking Issues (1): Parking for the retail aspect of the precinct is not considered to be of concern as there is time restricted parking/residents permit parking along Hawksley Avenue. However, parking for the residential element of the scheme is of concern as only 30 residents spaces is allocated for the proposed 78 apartments. There is not capacity for further residential parking on Hawksley Avenue and this should not be assumed to be a solution. The current residents of the road often cannot park, especially in the evenings. Section 7.1.14 of the transport part of the planning proposal outlines spaces available on Hawksley Avenue, but this is not the case early and later in the day. Many of the residents in Hillsborough have cars (2 or 3 to a house in a number of cases). Therefore, the statement made above has no real weight or reasoning behind it and doesn't solve the issue regarding the lack of available parking for this proposed development. Many of those currently living on Hawksley Avenue, often struggle to park. Looking at the Parking Beat Survey in section 7.1 of the Transport Statement, the survey only covers the hours of 2pm-6pm. Parking is at its most limited in the area between the hours of 6pm and 8.30am.

Parking Issues (2): Insufficient parking for retail customers. Retail parking would be limited to only 60 spaces, which is considered to be insufficient during busy trading periods. Individual stores can have more than 60 customers at any one time, so 60 spaces for the entire centre will not be enough. Such a significant reduction in parking space is likely to result in both parking issues on surrounding residential streets (when shoppers try to find alternative places to park) and a reduction in footfall through the centre.

Using Hawksley Avenue as a parking overspill for the proposed development is not a suitable solution to the parking problems that will most certainly arise if these plans go ahead.

Access/deliveries: Hawksley Avenue is a two-way carriageway and is relatively narrow as it is parked on both sides of the road. Any increase in traffic and deliveries would worsen the problem.

Consultation process: The application was put in in early September, but site notices were put up (in a very limited number of locations) on the street only on October 8th with the consultation period seeming to run only until the 12th October. Insufficient number of persons consulted on the application.

The tenure of the flats: It is considered that the site is inappropriate given the type of residents that would be living there.

Noise disturbance due to early delivery times from HGV trucks. At present delivery gates should be open from 0700 to 1730 hours, but this is not the case with delivery vehicles arriving from 6000 hours and sit with their engine running. If the management cannot keep to delivery times now, what is the situation going to be with the proposed development with more vehicles/deliveries.

Residential Amenity Issues: The development would result in a loss of privacy to those living along Hawksley Avenue. Although the community involvement document states that "there is no significant increase in height and massing when compared with the existing and previous buildings on this site", this may be true in relation to Wilkinsons only. However the shopping centre is much smaller in height than the five storey development than that proposed. The proposed building has windows and balconies facing the properties at Hawksley Avenue. The proposed loading area would be moved closer to the dwellinghouses along Hawksley Avenue, which would result in increased air and noise pollution;

Proposed buffer zone: Little details have been provided about the size and nature of the buffer zone.

Loss of the Old Blue Ball: The demolition of the Old Blue Ball saw the loss of one of the oldest public houses in Hillsborough -circa 1824. It was part of the Great Sheffield Flood. The original Plaque acknowledging this was retrieved, which should be reinstated within the new development.

Design Issues: The building from Bradfield Rd is acceptable but the building would tower above properties on Hawksley Avenue.

Land covenants: The title register for the land previously occupied by the old blue ball contains details of a matter affecting the land, stating the land was conveyed subject to an agreement as to light and air (dated 10th Oct 1919 between the Church Burgesses and the vendor James Snook). Details and consideration of this legal agreement are absent from the application and should be addressed.

Loxley Valley Protection Society (LVPS) has stated that this is a major development for Hillsborough. While we do not object to the improved facilities and welcome much needed social housing, we have concerns that such a scheme so close to a very busy traffic junction with high levels of traffic pollution means the housing on the street side should be constructed in such a way as to protect the residents from/ mitigate the effect of the pollution on the residents.

Concerns are also raised for the residents of Hawksley Avenue. Other concerns voiced included set working times in order to minimise the effect of the building work/ deliveries of materials on the traffic, pedestrians, residents and existing traders. The traffic on Bradfield Rd Holme Lane to Malin Bridge is often crawling nose to tail, and this development will only exacerbate the situation.

It is considered that the new development should commemorate loss of the historic Blue Ball Inn, an 1864 flood survivor. This should be commemorated with at least a plaque.

PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- i. The Principle of Development – Policy and Land Use
- ii. Highway Issues;
- iii. Design Issues and its effect on the character and appearance of the surrounding area;
- iv. Effect on the residential amenity of neighbouring properties; and
- v. Ground contamination/Land Quality Issues;
- vi. Flood Risk Issues;
- vii. Landscaping Issues;
- viii. Sustainability Issues:
- ix. Community Infrastructure Levy (CIL); and
- x. Other Issues

i. Principle of Development – Policy and Land Use

The application site is situated in Hillsborough District Centre and will help meet the aims of Unitary Development Plan (UDP) Policies S4 and S7 and Core Strategy Policies CS34 and CS36 by supporting the development of trade in the centre and improving its environment.

Proposals in District Centres are also subject to UDP Policy S10 which covers issues such as amenity of nearby residents, scale and design. These matters are discussed further below.

The existing shopping centre provides approximately 10,359 square metres of commercial/retail floorspace. The proposal involves demolishing part of the shopping centre (approximately 1,996 square metres) and providing 2,634 square metres of new commercial/retail floor space, an uplift of 638 square metres on existing provision.

It is considered that the development would serve to boost the vitality and viability of Hillsborough Centre which is a clear objective for town centres in the National Planning Policy Framework (NPPF). Paragraph 85 of the NPPF details that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation and details at Part f) that residential development often plays an important role in ensuring the vitality of centres and should be encouraged on appropriate sites. The presence of residential above ground floor to provide up to 77 apartments will also serve that purpose.

It is however important that no more than half of the units shall be used for A4 – A5 uses without the prior consent in writing of the Local Planning Authority in the interests of protecting the dominance of retail (A1) uses within the shopping centre.

To ensure the vitality of the Shopping Centre.

ii. Highway Issues

The existing shopping centre has currently 96 car parking spaces accessed via Proctor Place, which would be reconfigured to 88 spaces (30 residential spaces and 58 retail spaces), again accessed from Proctor Place. The residential spaces would be segregated from the retail spaces and accessed by a form of barrier control. The service yard for the shopping centre would be reconfigured, with the access geometry remaining the same off Hawksley Avenue.

The original pre-application submission did not contain any residential parking, but following public consultation exercise carried out by the developer pre-submission, where concerns were raised by local residents, 30 spaces are now proposed. Despite the site location being extremely sustainable with regard public transport options, plentiful local amenities for the new residents to enjoy and lots of customers living within easy walking distance of the improved and slightly enlarged retail space, the focus of the transport statement has been to consider existing parking pressures in the Hillsborough area and whether the granting of planning permission would compound/exacerbate matters. The transport statement highlights the following:

National Planning Policy Framework (NPPF) seeks to encourage opportunities to promote walking, cycling and public transport use. It states that development should be focused in sustainable locations and offer genuine choice of transport modes. This is clearly the case at Hillsborough Corner. Furthermore, NPPF states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Sheffield City Region Transport Strategy 2018 - 2040 aims to improve access to jobs, markets, skills and supply chains, ensuring developments are located in sustainable locations with inclusive access to public transport to reduce car dependency; and to deliver more housing to meet modern day demands.

The development proposal fully accords with the above policy objectives.

Sheffield Council "maximum" parking guidelines for this type of development (outside the city centre) are: Non-food retail is 1 car parking space per 35 square metres up to 1000 square metres of floor area (and 1 space per 20 square metres thereafter). Residential is 1 car parking space per 1 bedroom dwelling and 2 spaces per 2 to 3 bedroom dwelling. Bicycle parking for non-food retail is 1 cycle space per 1000 square metres short stay for visitors and 1 cycle space per 40 staff, which should be long stay. Residential is 1 long-stay cycle space per dwelling. Based on the above figures, the maximum retail car parking allocation is 110 spaces, and the maximum residential car parking allocation is 119 spaces, totalling 229 spaces. The actual development proposal contains a total of 88 spaces.

The above figures are for out of city centre locations. For city centre, only operational parking is permitted. As Members will know, within the city centre numerous car-free residential and commercial developments have been approved in recent years. It could be argued that with the transport interchange in Hillsborough and the range of local amenities, there is scope within this planning application to reduce the amount of on-site car parking provision from the "maximum" permissible.

With this in mind and to demonstrate how accessible the site is, the authors of the transport statement have reviewed the 2011 census: method of travel to work data for Hillsborough. They say the census showed that: 53% of households drive a car or van to work, 6% are passengers in a car/van; 2% cycle; 1% motorcycle; 11% walk; 9% bus; 18% tram; 0% taxi and 1% travel by other means. Most dwellings in Hillsborough are privately owned family homes. The residential element of the development proposal consists of 78 predominantly 1 and 2 bedroomed social housing apartments. Applying 53% equates to 40 car parking spaces. This figure of 53% appears rather a high percentage as when officers referred to the 2011 census, out of 13,813 residents travelling to work from Hillsborough, only 5,064 drove a car or van (36%), which is the percentage indicated in the submitted Travel Plan. Given the lower car ownership profile associated with apartments, officers are satisfied with the proposed provision of 30 car parking spaces for residents. As a precaution against residential overspill onto the public highways, particularly along Hawksley Avenue if planning permission is granted, a condition would be recommended excluding new residents from being eligible for a residential parking permit.

The computer database TRICS has been interrogated to predict the development's likely trip generation. TRICS is the industry accepted tool for this type of work and compares real site survey information from multiple existing sites with the same characteristics of size, use and location (sustainability) as the development proposal. The TRICS analysis for the 78 apartments suggests the following vehicle trips: weekday morning peak 3 arrivals 5 departures; weekday evening peak 4 arrivals 6 departures; Saturday peak (1400 to 1500 hrs) 4 arrivals 6 departures. For the additional 638 square metres of non-food retail, TRICS predicts: weekday morning peak 1 arrival 0 departures; weekday evening peak 6 arrivals 6 departures; Saturday peak (1400 to 1500 hrs) 31 arrivals 30 departures. This level of generation in officers' view will not adversely impact on the performance of the local highway network, or cause any road safety issues. It's also accepted (nationally) that very few retail trips are actually new trips. In this particular instance, it is accepted by officers that most of the visitors to the additional retail space would have already been travelling to the shopping centre, and that the stay or dwell time will simply be extended or linked with trips to other outlets in the same locality.

Lastly, some surveys of current car parking availability have been undertaken within the existing shopping centre car park and on surrounding streets. The existing capacity within the car park is 96 spaces. The surveys were conducted on Friday 1 December. The busiest time within the car park occurred at 12.45 pm, at which point 36 spaces remained unoccupied (37%). There are varying parking restrictions on the streets surrounding Hillsborough. Generally, shoppers/visitors are entitled to a 2 hours stay, with permit holders (residents) entitled to all day parking. The streets were traversed in two separate loops, the first took place between 1400 and 1530 hours, the second between 1530 and 1800 hours. The results were as follows: Loop 1; Hawksley Avenue 10 spare spaces; Cannock Street 8 spare spaces; Cheadle Street 8; Hawksley Avenue 27; Hillsborough Parks private car park (which has a 4 hour maximum stay no return within 4 hours) 36 spare spaces; Middlewood Road 3 spare spaces; Wynyard Road/Dixon Road, 5 spaces; Garry Road/Upwood Road/Minto Road/Leader Road 50% spare capacity to park on-street; Dykes Hall Road 10 spare spaces; Taplin Road/Hawthorne Road/Hunter Road/Roselle Street/Brier Street 10 spare spaces; Walkley Lane & Thoresby Road 50% spare capacity; the Arcade car park 40% spare capacity; Morrison's/Hillsborough Shops car park 50 to 60% spare capacity; B&Q car park 50% spare capacity. The second loop (that took place between 1530 and 1800 hours) showed only slight variations in the above figures.

Fifty-eight (58) car parking spaces are proposed for the retail, which represents 60% of the original 96 spaces, a loss of 38 spare spaces. Based on the above survey/observations within the shopping centre car park (36 spare spaces and 40% spare capacity) the proposed 58 spaces is shown to be sufficient to satisfy the retail demand for most periods of the day. Even though Hillsborough is a vibrant shopping/residential area, the surveys also show some spare capacity to park on the streets and in other car parks surrounding the development site. Officers are therefore satisfied that the supporting Transport Statement has demonstrated compliance with national/local planning policy and that sufficient car parking accommodation is proposed.

The applicant has submitted a framework travel plan for the site, which contains marketing/promotional suggestions, personalised travel planning, signing up for car-share schemes, cycling. Discussions with officers has led to changes to the cycle arrangements, with the amended scheme showing the provision of cycle parking for 78 cycles that would be accessed from the car park. This is considered to be acceptable

From a highway perspective, the development is considered to be acceptable and unlikely to result in any significant demand for on-street parking along the adjoining streets that would justify the provision of further parking in connection with the development.

iii. Design Issues and the effect of the development on the character and appearance of the surrounding area

UDP Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

UDP Policy BE7 relate to the design of buildings used by the public. It states that in all buildings, which are used by the public, provision will be expected to allow people with disabilities safe and easy access to the building and to appropriate parking spaces.

Although the application has been submitted in outline with all matters reserved, the applicant has however submitted a number of indicative plans to illustrate the extent of the proposals, which include illustrative plans, CGIs and elevation drawings in order to give a full and comprehensive assessment of the proposal. Members are advised that the plans are for illustrative purposes only and would not form part of the planning permission, but regardless of this, they do however help to provide a good indication of how the site could be built out, a matter that is discussed briefly below.

The proposed building partially replaces a section of the current shopping centre, including the Wilkos store, and fills in the gap up to Lloyds Bank along its Bradfield Road frontage. The indicative drawings show that the redeveloped building will measure approximately 18m in height at roof level on the fifth floor; which will be set back behind the principal façade so that it is not visible at ground floor level from Bradfield Road. The building will also be extended to create one continuous frontage along Bradfield Road, approximately 60m in length.

The proposed massing to the north side of Bradfield Road is comparable to the existing Wilkos store, which is presently one of the larger buildings along Bradfield Road, where the majority of the buildings are two to three storeys in height. The south side of Bradfield Road consists of 1980/90s developments, which in officers' opinion do not necessarily reflect the local vernacular within the area or provide an appropriate benchmark.

It is considered that the proposed layout creates a strong frontage along Bradfield Road, reinforcing the back edge of pavement character found in the area, and is supported from a design perspective.

A Design Code has been produced by the applicant that outlines the maximum heights for any new development on this site. These building heights (up to 5-storeys) have been tested in key views and in long sections in terms of impact on adjacent buildings and are found to be generally acceptable.

The proposed maximum height to Bradfield Road (five-storeys) creates an acceptable enclosure to the street. The top floor of the development along this frontage is to be set back within the footprint such that it will not be clearly visible in the streetscene, mostly read in some of the long views only.

High quality, well-mannered design for the new block is to be expected, utilising brick masonry with grey/black cladding limited to the upper floor only. The colour illustrations indicate the use of light grey/off white brick, which is considered to be acceptable and would form an attractive and striking feature against the predominantly red brick buildings along Bradfield Road.

It is considered that the development would represent an appropriate form of development that would make a positive appearance to the character and appearance of Hillsborough District Centre. UDP Policies BE5 and BE7 and government guidance contained in Paragraphs 184-202 of the NPPF are considered to be met.

iv. Effect on the residential amenity of neighbouring properties

The only properties likely to be directly affected by the development in terms of location to the proposed building are situated along Hawksley Avenue to its northeast (Nos. 5-41). All other residential properties are considered to be adequate distanced from the site, and/or located across an adjacent highway (Bradfield Road) to prevent any significant impact on their residential amenity.

In terms of the dwellinghouses along Hawksley Avenue, these properties are traditional terrace housing that stand along the north-eastern side of the site. These dwellinghouses are two-storey in height, and nearly all have short rear gardens/yard areas that back onto the development site. At present, these properties overlook onto a cleared area of the former Old Blue Ball and former landscape buffer that was cleared as part of the demolition of the PH. The nearest part of the existing building to these properties range between 60m-65m. Two of the properties (Nos 27 and 33) are situated either side of the site's entrance that leads into the delivery/service yard area.

The proposed development involves erecting a 5-storey building that would project out across the full depth of the existing shopping centre, and incorporate a central wing that

would project perpendicular to building's main central core. The proposed building would incorporate two raised terrace areas that would be enclosed by high railings walling along the edge of their perimeter. A distance of 40m would be maintained between the edge of the proposed garden terrace areas and the rear elevation of the nearest dwellinghouse.

With regard to facing main windows, at its closest point, the proposed building would be set back by approximately 50m from the rear elevations of these neighbouring properties', a distance that is considered to be adequate to prevent any unacceptable overlooking. Even when taking account of the difference in heights between the proposed building and the neighbouring terrace housing, this separation distance would significant exceed the recommended distance of 21m that is set out in SPG Designing House Extensions. While this SPG is specifically for house extensions, it is commonly used by the Council as an empirical guide for housing developments such as this to assess acceptable separation distances to prevent unacceptable looking. It is acknowledged that these neighbouring properties would suffer some disamenity as a result of the development, since these properties are not currently overlooked. However, it is considered that the separation distance together with a condition that would secure appropriate boundary enclosures (such as 1.7m high privacy screens) around the proposed garden terrace areas should prevent any unacceptable loss of privacy. It is also considered that the neighbouring properties would not be subject to any significant loss of outlook owing to the separation distances and these properties situated to the northeast of the site.

It is noted that some of the concerns raised relate to disamenity caused from deliveries from HGVs using the rear service yard area. As Members will be aware, this service area is established and is currently being used as part of the existing operations of the shopping centre. The proposed development involves providing an additional 638 square metres of additional commercial floor space, which would equate to an approximate 6% uplift in floorspace on existing provision. While it is acknowledged that the proposal would increase the use of this area through increased deliveries of stock and produce to the commercial/retail units, this is only likely to result in an additional 3 HGV deliveries per weekday and 1 additional delivery on a Saturday, the number is not considered to result in any demonstrable harm to the amenity of residents situated immediately behind the service area. Although it is understood that on occasion, deliveries have occurred before 0700 hours, which has caused some disamenity to neighbouring properties, in line with the recommendations of EPS, it is recommended that a Delivery Management Plan be submitted for approval to minimise local amenity impacts, and commercial delivery/collection times only being permitted between the hours of 0700 to 1900 on Mondays to Saturdays and between the hours of 0900 to 1800 on Sundays and Public Holidays. This can be secured by planning condition.

With the aforementioned condition being attached and properly enforced, it is not considered that the residents of neighbouring properties would be subject to any unacceptable noise disturbance from the redevelopment of the shopping centre. To further mitigate noise disturbance and disamenity from delivery vehicles, the applicant has also agreed to provide a 5m wide landscape buffer around the perimeter of the site between the service yard and the rear gardens of neighbouring properties. This landscape buffer that would include native tree species and dense shrubbery can be properly secured by planning condition.

v. Ground contamination and Land Quality Issues

The Environmental Protection Service (EPS) has advised that the ground contamination report (PSA Phase 1 LQA ref. G2750-GR-01B (03/09/2018)) is suitable for LPA approval and can be referenced in a suitable condition. The report recommends further intrusive site investigations and contamination testing and assessment for soils only. No gas monitoring or deep borehole sampling is advised as required for land quality purposes. EPS recommend that the usual suite of conditions be attached to any grant of planning permission to ensure that any identified contamination is properly dealt with and remediated.

vi. Flood Risk Issues

The application was accompanied by a Flood Risk Assessment (FRA) prepared by Weetwood Planning (dated August 2018). This FRA details that the site is almost entirely located in Flood Zone 1 (low risk of river flooding) with an annual probability of flooding greater than 1 in 1000. Only a small area around the site entrance falls within Flood Zones 2 and 3 (Medium and High risk). Being within Flood Zone 1, the flood risk Sequential Test is therefore deemed to have been addressed and the Exception Test is not applicable.

The FRA details that the primary flood risk to the site is from fluvial flooding from the River Loxley and from surface water flooding. The proposed development may be completed without conflicting with the requirements of planning policy subject to the i) finished ground floor levels to be set at a minimum of 64.6 m AOD and not less than 150mm above adjacent pavement level along Bradfield Road, and ii) none of the proposed apartments being located at ground floor level.

The Environment Agency (EA) has confirmed that they have no objection to the proposal with the supporting FRA demonstrating that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The EA recommends that proposed development should proceed in strict accordance with the FRA and the mitigation measures identified. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of a reserved matters application.

vii. Landscaping Issues

The indicative plans show that the development would include an approximate 4m wide landscaping belt/buffer zone along the edge of the site between the service yard and the rear gardens of Hawksley Avenue. Although no specific details have been provided with regard to the landscaping since landscaping has been reserved, it is considered that this landscape belt would provide an attractive buffer between the service yard and residential properties that would help mitigate noise, and pollution from exhaust fumes as well as providing a natural planting screen to improve outlook from these properties onto the service yard.

Discussions with the applicant's agent have however set out that the landscape buffer would be planted with a rich selection of native trees and shrubs that would create an attractive landscaping belt to the benefit of the area. It should also be noted that the location of the service yard serving the shopping centre is established and is currently the means of servicing a number of the shops within the shopping centre, and while the number of

deliveries is likely to increase as a result of the shopping centre's redevelopment, the landscaping once established would help alleviate any potential disamenity from delivery vehicles.

viii. Sustainability Issues

Core Strategy Policy CS65 seeks that all significant development will be required, unless shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. Although not specifically stated in the policy, the Council allows for the 10% energy savings to be achieved through a fabric first approach.

To secure the 10% energy savings, it is recommended that a condition be attached that requires a report to be submitted for approval that demonstrates that the requirements of the policy are met.

ix. Community Infrastructure Levy (CIL)

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

The application site lies in an area where CIL is liable with a charge rate of £30 per square metre. The applicant has signed CIL Form 2: Claiming Exemption or Relief on account of the proposed apartments being for low cost housing as defined by Section 69 of the Housing and Regeneration Act 2008.

x. Other Issues

- Demolition/Construction Phase

The location and scale of the development have clear implications for likely disamenity of neighbouring properties during the demolition and construction phase. This will no doubt be complicated by a need for other considerations to be taken into account, such as commercial interests, health and safety, local infrastructure (road & tram). It is envisaged that controls over working hours to mitigate noise impacts are likely to be compromised by demands required by Building Control, Highways, and partner agencies such as SYPT. The close proximity of sensitive on and off site neighbours will make other impacts such as dust and vibration more challenging also.

On account of these issues, EPS recommend that an early coordinated consultation and the development of an appropriate management plan to deal with environmental concerns will be essential. A directive and condition to secure a Construction Environmental Management Plan (CEMP) is therefore recommended.

- Noise Impact Assessment

The application was accompanied by a Noise Impact Assessment Report' ref. 6474899/R1v4; 31/08/2018 prepared by Bureau Veritas.

This report has been inspected by EPS, who have advised that they are not able to recommend this report for LPA approval in its current issue. They have stated that there are a number of concerns which, whilst minor, in combination are sufficient to remove confidence that the report's recommendations are suitably robust in all respects. EPS therefore consider that they are unable to reference the report in any suggested noise conditions. That said, EPS do however advise that a suitable scheme of works not greatly divergent from that recommended in the report would allow the site to be developed for the purposes outlined without significant detriment to either the amenity of future occupiers, or of existing neighbours. EPS have suggested a number of conditions, which would ensure a suitable noise environment for the future occupants of the apartments.

- Air Quality Issues

The application was accompanied by an Air Quality Assessment (AQA) prepared by Bureau Veritas. The AQA was carried out owing to the development site being located within the citywide Air Quality Management Area, and close proximity to residential dwellings.

The AQA was prepared in consultation with the Council's Environmental Health department with regards to the proposed methodology.

In terms of construction effects, the AQA recommends the imposition of effective mitigation measures, in terms of site management controls imposed by a Construction Environmental Management Plan (CEMP), with such measures in place, the report concludes that the impact upon surrounding land uses as a result of the proposed development is not likely to be significant. The report also concludes that in terms of operational effects, based on the change in traffic flows occurring as result of the development it is predicted that the impact upon air quality would not be significant.

HEADS OF TERMS

A Section 106 agreement is proposed to enable control over the type of residential units provided within the development. The suggested requirements are::

1. The Residential Accommodation shall only be used for Social Housing purposes for an Eligible Purchaser
2. The Residential Accommodation means up to a total of 77 residential units approved pursuant to Outline Planning Permission Reference 18/03405/OUT
3. Social Housing is defined as Residential Accommodation which is either:
 - a. Low cost rental accommodation made available for Affordable Rent; or
 - b. Low cost home ownership accommodation, made available for occupation in accordance with Shared Ownership arrangements or Equity Percentage arrangements.
4. Eligible Purchaser is defined as a person unable to afford to buy a suitable house generally available on the open market who is either:

- a. A tenant of a local authority or Registered Provider of Social Housing
 - b. An owner occupier in need of a home because of a relationship breakdown or house clearing project
 - c. An eligible purchaser through Help to Buy: Shared Ownership or a successor programme
5. Affordable Rent means residential accommodation let by local authorities or private registered providers of Social Housing.
6. Affordable Rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (including service charges, where applicable).
7. Shared Ownership means housing owned partly by an Eligible Purchaser and partly by a Registered Provider of Social Housing by arrangements under a lease which provides the Eligible Purchaser (or the Eligible Purchaser's personal representatives) will or may be entitled to a sum calculated by reference to the value of the accommodation and which provides for that part not owned by the Eligible Purchaser to be let to them at a rent equivalent to a maximum of 3% of the value of that part per annum.
8. Registered Provider of Social Housing means either a local authority or a private registered provider of Social Housing.

SUMMARY AND RECOMMENDATION

The application relates to Hillsborough Shopping Arcade, Wilkos and the site of the former Old Blue Ball Public House in Hillsborough.

Outline planning permission is being sought for the partial demolition of shopping centre and erection of 5-storey building to provide additional ground floor commercial units (Use Classes A1-A5) and up to 77 Social Housing apartments (Use Class C3). The applicant is only seeking the principle of the development with all other matters reserved for future consideration.

The application was accompanied by a full set of drawings, not too dissimilar to what would be expected with a detailed scheme in order to demonstrate the scope of the proposed works, although these drawings are for illustration purposes only and would not form part of any outline approval.

The application site is situated in a District Shopping Centre. In these areas, shopping uses (Use Class A1-A5) and residential uses are included within preferred and acceptable uses. The proposed development would therefore accord with UDP Policies S4 and S7 and Core Strategy Policies CS34 and CS36 and would help support the development of trade in the centre and improving its environment.

It is noted that a number of the representations received concern parking issues, the majority being received from the residents of properties situated along Hawksley Avenue. However, as set out within the body of the report, officers are satisfied that the number of parking spaces that would be provided for both shoppers and future residents of the apartments would be satisfactory and unlikely to lead to any significant pressure for parking

along the adjacent highways. While only 30 spaces would be allocated for the apartments, which is less than half the number of proposed units, the site is situated in a sustainable location with excellent public transport links into the city including the Supertram and located within the heart of Hillsborough's District Shopping Centre. A condition would also be attached to any grant of planning permission that would ensure the future residents of the apartments would not have access to the Residential Permit Scheme in Hillsborough, which would largely restrict residents with cars being able to park their cars on the adjoining highways including Hawksley Avenue.

From a design perspective, the proposal is considered to be acceptable with the proposed 5 storey building with upper floor set back creating a strong frontage along Bradfield Road that would reinforce the back edge of pavement character found in the area. Although the plans are indicative only, the applicant has agreed to include the recommendations of officers into the Design Code that would include a double height pedestrian entrance that would give the building more definition and legibility.

It is acknowledged that the dwellinghouses situated along Hawksley Avenue would be overlooked as a result of the development, since the proposed scheme includes apartments that would have their outlook facing north towards these properties. However, it is not considered that these properties would be subject to any significant loss of privacy that would be harmful to their residential amenity to justify a refusal. A separation distance between the nearest habitable window to the existing houses along Hawksley Avenue would be approximately 50m, a distance that should prevent unacceptable overlooking. Even when taking account the difference in heights between the proposed building and these two-storey terrace housing, this distance would significantly exceed the 21m that is recommended should be maintained between main facing windows.

For the reasons set out above, and having regard all other matters, it is considered that the proposal represents an appropriate form of development. It is considered that UDP Policies S4, S7, S10, BE5, BE7, Core Strategy Policies CS34 and CS36 and government guidance contained in the NPPF would be met.

It is therefore recommended that planning permission be granted subject to the applicant entering into a S106 agreement to ensure the apartments are secured for social housing only.

